



Shire *of* Capel

MINUTES

ORDINARY COUNCIL MEETING
Wednesday 25 July 2018

SHIRE OF CAPEL

ORDINARY COUNCIL MEETING – 25 JULY 2018

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SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY 25 JULY 2018 COMMENCING AT 4.37PM.

PRESENT:	Acting President & Presiding Member Councillor	BW Hearne BW Bell DJ Kitchen PK McCleery DL Radisich SV Schiano JA Scott M Southwell IJ McCabe S Stevenson
	Chief Executive Officer Executive Manager Corporate Services Executive Manager Engineering & Development Services Executive Manager Community Services Manager Planning Services Manager Operations Manager Human Resources Manager Emergency & Ranger Services Planning Officer Youth and Communications Officer Planning Officer (Graduate) Minute Secretary	JM Gick M Plume K Muste S Faber C Anderson LD Freeman M Young C Eadie J Hunter AD Evans
APOLOGY:	President	MT Scott
MEMBERS OF PUBLIC:		47
VISITORS:	Journalist, South Western Times ABC Radio	E Ace J Lynch

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Ms Cindy Lovett, PO Box 177, Gelorup: How can Council justify its decision to allocate \$6,000 of council funds for seeking legal advice when it's clearly contrary and against the intent of its own Policy 1.5. Isn't it again item 1(d) of the policy, which excludes payment of any legal costs which relate to any matter of a personal or private nature. These defamation actions are being undertaken by the ex-CEO and Shire President as private individuals.

Mr Ian McCabe, Chief Executive Officer (CEO): Thank you Ms Lovett for the question. Policy is not defined in the Local Government Act which is the primary legislation guiding local government. Section 2.7 does states that it is Council's role to determine policy – it does this by formally passing policy to guide decision making and it may interpret policy within the Decisions of Council..

Shire's policy manual defines policy as a general rule. In the Decision you refer to, policy is one component of the Decision which also referred to the debate within Council and the privileged legal advice presented to inform Council debate and Council's Decision.

Council resolved to support the advice and representation and seek the issue of concerns notices.

It is not appropriate for any direct comment to be made about the legal advice or the actions taken by the legal advisors until the matter is in some way resolved.

It is my view that when a rarely used policy is enacted, it is justifiable to review the use of the policy, its appropriateness and any procedure around it. Once this matter is resolved I will instigate such a review and any necessary change will be recommended at that time.

Ms Lovett: The Shire has previously stated that the funds allocated were for seeking legal advice if so, why in the minutes from the Council meeting on 27 June 2018 is the heading "OC0624 (21.1) Legal Action – Defamation Statements"? Please explain how this is not legal action, when it is clearly stated as such in the Minutes published by the Shire.

CEO: Thank you for the question. My reading of the minutes is that advice and representation was sought and that the issue of concerns notices was anticipated in the Decision by Council.

Ms Janet Wells, PO Box 433, Capel: My question concerns the appointment of a regional waste facilities projects officer. Given that the \$100,000 salary will be met by the combined contributions of the SW Group of Councils, who will the appointee be directly answerable to?

CEO: Thank you, Ms Wells, for your interest in this important subject. The project officer will be employed by the City of Busselton and will be subject to that City's employment conditions and reporting structure.

However, the project is envisaged as a regional project and appropriate consultation with other local governments will mean that we each have the opportunity to agree or disagree on any process, objective or protocol.

While there is no timeline for the recruitment process, it is usual to involve diversity in the selection committee and that may mean (for example) other shires will participate in the interview process and selection.

Ms Wells: Given that the SW Group of Councils is not an incorporated body, do not have open meetings nor provide minutes, how will recommendations and proposals made by the project officer be communicated to the SW community and in particular, residents of the Capel Shire, who have already experienced a lack of transparency concerning a regional waste facility proposal?

CEO: Thank you for this question. As with the employment process, the actions and frameworks around the project officer's work are yet to be discussed. However, all well managed projects include consideration of stakeholders, such as Capel and other communities, and a communications protocol. It is in the interests of the community and this local government to maximise the awareness of our residents because we want residents to participate in the discussion. I would be happy to engage with you and others when we know more to agree on an appropriate strategy for our community.

Mr Colin Bosustow, 1135 Goodwood Road, Capel River: Given the demonstrated lack of confidence in the immediate past Shire CEO by the Capel community in matters regarding the Regional Waste facility, would Council deem it appropriate to support an application by the past CEO for the position of Projects Officer with the South West Regional Waste Group?

CEO: Thank you for your question, Mr Bosustow. Council would not be directly involved in the employment process. As I have said, that will be a matter for the City of Busselton and any selection committee.

Given the recruitment has not been explored in any way at this stage, the application by and suitability of any potential candidates is speculative and it's not appropriate to pass comment on at this stage.

Mr David Clews, 7 Wattle Bird Court, Capel: Regarding the decision to allocate \$6,000 to fund "defamation action" as recorded in the agenda. Was there any preliminary advice from the law firm, and if so, who paid for the preliminary advice before the matter was presented to Council, and it is was paid for by the Shire, authorised by the former CEO, please explain how this doesn't demonstrate a conflict of interest?

CEO: Thank you, Mr Clews, for your question. I will preface my response with some context: any legal advice is privileged – that means I can't disclose that advice nor comment directly on it, particularly given that related actions are still underway.

Additionally, the CEO is delegated by Council to act without reference to Council in certain circumstances in order to maintain the operations of the business. This may mean delegating to others. For example, it is usual business practice for Shire administration to seek professional advice where required prior to presenting it to Council.

The advice presented to Council on 27 June 2018 was sought and provided to the local government prior to the Council meeting. A purchase order was initiated by an officer other than the CEO on 6 June 2018 for \$4,000 for that advice. The purchase order was approved by the CEO. That advice was tabled at Council on 27 June 2018 as part of Council's deliberations.

Mr Clews: Policy 1.5 in the Local Government Act mentions only in exceptional circumstances – so what are the exceptional circumstances here? Did the council decide that there were exceptional circumstances, without any formal legal experience?

CEO: Thank you for your question. Providing an explanation of the debate and advice would necessarily breach the confidential nature of the Council Decision and the privilege attached to the legal advice.

Without breaching either that legal privilege nor speculating on Council's debate, because I was not in the room, it could be said that no-one seeks out legal process and that the matter must be sufficiently serious to warrant action.

Ms Kerry Bemrose, 37 Blaxland Road, Dalyellup: Regarding the Dalyellup Waste Residue Disposal Facility in Dalyellup. According to a public notice issued by the Shire of Capel (13/3/2018), Cristal Pty Ltd established monitoring bores on their land at the rear of the sand dunes on Thursday the 15th of March 2018. Has the Shire of Capel received further correspondence from Cristal, the Department of Water and Environmental Regulation, the Radiological Council or any other authority, in relation to the former Dalyellup Waste Residue Disposal Facility or the surrounding areas including the neighbouring beach front to the west of the site and the adjacent land east of the site?

CEO: I will have to take this question on notice.

Mr Phil Harbour, 9 Koulberry Road, Dalyellup: Regarding Item 14.2 Extractive Industry Licence, Page 78 paragraph 2, states on 4th of April 2018 the findings of a site visit identified completion criteria were not met for previous extractive industry. As a result, bond will not be released. Why did it take so long to establish the rehab had not been completed? Will a second bond be taken for any new clearing?

CEO: This question will be taken on notice.

Mr Harbour: This extractive industry licence will see the further fragmentation and removal of habitat from the Dalyellup/Gelorup/Crooked Brook ecological linkage. Does the Shire of Capel have a policy specific to the care of this natural asset of the Shire of Capel and community?

CEO: I will also take this question on notice. Unfortunately, it is regarding a matter that will be considered at today's Council meeting, but a response will be included in the agenda for the next Ordinary Council meeting in August 2018.

APPLICATIONS FOR LEAVE OF ABSENCE Nil

DECLARATIONS OF INTEREST

Cr D Kitchen declared an Impartiality interest in Item 14.3 Municipal Inventory of Heritage Places. The nature and extent of his interest is that family property and land is included in this item.

Cr J Scott declared an Impartiality interest in Item 14.3 Municipal Inventory of Heritage Places. The nature and extent of her interest is that she was a submitter to the draft Inventory, and is also a Volunteer in the R M Maidment Archives Room and the Capel Cemetery Survey Group.

Cr Kitchen also declared a Financial Interest in Item 14.4 Road Closure – section of unmade road reserve between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup. The nature and extent of his interest is that he is a member of the applicant family.

NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS Nil

OC0701 CONFIRMATION OF MINUTES

Moved Cr McCleery, Seconded Cr J Scott

That the Minutes of the Ordinary Council meeting held on 27 June 2018 be confirmed.

Carried 8/0

VOTING REQUIREMENTS

Simple majority

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms Lisa Simpson of Stirling Estate made a deputation to Council on behalf of the Capel Gasfield Free Action Group regarding the community survey they carried out with the residents of Capel. Ms Simpson presented a Certificate to Cr Hearne stating that 92% of residents of Capel declare that this locality is gasfield free.

Ms Simpson and 28 members of the public left the meeting at 5.02pm and did not return.

Ms Everlyn Jones, Tuart Drive, Ludlow made a presentation to Council against the application in Item 14.1 Development Application – Reception Centre.

The Presiding Member thanked Ms Jones for her presentation.

Ms Frances Reeve, Tuart Drive, Ludlow made a presentation to Council against the application in Item 14.1 Development Application – Reception Centre.

The Presiding Member thanked Ms Reeve for her presentation.

Mr Jimmy Deale, Tuart Drive, Ludlow made a presentation to Council in support of the application in Item 14.1 Development Application – Reception Centre.

The Presiding Member thanked Mr Deale for his presentation.

Mr Lawrence Deale, Tuart Drive, Ludlow made a presentation to Council in support of the application in Item 14.1 Development Application – Reception Centre.

The Presiding Member thanked Mr Deale (Jr) for his presentation.

Ms Stevenson and Ms Anderson left the Chambers at 5.25pm. Ms Anderson did not return. A member of the public left the meeting at 5.26pm.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

CHIEF EXECUTIVE OFFICER REPORTS Nil

Mr McCabe spoke to the meeting.

Ms Stevenson returned to the Chambers at 5.27pm.

ENGINEERING AND DEVELOPMENT SERVICES REPORTS**OC0702 (14.1) Development Application – Reception Centre (Use Not Listed)**

Location:	Lot 802 Tuart Drive, Ludlow
Applicant:	J & M Deale
File Reference:	PA17/2018
Disclosure of Interest:	Nil
Date:	06.06.18
Author:	Planning Officer, M Young
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Location Plan 2 Development Plans and photographs 3 Environmental Noise Assessment report 4 Schedule of Submissions Table

IN BRIEF

For Council to consider an application for Development Approval for a Reception Centre (Use Not Listed) at Lot 802 Tuart Drive, Ludlow.

RECOMMENDATION

That Council REFUSES Development Approval in accordance with Clause 68 (2),(c) of the Deemed Provisions of the Planning And Development (Local Planning Schemes) Regulations 2015 for a Reception Centre (Use not Listed) at Lot 802, Tuart Drive, Ludlow as the proposed development would be contrary to the objectives of the Rural Zone of the Shire's Town Planning Scheme (TPS7).

BACKGROUND / PROPOSAL**Background**

August 2004	Planning consent issued for intensive horticultural use in the form of a Turf Farm.
May 2008	Planning consent issued for the development of a shed and a facilities building on Lot 802 associated with the existing Turf Farm. The dwelling was to be positioned in a similar location to the proposed Single House. Accordingly, it appears the facilities' building was never constructed.
24 July 2008	Planning approval for a Home Occupation (travel agent) to operate from residential accommodation on site.
29 June 2009 to June 2017	Renewals issued for Travel Agency use.
November 2012	Planning approval issued for the expansion of the Turf Farm.
25 January 2018	Application Received
9 February 2018	Advertising / Consultation

Proposal

Lot 802 is 40 ha in size and currently operates as a Turf Farm with an office, sheds and parking. The proposal is for the use of a portion in the southeastern corner of the site for a 'Reception Centre'.

The *applicant* has summarised the proposed 'Reception Centre' as follows:

- The 'Reception Centre' (land use) is to cater for wedding ceremonies and receptions. This consists of an inflatable marquee 25m by 15m, four converted sea containers providing men's and ladies' toilets, a storage area and a drinks servery. A jarrah deck is sited on the boundary to provide additional seating or guests area;
- The venue is to accommodate up to 400 guests (maximum). The majority of functions are expected to be within 50 – 150 guests;
- The majority of events would occur between October and April – approximately 50 events per year;
- Provision has been made for 120 parking bays and a further 50 overflow bays can be accommodated on site. Vehicular access is from the existing gravel driveway from Tuart Drive. The road will be sealed from Tuart Drive up to the parking area to prevent dust;
- Two LED spotlights light up the parking area with lanterns lighting the pathway from this car parking area. Four LED lights light the external venue and the marquee has its own internal coloured lighting;
- A new 900mm high post and rope fence sited 500mm inside the Lot boundary; and
- The applicant states that there are few venues in the South West able to cater for up to 400 guests.

Since the initial application was submitted, the applicant has submitted additional information outlining in detail the intended use of the site, and at their request supplied a noise assessment report and amended plans (received 23 April 2018).

In accordance with Clause 75 (1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 an extension of time was agreed between the applicant and the Shire for determining the application and to allow for further information to be submitted. Written agreement was provided by the applicant to allow Shire Officers to make an informed decision on the application.

This application seeks approval for development that has already been commenced. The four converted sea containers providing toilets, storage, drinks servery, deck and the rope fencing have been installed on the site, but have not received building approval. The pedestrian walk path leads from the existing gravel carpark down to the reception centre area. The path has been finished with jarrah posts and decorative lighting so the path is visible in the evenings.

The applicant has indicated that the reception venue would operate both during the day and into the evening. During the day, the site allows for functions to occur in the open air making full use of the grassed area and views of the neighbouring lake. Evening functions and receptions are to be held within the marquee with furniture, decorations, food and drink hired and bought to the site for each function.

To date, the applicant has already held some private family events that generated high levels of community interest particularly as no approvals have been issued by Council. The applicant was informed that building approval was required for the works and to cease the use of the land as a reception centre until such time as the matter has been referred to Council for consideration.

STATUTORY ENVIRONMENT

Deemed Provisions Planning and Development (Local Planning Schemes) Regulations 2015

Part 7 — Requirement for development approval

60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.*

Deemed Provision 67 of Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 lists a range of matters that local government is to give due regard, that are in the opinion of the local government are relevant to a proposed development. The following key matters to be given due regard within Clause 67 are considered to be relevant to the proposal:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning ...*
- (c) any approved State planning policy;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) the history of the site where the development is to be located.*
- (y) any submissions received on the application*
- (za) the comments or submissions received from any authority consulted under clause 66.*

Greater Bunbury Region Scheme (GBRS)

Lot 802 is zoned Rural under the Greater Bunbury Region Scheme (GBRS) and abuts State Forests and Railway Reservations.

Clause 27, Schedule 1:

Paragraph 6 – the lot is located within the Strategic Minerals and Basic Raw Materials Policy and the GBRS Priority Agricultural Land Policy.

Department of Planning, Lands and Heritage advised the proposal is consistent with the 'Rural' zone and a GBRS application is not required. At the advice of Department of Planning, the application was referred to additional Government agencies for comment. Refer Schedule of Submissions.

Town Planning Scheme No. 7 (TPS7)

Lot 802 is zoned Rural.

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

Clause 3.2 - refers to the Zoning Table contained in Appendix 2 and the symbols used in the cross reference with the zoning table. Where a specific land use is not listed, Clause 3.2.4 is relevant.

Clause 3.2.4 states: *If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) *Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 8.2 in considering an application for planning consent; or*
- c) *Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 5.7 relates to the Scheme objectives in controlling development in the Rural zone applicable to the assessment of this proposal. Key objectives of the Rural zone is to preserve the character of the rural area, protect prime agricultural land and established agricultural industries from inappropriate land uses.

POLICY IMPLICATIONS

State Planning Policies

The proposal has been considered in the context of the following State Planning Policies, State Planning Policy 1: State Planning Framework and State Planning Policy 2.5: Rural Planning (SPP 2.5). One of the key objectives of SPP2.5 is to "*avoid and minimise land use conflicts*". The Policy states that ensuring broad compatibility between land uses is essential in delivering this objective.

Lot 802 is surrounded by Rural zoned lots used primarily for residential purposes. There appears to be land use conflict between these rural lots and the turf farm operation.

RISK IMPLICATIONS

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

The risks associated with this Development Application include:

- The applicant may appeal any decision at the State Administrative Tribunal (SAT). This would result in Officer involvement for the appeal. The risk of compliance with the Shires decision rests with the applicant.

- If an appeal was lodged, and SAT were in support of Council's position, the only option is for the land use to cease and the buildings be removed from site. In order to achieve this, Council would need to consider whether to pursue formal compliance action.
- This land use is discretionary in the Rural zone. The Shire has a duty to respond to all complaints in accordance with its Customer Service Charter and a statutory obligation to enforce compliance in accordance with various legislative requirements. The Shire has a duty to ensure that it takes the necessary steps to cease the activity and failure to do so would result in further complaints and a failure to uphold its statutory obligations. As the land has been partially developed without approval, a decision of Council to refuse the development application requires the Shire to initiate non-compliance action.

FINANCIAL IMPLICATIONS

Budget

The applicants have paid a Development Application fee of \$147.

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

Long Term

In the event that Council pursues compliance action there is the possibility of ongoing costs to pursue further action if required.

SUSTAINABILITY IMPLICATIONS

Social

- The impact of the noise, evening and night time disturbance normally associated with receptions.
- Disturbance from guests entering and leaving the site especially at night;
- Visual impact of the marquee in the evenings; and
- Provides an obvious conduit for social interaction.

Environmental

- The subject site is cleared and the deck has sought to retain the existing trees in situ;
- In terms of traffic, given the relative remoteness of the site it will probably result in most guests attending by private car; and
- The land use would generate off site impacts in terms of noise, visual impacts and general disturbance particularly in the evenings.

Economic

- The proposal has economic benefits for the applicant; and
- Difficult to determine what the flow-on economic benefits would be for the Shire. The applicant's comment that the proposal would bring visitors to the area requiring overnight accommodation in and the surrounds is noted

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018 – 2028

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Objectives:

- 3.1 The community capitalises on its unique attributes and location.
- 3.2 Local businesses and retailers serve the needs of the local community and visitors.
- 3.5 Activities, new business and developments are encouraged.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks'*.

Community Objectives:

- 5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.
- 5.2 As a community we work to ensure our ongoing enjoyment of our quality of life.

CONSULTATION

In accordance with Schedule 2 Part 8 clause 64 (3) of the Regulations the application was advertised 9 February 2018 to the adjoining and nearby land owners for a minimum period of 21 days.

Site visits have been undertaken in the presence of and in consultation with the owner and with one of the objectors on:

- 15 February 2018; and
- 27 March 2018.

Submissions were received from four neighbouring landowners. The concerns are noise pollution, hours of operation and number of events, increased traffic movements, loss of privacy, anti-social behaviour, loss of amenity, negative impact on lifestyle, security and potential for a larger venue in the future.

All submissions are summarised in the Submissions Table, attached.

In accordance with Schedule 2 Part 9 clause 66 (1) of the Regulations, the application was referred to the following external agencies for comment:

- Department of Planning, Lands and Heritage (DPLH);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Water and Environmental Regulation (DWER);
- Department of Biodiversity, Conservation & Attraction (DBCA);
- Department of Fire and Emergency Service (DFES); and
- Public Transport Authority (PTA).

In summary, all agencies raised no objections or issues with the proposal. PTA raised issues in regards to the turf farm operations encroaching on land under its ownership. This matter is separate to the current development proposal.

The noise assessment report was referred to the Shires Environmental Health Officers who sought further advice from the Department of Water and Environmental Regulation (DWER), specifically the noise assessment division. Noise is discussed in the Comment section of the report.

The Executive Manager E&DS and Manager Planning Services visited the site on Friday 13 July 2018 to familiarise themselves with the site and discuss the proposal in more depth with the applicant. Unfortunately, the applicant, Mr Jimmy Deane, was not available, but his son, Mr Lawrence Deane, provided a site tour and answered questions. A follow up meeting was organised at the Shire offices for Monday 16 July 2018 to discuss concerns raised by objectors, agencies and staff, and the prospect of the proposal being recommended for refusal.

COMMENT

In regards to this development application, two key planning issues require consideration:

1. Whether the proposed land use as a 'Reception Centre' and associated scale of activities is consistent with the intent of the Rural zone; and

2. Impact on amenity.

Each is briefly outlined and discussed below.

Land use consistency with the Rural Zone objectives

The proposed reception centre (Use not listed) is a discretionary land use ('AA') that is not allowed in the Rural Zone, unless Council has granted development approval.

Within the Rural Zone the principle of allowing alternative land uses may be considered pursuant to Clause 5.7.1 of the Scheme. One of the objectives in the assessment of and management of land uses in the Rural Zone is to "*preserve the character of the rural area*".

The predominate land use character for this particular part of Ludlow, with the exception of the turf farm, consists of Rural zoned lots ranging in size and used primarily for residential purposes. Those rural lots immediately to the north east of the turf farm were approved by the Western Australian Planning Commission in June 2004. Those rural lots were established before the turf farm was approved in August 2004. This established Rural zoning pattern is not anticipated to change in the foreseeable future as part of the Local Scheme review.

The Rural Zone can accommodate a range of alternative and/or ancillary land uses given that lots are generally much larger in rural areas. There is the assumption that larger lots can make it easier to accommodate a new land use, outbuildings and activities as setback to boundaries can be up to 1km with little or no impact on neighbouring properties. However, both State Planning Policy and TPS7 clearly state that a key objective for rural land is to ensure that land uses are compatible and to ensure that any off site impacts do not adversely affect the character of the area. A Rural Zone does not imply that any development is acceptable or that the rural character of amenity should be unreasonably diminished.

The applicants have submitted comprehensive supporting information concerning the operation and activities associated with the Reception Centre. The key components of the land use are essentially music entertainment, consumption of food, beverages and ceremonial marriages that would operate both during the day and evenings.

The Zoning Table Appendix 2 TPS7 provides a general list of uses, for example, Ancillary Accommodation, Bed and Breakfast, which would normally be considered commensurate within the Rural Zone. Scale and the nature of the land uses is an important planning consideration to determine whether a land use is compatible with an area. A common theme to those land uses in the Rural Zone that are prohibited (listed as an X use) is any form of 'entertainment' related uses e.g., Public Amusement, Tavern, a Hotel are Prohibited land uses in the Rural Zone.

The context of the site and the Rural Zone for this part of Ludlow is that people live in an area with relatively peaceful and quiet ambience of the area, and with an expectation that this will continue. Expectations in terms of noise, especially into the evening and night, the actual and expected level of noise and disturbance is normally low.

It is proposed that the cumulative impact of the proposed land use for a Reception Centre based on the scale, seating capacity, number of events, noise and hours would introduce a land use that generates off site impacts in an area of rural living properties and would fail to preserve the rural character of this particular part of Ludlow. The very principle of zones is to facilitate compatible land uses together.

Amenity

As an outcome of the consultation process, a number of submissions were received objecting to the proposed land use with concerns about loss of amenity.

Amenity is an important planning consideration and the key issue is whether the Reception Centre will have an unacceptable impact on the amenity of the locality. The *Planning and*

Development (Local Planning Schemes) Regulations 2015 provide a definition of amenity as follows:

"amenity means all those factors which combine to form the character of an area and include the present and likely future amenity".

The Department of Planning's *'Making Good Planning Decisions'* (2017) provides advice on the consideration of amenity as a result of a development proposal. It states:

"The first step, according to the Tribunal, is to undertake an objective inquiry as to the existing character of the area. Once that character is ascertained, the next step is to consider how the proposal might affect the amenity having regard to its impacts, for example, car parking, traffic and noise."

It has been outlined that the established zoning pattern and dominate land uses in the area immediately surrounding the subject site is Rural zoned lots used primarily for residential purposes. These lots were established prior to the commencement of the operation of the turf farm. It is noted that the turf farm operation is compatible with the area and operates with little amenity impacts to the immediate area. This may in part be explained by the fact it is essentially a periodic daytime operation.

It is submitted that the proposed land use for a Reception Centre will generate off site impacts that would affect the amenity and character of this particular part of Ludlow. Careful consideration must be given to noise, general disturbance, parking, external lighting and intensity of the use. Many of these issues have been identified in the submissions.

Noise

Noise management has been identified as an important issue by the owners who elected to submit a noise assessment report in support of the application. The Shire's Environmental Health Officers assessed the *"Lloyd George Acoustics Environmental Noise Assessment"* and conclude that the proposed event noise is unlikely to comply with the Environmental Protection (Noise) Regulations 1997 based on the following:

- Sound level from receiver of 82 dB(A) is a very conservative estimate;
- Sound level estimate of 72dB(A) after 10pm is unrealistic;
- Model used is an estimation and depends on accuracy of the modelling but should consider +/- 5 dB(A); and
- No spectral band data submitted, however, noise sensitive receiver distances are prone to annoying base noise.

The report fails to provide clear evidence based on the details of the application that off site noise impacts can be reasonably mitigated.

Noise impacts as an element of amenity in a planning assessment is not solely limited to the technical assessment of the proposal against the Noise Regulations. Amenity assessment is broader and more nuanced. The site context, the character of the proposal, zoning and wider locality are also important to the planning assessment.

Setbacks

In the Rural Zone Clause 5.7.3 (c) of TPS7 requires a minimum 20 metre setback for all buildings. The submitted plans show the setback to the Lot boundary to the neighbour as:

- Deck 0.5 metre setback.
- Drink servery sea container 10 metre set back.
- Marquee site 17 metre setback.
- Ladies toilet sea container 17 metre setback.
- Open grassed area west of the site 0.5 metre setback.

The land use and a majority of the buildings would fail to comply with the minimum 20 metre setback.

Even if the proposal was amended to meet the 'minimum' setback, it is not considered a sufficient distance for this proposed land use to mitigate the off site impacts. The applicants' decision to site the marquee activities and support services very close to the boundary of Lot 801 is a key component for this development. The applicant intends to make full use of the view of the dam that is within the neighbouring Lot 801 as an attractive aesthetic backdrop for this type of reception venue.

This has already been demonstrated by events that have already been held on site with furniture, guest chairs, a garden arbour, the decorative rope fence all orientated to have an uninterrupted view of the dam to the east. This part of the site has been intentionally renovated to screen off the pump house and the electrical box to create an attractive vista and setting for wedding ceremonies and receptions.

The current Scheme provisions for a minimum 20 metre setback in Rural zoned land applies to buildings and may be considered appropriate for hay sheds or general farm storage. It is proposed that this 'land use' would warrant far greater setbacks to neighbouring Lots.

This was confirmed by a review of other development approvals for Reception Centres granted by other Local Authorities in the South West. The review of other approvals identified common development standards applied in the assessment of reception centres in a rural setting. This review identified some common themes that include:

- Reception Centre approvals have been approved for daytime activities only i.e. the wedding ceremony **not** the wedding evening reception;
- The maximum capacity on average was 100 persons;
- Number of events per year 12 – 15 per calendar year.
- Setback of buildings to **Lot boundaries** (not properties) on average a minimum 400-800 metres; and
- Reception Centres were ancillary to an existing tourist, camping or winery use. Operated from within a purpose built building.

In comparison the proposed development would have:

- Daytime and evening receptions;
- Maximum capacity 400 guests (majority of functions up to 150);
- Propose 50 events per year between October and April;
- The proposed deck and open grassed area would have a **0.5 metre** setback to the lot boundary. The proposed marquee and sea containers would be set back 17.5 metres; and
- Reception Centre ancillary to a turf farm not an existing tourism land use.

It is proposed that the scale, reduced setback to lot boundaries, intensity of the proposed use, and hours of operation would introduce a level of activity that should not be supported in this Rural Zone and would adversely impact on the amenity of the character of the area. The proposed land use being in very close proximity to the neighbouring Lot 801 is considered contrary to proper and orderly planning for this part of Ludlow and fails to be consistent with the objectives of TPS7.

Water quality and effluent

Concerns have been raised in the submissions and by the Department of Water & Environmental Regulation – (DWER) to the potential impact on groundwater water quality, water quality of surface water resources and effluent disposal.

The Shire's Environmental Health Officers have been in discussion with both the applicant and the Department of Health in regards to a satisfactory effluent disposal system. Department of Health has advised that a temporary pump out facility would not be appropriate given the proposed scale and frequency of the events.

The applicant was advised (on 8 March 2018) of the further details required prior to consideration of onsite effluent disposal. Given the size and scale of the proposal, it was deemed appropriate to have this information at the development assessment stage as it potentially significantly impacts on whether the proposal is feasible.

Further to this, the DWER has advised that the proposal is within a sewerage sensitive area, which may require greater setbacks such as, a depth of at least 1.5 metres above the highest seasonal post development water table, and 100 metres from waterways, or drainage systems depending on installation of secondary treatment systems with nutrient removal. This further reiterates the request for the following information:

- Engineer's certificate for tank including structural integrity and serviceability 15 years;
- Geotechnical report in accordance with AS 1547;
- Permeability test in July/ August including perched water table, constant head and in-situ assessment;
- Details of proposed food preparation to determine if grease trap is required; and
- Ground water level.

There is a lack of clarity and details submitted with the application to allay these water quality concerns. The proposed development, particularly given the proximity to the neighbouring dam, warrants an appropriate planned and designed water management strategy demonstrating that the development can address potential issues relating to water quality and effluent disposal.

Compliance

The submissions raised concerns that building works commenced and receptions have been held without Development Approval having been issued by the Shire. This fact is correct and the applicant was notified in writing on 20 March 2018 and 9 April 2018 to cease all works until the Development Application has been presented to Council. The applicant advised all events on the site to date have been for private family functions only.

Should Council concur with the recommendation and assuming no appeal is lodged with SAT, there would need to be a clear plan of action with appropriate timeframes to ensure the land use ceased and any necessary action taken to remediate the site. Details of any forthcoming compliance action would need to be presented to Council in a separate Council report.

Summary

The applicant has assisted staff in determining the facts of the development application and providing additional information. Planning Policy allows for alternative land uses in the Rural Zone, but the appropriateness of land uses must be based on the information submitted by the applicant, the individual circumstances of the site and the requirements of the Scheme.

The purpose of consultation on development applications is to identify planning issues that may need to be considered in the assessment of the development application. It is submitted that the cumulative impact of the activities associated with a Reception Centre including noise, entertainment, disturbance, external lighting and hours of use would generate off site impacts incompatible to rural character and amenity of the area.

Staff has considered whether the proposed development could be reasonably controlled by the use of planning conditions to mitigate against the amenity issues such as noise, lighting, time of day. The Department of Planning's *'Making Good Planning Decisions'* (2017) is very clear in stating that *'the job of the decision maker is to determine the application before it – and not to second guess what could be achieved'*. Tribunal case law is very clear in stating that conditions

of planning approval should not be used to substantially change the design or unreasonably restrict a development to make it impossible for a landowner to run the business properly.

All development proposals can give rise to apprehensions by neighbours regarding amenity, noise and disturbance. Evidence to date, and in retrospect, has shown that the proposed land use has had some negative impact on the amenity of the area.

If, however, the Council is of a mind to consider approval of this proposal, in principle, it is strongly recommended that the matter be deferred, to allow staff to receive amended plans and supporting information to address concerns raised by objectors, agencies and officers. Should a deferral of the matter take place, and additional information is provided, there is no suggestion that the matter could or would be recommended differently as the matter would still need to be assessed and considered on its merits.

CONCLUSION

The current development application must be assessed under TPS7 and in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. In summary the proposal is considered to be inconsistent with the intent and objectives of the Rural Zone, it has not been clearly demonstrated that off site impacts can be mitigated, the proposal fails to comply with minimum standards in TPS7 and is, therefore, recommended for refusal.

VOTING REQUIREMENTS

Simple majority

OC0702 OFFICER'S RECOMMENDATION – 14.1/COUNCIL DECISION
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Moved Cr Kitchen, Seconded Cr Southwell

That Council:

1. **REFUSES Development Approval in accordance with Clause 68 (2),(b) of the Deemed Provisions of the Planning And Development (Local Planning Schemes) Regulations 2015 for a Reception Centre (Use not Listed) at Lot 802 Tuart Drive, Ludlow for the following reasons:**
 - a) **The proposed development would result in the introduction of an inappropriate and incompatible land use resulting in land use conflicts in a Rural Zoned area that would fail to preserve the general pattern of development and the character of the rural area.**
 - b) **The proposed development would be contrary to the orderly and proper planning of the locality and fails to meet the objectives of the Rural Zone under Town Planning Scheme No. 7 that seek to promote and safeguard the character of rural areas.**
 - c) **The proposed development does not conform with the objectives of State Planning Policy 2.5: Rural Planning. The proposal does not satisfy matters (a, b, c) to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.**
 - d) **The proposed development would be contrary to the objectives of the Rural Zone and Clause 5.7.3 of the Town Planning Scheme No. 7.**
 - e) **The proposal does not satisfy matters (m, n, o, t and w) to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 by reason of:**
 - i. **The intensity, scale of use and inappropriate siting would be incompatible with the character and rural amenity of the locality.**
 - ii. **The proposed development would result in an unsatisfactory form of the development that would be likely to generate noise and off site impacts likely to adversely impact on the amenity of nearby residents.**

- iii. **The inadequate information and detail particularly in regards to the likely effect of the development on the natural environment or water resources, effluent disposal and stormwater management.**

2. Advises the applicant:

- **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

Carried 5/3

OC0703 (14.2) Extractive Industry – Lot 677 and 679 Calinup Road, Gelorup

Location:	Calinup Road, Gelorup WA 6230
Applicant:	Lundstrom Environmental Consultants Pty. Ltd.
File Reference:	PA41/2018
Disclosure of Interest:	Nil
Date:	26.06.18
Author:	Planning Officer, L Sandon
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Location Plan 2 Works and Excavation Plan 3 Finished Development Plan 4 Schedule of Submissions 5 Rehabilitation Area Plan 6 Draft Extractive Industries Licence

IN BRIEF

That Council grants a temporary Development Approval, subject to conditions, for Industry-Extractive, of sand from Lots 677 and 679 Calinup Road, Gelorup, and Extractive Industry Licence (EIL) renewal for a period of five years, subject to conditions.

RECOMMENDATION**That Council:**

- 1. Pursuant to Clauses 68 (2) (b) and 72 in Schedule 2, Part 9 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants Development Approval for 'Industry Extractive' on Lots 677 & 679 Calinup Road, Gelorup, for a period of 5 years subject to conditions; and**
- 2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, grants a renewal of Extractive Industry Licence for a period of five years from date of the Development Approval, for Lots 677 and 679 Calinup Road, Gelorup and that the Executive Manager Engineering and Development Services be authorised to sign the Licence on behalf of the Council.**

BACKGROUND / PROPOSAL**Background**

1990 - Extractive Industry Licence issued for Lot 679 after a successful appeal to the Minister for Local Government.

2000 - The licence was renewed in June 2000 for Lot 679 with an expiry date of 30 April 2005.

2005 - The licence was renewed in April 2005 for Lot 679 with an expiry date of 30 April 2010.

2010 - The licence was renewed in April 2010 for Lot 679 with an expiry date of 30 April 2015.

2013 – OC0207- The licence was expanded in February 2013 to include Lot 677 with an expiry of 30 April 2018.

2018 - OCR0407- The Development Approval and licence was amended to extend for 3 months for Lots 679 and 677 with an expiry of 30 July 2018.

Proposal

Carbone Brothers Pty. Ltd. propose to continue extracting sand from a 5.4ha site in three progressive stages, together with the removal of sand from an existing stockpile. The total volume of sand to be removed over a period of approximately five years is estimated to be 205,000m³.

- The removal of sand from the current pit area (1ha) will continue until the stockpiles are exhausted;
- Extraction of sand from Stage 1 will continue using a front-end loader. Trucks will enter the area via a gate on Calinup Road and use an existing track to access the active work-face where they will be loaded by a front-end loader;
- The proposed extraction of Stages 2 and 3 will be progressively cleared of vegetation using mechanical means, with only the areas targeted for immediate extraction being opened;
- Each active area will be stripped of topsoil, with the resultant material being stockpiled along the boundary to be used as a noise buffer initially and to be subsequently used in rehabilitation. Topsoil stockpiles will be a maximum of 2m in height;
- Excavation will proceed to a depth of no more than 10m AHD, with the final floor level being 11m AHD;
- Once excavation in the active area has been completed, topsoil will be spread and the area ripped on the contour. Batters will be smoothed to 1:6 and the base of the pit levelled out;
- The stages will be rehabilitated back to native vegetation post excavation;
- There is no infrastructure located on site associated with the current operations and no infrastructure is proposed for the future operations; and
- Operating times will be Monday to Friday 7:00am to 6:00pm and Saturday 7:00am to 12:00pm. The site will not operate on Sundays or Public Holidays.

The applicant submitted the following accompanying documents:

- Water Management Plan;
- Hydrocarbon Spill Management Plan;
- Weed Management Plan;
- Dust Management Plan;
- Dieback Management Plan;
- Completion Criteria Flora Survey; and
- Rehabilitation Plan.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7 (TPS7)

Lots 677 and 679 are zoned Rural and have a combined area of 47.91 hectares.

An Extractive Industry is not permitted unless Council grants Planning Consent ('AA' use). Public advertising of the matter is not a requirement under TPS7, however, may be undertaken prior to making a determination of the application under the provisions of Clause 8.2.2. Government consultation has been undertaken as detailed within the Consultation section of this report.

The following clauses of TPS7 apply to the consideration of this application:

1.6 Scheme Objectives

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

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

5.7 Rural Zone

5.7.1 Council's objectives in the management of land use 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.

Greater Bunbury Region Scheme (GBRS)

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

Planning and Development (Local Planning Schemes) Regulations 2015, Deemed Provisions for Local Planning Scheme (the Regulations)

Clause 68, Determination of application

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

Clause 72, Temporary development approval

The Local government may impose conditions limiting the period of time for which development is granted.

Shire of Capel Extractive Industry Local Law 2016 (Local Law)

Clause 2.1: Extractive Industries prohibited without licence

A person shall not carry out an extractive industry –

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

Clause 3.1: Determination of application

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

- (5) (q) Requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy haulage or extraordinary traffic conducted by or on behalf of the licensee under the licence,

Clause 4.3: Renewal of Licence

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 90 days before the date of expiry of the licence and shall submit with the application for renewal-
 - (a) The fees and charges determined by the local government from time to time;
 - (b) A copy of the current licence;
 - (c) A plan showing contours of the excavation carried out to date of that application;
 - (d) Details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clause 2.3 (1)(b) and (c); and
 - (e) Any other things referred to in clause 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (a) (d) or (e).

Clause 6.1: Limits on excavation near boundary

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

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

POLICY IMPLICATIONS

Greater Bunbury Regional Scheme- Strategic Minerals and Basic Raw Material Resources Policy 2005

4. Objectives:

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

8. Referral and Applications:

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

The application was referred to the Department of Mines, Industry Regulation and Safety (formerly Department of Industry and Resources) for comment and recommendation.

RISK IMPLICATIONS

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

The Shire requires financial bonds to mitigate risk. The heavy haulage associated with Extractive Industries causes road damages and is considered a financial risk to the Shire's infrastructure, this risk is mitigated through a *Road Deterioration Agreement* as an extraordinary expense to the Extractive Industry Licence.

A Clearing Permit was issued by the Department of Water and Environmental Regulations from 29 March 2013 to 29 March 2028 prior to the Planning Consent issued in 20 February 2013. The Shire currently holds a rehabilitation bond for the stages currently being undertaken, as an incentive to provide rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works mitigating environmental risks.

If Council resolves to refuse the application, or impose conditions to which the applicant objects, there is a financial risk the applicant may seek review of the decision through the State Administrative Tribunal (SAT).

FINANCIAL IMPLICATIONS

Budget

The Shire currently has financial agreement with the applicant including annual licence administration fees, road deterioration preservation funding and rehabilitation bonds. Over the life of the current approval the Shire has received from 2010 \$22,480 in administration fees and \$2,740 in road contributions.

The applicant has paid a fee \$739 for determining an application for Development Approval (Extractive Industry) as per the Shire's budget fee schedule for 2017/2018.

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

Long Term

The Shire currently has financial agreements with the applicant including Road Deterioration Preservation Funding for Extractive Industries and Rehabilitation bonds.

Road Deterioration

Extractive Industries within the Shire of Capel creates a concentration of heavy vehicles accessing local roads to traverse from the site entrance to the closest arterial main road. This concentration of heavy vehicles causes road damage to the local roads and the cost of deterioration must be passed on to the Extractive Industry, as it is the source of the heavy traffic.

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

The Shire's *Road Deterioration Preservation Funding For Extractive Industries* calculator provides a consistent and transparent process and the Shire has reviewed the agreement to include industry standard formulas that can be used to calculate the value of deterioration of the pavement for a given number of truck movements.

The proposed access to the site is via Calinup Road, which is under the care and control of the Shire and, therefore, requires a Road Deterioration Agreement with the Shire of Capel. An agreement signed between the Applicant and the Shire based on these calculations will result in a road damage contribution of approximately \$2,740 for the 205,000m³ of material trucked along Calinup Road over the life of the pit.

A section of Calinup Road is included for reconstruction in the *2019/2020 Program of Works-Roads*. Any contribution can be used to offset these costs.

Rehabilitation

Extractive Industries are required to lodge a rehabilitation bond. The intent for the retention bond is to provide an incentive for rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's Schedule of Fees and Charges 2018/2019 lists the minimum bond. An Extractive Industry Rehabilitation agreement is needed to be entered into between the Shire and the Applicant to detail rehabilitation expectations and authorise use of the bond in the absence of adequate rehabilitation. Shire officers recommend the applicant enter into an Extractive Industry Rehabilitation agreement as a condition of Development Approval.

The Shire is currently holding bonds for the previous Extractive Industry activities agreement of \$17,000 and current stages of the proposal of \$22,000, as extractive operations have commenced with the previous approval and licence.

Rehabilitation bonds are reviewed annually.

SUSTAINABILITY IMPLICATIONS

Extractive Industries can have impact on the community by way of noise, dust and traffic. The current Environmental Protection Authority (EPA) buffer distances guidance notes consider that should be 300-500 metres. The nearest surrounding residence is Lot 33 Manea Drive, 170m from the application area and four surrounding residences within the 300 metre buffer. None have reported any negative impacts from being in close proximity to the extraction site, which has been in operation for many years.

The Extractive Industry has an approved Clearing Permit CP4154/4 issued by the DWER for the authorised clearing of no more 5.4 Hectares of native vegetation.

Truck traffic impacts are limited to Calinup Road, being the nominated route in and out of the Quarry, directing traffic west towards Bussell Highway.

Sand is an essential material for the construction industry. Having a good distribution of sites, from which gravel 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 towards becoming a conurbation (continuous urban area) with the Perth and Peel regions. The strategy highlights the importance of mining growth in the region, noting the '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; and
- Regional Development: Build the competitive and collaborative advantages of the region.

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

Shire of Capel Land Use Strategy 1999

The subject lot is within Planning Unit CA1-Cokelup.

The objective is to conserve the Cokelup Swamp, manage existing and future land use pressures on adjoining dune system land and provide for long term urban development.

The desirable land uses are:

- Mining for heavy minerals in the Spearwood Dune system prior to Urban development taking place.

The undesirable land uses are:

- Sand extractive industries which result in pits that cannot be rehabilitated for long term residential subdivision.

Shire of Capel Strategic Community Plan 2018-2028

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Objectives:

- 3.2 Local businesses and retailers serve the needs of the local community and visitors.
- 3.5 Activities, new business and developments are encouraged.

The Environmental Experience, *'Preserve and enhance the natural and built environment.'*

Community Objectives:

- 4.2 Our unique bush, forests, rivers and beaches are values and protected to preserve the natural environment.
- 4.3 As a community we come together to respond to environmental challenges and risks.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Objective:

5.3 Working together to meet the needs of changing infrastructure requirements.

CONSULTATION

This application was advertised for comment in accordance with the Local Law 2016 requirements and Clause 64 of the Regulations:

- Referred to nine government agencies for a period of 42 days, ending 2 July 2018;
- Newspaper advert in the South Western Times published 31 May 2018;
- A mail merge for surrounding properties within a distance of 500m from the boundaries of site, inviting comment for 21 days;
- Sign notice at subject site;
- Website Notice for public comment; and
- Report available at the Shire Office.

The Shire received six submissions, all from government agencies. These submissions are contained in Attachment 4 Schedule of Submissions. The Shire received no objections for the Extractive Industry land use.

COMMENT

Setback from property boundary

As mentioned above in the statutory Environment, the Extractive Industries Local Law sets a setback of 20 metres for any extraction from a property boundary. Any approval to reduce this setback must be given in writing by the Local Government.

The extraction area crosses the boundary between the two lots, which are owned and for which this extractive industry licence has been applied for by the one owner, Carbone Bros Pty. Ltd. Therefore, no issue should arise from allowing the extraction area up to the common property boundary in this case.

Traffic Impact

The amount of traffic likely to be generated by the proposal approximate equates to 28 truck movements per day (14 in and 14 out), subject to market demand. The subject site has access through Calinup Road. This entrance is 700m from Bussell Highway, being a Primary Regional Road under the care and control of Main Roads Western Australia (MRWA).

The subject site is 150m from the Calinup Road and Brockway Drive intersection directing vehicles from the Gelorup Special Rural zone to Bussell Highway. In addition to the subject proposal, Lot 2 Calinup Road utilised access to Bussell Highway via Calinup Road for the sites approved Extractive Industry Licence. Both extractive industries have been in operation for the last four years. No traffic concerns were raised during the consultation period by surrounding properties.

Calinup Road is identified in the *2019/2020 Program of Works- Roads* to be design phase in 2018/2019, with works to commence in 2019/2020.

Hydrocarbon Management Plan

A Hydrocarbon Spill Management Plan for Quarry Sites was submitted as part of the application, Shire staff have raised concerns regarding the reporting mechanism within the plan. The modification of reporting to the Shire of Capel in the event of an incident is required to ensure

it is satisfied with effective remediation due to Contaminated Sites reporting requirements. This matter is addressed by a recommended condition of Development Approval.

Rehabilitation Plan

The same Rehabilitation Plan prepared by Eco Edge (v2 September 2012) has been submitted as part of the application. The Clearing Permit CP4154/4 condition 7 requires a Native vegetation conservation (covenant) that requires the eastern portion of vegetation to be maintained. The proposed rehabilitation for the staged extraction area is to be native vegetation with a contour slope of 1:6 with additional Areas 1-5 (see Attachment 5) as additional rehabilitant areas within the Native vegetation conservation area. The rehabilitation plan is acceptable, and annual rehabilitation reviews are conducted annually and coordinated with the Rehabilitation Bond requirements.

Previous Extractive Industry Licence

Lot 679 Calinup Road, Gelorup had an Extractive Industry Licence and land use approval prior to the combined Lot 679 and 677 (2013) approval, which permitted clearing of native vegetation under Ministerial approval. Attachment 2: Works and Excavation Plan details the areas currently in the process of rehabilitation. The applicant has provided a *Completion Criteria Flora Survey*, detailing the rehabilitation works currently undertaken on the northern portion of Lot 679.

On 4 April 2018, Staff conducted a site assessment to determine the achievement of the rehabilitation outcomes of the rehabilitation plan developed by MBS Environmental (February 2010). The findings of the site visit identified the Completion Criteria were not met in subject areas. The applicant was advised on 5 April 2018 of the site visit findings and, as a result, the bond will not be released until the works are completed.

Planning

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

The proposal's rehabilitation of the extraction area back to native vegetation with the slope of 1:6 aligns with more recent planning and environmental directions and is considered desirable. The GBRS and strategic policies indicate that the natural environment value in the locality has taken priority and precedence over any potential achievement of urban development in this locality.

The proposal is consistent with this purpose as it will enable the extraction of basic raw materials while ensuring the term landscape setting and environmental values in the locality are maintained.

Conclusion

The proposed land use is considered consistent with Regional and Local Planning framework and concerns raised have been addressed through the proposed modification to the proposal and recommended conditions of Development Approval.

On balance, staff is of the view that the proposed activity is appropriate for the site. The applicant's obligations to rehabilitation of the site provides for revegetation to ensure a satisfactory outcome for the environmental values of the area.

Ms Young left the meeting at 5.29pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0703 OFFICER'S RECOMMENDATION – 14.2/
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Moved Cr J Scott, Seconded Cr Bell

That Council:

1. Pursuant to Clause 68 (2) (b) and 72 in Schedule 2, Part 9 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants Development Approval for 'Industry Extractive' on Lots 677 & 679 Calinup Road, Gelorup for a period of 5 years subject to conditions:
 - a) All development being limited to that detailed in the *Extractive Industries Licence Application and Environmental Management Plan (EMP) Lot 677 & 679 Calinup Road, Gelorup* report and in accordance with the Approved Development Plan(s) dated [DATE];
 - b) The approval being limited to 5 years from the date of issue of the Development Approval;
 - c) No dewatering of the extraction area shall be permitted without prior approval of the Shire of Capel;
 - d) There shall be no storage of hydrocarbons on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance will take place on site;
 - e) Prior to the commencement of development, a signed Extractive Industry Rehabilitation Agreement shall be lodged with the Shire of Capel;
 - f) The hours of operation shall be from 7:00am to 6:00pm, Monday to Friday and Saturday 7:00am to 12:00pm. The site will not operate on Sundays or Public Holidays; and
 - g) Prior to the commencement of development, a modified Hydrocarbon Spill Management plan for Quarry Sites, to include reporting to Shire of Capel in the event of an incident, shall be submitted and approved by the Shire of Capel.

Advice Notes:

- i. The applicant is advised this decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements and encumbrances are adhered to, nor does it infer that other necessary approvals are forthcoming as an outcome of this Development Approval.
- ii. The applicant/landowner is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Applicants are advised to contact the Department of Water and Environmental Regulation on (08) 9725 4300 for further advice in this regard.

- iii. **The applicant/landowner is advised that the clearing of native vegetation within the Shire of Capel may result in impacts upon threatened species that are protected under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999. Applicants are advised to contact the Department of Sustainability, Environment, Water, Population and Communities on (02) 6274 1111 for further advice regarding their obligations under the Act.**
 - iv. **The licensee shall have due respect to the Aboriginal Heritage of the area of the works and all workers shall be briefed accordingly prior to commencement of any works on site. The works may be in proximity of areas that were part of the Aboriginal culture and so there is the possibility that artefacts or remains may be in the area. All workers are to be advised of this possibility. Should the presence of a site of possible significance be discovered or if any artefacts or remains are discovered then any works in the vicinity are to stop immediately and be reported to the Department of Aboriginal Affairs. If bones are discovered, then police are also to be advised immediately. The Licensee shall note that it is an offence under the WA Aboriginal Heritage Act to interfere with any Aboriginal site unless written permission is obtained from the Minister for Aboriginal Affairs.**
 - v. **Following the occurrence of a rainfall event greater than the 10 year/2 hour Average Recurrence Interval, the applicant shall inspect the site and within 48 hours report to the Shire of Capel, with details of impacts and remediation actions (if required).**
 - vi. **The development that is the subject of this Development Approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.**
 - vii. **The sand and gravel resources in the proposal area are near a Strategic Mineral Resource Protection Area for Titanium—Zircon mineralisation. Any removal of sand containing potentially economic grades of this type of mineralisation may be illegal without authorisation under the Mining Act 1978. Whilst available information indicates that there are no economic grades in this location, advice should be sought from DMIRS should the company have any doubt about the presence of mineralisation during extraction.**
- 2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016 resolves to grant a renewal of Extractive Industry Licence for a period of five years from date of the Development Approval, for Lots 677 and 679 Calinup Road, Gelorup and that the Executive Manager Engineering and Development Services be authorised to sign the Licence on behalf of the Council.**

A member of the public returned to the Chambers at 5.31pm.
Cr Southwell left the Chambers at 5.32pm.

Carried 7/0

Cr D Kitchen declared an Impartiality interest in Item 14.3 Municipal Inventory of Heritage Places. The nature and extent of his interest is that family property and land is included in this item.

Cr J Scott declared an Impartiality interest in Item 14.3 Municipal Inventory of Heritage Places. The nature and extent of her interest is that she was a submitter to the draft Inventory, and is also a Volunteer in the R M Maidment Archives Room and the Capel Cemetery Survey Group.

OC0704 (14.3) Municipal Inventory of Heritage Places Review (Heritage Survey) and Local Planning Policy (LPP) 6.29 - Heritage Places

Location:	Capel
Applicant:	Shire of Capel
File Reference:	C5.96.19.V15
Disclosure of Interest:	Nil
Date:	05.07.18
Author:	Manager Planning Services, K Muste
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	<ol style="list-style-type: none"> 1. Spreadsheet detailing the assessment of each place (distributed separately to Councillors due to size) 2. Shire of Capel Heritage List 3. Schedule of submissions 4. Local Planning Policy (LPP) 6.29 - Heritage Places

IN BRIEF

Following a 2015 review of the 1999 Shire of Capel Municipal Heritage Inventory and a subsequent assessment of that review, it is recommended that Council adopt the 2018 Shire of Capel Local Government Heritage Survey, Heritage List and Local Planning Policy 6.29 - Heritage Places (Policy).

RECOMMENDATION

That Council:

- 1. Adopts the Shire of Capel Heritage List 2018 in accordance with Clause 8(1) of the *Deemed Provisions for Local Planning Schemes (Schedule 2 of Planning and Development (Local Planning Schemes) Regulations 2015)*;**
- 2. Adopts the draft Shire of Capel Local Government Heritage Survey 2018 in accordance with the recommendations of the Department of Planning, Lands and Heritage;**
- 3. Adopts the Local Planning Policy 6.29 - Heritage Places detailed in the attachment to this report in accordance with the provisions of Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and**
- 4. Requests the CEO to prepare an information brochure to be circulated to owners of places included on the Local Government Heritage Survey to provide information regarding the implications of the various levels of significance.**

BACKGROUND / PROPOSAL

Background

October 1999 (DS1022)

Council adopted the Shire of Capel Municipal Inventory of Heritage Places (1999) (Inventory) that included 166 places considered to have cultural heritage value to the Shire of Capel.

August 2013

Laura Gray, Heritage and Conservation Consultant, was engaged to undertake an Inventory review as a requirement of the *Heritage of Western Australia Act 1990* and in accordance with State Heritage Office's (now Department of Planning, Lands and Heritage) guidelines *Criteria for the Assessment of Local Heritage Places and Areas*.

April 2014 (OC0410)

Council was presented with an Executive Summary of the Inventory review. Council acknowledged receipt of the draft Inventory review for the purposes of undertaking consultation.

April 2014 to August 2015

Various forms of consultation undertaken during 2014 and 2015 including:

- April to May 2014 - Shire website, Shire newsletter (Snippets), Boyanup and Capel community forums. No submissions or objections received regarding nomination of new places or changes to existing places.
- August 2015 – Written notification only sent to nine landowners where there were proposed upgrades. No submissions or objections received.

November 2016

Leigh Barrett of Leigh Barrett Heritage Advisory Services was engaged to make an assessment of the review and, as a result of the assessment, a number of recommendations were made.

September 2016

Leigh Barrett Heritage Advisory Services (LBHAS) was subsequently engaged to implement the recommendations. As part of this work, LBHAS advised that the Department of Planning, Lands and Heritage recommends that the adoption of a heritage inventory by the local government involve public consultation including, as a minimum:

- Giving each affected owner the opportunity to comment on the heritage significance of any place proposed for inclusion; and
- Public advertising of the inventory to give the opportunity for public comment (either at the commencement or when preliminary results are available).

The requirement for the Shire of Capel to adopt a heritage list is set out in Town Planning Scheme No. 7. The consultation process for the adoption of a Heritage List is established in Part 3 – Heritage Protection of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes*.

December 2017 (OC1206)

Council adopted the draft Local Government Heritage Survey for the purposes of advertising and consultation.

15 February -16 March 2018

Heritage Survey, Heritage List and Policy advertised for 28 days. Fourteen submissions were received (see Attachment 3).

Proposal

It is proposed that Council adopt the 2018 Shire of Capel Local Government Heritage Survey, the proposed Heritage List and Policy.

The proposed Policy is to provide guidance to land owners, applicants, the community and Council on development assessment processes for places listed on the Local Government Heritage Survey, Heritage List and/or State Register of Heritage Places.

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990

The *Heritage of Western Australia Act 1990* requires that local authorities prepare, and regularly review, a Local Government Heritage Inventory or Survey. The inventory or survey is considered to be the foundation of sound local heritage planning and identifies all places within the local government area which are considered to have cultural heritage value. The Act requires that the Inventory be compiled 'with proper public consultation'.

Planning and Development (Local Planning Scheme) Regulations 2015

Part 3 – Heritage Protection of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes* sets out the requirements for the preparation of a Heritage List which includes notification in writing to the owner and occupier of the land and the opportunity to make a submission on the proposal as well as any other consultation the local government considers appropriate.

Part 2, Division 2 of the Regulations state:

'3. Local planning policies

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy —*
 - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
 - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*
- (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

4. Procedure for making local planning policy

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and (ii) the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*

- provide clarity in the process of assessing development applications of places with cultural heritage significance; and inform landowners, developers and builders that heritage is an issue considered by the Shire when determining planning applications.

Places assessed as being Category C and, therefore, not included on the Shire's Heritage List, are assessed in the same manner as any other application.

Development applications for places on the Heritage List (Categories A and B) may be forwarded to a heritage advisor or other suitably qualified and experienced heritage professional for comment as part of the assessment process. If the proposed development is considered to be consistent with the principles of the Burra Charter (the nationally accepted standard for conservation of built places of cultural heritage significance), current best practice and the assessed level of significance, the proposal may be determined under Delegated Authority. If the application proposes demolition, or is not considered suitable for determination under Delegated Authority, it shall be referred to Council for determination.

The Policy also gives scope for the Local Government to require a Heritage Impact Statement be prepared prior to the assessment of a development application of a place on the Heritage List.

Proposals for development of any place on the State Register of Heritage Places must, as a requirement of the *Heritage of Western Australia Act 1990*, be referred to the Department of Planning, Lands and Heritage for assessment and advice. Whilst the Department is not the decision-making authority, under the provisions of the Act, Council's determination 'must not be inconsistent with' the advice provided.

There are no implications for those places included on the survey 'For Information Purposes Only'.

RISK IMPLICATIONS

The level of risk applying the Shire Risk Matrix is considered low on the basis that if Council does not adopt the 2017 Shire of Capel Local Government Heritage Survey and Heritage List, the 1999 Municipal Inventory of Heritage Places can continue to be the guiding document for heritage conservation within the Shire of Capel. It should be noted however that the 1999 Inventory is out of date and inconsistent with current best practice for the conservation of heritage places within the local government area.

FINANCIAL IMPLICATIONS

Budget

Work to progress the review and preparation of the draft Policy by LBHAS has been funded from account # 122420. For 2017/18 work to finalise the review has progressed based on costs of \$4,231.70 including GST in addition to a quote of \$4,752 including GST that has yet to be invoiced. There are no foreseen implications for additional costs for the 18/19 budget.

Long Term

The long term financial implications of having an updated Heritage Survey and Policy relate to the following:

- Staff recourses to maintain the Heritage Survey.
- Provision of staff advice and assessment of potential applications for Planning Consent related to heritage places.
- Potential for the need and/or merit of Council considering the appointment of heritage consultant on a needs basis to assist with the assessment and/or recommendations

regarding applications for planning consent in keeping with funds available within account 122420.

- Budget allocations and projections for the Municipal Heritage Inventory Review are as follows:
 - \$5,000 for 2017/18;
 - Nil for 2018/19;
 - Nil for 2019/20; and
 - \$5,398 for 2020/21.

SUSTAINABILITY IMPLICATIONS

The adoption of an updated Heritage Survey and its ongoing review and maintenance assists to provide a historic record and promote the physical presence of the places that have assisted to develop the local community.

The preservation of a Shire's cultural heritage can contribute to the local economy where such places create a tourism interest.

Environmentally the retention of heritage places of importance assists in creating the character of settlements and urban environments.

Socially the retention of heritage places will contribute to social connection to local history.

STRATEGIC IMPLICATIONS

Shire of Capel Community Strategic Plan 2018-2028

The Leadership Experience, *'Open, transparent and effective good governance'*:

Community Outcomes:

1.3 Creating a more connected community.

1.5 Council keeps in regular communication with residents, workers and stakeholders.

The Community Experience, *'Facilities and services that accommodate the diverse needs of the community and providing a safe place to live, work and visit.'*

Community Outcome:

2.3 The special characteristics of the Town Centres are fostered.

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Outcomes:

3.1 The community capitalises on its unique attributes and location.

3.5 Activities, new business and developments are encouraged.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Outcomes:

5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.

5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.

CONSULTATION

2014 and 2015 Inventory Review

Consultation was undertaken during 2014 and 2015 including:

- April to May 2014 - Shire website, Shire newsletter (Snippets), Boyanup and Capel community forums. No submissions or objections received regarding nomination of new places or changes to existing places.
- August 2015 – Written notification only sent to nine landowners where there were proposed upgrades. No submissions or objections received.

2017/2018 Heritage Survey, Heritage List and Policy advertising

The draft 2017 Heritage Survey, Heritage List and Policy were advertised for a period of 28 days from 15 February 2018 to 16 March 2018 consistent with Department of Planning, Lands and Heritage recommendations, and as follows:

- Notice on Shire website;
- Two consecutive notices in a local newspaper;
- Notice on Shire Facebook page;
- Notice on Shire of Capel front counter Notice Board; Documents made available at the Shire of Capel administrative centre and Library; and
- Letters to each affected owner of proposed heritage sites.

Within the draft Heritage Survey adopted for advertising by Council in November 2017 three sites (#30 Capel Dairy, #79 Elgin Hall and #137 Picnic Tree), while listed and classified in the document, their detailed site descriptions were inadvertently omitted. This information was included in the advertised documentation, including referral to affected owners.

Fourteen submissions were received during the advertising period. Submissions generally provided additional information or corrections to inaccurate information. Two submissions requested reassessment of the level of significance. The Department of Planning, Lands and Heritage made comment on the draft policy.

COMMENT

Inventory Review

In 2015 a review of the 1999 Municipal Heritage Inventory, which listed 166 places, was undertaken by heritage consultant, Laura Gray. The Shire of Capel Heritage Inventory Review 2015 proposed 128 place listings including one proposed Heritage Area (which would require designation under the provisions of the Local Planning Scheme) and several groups of places. The review included the removal of a number of places from the Inventory, the addition of thirteen places, whilst others were renamed.

In 2016, Leigh Barrett of Leigh Barrett Heritage Advisory Services was engaged to make an assessment of the 2015 review draft to ensure that:

- current best practice was being followed;
- places included in the 2015 review had been assessed at the appropriate level of significance;
- any proposed precincts or groups were appropriate; and
- all places included on the State Register of Heritage Places were included on the Inventory.

The above assessment resulted in the following recommendations:

Recommendation 1: Deleted place records should be reinstated and annotated to provide an indication of the current status e.g.: 'For Information Only – Below Threshold (record retained for information purposes only' or 'For Information Only - Incorporated/included in place record XXX'.)

Recommendation 2.1: Council develop a policy to guide assessment of development of places

on the Municipal Heritage Inventory and Heritage List.

Recommendation 2.2: An archival record prepared in accordance with the State Heritage Office publication *Guide to Preparing an Archival Record* (http://www.stateheritage.wa.gov.au/docs/general-publications/guide-to-preparing-an-archival-record_2012.pdf?sfvrsn=4) be required prior to significant redevelopment and/or demolition of a Category C place.

Recommendation 3: Clarification be sought from the State Heritage Office regarding the status of the Minninup Homestead Precinct.

Recommendation 4: Shire of Capel place records should be consistent with the Register of Heritage Places in terms of listed places, names and statements of significance. Clear reference to the registration documentation could be made for the place description and historical notes.

Recommendation 5: Summary list be modified to ensure consistency with place records.

Recommendation 6.1: Place records include street addresses wherever possible. When a street address is not available, consider including a map image on the place record.

Recommendation 6.2: Where location details are not available, and the location of the place cannot be determined, consider assigning the place to 'For Information Only'.

Recommendation 6.3: Wherever possible, obtain a descriptive photograph of each place.

Recommendation 7: The text of each place record requires proof reading and amendment where required.

The 1999 Inventory assessed each of the 166 places as having one of five levels of significance. The 2015 review reassessed each of the places as having exceptional significance (Grade A), considerable significance (Grade B) or some significance (Grade C). As a result of the 2017 assessment, some records have been included on the survey 'for information purposes only', the record having been retained for information although the place may have been demolished or is no longer considered to have cultural heritage significance. As a result, some of the places not included in the 2015 review have been reinstated.

There are a number of places within the Shire of Capel included on the State Register of Heritage Places. The survey listings for these places are now consistent with the RHP listings and include clear reference to the registration documentation.

The 2015 review included a proposed 'Capel Main Street Heritage Area' comprising eight places on Forrest Road, Capel. The 2017 assessment does not support this proposed 'heritage area' which would require designation under the provisions of Town Planning Scheme No. 7. It was not considered that the places formed a sufficiently cohesive and contiguous area to warrant the designation, which would also require the preparation, adoption and implementation of a local planning policy, when sufficient protection could be provided to those places of cultural heritage significance by the inclusion of each place on the survey.

Place records have been amended where required to ensure that a 'street address' is provided for easy reference, a descriptive photograph/s of each place has been included and text has been proofread and amended where required, with additional historical information provided where available.

The draft 2017 Heritage Survey, Heritage List Policy and were advertised for public comment for a period of 28 days from 15 February -16 March 2018. During the advertising period, fourteen submissions were received (see Attachment 3).

As a result of the submissions, a number of minor modifications to place records have been made and further amendments made to include additional information and update property details as information became available.

Further supporting information has also been provided with regard to the various levels of significance applied and the implications of these.

Attachment 1 contains a spreadsheet detailing the assessment of each place. The spreadsheet provides comparison details between the 1999 Municipal Heritage Inventory and the 2015 review and includes comments based on the 2017 assessment by the Shire's heritage consultant.

Attachment 2 contains the proposed Shire of Capel Heritage List. The Heritage List includes those places which have been assessed as being in Category A – Exceptional Significance and Category B – Considerable Significance. These places are considered to have cultural heritage significance which warrants their protection and retention.

Heritage Survey – Modifications following advertising

The draft updated 2018 Heritage Survey has been provided under separate cover.

Fourteen submissions were received during the advertising period and addressed in accordance with the Schedule of Submissions. Where appropriate, additional information provided and corrections outlined in submissions have been made to the place records and the Historical Overview/Thematic Framework.

Two submissions resulted in a change to the level of significance for the affected places as follows:

- Site#6 ANZ Bank Capel is recommended to be changed from Category B to C and removed from the Heritage List; and
- Site #85 United Church & Hall is recommended to be split to be the Church as #85.1 retained at Category B and the Hall as #85.2 changed to Category C with the Heritage List modified accordingly.

As detailed within the Schedule of submissions minor corrections and updates have been made to the Historic Overview and Thematic Framework.

The following three sites are also recommended to have their heritage Category changed as detailed within the Heritage Survey:

- Site#13 Capel CWA (fmr) is recommended to be changed from Category B to For Information Only and be removed from the Heritage List due to removal from site in 2017;
- Site#38 Delaporte Houses (fmr) is recommended to be changed from Category C to For Information Only due to demolition of the two houses; and
- Site Site#98 Boyanup Butter Factory (fmr) is recommended to be changed from Category B to For Information Only as the factory was demolished in 2016.

In addition, a number of typographical errors and property details have been corrected and/or updated.

Draft Policy – Modifications following advertising

The Department of Planning, Lands and Heritage provided a submission on the proposed draft policy. Leigh Barrett Heritage Advisory Services met with a representative of DPLH to discuss the submission in detail and the policy has been redrafted based on advice from DPLH.

Key changes to the policy include the removal of the requirement for the provision of an archival record for places not included on the Heritage List at the time of demolition or major

redevelopment and the inclusion of Table 1, which details when development approval is required based on the level of significance. Whilst the DPLH recommended the removal of clauses which reiterated provisions of the Town Planning Scheme, these have been retained as it is considered they provide clarity on the requirements the development assessment process.

Conclusion

The proposed 2018 Heritage List, Heritage Survey and associated Policy is the result of a long awaited review of the 1999 Municipal Heritage Inventory.

Consultation with affected owners and the Department of Planning, Lands and Heritage resulted in valuable additional information, recommended changes and/or corrections.

A member of the public left the Chambers at 5.33pm.
Cr Southwell returned to the Chambers at 5.34pm.

VOTING REQUIREMENTS

Simple majority

OC0704 OFFICER'S RECOMMENDATION – 14.3/COUNCIL DECISION
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Moved Cr J Scott, Seconded Cr Schiano

That Council:

1. **Adopts the Shire of Capel Heritage List 2018 in accordance with Clause 8(1) of the *Deemed Provisions for Local Planning Schemes (Schedule 2 of Planning and Development (Local Planning Schemes) Regulations 2015*);**
2. **Adopts the draft Shire of Capel Local Government Heritage Survey 2018 in accordance with the recommendations of the Department of Planning, Lands and Heritage;**
3. **Adopts the Local Planning Policy 6.29 - Heritage Places detailed in the attachment to this report in accordance with the provisions of Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and**
4. **Requests the Chief Executive Officer to prepare an information brochure to be circulated to owners of places included on the Local Government Heritage Survey to provide information regarding the implications of the various levels of significance.**

Carried 8/0

Mr Muste left the meeting at 5.36pm and did not return.

Cr Kitchen declared a Financial Interest in Item 14.4 Road Closure – section of unmade road reserve between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup. The nature and extent of his interest is that he is a member of the applicant family.

Cr Kitchen left the Chambers at 5.36pm.

OC0705 (14.4) Road Closure - section of unmade road reserve between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup

Location:	Boyanup
Applicant:	M & L Kitchen
File Reference:	LP.DA.4
Disclosure of Interest:	Nil
Date:	04.07.18
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Location Plan 2 Application letter and plan

IN BRIEF

To consider a proposal to permanently close a section of unmade road reserve, between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup, which the owners of Lot 396 and 4506 wish to amalgamate into their land.

RECOMMENDATION

That Council approves the permanent closure of the relevant section of unmade road reserve, between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup, in accordance with Section 58 of the Land Administration Act 1997, as advertised in accordance with Section 3.50 of the Local Government Act 1995 on the basis that the land will be amalgamated into the adjacent lots.

BACKGROUND / PROPOSAL

Background

Lots 396 and 4506 are zoned Rural and are situated on Joshua Creek Road either side of the existing unmade road reserve, about 4 kilometres from Boyanup. This portion of road reserve has never been constructed and has been farmed by the Kitchen family since they purchased the land.

A portion of the unmade road reserve south of Joshua Creek Road was previously closed and amalgamated into the adjacent Lot 1 at least ten years ago.

Proposal

The owners of the land, the Kitchen family have farmed Lots 396 and 4506 as well as the area within the road reserve, and now seek to have the road closed and included in their land.

The owners are aware that the Council will need to consider whether the road reserve will be required in the future, and if not, may resolve to close the road. The Department of Planning, Lands & Heritage will then consider the application to have the road closed, and if it agrees, the land will revert to Unallocated Crown Land and may be offered to the adjacent landowners to be included in their landholdings at a price determined by the Valuer General.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.50 closing certain thoroughfares to vehicles

Before a Local Government makes an order by public notice to close a thoroughfare that it manages to vehicles for a period exceeding 4 weeks, the local government is to:

- (a) give public notice of the proposed closure giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submissions from any person who wishes to make a submission;
- (b) give written notice to
 - (i) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure;
 - (ii) the person having principle responsibility in the locality for ambulance services;
 - (iii) the person having principle responsibility in the locality for fire services; and
 - (iv) the occupier of the land that will lose its access; and
- (c) allow a reasonable time for submissions to be made and consider any submissions made.

Council Delegation 111 – Road Closure – more than 4 weeks

“Where an application is received for the closure of any road in the district, the Chief Executive Officer is delegated authority to initiate the process by seeking comment from affected landowners, service authorities, etc. and advertising the proposal for public comment. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply wanting comment to assist in determining whether to proceed further with the closure, or not.

When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration”.

Section 58 Land Administration Act 1997 – Closing Roads

POLICY IMPLICATIONS

There are no policy implications relevant to this matter.

RISK IMPLICATIONS

The closing of the unmade road reserve and amalgamation of the land into the adjoining lots will reduce the Shire’s risk for liability over anything that may occur within the land.

The risk of closing the road and then requiring the land into the future is reduced by the widespread advertising of the proposal as well as internal Shire consultation, which has resulted in no objections.

No strategic objectives indicate the road is likely to be required in the future.

FINANCIAL IMPLICATIONS

Budget

The applicant’s proposal will have no implications on the Council Budget for 2018/19.

The application fee of \$937 to cover administrative and advertising costs has been paid by M & L Kitchen. M & L Kitchen agree to meet the other costs such as the DOLA fees and any field survey costs in order to facilitate the road closure process.

Long Term

This proposal will result in long term savings to the Shire by way of reduced risk of ever building the road and subsequent maintenance liability.

SUSTAINABILITY IMPLICATIONS

The vegetation type of the unmade road reserve is mainly pasture with some isolated trees similar to the surrounding area. The closure of the unmade road reserve will not change any of the physical conditions on site.

The closing of the road reserve will reduce the risk of any unwanted access by vehicles under the premise of being allowed to publicly access unmade road reserves.

The change of land use from road reserve to rural will provide an economic benefit to the landowner in the long term once cost of the land transfer has been absorbed.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 - 2028

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Outcomes:

1.6 Council is effective and efficient in the financial management stewardship of community assets.

The Infrastructure Experience, *'Ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Outcomes:

5.3 Working together to meet the needs of changing infrastructure requirements.

CONSULTATION

The proposal was advertised in the *South Western Times* newspaper on 10 May 2018, posted on the Shire of Capel website and comment was sought from all service authorities who were notified by mail as well as a Dial Before You Dig enquiry. Comments were requested by 15 June 2018. The following is a summary of comments received:

Main Roads Western Australia - no objections.

The Department of Planning - no response.

The Department of Biodiversity, Conservation and Attractions - responded on 21 June 2018 as follows:

'Parks and Wildlife Service's South West Region has no objections to the proposed closure of the un-made road reserve between Lots 396 and 4506.'

DBCA advises that there are two other road reserves portions within the same area, which could also be closed and amalgamated into the adjoining Boyanup State forest.

The northern portion of the un-made road reserve subject to this application is located within the Boyanup State forest. Lots 396 and 4506 have access via Joshua Creek Road to the south

and therefore this northern road reserve portion, through State forest, is not required for access purposes.

The road portion at the eastern end of Gray Road, which separates two parcels of the Boyanup State forest, does not connect to other road reserves or private properties. This road reserve could also be closed and the land amalgamated into the adjoining State forest.

DBCA recommends that the Shire of Capel also considers the closure of these additional road reserve portions, with the land being amalgamated into the adjoining Boyanup State forest.

Department of Fire and Emergency Services – responded on 28 May 2018 as follows:

'This will not affect DFES Operational services therefore DFES have no comment to make on this proposal.'

Western Power - responded on 16 May 2018 as follows:

'Western Power does not have any objection at this time to the above proposal, however we would appreciate being kept informed of developments.'

Water Corporation - responded on 21 May 2018 as follows:

'Reticulated water and wastewater services are remote from this Road Closure. The proposed closure does not appear to impact on the Water Corporation's infrastructure or operations.'

Telstra - responded on 11 May 2018 as follows:

'Telstra's plant records indicate that there are Telstra assets in the vicinity. Subject to your compliance with the below conditions, Telstra have NO OBJECTIONS to the proposed closure.'

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, if you haven't already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit www.1100.com.au).

The network located by a Telstra Accredited Plant Locators may ensure the network is located within the proposed closure.

In the event Telstra's assets require relocation, please engage Telstra's Asset Relocation team to obtain a quote to relocate the assets from the location in question. The relocation of the assets would be carried out at your cost, however the relocation would ensure that the land/s and its projected use would not be hindered or restricted by easements. The existing network on this road cannot be built over.

Please phone 1800 810 443 (opt 1) or email F1102490@team.telstra.com to arrange for asset relocation at the property.

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

(1) Telstra's existing facilities are grandfathered under the 1997 Telecommunications Act. This enables such facilities to legally occupy land in perpetuity for the duration of that facilities use.

(2) Part 1 of Schedule 3 of the Telecommunications Act 1997 authorises a carrier to enter land and exercise any of the following powers:

- inspect the land*
- install a facility*
- maintain a facility*

In the case of installation and planned maintenance, a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require vehicular access without notice and at any time of the day or night. 24/7 access for maintenance must be maintained.

(3) If at any time in the future it becomes necessary, in the opinion of the carrier because of a subdivision of any land to remove, or alter the position of a facility, the carrier may enter the land and do anything necessary or desirable for that purpose. The person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) If at any time in the future it becomes necessary, in the opinion of the carrier or the land owner to remove, or alter the position of any Telstra assets, the carrier may enter the land and do anything necessary or desirable for that purpose. If the land owner is contemplating carrier relocation of these assets, then the land owner is liable to pay the carrier the reasonable cost of anything done in this regard.

(5) All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructors/land owner's responsibility to anticipate and request the nominal location of Telstra plant in advance of any construction activities in the vicinity of Telstra's assets. All enquires for plant locations should be made through Dial Before You Dig's freecall "1100" enquiry number. On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for potholing and physical exposure to confirm the actual plant location before site civil work begins. Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its Cadastre records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

*Telstra - Cadastre Updates
PO Box 102
Toormina NSW 2452
Attention: - Sally Cameron
F1103453@team.telstra.com
F1103452@team.telstra.com*

Please pass all information contained in this communication to all parties involved in this proposed process. Any difficulties in meeting the above conditions, or questions relating to them, please do not hesitate to contact Telstra Plan Services; email F0501488@team.telstra.com'.

As the only adjoining landowners were the applicant and the Boyanup State forest, no further letters were sent.

COMMENT

The Shire has not received any objections to the closure.

Telstra has provided generic correspondence stating that its assets may be located within the service corridor of the road reserve, but subsequent Dial Before You Dig information and onsite inspections have not indicated any assets exist.

DBCA recommends that the Shire of Capel also considers the closure of adjacent additional road reserve portions, with the land being amalgamated into the adjoining Boyanup State forest. There may be merit in its suggestion, but the road reserve portions in question have not been subject to any consultation with affected stakeholders and the formal application and approval process should be followed. The Shire will respond to the DBCA requesting a formal application if it would like to pursue this objective, which would then be addressed as a separate matter.

In the event that this road closure is supported by Council, the next step in the process is for the Shire to apply to the Department of Planning, Lands & Heritage for the formal closing of the road reserve. This application is to be supported by evidence that certain government agencies have no objection to the closure.

During the advertising period, no response was received from the Department of Planning, and no correspondence was sent to the Department of Mines, Industry Regulation & Safety (DMIRS). Although DMIRS is not required to be contacted under the Shire's road closure procedures, if the road reserve is given up and transferred to Unallocated Crown Land, mining rights suspended over the road take effect again.

The Shire has sent further consultation letters to the above agencies requesting a response by 20 July 2018 in order to support any application to the Department of Planning, Lands & Heritage. It is not envisaged that responses will have any objection to the road closure.

The existing unmade road reserve links Gray Road and Joshua Creek Road, passing primarily through the Boyanup State forest and the applicants land.

From the end of the constructed section of Gray Road, Trainer Road links directly south in a straight alignment to Joshua Creek Road, which provides good connectivity between the two roads.

As there is no prospect of further development along the unmade road reserve of Gray Road or the road between Lots 396 and 4506 due to being surrounded by State forest and rural landholdings, the road reserve will not be required for any access requirements into the future.

It is recommended that Council approves the closure as detailed in the report to enable the applicant to ultimately utilise the land for a more appropriate purpose and consolidate the landholdings by removing the uncertainty of the un-made road reserve.

Two members of the public left the meeting at 5.36pm and did not return.
One member of the public left the meeting at 5.37pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0705 OFFICER'S RECOMMENDATION – 14.4/COUNCIL DECISION
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Moved Cr Bell, Seconded Cr J Scott

That Council approves the permanent closure of the relevant section of unmade road reserve, between Lot 396 and Lot 4506 Joshua Creek Road, Boyanup, in accordance with Section 58 of the Land Administration Act 1997, as advertised in accordance with Section 3.50 of the Local Government Act 1995 on the basis that the land will be amalgamated into the adjacent lots.

Carried 7/0

Cr Bell collected Cr Kitchen and they returned to the Chambers at 5.38pm.

OC0706 (14.5) Norton Promenade - Handover of Dalyellup Estate Entrance Road Landscaping

Location:	Dalyellup
Applicant:	Satterley Property Group
File Reference:	PR.LI.1
Disclosure of Interest:	Nil
Date:	05.06.18
Author:	Manager Operations, S Faber
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Letter from Satterley Property Group 2 Location Map

IN BRIEF

- Satterley Property Group (SPG) has requested the Shire to take over the care and control of the Norton Promenade landscaping at the entrance to the Dalyellup Estate including verges, medians and lake roundabout.
- There is a Council resolution from 2000 stating in brief that the area (entry statement, landscaping along the verges, median and roundabout on Norton Promenade) is seen as a marketing tool to attract potential buyers and should remain the developer's responsibility for the entire life of the project.
- This report has been prepared to address this conflict.

RECOMMENDATION

That Council:

- 1. Accepts the care and control of the landscaping within the area of Norton Promenade entry statement, inclusive of landscaping along verges, median and roundabout and;**
- 2. Includes \$99,060.00 in the 2018/19 financial year budget for the purpose of maintenance.**

BACKGROUND / PROPOSAL

Background

In August 2000, Council Decided (OC0844);

That the developers of Dalyellup Beach be contacted and the following Public Open Space Handover Strategy be tabled for their comment and negotiation:

- 1. That Council take over the maintenance of POS corresponding to the phases of development (i.e. 1, 2 and 3) after 2 years (from the date of practical completion) if there are 80% of the blocks developed (i.e. houses built).*
- 2. Should 80% development not be achieved after the two years maintenance period the maintenance of the said POS will remain with the developer until such time as the required development has taken place.*
- 3. The areas seen as marketing tools to attract potential buyers (being the entry statement: landscaping along the verges and median of Norton Promenade: the roundabout: and water filtration plant) should remain the developers responsibility for the entire life of the*

project. The level of maintenance at the completion of the project should be determined by Council in consultation with the Dalyellup community.

This position came about from the Shire's concerns at the time, that the development of Public Open Space (POS) was taking place well ahead of residential development. It was seen by the Shire that there were insufficient rates being collected from Dalyellup Estate to pay for the maintenance of POS. SPG had already developed some POS within the estate and was seeking approval from the Shire for the development of additional POS (foreshore and central parks). At that time there was limited housing construction within the estate.

It should be noted that the Norton Promenade road and road reserve has been formally handed over to the Shire. This item looks at only the landscaping and landscaping infrastructure within the entrance road, on that road reserve. The landscaping has been maintained by the SPG since its development.

There was correspondence between the Shire and SPG regarding this issue in 2000. This correspondence highlighted the Shire's concern to the SPG and raised concerns that there was also no agreement or processes with regards to the development of POS, including how long SPG would maintain the site and the absence of a handover/practical completion process for POS. A copy of the proposed Council report was included in that correspondence. This inclusion was provided to SPG so that Council's position could be made known.

There appears to be no response to this correspondence. Subsequent to Council's consideration of the item in August 2000 the (then) Chief Executive Officer wrote to Mr Nigel Satterley stating that the Shire was still concerned over rates revenue not being able to be offset against maintenance costs of proposed POS. The (then) Chief Executive Officer indicated that the Shire would not provide formal approval for the proposed POS and that SPG should give urgent attention to presenting an assessment of the overall plan for development of POS.

The Shire received correspondence from Nigel Satterley on 27 September 2000 referencing the previous correspondence and detailing his disappointment that Council was delaying consideration of development plans for the proposed POS. His correspondence also sets out commitments that SPG was prepared to commit to with regards ongoing maintenance. Mr Satterley's letter sets out a commitment from SPG to maintain POS for a period of two years, along with a table setting out Dalyellup Landscape Maintenance Areas and a table of Dalyellup Beach Development: Economic Impact. There was no reference to point three of Council Decision OC0844.

The correspondence trail then goes cold. Officers could not find any formal correspondence or evidence to support an agreement or negotiations between the Shire and the SPG as described in the Council Decision. It is, however, the view of staff that were here at that time that there were discussions between the Shire and the then SPG Project Manager relating to the Council Decision. It is staff's view that both parties showed and had an understanding that the SPG would maintain the area known as the entrance road for the life of the development. This could be seen as supported by the SPG having paid for the ongoing maintenance costs for this area to this day, however, there is no documentation to support this.

Please note the area described in the Council Decision as the water filtration plant no longer exists. The system was decommissioned shortly after its installation due to ongoing maintenance issues and the requirement to source parts from overseas. There are no maintenance requirements with regards to this item.

Proposal

That Council accepts the care and control of the landscaping in the area highlighted in the attached location plan and include \$99,060.00 in the 2018/19 financial year budget for the purpose of maintenance.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

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

- (1) 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.

POLICY IMPLICATIONS

There are no current Shire Policies relevant to this matter.

RISK IMPLICATIONS

The risk implications for this item are medium, reflecting costs and community expectations.

FINANCIAL IMPLICATIONS

Budget

There is currently a funding allocation in the 2018/2019 draft budget for consideration for the ongoing POS maintenance for the Dalyellup Estate (Ac 126720 - \$1,712,005 correct at time of writing this report). This proposal seeks to add this additional cost (\$99,060 –quote source from LD Total) to this allocation in the 2018/2019 Budget.

There are currently contract provisions within the Dalyellup POS Maintenance Contract (16/02 – 2016) that allow for the inclusion of additional POS. It is expected that with the continuation of development within the Dalyellup Estate, additional POS will be created and handed over to the Shire at the completion of the maintenance period (two summers – Liveable Neighbourhoods) by the developer.

The allocation of \$99,060 in the 2018/2019 financial year budget will provide a maintenance level commensurate with the current maintenance levels provided in the Dalyellup POS Maintenance Contract (16/02-2016).

Long Term

Ongoing financial consideration will be required in future budget considerations to meet the ongoing maintenance and infrastructure replacement requirements for the areas detailed above, as well as the whole of the Dalyellup Estate POS for the life of each area of POS.

SUSTAINABILITY IMPLICATIONS

Urban green spaces provide an array of benefits, that support our physical, psychological, and social health.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028

The Community Experience, *'Facilities and services that accommodate the diverse needs of the community and providing a safe place to live, work and visit.'*

Community Objective:

2.1 Council works in partnership with the community in providing appropriate services and facilities.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks'*

Community Objective:

5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.

5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.

CONSULTATION

Consultation for the proposal has been undertaken with relevant Executive, Managers and Supervisors and Mr Brenton Downing, Project Director for SPG.

COMMENT

It should be noted that there is significant development along Norton Promenade that could be seen as offsetting any maintenance costs, and the road infrastructure development requirements of Norton Promenade entrance road has been completed with no more perceived disruptions to the road surface as a result of the developer.

While it is reasonable to conclude that SPG has been carrying out the maintenance of the Norton Promenade entrance road since it was developed, and that activity may indicate that the Council resolution is being enacted there appears to be no formal acknowledgment by the SPG or documentation that supports that position.

There is also no requirement of SPG within the conditions of the development where the SPG is required to provide landscaping as part of the development or construction on this road reserve.

The risk although, not considered to be likely, is that if Council was not to accept responsibility of maintenance for this area of landscaping, SPG may cease maintaining the landscaping that would in turn lead to the deterioration of condition of the verges, medians and roundabout to a point where they would become untidy and unkempt. This would be a negative outcome to the residents and visitors to the estate, whose expectations are likely that they be maintained.

Current developer requirements are that a developer when developing POS will maintain the landscaping for a period of two summers (Liveable Neighbourhoods), and there is no obligation on a developer to develop or maintain road verges where the road verge does not have connectivity to a POS.

Mr Downing has been advised that if the Council was to accept the handover of this landscaping the level of service may not remain the same as it is currently afforded into the future. Staff, in line with this comment, would look to discontinue the maintenance of turf with the median on Bussell Highway adjacent to the Dalyellup Estate entrance. This area also requires additional resources namely full traffic management on the highway to be able to provide a safe work environment for staff and the public at significant cost per visit. This section of landscaping is also not within a Council road reserve or physically connected to the entrance. It is within a road reserve managed by Main Roads Western Australia, the quote received excludes the maintenance of this area.

Without a binding agreement between the Shire and SPG there is no obligation for the SPG to continue to maintain the landscaping on the entrance road. Therefore, the Shire should accept the handover of the entrance road landscaping.

Any handover would be subject to the Shire's usual landscaping (POS) handover process including a defects inspection and the provision of required documentation to the Shire.

One member of the public entered the Chambers at 5.44pm.

VOTING REQUIREMENTS

Simple majority

OC0706 OFFICER'S RECOMMENDATION – 14.5/COUNCIL DECISION
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Moved Cr J Scott, Seconded Cr Bell

That Council:

- 1. Accepts the care and control of the landscaping within the area of Norton Promenade entry statement, inclusive of landscaping along verges, median and roundabout; and**
- 2. Includes \$99,060.00 in the 2018/19 financial year budget for the purpose of maintenance.**

Lost 1/7

CORPORATE SERVICES REPORTS

OC0707 (15.1) Cat and Dog Local Laws – Undertakings

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	ICR42157 & ICR42160
Disclosure of Interest:	Nil
Date:	20.06.18
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	1 Draft <i>Shire of Capel Cats Amendment Local Law 2018</i> 2 Draft <i>Shire of Capel Dogs Amendment Local Law 2018</i>

IN BRIEF

- In 2017, the Shire of Capel made the *Cats Local Law 2017* and *Dogs Local Law 2017*.
- Any new or amended local law must be approved by the Joint Standing Committee on Delegated Legislation (JSCDL) *after* it has been made by Council and published in the *Government Gazette*.
- If the JSCDL takes exception to any clause or clauses in a local law their general practice is to seek an undertaking from the respective local government to ensure that the local law will be amended within a specific time-frame.
- Failure to meet the requirements of the undertaking could potentially result in the JSCDL recommending that the local law be disallowed by Parliament.
- The JSCDL requested undertakings regarding subsequent minor amendment of both the cat and dog local laws.
- This item requests that Council make two amendment local laws that will facilitate alteration of the principal local laws as requested by the JSCDL.

RECOMMENDATION

That Council:

1. **Makes the *Shire of Capel Cats Amendment Local Law 2018* and the *Shire of Capel Dogs Amendment Local Law 2018* by absolute majority;**
2. **Requests the Chief Executive Officer and President to apply the Common Seal to the two laws; and**
3. **Authorises the Chief Executive Officer to carry out the remaining processes required to make the above local laws in accordance with section 3.12(5) and 3.12(6) of the *Local Government Act 1995*.**

BACKGROUND / PROPOSAL

Background

OC0911, 27 September 2017

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

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

Council made the *Shire of Capel Cats Local Law 2017* and the *Shire of Capel Dogs Local Law 2017* in September 2017, and sent all documentation regarding the process to the Committee for review as required.

ICR42160, 13.03.18 & ICR42157, 14.03.18

The Shire of Capel received letters from the Committee (confidential under Parliamentary privilege) noting minor issues with both local laws. The irregularity in the *Cats Local Law 2017* was insignificant enough that the Committee suggested amendment could wait until the next time the law was reviewed within the 8 year local law cycle.

The Committee however requested a Letter of Undertaking from Council by 04 May 2018 confirming that the *Dogs Local Law 2017* will be amended as requested within six months.

The changes requested by the Committee are not major and will have no significant impact on the administration of the law. It is time and cost effective to complete work on both the dog and cat local laws simultaneously.

Proposal

This item proposes that Council make the *Shire of Capel Cats Amendment Local Law 2018* and the *Shire of Capel Dogs Amendment Local Law 2018* (Attachments 1 and 2) so that the changes requested by the JSCDL can be incorporated into the *Shire of Capel Cats Local Law 2017* and the *Shire of Capel Dogs Local Law 2017* respectively.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.5 Legislative power of local governments

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

3.12 Procedure for making local laws

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

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

POLICY IMPLICATIONS

There are no policy implications for this matter.

RISK IMPLICATIONS

Council may choose not to provide the requested undertakings; however, that action risks the *Shire of Capel Dogs Local Law 2017* being disallowed by Parliament.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

Local laws assist a local government in controlling and regulating activities within district boundaries to ensure good governance over matters of municipal concern. The ability to regulate issues and respond to community needs within a local context is a positive contribution to the long-term sustainability of the community in terms of health, safety, service provisions, resource management and good governance.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience, *“Open, transparent, effective good governance.”*

Community Objective:

1.4 Building a culture of collaboration and a stronger, safer and happier community.

CONSULTATION

There was consultation between the Governance Officer and the Executive Management Team on this matter.

In accordance with s3.12 of the *Local Government Act 1995*, the Shire gave local and state-wide public notice of the proposed laws, inviting submissions over a period of six weeks. One submission was received (requesting minor editorial changes only), from the Department of Local Government, Sport & Cultural Industries.

COMMENT

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

The process of making a local law is prescribed in detail, and must follow precise statutory requirements. Failure to follow the required procedures in the correct sequence may result in

the Joint Standing Committee on Delegated Legislation recommending that a local law be disallowed by Parliament.

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

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

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

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

Accordingly, the statements of purpose and effect for the two proposed amendment local laws are provided as follows.

Purpose	Effect
<i>Shire of Capel Cats Amendment Local Law 2018</i>	
Remove the text ' <i>where a cat</i> ' from the definition of the term ' <i>nuisance</i> '.	The clarity of the definition for the term ' <i>nuisance</i> ' is improved.
<i>Shire of Capel Dogs Amendment Local Law 2018</i>	
Amend the local law to align more clearly with the intent of the <i>Dog Act 1976</i> .	The local law will reflect the intent of the <i>Dog Act 1976</i> more clearly.

VOTING REQUIREMENTS

Absolute majority

OC0707 OFFICER'S RECOMMENDATION – 15.1/COUNCIL DECISION
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Moved Cr Kitchen, Seconded Cr J Scott

That Council:

1. **Makes the *Shire of Capel Cats Amendment Local Law 2018* and the *Shire of Capel Dogs Amendment Local Law 2018* by absolute majority;**
2. **Requests the Chief Executive Officer and President to apply the Common Seal to the two laws; and**
3. **Authorises the Chief Executive Officer to carry out the remaining processes required to make the above local laws in accordance with section 3.12(5) and 3.12(6) of the *Local Government Act 1995*.**

Carried with an Absolute majority 8/0

Mr Faber left the meeting at 5.51pm and did not return.

OC0708 (15.2) Draft Budget 2018 - 19

Location: Capel
 Applicant: Shire of Capel
 File Reference: Nil
 Disclosure of Interest: Nil
 Date: 11.07.18
 Author: Executive Manager Corporate Services, S Stevenson
 Senior Officer: Chief Executive Officer, I McCabe
 Attachments: Draft Financial Statements
 Draft Budget for the year ending 30 June 2019
 Draft 2018 - 19 Capital Works Program
 (Attachments distributed separately to Councillors)

IN BRIEF

- Local governments are required by the *Local Government Act (1995)* to prepare an annual budget for financial management of the municipal fund.
- This item discusses the Draft Budget for the 2018-19 financial year.

RECOMMENDATION

That Council consider and approve the draft Capital Works Program and draft Budget for 2018-19 as presented.

BACKGROUND / PROPOSAL**Background**

In previous years, Council has adopted the draft Budget in the month prior to the final Budget document being collated for adoption, distribution and forwarding to the Department for Local Government, Sport and Cultural Industries. This must be submitted to the Department prior to 31 August of the financial to which it relates.

Proposal

Council consider and approve the draft Capital Works Program and draft Budget for 2018-19 prior to the collation of the final Budget 2018-19 document for submission.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

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 6.28

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)*

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 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.

POLICY IMPLICATIONS

Policy 2.7 – Preparation of Integrated Financial Plan and Annual budget applies.

RISK IMPLICATIONS

The risk implications of this item are considered low as Council has already adopted or endorsed many items included in the Draft Budget 2018-19 in previous Council meetings or as part of the long term planning process.

The risks associated with not adopting the Annual Budget in a timely manner include delays in capital projects, delays in issuing of rates notices with flow on effects on cash flow.

FINANCIAL IMPLICATIONS

Budget

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 2018-19 draft Budget it is proposed a total of \$13,059,087 be raised from property and specified area rates including a projection for interim rates. The expected yield from rates will be sufficient to balance the 2018-19 draft Budget after adjustments have been made to increase other sources of revenue, reduce operating expenditure, rephrase capital projects and to increase amounts transferred from reserves.

The draft budget outlines planned expenditure and revenue for the 2018-19 financial year and provides a small estimated carried forward surplus at 30 June 2019 of \$26,108.

Long Term

The adopted Annual Budget will form the base year for the updated Long term Financial Plan that will be presented to Council in early 2019. In projecting long term financials, consideration needs to be given to the amount of rates yield, reserve balances and utilisation, capital additions and asset renewal levels along with other factors such as staffing needs and population growth.

SUSTAINABILITY IMPLICATIONS

The Budget includes a number of projects that will have a positive environmental impact. Many of the projects proposed in the Budget will provide a direct social benefit for the community.

The projects in the Budget will generate a significant economic benefit for the State and some businesses within the Shire of Capel will share in this benefit.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Objective:

1.6 Council is effective and efficient in the financial management stewardship of community assets.

The Community Experience, *'Facilities and services that accommodate the diverse needs of the community and providing a safe place to live, work and visit.'*

Community Objective:

2.1 Council works in partnership with the community in providing appropriate services and facilities

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Objective:

5.3 Working together to meet the needs of changing infrastructure requirements.

CONSULTATION

The draft budget includes items and projects that have been previously reviewed within the long term planning framework. It also includes plans previously endorsed by Council and items suggested by Councillors, the community and staff. This has been reviewed through the Management Team.

COMMENT

The draft budget document follows a similar format to that intended for the final document and includes the following information:

- Financial statements including the Statement of Comprehensive Income (Income Statement) by Nature or Type, Statement of Comprehensive Income (Income Statement) by Program and Rate Setting Statement.
- A Funding Statement which is presented in a format similar to the Rate Setting Statement. This has previously been utilised when considering the 4 year Corporate Business Plan and Long Term Financial Plan. This Statement provides an assessment of Funding required from General Operations, Strategic Projects and New Asset commitments, existing Asset Renewal obligations and Financing requirements.
- Notes to and forming part of the budget including notes on operating expenditure and revenue, loan borrowings, transfers to and from reserves, rating information and grants (to be provided with the final budget document).
- Detailed Financial Information at account level with Explanatory Notes, provide a greater level of detail for each account. This information is formatted with the account number, description and totals for the 2018-19 Budget, 2017-18 Actual (estimated end of year position) and 2017-18 Budget.

As the 2017-18 financial year accounts have not yet been finalised, the draft Budget document presented to Council includes the current forecast to 30 June 2018. Further information and any adjustments will be included in the final Budget document to be adopted by Council and presently scheduled for Council's Ordinary Meeting on 22 August 2018.

The preparation process for the Budget has been similar to previous years, with additional consideration to items related to the Integrated Planning processes providing improved long term financial planning. This has involved:

- Including requests from Councillors and the community that were approved by Council (OC0411, 26/4/18).
- Incorporating expenditure items previously approved by Council including Donations (OC0413, 26/4/18),
- Incorporating revenue items previously approved by Council including Fees and Charges (OC0618, 27/6/18).
- Incorporating expenditure for the revised 5 year Path Program (OCO319, 28/3/18)
- Incorporating expenditure for the revised 7 year Road Program (OCO207, 28/2/18)
- Incorporating expenditure for the 2 year Drainage Program of Works (OCO613, 27/6/18)
- Incorporating expenditure 10 year Plant Replacement Plan and 4 year Road Management Program previously approved by Council (OC0322, 28/3/18).
- Senior staff reviewing the document and adjusting items they consider should be reduced, deleted or deferred in order to achieve an acceptable net current assets position.
- Incorporating Elected Members Allowances which are within the band determined by new Regulations and were adopted in April 2018. (OC0412, 26/4/18).

Rate Setting Statement

This statement shows the proposed financial position that is close to balanced (minor surplus) for the year after including all operating revenue and expenditure, capital expenditure, loan repayments, transfers to and from reserves, income from sale of assets and rates. The statement is designed to show how much must be raised from rates to record a breakeven result.

The draft Budget for 2018-19, as presented, is effectively balanced for the year, with a minor surplus of \$26,108. This is based on the most up to date financial forecasts and could be subject to change for final Annual Budget adoption should further information become available through the year end actuals finalisation process.

The draft budget position has been achieved with the benefit of an estimated brought forward surplus from 2017-18 of \$31,771.

In order to achieve a balanced draft budget, senior staff have met to discuss and review their respective areas of responsibility. Executive managers and managers have also met with a view to finding operational savings. These have been incorporated in the current draft budget document. Although a large number of changes were made the majority were only relatively minor in value and related primarily to reducing materials, contractor or consultancy expenditure.

Brought Forward Position

The draft Budget includes an estimated brought forward position from 30 June 2018 of a surplus of \$31,771. This expected surplus could be subject to revision as end of financial year actuals are finalised.

The surplus compares favourably with the budgeted position for the 2017-18 year-end of \$6,995, but adversely to the revised budget position of \$224,602. The brought forward surplus position as amended from \$6,995 to \$224,602 as a result of the audit finalisation for 2016-17.

In May 2012, Council endorsed a new Policy on reserve fund transfers and to create a "Carried Over Projects Reserve". This Reserve will have funds transferred into it at the end of the 2017-18 financial year which relate to carried over projects, or expenditure savings greater than \$5,000. Funds will be drawn from this reserve in future financial years to fund carried over projects and other major operating expenditure or works.

Staffing

A concerted effort has once again been made in this budget to contain staff costs in the 2018-19 budget. In line with long term financial planning, an allowance has been made for additional staff.

Employee costs consist of direct salary and wages, annual and long service leave provisions, workers compensation insurance, training costs, superannuation contributions, uniforms and protective clothing, professional development, fringe benefits tax and any other costs related to the employment of staff.

Total Employee costs year on year (2017-18 forecast to 2018-19 draft Budget) have increased by \$619,101. Of this increase, \$574,247 relates to gross salary costs, superannuation costs and workers compensation insurance. The balance is attributable to the items such as training, fringe benefits tax and other staff related costs.

Those staff covered by the existing EBA agreements will have average salary increases of 2.5% while staff not covered by EBA will have average increases of 1.5%.

The number of full-time equivalent (FTE) staff has increased from 2017-18 to the actual by 3.32 FTE's. This includes one FTE for Manager Customer and Business Services, one Information Systems Trainee, an additional 0.4 FTE for Waste Sustainability with the balance being made up of additional hours for existing staff, including additional Library hours to accommodate the new Dalyellup Library.

As outlined, workers compensation insurance costs are recorded against employee costs. The allocated 2018-19 budget for workers compensation insurance is \$209,465, which is an increase of \$13,343 or 6.8% on the 2017-18 forecast of \$196,122. The workers compensation insurance premium will be adjusted for the actual 2017-18 salary amount in the 2018-19 financial year. These costs are yet to be finalised and may be subject to change.

Developer Contributions

The draft budget has taken account of the revised level of developer contribution per lot endorsed by Council at its April meeting (OC0406). This has reduced the amount of funding available to be transferred to reserves for the 2018-19 financial year.

Capital Works Program

\$10,385,801 is to be spent on the acquisition and construction of office equipment, plant, buildings and infrastructure assets. Council will be required to contribute \$1,995,535 from municipal funds and \$1,843,789 from Reserves and carry over funds to fund this expenditure. No new loan borrowings are budgeted for 2018-19.

Of the \$10,296,801 capital expenditure budget, the following is the breakdown based on Asset Category:

• Asset Renewal	\$2,851,307	(27.4%)
• Asset Upgrade	\$2,024,130	(19.5%)
• New Assets	\$5,510,364	(53.1%)

For comparison, in 2017-18 the capital budget of \$7,893,190 was allocated as follows:

• Asset Renewal	\$2,815,903	(35.7%)
• Asset Upgrade	\$1,936,789	(24.5%)
• New Assets	\$3,140,498	(39.8%)

For 2018-19, the breakdown of asset acquisition is as follows:

• Office and Other Equipment	\$	144,222
• Plant & Equipment	\$	1,156,500
• Land & Buildings	\$	75,025
• Infrastructure	\$	7,360,054
• Non-Cash Infrastructure (gifted)	\$	<u>1,650,000</u>
TOTAL		\$10,385,801

The specific capital works items are included in the attached Draft 2018-19 Capital Works Program.

The major items of note include:

- The road works program of \$1,930,741 is based on the program agreed to by Council at its meeting on 28 February 2018 (minute reference OC0207).

These works include Road Reconstructions to the value of \$949,104. This includes:

- A total of \$231,297 for Boyanup Road West in Boyanup. \$174,337 of capital expenditure has been carried forward from 2017-18 into the 2018-19 financial year. This project has been allocated up which has been allocated \$105,800 of Regional Road Group (RRG) grant funding, \$16,000 of Blackspot funding and \$8,000 direct grant funding and \$34,000 of RRG grant funding;
- \$269,203 for Elgin Road which has been allocated \$222,722 of Roads To Recovery (RTR) funding;
- \$180,000 for Ludlow North Road in Capel which has been allocated \$120,000 of Blackspot funding;
- \$100,500 for Jules Road North in Gelorup. This is being partly funded from a RRG grant of \$67,000;
- \$21,000 for two sections of Norton Promenade in Dalyellup;
- \$67,500 for Brookdale Road in Boyanup;
- \$11,600 for Kent Road in Stratham;
- \$11,600 for Child Place in Stratham;
- \$15,000 for Calinup Road in Stratham; and
- \$41,404 for Boundary Road in Boyanup.

Gravel resheet expenditure for the Shire totals \$256,736 for 2018-19. \$67,016 has been carried forward from 2017-18 for incomplete work at Hansen Road. Direct grants of \$49,162 and RRG grants of \$80,880 will assist with funding these projects.

Bitumen reseals totalling \$281,751 are scheduled for 2018-19. The largest project being three sections of Clarke Road in Elgin totalling \$240,471. These reseals are funded from the Infrastructure Asset Reserve.

Asphalt reseals totalling \$423,150 are scheduled for 2018-19. Works totalling \$358,830 is proposed for various roads in Dalyellup. These projects are attracting \$92,275 of grant funding with the balance being funded from the Infrastructure Asset Reserve. The remaining \$64,320 of expenditure is proposed for Hurst Road and Simmons Road in Boyanup and are funded from Shire funds.

- Total grants of \$761,839 have been included in the 2018-19 draft budget for the Roads Program.

- Council has previously adopted the Shire of Capel 5 year Path Program (OC0319) at its meeting on 28 February 2018.

Paths included in the 2018-19 draft budget:

- Bussell Highway Phase 3 Frances Road (Gelorup) to Hasties Road (Gelorup) - \$127,215. This has attracted grant funding of \$63,607;
- South West Highway (Boyanup). Two sections of path are planned to be completed on opposite sides of the South West Highway. Both will connect to existing paths south of the Boyanup community hall. The cost of these two sections totals \$58,170 and are funded from Shire funds; and
- West Road (Capel) between Roe Road and Capel Drive - \$38,220;

An allocation of \$15,000 for path reinstatements has also been allowed for.

Town site and Rural Area Drainage has been allocated \$187,731 which includes \$59,710 for a whole of Shire drainage study.

- The capital works program does include an estimate for the non-cash acquisition from developers. This is made up of roads (\$300,000), paths (\$250,000), drainage (\$300,000) and infrastructure assets (\$800,000). These estimates are preliminary and may be adjusted as further information becomes available. This is an area that will require an increasing level of Council resourcing into the future as more infrastructure assets are transferred across to the Council.
- A total of \$3,756,125 has been allocated for the works associated with the development of Stages 3,3A and 4 of the Capel Civic Precinct. Grant funding of \$3,224,139 is receivable in 2018-19 to assist in the funding of this project. Funding can be split as follows:
 - Building Better Regions Fund (BBRF) grant funding - \$1,184,473 for Stage 4 and \$118,906 for Stage 3;
 - South West Development Commission grant funding - \$1,000,000 for Stage 4;
 - Lottery West grant funding of \$859,260 for Stage 3 and \$61,500 for Stage 4. It should be noted that LotteryWest funding is payable in arrears therefore this funding receivable in 2018-19 relates to works completed in 2017-18. This has been prefunded by the Shire through a combination of Reserves and municipal funds and will be reallocated in 2018-19. This is simply a cash flow phasing issue; and
 - \$531,986 will be funded from Shire funds through a combination of net reserve movements and municipal funds.
- \$92,000 has been included as part of the Trails Master Plan. This includes \$42,000 of funds carried forward from 2017-18 for the Boyanup Heritage Trail.
- \$89,000 has been included for Lions Park in Boyanup. This is to install a shelter, seating and a path within the park.
- \$30,000 has been included for Fettle's Park Master Plan project design and has been carried over from 2017-18. Quotes received significantly exceeded budget and further work is required to re-scope, re-size or re-finance the project. \$405,000 allocated in the LTFP for Fettle's Park in 2018-19 has been deferred to 2019-20 pending the outcome of the design phase. Community consultation is required to determine the new project scope.
- \$60,025 has been added for roof access upgrades. These are required to provide safe roof access for Shire and public buildings.
- \$491,461 has been budgeted for Boyanup recreational facilities. Project design and consultation has occurred in 2017-18 and the project will be complete in 2018-19. \$291,461 has been carried forward from 2017-18. This project is being funded from the Boyanup Community Facilities Reserve.

- \$30,000 has been allowed for a shade sail for the Ferndale Park playground seating area.
- \$50,000 has been allocated to whole of Shire POS with \$25,000 of this allocation being earmarked for the Boyanup entry statements project.
- Annual asset management provisions have been provided for a number of asset categories as part of Council's forward asset renewal and upgrade programs. These provisions will increase in future years as Council gains further data on its asset management requirements, and integrates these preservation requirements into future Long Term Financial Plans. Current provisions for 2018-19 include:
 - Playground Replacement Program -\$38,221
 - Dalyellup Watering Systems: provision for replacement of bore pumps, reticulation, pipes, etc. - \$50,000
 - Air conditioner and minor plant - \$6,000
 - Various replacement provisions for specific assets included in the Long Term Financial Plan.
- \$28,130 has been included for Minor Community Grants.
- \$139,258 of capital funding is allocated in the budget related to Strategic Information Technology Systems. \$71,158 is being funded from the Furniture and Equipment Reserve. The main elements of this are:
 - \$30,000 for the PC replacement program;
 - \$55,000 for replacement of servers, storage & network equipment;
 - \$8,000 for mobile devices;
 - \$16,422 for IT Vision software to allow online timesheets;
 - \$4,000 for additional monitors; and
 - \$12,100 for monitor stands.
- Funds of \$460,000 have been allocated towards the purchase of one Bushfire Brigade fire truck for the Capel brigade and is ESL funded.
- \$263,500 is allocated for the replacement of seven passenger vehicles in accordance with the plant replacement program. Six vehicles are for the Engineering and Services areas with one being for the Chief Executive Officer. \$121,492 is expected to be funded from the sale/trade-in of motor vehicles with the balance having to be funded from Council funds.
- \$304,000 is allocated for the replacement of heavy plant and equipment. \$210,000 has been allowed for the replacement of a loader with \$70,000 has been allowed for a replacement Isuzu truck. In addition, \$14,000 has been added subsequent to the plant replacement program being approved by Council for a new Cylinder mower. This has been requested as a health and safety requirement. This mower is easier to maneuver for works staff with a lighter frame and will reduce the chance of work place injury. \$80,000 is expected to be funded from the sale/trade-in of plant with \$224,000 funded from the Plant Replacement Reserve.
- \$123,000 has been included for the replacement of three light commercial vehicles in accordance with the plant replacement program. One vehicle is due for replacement for Community Services with two due for replacement for Engineering and Development Services. \$71,400 of this purchase price is expected to be obtained from sale proceeds and the balance drawn from the Plant Replacement Reserve.

Operating Expenditure

There are a number expense line items which are either new or are greater than either the 2017-18 budget or the adopted Long Term Financial Plan 2017-2032. The major variations are detailed below: -

- \$80,000 for Shire of Capel district Sports Spaces Plan which has been previously endorsed by Council (Account 128020);
- Additional costs relating to the relocation and lease to a larger Dalyellup Library. This has increased to \$103,244 for 2017-18 from a budget of \$48,314 in 2017-18 (Account 130020);
- Operating expenditure relating to Dalyellup Parks and Gardens has increased to \$1,789,641 for 2018-19 from the \$1,096,805 budgeted for 2017-18. This expenditure is split between accounts 126720 and 131720. The 2017-18 forecast was estimated at \$1,321,991. Budget to budget, this is an increase of \$692,836 and is due to additional Public Open Space being handed over from developers for the Shire to maintain and \$137,024 repair work for timber structures carried over from 2017-18. \$346,418 will be funded from the Specified Area Rate Dalyellup Parks and Gardens Reserve with the balance being funded from municipal funds;
- A provision of \$30,000 has been included in account 121220 to cover State Administrative Tribunal (SAT) legal expenses relating to planning;
- \$24,240 for an Intramaps ROAM firebreak inspection System and software to assist with firebreak inspections (Account 104020). This expenditure is offset with increased revenue from infringements in account 107730;
- \$50,000 has been added to account 104020 for software and projects costs associated with information systems improvements. This is a funding allowance which will be used on priority IT projects in the 2018-19 financial year; and
- \$10,000 to complete a waterways study for the Bentley Road Reserve bridge replacement (Account 135620). Minute reference (OC1106).

There are also a number of projects costs carried forward from the 2017-18 financial year including: -

- \$13,885 as part of the ongoing Boyanup Townsite Local Water Management Strategy (Account 135620);
- \$6,000 for the native garden planned for the Capel Cemetery (Account 123020);
- \$42,000 to complete for the Boyanup Heritage Trail (Account 128540); and
- \$25,000 for Capel Theme Promotion (account 139120).

Depreciation forecasts for 2018-19 are still being finalised and will be reflected in the final Budget at the August Council meeting.

Operating Income

Road funding grants (accounts 136610 and 133410) have reduced to \$761,839 in 2018-19 from \$915,613 in 2017-18. Funds required to maintain the roads program at the desired level have been drawn from reserves.

Loan Repayments

The draft budget expects that \$679,165 in loan principal will need to be repaid compared to \$643,819 forecast for 2017-18. Outstanding principal at 30 June 2019 is expected to reduce to \$6,029,899 from an expected balance of \$6,709,064 at 30 June 2018.

Council will not increase its number of outstanding loans in the 2018-19 financial year. The number of remaining outstanding loans in its portfolio will remain at seventeen at the end of the financial year.

Reserves

As part of the 2018-19 Budget preparation, Shire staff have undertaken a detailed review of Reserve funds. This exercise has previously been highlighted to Councillors. The aim of the exercise was to identify unallocated funds within existing reserves and to better utilise the funds available. As a result of the analysis, a number of changes are recommended for the 2018-19 financial year.

One of the primary changes is the proposed creation of a Strategic Initiatives Reserve. This reserve would be used to collect municipal funds to fund future new asset purchases or services. These purchases are better managed through a single reserve. The funds included in this reserve would be derived from Shire rate payers and would not come with legislative or implied conditions attached to them. Funds held with conditions attached or restrictions on their use are held within other financial reserves. The Strategic Initiatives reserve will act to simplify the funding of strategic projects. Suitable available funds will be transferred to this Reserve from a number of existing reserves and as a consequence, some reserves will no longer be used.

The summary of changes are detailed below.

Depot Development Reserve	
Original Purpose	To assist in funding a new Shire works depot.
Reserve Detail	Included income from the sale of 7 blocks plus interest. In prior financial years, \$600,000 was transferred from this reserve to fund the Debt Reduction Reserve.
Proposal	Recommend moving to Strategic Initiatives Reserve 181210 to fund future new projects.
Proposed 2018-19 financial movement	\$862,452.00 to be transferred to Strategic Initiatives Reserve. This reserve will no longer be used.

Infrastructure Asset Preservation Reserve	
Original Purpose	Originally set up to collect funding for roads renewal in Dalyellup.
Reserve Detail	The purpose has been amended over time to fund road preservation and renewal.
Proposal	Recommend consolidating into the Infrastructure Asset Reserve 176310 as this reserve is also used for asset renewal.
Proposed 2018-19 financial movement	\$1,192,713.00 to be transferred to Infrastructure Asset Reserve. This reserve will no longer be used.

Land Acquisition Reserve	
Original Purpose	To fund the acquisition of land for council and community purposes.
Reserve Detail	These fund are held for strategic purposes and the use would be determined by projects in the LTFP.
Proposal	Recommend moving to Strategic Initiatives Reserve 181210 to fund future new projects.
Proposed 2018-19 financial movement	\$48,068.00 to be transferred to Strategic Initiatives Reserve. This reserve will no longer be used.

Peppermint Grove Beach Building Reserve	
Original Purpose	To fund community facilities in Peppermint Grove Beach (PGB).
Reserve Detail	These fund are held primarily for the PGB community centre building.
Proposal	Recommend moving to Building Reserve 163880 to fund future building projects.
Proposed 2018-19 financial movement	\$11,603.57 to be transferred to Building Reserve. This reserve will no longer be used.

Town Planning Scheme Reserve	
Original Purpose	Used to fund future town planning scheme and land use strategies.
Reserve Detail	Used to fund future town planning scheme and land use strategies.
Proposal	Recommend moving to Strategic Initiatives reserve 181210. Strategies expenditure should be managed by the LTFP and annual budget process as these types of plans are primarily related to long term strategies.
Proposed 2018-19 financial movement	\$155,001.83 to be transferred to Strategic Initiatives Reserve. This reserve will no longer be used.

Bridge Construction & Maintenance Reserve	
Original Purpose	Used to quarantine past Royalties for Regions and Federal Funding for bridges.
Reserve Detail	Balance of funds is unspent interest.
Proposal	Recommend moving to Infrastructure Asset Reserve 176310 to contribute toward infrastructure renewal.
Proposed 2018-19 financial movement	\$17,710.00 to be transferred to Building Reserve. This reserve will no longer be used.

Climate Change Reserve	
Original Purpose	Used to collect 1% of rates to fund climate change initiatives and programs.
Reserve Detail	Council has since resolved to cease the allocation of 1% of rates to this reserve as climate change initiatives are now forming part of other strategies. Climate change initiatives are no longer being carried out in isolation.
Proposal	Recommend moving to Strategic Initiatives Reserve 181210.
Proposed 2018-19 financial movement	\$207,795.29 to be transferred to Strategic Initiatives Reserve. This reserve will no longer be used.

Boyanup Aged Investment Reserve	
Original Purpose	Contained Boyanup aged units income and expenditure balances.
Reserve Detail	Council no longer holds the aged care units.
Proposal	Recommend moving to Boyanup Community Facilities Reserve 179810.
Proposed 2018-19 financial movement	\$145.76 to be transferred to Boyanup Community Facilities Reserve. This reserve will no longer be used.

Infrastructure Development Reserve	
Original Purpose	Used to fund infrastructure works associated with development.
Reserve Detail	There are a number of items which make up this reserve. Funds have accrued from verge inspection fee income, infrastructure contributions paid by developers for specific road, paths or drainage areas and road deterioration charges.
Proposal	Recommend moving funds which relate to verge inspection fees and bonds (and associated interest) held for more than 10 years to Infrastructure Asset Reserve 176310.
Proposed 2018-19 financial movement	\$89,206.90 to be transferred to Infrastructure Asset Reserve.

Reserve Reallocation Summary

From	\$	To	\$
Depot Redevelopment Reserve	(862,452.00)	Strategic Initiatives Reserve	862,452.00
Land Acquisition Reserve	(48,068.00)	Strategic Initiatives Reserve	48,068.00
Peppermint Grove Beach Building Reserve	(11,603.57)	Building reserve	11,603.57
Infrastructure Asset Preservation Reserve	(1,192,713.00)	Infrastructure Asset Reserve	1,192,713.00
Town Planning Scheme Reserve	(155,001.83)	Strategic Initiatives Reserve	155,001.83
Bridge Construction & Maintenance Reserve	(17,710.00)	Infrastructure Asset Reserve	17,710.00
Climate Change Reserve	(207,795.29)	Strategic Initiatives Reserve	207,795.29
Boyanup Aged Investment reserve	(145.76)	Boyanup Community Facilities Reserve	145.76
Infrastructure Development Reserve	(89,206.90)	Infrastructure Asset Reserve	89,206.90
	(2,584,696.35)		2,584,696.35

The 2018 -19 Budget forecasts more to be transferred from reserves than to reserves.

A total of \$7,202,162 is anticipated to be utilised from reserves with \$4,747,504 being transferred into reserves. This is resulting in a net transfer out of reserves of \$2,454,658.

This compares to a forecast net transfer to Reserves for the 2017-18 financial year of \$573,423.

The main transfer elements are as follows:

- \$865,299 will be transferred out for the 2017-18 prepayment of Financial assistance Grants from the Unspent Grants and Loans Reserve;
- \$270,993 is the net utilisation from the Specified Area Rate Dalyellup parks and gardens Reserve;
- \$486,284 has been utilised from the Infrastructure Asset Reserve to help fund the Shire's Road Program for 2018-19;
- \$84,608 is the net transfer out of the Plant Replacement reserve;
- \$185,000 has been drawn from the Property Value Revaluations Reserve as Capel is scheduled for a Gross rental Vale (GRV) revaluation in April 2019;
- 207,795 has been drawn from the Climate change Reserve and moved to the new Strategic Projects Reserve;
- \$551,461 will be drawn from the Boyanup Community Facilities Reserve. \$491,461 of this transfer has been allocated to fund the renovation of the existing Boyanup sporting facilities following on from design and consultation in 2017-18;
- \$305,958 has been transferred out of the Carried-Over Projects Reserve for on-going works; and
- A number of reallocations have been made between existing reserves and the newly created Strategic Initiatives Reserve, as detailed earlier in this report.
- A total of \$217,095 is planned to be utilised from the new Strategic Initiatives reserve.

Should the reserve transfers proceed as budgeted for 2018-19, the expected balance of reserves at 30 June 2019 will be \$11,141,405 which is \$2,454,658 lower than the forecast 2017-18 closing balance of \$13,596,063.

Reserve transfers are detailed in the explanatory information, and will be detailed further in the final budget document.

Revenue and Expenditure Explanatory Information

This area of the budget primarily represents the operating expenditure and revenue for the coming year.

General Purpose Funding

Total rate revenue (general rate and specified area rate) has increased to \$13,059,087 from a forecast of \$12,234,615 including forecast interim rates income.

Council has endorsed proposed rates for the 2018-19 financial year at its special meeting on 11 June 2018. Shire officers have now applied to the Minister for Local Government to approve the proposed minimum rate of \$1,345 for the 2018-19 financial year. This application is currently in progress.

The specified area rate has been retained at the 2017-18 rate of 4.8160 cents in the dollar with the maximum payable held at \$186.88. \$661,368 is expected to be billed at the start of the year and with an additional amount of \$10,465 in interim rates expected over the course of the financial year. This will be insufficient to fund half the expected cost of Public Open Space maintenance in Dalyellup. The balance of \$184,169 will be funded from municipal funds.

The WA Local Government Grants Commission (WALGGC) has prepaid \$865,229 of grants for the 2018-19 financial year in 2017-18.

Interest earned on investments is expected to be marginally lower in 2018-19. This is forecast at \$358,783 compared to a 2017-18 forecast of \$365,783. Investments are placed in accordance with Council's investment policy and are limited to secure and liquid investment options such as term deposits.

Further details on other operational income and expenditure items are included within the draft budget document. These are allocated amongst the following schedules:

- Governance;
- General Purpose Funding;
- Law, Order, Public Safety;
- Health;
- Education & Welfare;
- Community Amenities;
- Recreation & Culture;
- Transport;
- Economic Services; and
- Other Property & Services.

Summary

The draft budget for 2018 - 19 is balanced and Councillors are encouraged to examine the document thoroughly. It would be appreciated if Councillors could contact senior staff prior to the meeting to discuss any detailed relevant issues.

VOTING REQUIREMENTS

Simple majority

OC0708 OFFICER'S RECOMMENDATION – 15.2/COUNCIL DECISION
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Moved Cr Southwell, Seconded Cr McCleery

That Council approves the draft Capital Works Program and draft Budget for 2018-19 as presented.

Carried 8/0

OC0709 (15.3) Accounts Due and Submitted for Authorisation

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 11.07.18
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Nil

IN BRIEF

Adoption of accounts to be paid.

RECOMMENDATION

That Council authorises the Schedule of Accounts covering vouchers EFT27664 to EFT27705, a total of \$1,402,153.92 for payment.

BACKGROUND / PROPOSAL

Background

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

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

- (a) For each account which requires council authorisation in that month-
 - (i) The payee’s name;
 - (ii) The amount of the payment; and
 - (iii) sufficient information to identify the transactions;
 and
- (b) the date of the meeting of the council to which the list is to be presented.

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

Payment from Council’s Municipal Fund.

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 - 2028

The Leadership Experience ‘open, transparent and effective good governance’.

Community Objective:

- 1.6: Council is effective and efficient in the financial management stewardship of community assets.

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:

EFT27664	26/07/2018	APH CONTRACTORS PTY LTD	TENDER 17/06 WIDENING OF BOYANUP WEST ROAD AND ELGIN ROAD INTERSECTION SLK 6.98 - SLK 7.47	39,297.50
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EFT27665	26/07/2018	AW ROADWORKS PTY LTD	TRAFFIC MANAGEMENT FOR PARADE ROAD ROUND ABOUT REPAIR, MALLOKUP ROAD, GAVINS ROAD, PARADE ROAD AND HURST ROAD STORM CLEAN-UP	3,771.90
EFT27666	26/07/2018	ALPHA PEST ANIMAL SOLUTIONS	FOX TRAPPING	1,749.00
EFT27667	26/07/2018	AUSTRALIND PRE MIX	PATH REPAIR ON SAMROSE ST DALYELLUP	3,300.00
EFT27668	26/07/2018	BUNBURY MACHINERY	BLADES, BOLTS AND WASHERS FOR MOWER	51.61
EFT27669	26/07/2018	BUNBURY MOWER SERVICE	STIHL MS 211 BAR AND CHAIN	249.50
EFT27670	26/07/2018	BELL FIRE EQUIPMENT COMPANY	REPAIR DAMAGED SWIM PONTOON	3,767.50
EFT27671	26/07/2018	B & B STREET SWEEPING	EMPTY THE GPTS IN DALYELLUP AND CAPEL, STREET SWEEPER FOR HASTIES ROAD AND TIFFANY CENTRE AND PARAGON LOOP	17,094.00
EFT27672	26/07/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	LADDER, TIE DOWN STRAPS AND STORAGE CONTAINERS	255.35
EFT27673	26/07/2018	BULLIVANTS PTY LTD	LONG GATIC KEY, CONCRETE LIFTING CLUTCH AND RATCHET BINDERS	451.72
EFT27674	26/07/2018	BUNBURY TRUCKS	WINDSCREEN WIPER BLADES FOR SHIRE TRUCK	8.87
EFT27675	26/07/2018	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	119.93
EFT27676	26/07/2018	CLEANAWAY	17/18 WASTE, RECYCLING & ORGANIC COLLECTION, STREET BIN WASTE AND PARKS COLLECTION, BIN MAINTENANCE CONTRACT, COLLECTION AND DISPOSAL OF WASTE FROM WASTE TRANSFER STATION AND DISPOSAL OF HOUSEHOLD RUBBISH	85,568.70
EFT27677	26/07/2018	CAPEL CELLARBRATIONS	COUNCIL REFRESHMENTS	41.99
EFT27678	26/07/2018	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS JUNE HARDWARE	945.38
EFT27679	26/07/2018	CIVIL & STRUCTURAL ENGINEERS	CARRY OUT STRUCTURAL ASSESSMENT AND PROVIDE REPORT ON NO. 83 BRIDGE ST BOYANUP	1,320.00
EFT27680	26/07/2018	CBCA WA BRANCH	CHILDREN'S BOOK WEEK 2018 PROMOTIONAL MATERIAL	59.00
EFT27681	26/07/2018	DYMOCKS BUSSELTON	NEW BOOKS FOR DALYELLUP LIBRARY	1,331.06
EFT27682	26/07/2018	DORMAKABA AUSTRALIA PTY LTD	SERVICE AUTOMATIC DOORS CAPEL HALL	132.00

EFT27683	26/07/2018	DALYELLUP VETERINARY CLINIC	PET DESEXING SUBSIDY	50.00
EFT27684	26/07/2018	EMERGE ASSOCIATES	RFQ SHIRE OF CAPEL DRAINAGE STRATEGY	5,856.11
EFT27685	26/07/2018	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION FOR 2017/18	1,625.58
EFT27686	26/07/2018	INSTANT RACKING & STEEL SHELVING	2 SETS OF RAILS FOR TOOLBOX IN SHIRE VEHICLE	80.00
EFT27687	26/07/2018	JETLINE KERBING CONTRACTORS	UPSON ROAD PATH REDEVELOPMENT WORKS	2,281.90
EFT27688	26/07/2018	JDA CONSULTANT HYDROLOGISTS	HYDROLOGICAL INVESTIGATION DALYELLUP COLLEGE SPORTS FIELD - WAKE DR DRAINAGE BASIN	2,178.00
EFT27689	26/07/2018	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	PROCESSING OF RECYCLABLES AS PER CONTRACT	4,816.61
EFT27690	26/07/2018	KMART AUSTRALIA LIMITED	BOARD GAMES FOR YOUTH ACTIVITIES	102.00
EFT27691	26/07/2018	LD TOTAL	CAPEL CIVIC PRECINCT MAINTENANCE, DALYELLUP NORTHERN PARADE ROAD MEDIANS, BEACH PARK SHOWER DRAIN WEEKLY CLEAN, DALYELLUP SOUTHERN PARADE MEDIANS, DALYELLUP STAGE 19 AND 15 STREETSCAPES, DALYELLUP MAINTENANCE CONTRACT AND REPLACE 5 STREET TREES IN DALYELLUP	93,818.23
EFT27692	26/07/2018	LANDGATE	GROSS RENTAL VALUATIONS FOR JUNE, SERVICE FEE FOR EXTRACTION OF RECTIFIED AERIAL IMAGERY, MINING TENEMENTS AND LAND PARCEL ID	2,574.77
EFT27693	26/07/2018	MCLEODS BARRISTERS AND SOLICITORS	PROFESSIONAL FEES ASSOCIATED WITH LOT 1 ROBERTS ROAD STIRLING ESTATE	838.60
EFT27694	26/07/2018	NIGHTGUARD SECURITY SERVICE PTY LTD	SECURITY PATROLS AND ALARM RESPONSES JUNE 2018	2,291.59
EFT27695	26/07/2018	PERKINS (WA) PTY LTD	SUPPLY OF ALL MATERIALS, PLANT AND LABOUR FOR CAPEL CIVIC PRECINCT STAGE 3 - PROGRESS CLAIM 5	1,112,285.40
EFT27696	26/07/2018	PRESTIGE PRODUCTS-BUSSELTON	SUPPLY AND DELIVER CLEANING PRODUCTS	320.98

EFT27697	26/07/2018	PICTON TYRE CENTRE PTY LTD	TYRE REPAIR ON SHIRE VEHICLE	44.00
EFT27698	26/07/2018	PRIME INDUSTRIAL PRODUCTS	EAR PLUGS, GLOVES, BIN LINERS AND TOILET ROLLS	219.28
EFT27699	26/07/2018	REDWAVE MEDIA PTY LTD	RADIO ADVERTISING FOR 01/06/2018 TO 29/06/2018	748.00
EFT27700	26/07/2018	RTW STEEL FABRICATION	TRIM CONVEYOR BELT MAT AT RICH ROAD BEACH ACCESS	220.00
EFT27701	26/07/2018	RAMM SOFTWARE PTY LTD	RAMM ANNUAL SUPPORT AND MAINTENANCE FEE	8,757.38
EFT27702	26/07/2018	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	244.20
EFT27703	26/07/2018	TRADE HIRE	HIRE OF COMPACTOR COMBO ROLLER FOR RICH ROAD AND NORMAN ROAD	1,056.00
EFT27704	26/07/2018	IT VISION	ALTUS ENABLEMENT	1,100.00
EFT27705	26/07/2018	WORK CLOBBER BUNBURY	PPE WORK CLOTHING	1,130.28
				1,402,153.92

OUTSTANDING CREDITORS AS AT 30 June 2018 \$1,793,795.38

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 25 July 2018 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.



CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OC0709 OFFICER'S RECOMMENDATIONS – 15.3/COUNCIL DECISION

Moved Cr Kitchen, Seconded Cr McCleery

That Council authorises the Schedule of Accounts covering vouchers EFT27664 to EFT27705, a total of \$1,402,153.92 for payment.

Carried 8/0

OC0710 (15.4) Accounts Paid During the Month of June 2018

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 11.07.18
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Nil

IN BRIEF

Authorisation of accounts paid during the month.

RECOMMENDATION

That Council receives:

- 1 The Schedule of Accounts covering vouchers 928-942, EFT27329 to EFT27572, CHO48883 to CHO48911 totalling \$1,055,806.07 during the month of June 2018;**
- 2 Payroll payments for the month June 2018, totalling \$325,117.44; and**
- 3 Transfers to and from investments as listed.**

BACKGROUND / PROPOSAL

Background

Accounts paid are required to be submitted each month.

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

- (d) The general management of, and the authorisation of payments out of-
 - (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.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

Payment from Council’s Municipal Fund.

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 - 2028

The Leadership Experience, *‘Open, transparent and effective good governance.*

Community Objective:

1.6: Council is effective and efficient in the financial management stewardship of community assets.

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 2018 are as follows:

EFT27329	06/06/2018	AMITY SIGNS	WARNING SIGNS	173.80
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EFT27330	06/06/2018	ANIMAL CARE EQUIPMENT AND SERVICES	CARTONS OF DOG TIDY BAGS	1,488.50
EFT27331	06/06/2018	ALYKA	RATES GRAPHICS	1,980.00
EFT27332	06/06/2018	AULEXIC	3 X EARLY READER PACKS	165.00
EFT27333	06/06/2018	ARBORGUY	GAVINS ROAD TREE AND VERGE PRUNING INCLUDING TRAFFIC CONTROL	46,117.50
EFT27334	06/06/2018	GELORUP BUSHFIRE BRIGADE	REIMBURSEMENT OF HAZARD REDUCTION BURN INCOME	704.55
EFT27335	06/06/2018	BUNBURY MOWER SERVICE	SERVICE/SHARPEN STIHL COMBI HEDGER AND BRUSHCUTTER	490.65
EFT27336	06/06/2018	BUNBURY TYREPOWER	PUNCTURE REPAIR TO FRONT LEFT WHEEL	40.00
EFT27337	06/06/2018	CITY OF BUSSELTON	CLAG CONTRIBUTION: CHEMICAL & TRANSPORT COSTS	16,571.08
EFT27338	06/06/2018	CR BARRY BELL	COUNCILLOR ALLOWANCE	2,904.50
EFT27339	06/06/2018	B & B STREET SWEEPING	JETTING TRUCK HIRE FOR CULVERT CLEAN	808.50
EFT27340	06/06/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	SHELVES AND SUPPORTS WING NUTS AND PVC DOOR CURTIN	98.67
EFT27341	06/06/2018	BRANDICOOT	SHIRE OF CAPEL MONTHLY WEBSITE SUBSCRIPTION	238.00
EFT27342	06/06/2018	ADAM CORNALL & KRISTIE BROOKES	CROSSOVER CONTRIBUTION	300.00
EFT27343	06/06/2018	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	973.83
EFT27344	06/06/2018	CR MURRAY SCOTT	PRESIDENT ALLOWANCE	10,392.50
EFT27345	06/06/2018	PAUL SHEEDY	RATES REFUND	1,630.00
EFT27346	06/06/2018	CAPEL NEWSAGENCY	LIBRARY NEWSPAPERS AND SHIRE NEWSPAPERS AND STATIONERY	92.80
EFT27347	06/06/2018	CARBONE BROS PTY LTD	400 TONNE OF GRAVEL AND 103 TONNE OF LIMESTONE	8,875.59
EFT27348	06/06/2018	GELORUP COMMUNITY MANAGEMENT COMMITTEE	MINOR COMMUNITY GRANTS SCHEME ROUND 2 - LIMESTONE WALL	1,850.00
EFT27349	06/06/2018	ECM AUTO ELECTRICAL PTY LTD	SUPPLY AND INSTALL 2 X BATTERIES FOR GELORUP 2.4 BUSH FIRE APPLIANCE AND REPLACE BROKEN WARNING LIGHT LENS	687.50
EFT27350	06/06/2018	THE ESCAPE HUNT EXPERIENCE PERTH	ESCAPE THE HUNT DEPOSIT TO SECURE INZONE BOOKING	420.00
EFT27351	06/06/2018	FENNESSY'S	SERVICE SHIRE VEHICLE	283.15
EFT27352	06/06/2018	GANNAWAYS	TRANSPORTING SENIORS TO COMPUTER CLASSES ON 11TH & 18TH MAY. PART OF KEEPING IN TOUCH PROJECT	1,130.00
EFT27353	06/06/2018	HOSPITALITY HOUSE	CUTLERY AND CROCKERY	91.05
EFT27354	06/06/2018	CR BRIAN HEARNE	DEPUTY ALLOWANCE	4,094.25

EFT27355	06/06/2018	MOORE STEPHENS (WA) PTY LTD	FINANCIAL REPORTING WORKSHOP 18 MAY 2018	880.00
EFT27356	06/06/2018	A INGRAM	BOOKSTOCK PURCHASES	423.31
EFT27357	06/06/2018	CR DOUG KITCHEN	COUNCILLOR ALLOWANCE	2,904.50
EFT27358	06/06/2018	LD TOTAL	LOCATE AND REPAIR SOLENOID VALVE AND BOX PARADE RD MEDIAN AND REPAIR SHADE SAIL IN NORTHERN LAKE	1,274.30
EFT27359	06/06/2018	MALATESTA ROAD PAVING & HOT MIX	380 LITRES OF EMULSION	380.00
EFT27360	06/06/2018	NAOMI MILNER	REIMBURSEMENT FOR CONFERENCE EXPENSES	173.16
EFT27361	06/06/2018	CR P McCLEERY	COUNCILLOR ALLOWANCE	2,904.50
EFT27362	06/06/2018	PICTON TYRE CENTRE PTY LTD	REPAIR LEAK LEFT REAR INNER TYRE ON GELORUP 2.4 FIRE APPLIANCE	163.00
EFT27363	06/06/2018	PEMBERTON CAMP SCHOOL	YOUTH CAMP DEPOSIT	400.00
EFT27364	06/06/2018	GAIL PARKER	HANDPAINTED GIFTBAGS FOR CITIZENSHIP CEREMONIES	532.00
EFT27365	06/06/2018	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING - 29/5/18	49,969.00
EFT27366	06/06/2018	QUALITY INN RAILWAY MOTEL	ACCOMMODATION FOR SENIORS' TRIP TO KALGOORLIE AS PART OF ACTIVE AGEING PROGRAM	15,540.00
EFT27367	06/06/2018	RIDING FOR THE DISABLED CAPEL INC	MINOR COMMUNITY GRANT FOR TACK/STORAGE ROOM FIT OUT	3,331.66
EFT27368	06/06/2018	CR DEBBIE RADISICH	COUNCILLOR ALLOWANCE	2,904.50
EFT27369	06/06/2018	SOUTH WEST FIRE UNITS	REPAIR SIREN AND YELP FUNCTION ON GELORUP 2.4	398.88
EFT27370	06/06/2018	CR JENNIFER SCOTT	COUNCILLORS ALLOWANCE	2,904.50
EFT27371	06/06/2018	STRATHAM BOBCAT HIRE	BOBCAT AND DIGGER HIRE FOR ROAD AND DRAINAGE REPAIRS ON KENT RD AND MEWITT DRIVE	2,194.50
EFT27372	06/06/2018	SPRAYMOW SERVICES	BROADLEAF WEED CONTROL - 3 X ROUNDS	1,061.50
EFT27373	06/06/2018	CR SEBASTIAN SCHIANO	COUNCILLOR ALLOWANCE	2,904.50
EFT27374	06/06/2018	CR MICHAEL SOUTHWELL	COUNCILLOR ALLOWANCE	2,904.50
EFT27375	06/06/2018	D & K THOMAS ELECTRICAL	REPAIR OF THE POWER TO THE SECOND CHANGE ROOMS AT DALYELLUP PAVILION WAKE DRIVE AND BOYANUP SKATE PARK LIGHT FAULT	1,801.25
EFT27376	06/06/2018	JASON'S HANDYMAN SERVICES	COTTONBUSH REMOVAL 5 MILE BROOK WETLAND	350.00
EFT27377	06/06/2018	TRADE HIRE	HIRE OF KANGA POST HOLE DIGGER	1,239.00

EFT27378	06/06/2018	TUDOR HOUSE (WA) PTY LTD	BANNERS IN THE TERRACE - BANNER PRINTING	411.40
EFT27379	06/06/2018	WORK CLOBBER BUNBURY	STAFF PPE	742.11
EFT27380	01/06/2018	IINET	DALYELLUP LIBRARY NBN	109.99
EFT27381	01/06/2018	WESTNET PTY LTD	CAPEL SHIRE NBN	219.98
EFT27382		-EFT27418	PAYMENT ALREADY APPROVED BY COUNCIL PLEASE REFER TO AGENDA ON 27.06.2018	0.00
EFT27419	13/06/2018	AUSTRALIA POST	17/18 POSTAGE AND FREIGHT	1,297.13
EFT27420	13/06/2018	AW ROADWORKS PTY LTD	TRAFFIC MANAGEMENT FOR HURST ROAD AND LUDLOW ROAD	3,506.80
EFT27421	13/06/2018	BUNBURY MOWER SERVICE	SERVICE BLOWER	169.00
EFT27422	13/06/2018	BELL FIRE EQUIPMENT COMPANY	MANUFACTURE QUICK FIT OUTLET FOR CAPEL BFB WATER TRANSFER PUMP	115.50
EFT27423	13/06/2018	CITY OF BUSSELTON	RECOUP OF LSL	271.21
EFT27424	13/06/2018	BENDIGO BANK BUSINESS CREDIT CARD	MAY CREDIT CARD TRANSACTIONS: 4/5/18 - GRAVITY - \$100 - GIFT VOUCHER 5/5/18 - LOCAL GOVERNMENT - \$406 - LGP DEVELOPMENT CONFERENCE FEES 9/5/18 - MASTER BUILDERS - \$1194.85 - NCC (AUSTRALIAN BUILDING CODES/TRAINING BOOKS/GUIDES) 12/5/18 - CITY OF BUNBURY - \$4.20 - PARKING FEE 15/5/18 - TASTE OF DALYELLUP - \$47.00 - MEAL EXPENSE 30/5/18 - CITY OF VINCENT - \$2.30 - PARKING FEE 30/5/18 - CARD FEE - \$4.00	1,758.35
EFT27425	13/06/2018	BUNBURY & DISTRICTS BADMINTON ASSOCIATION	KIDSPORT REGISTRATION	100.00
EFT27426	13/06/2018	BUNBURY NETBALL ASSOCIATION	KIDSPORT REGISTRATIONS	300.00
EFT27427	13/06/2018	BOYLES PLUMBING & GAS	ASSESS AND REPAIR DRINKING FOUNTAIN AT GELORUP SKATEPARK	99.00
EFT27428	13/06/2018	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	193.02
EFT27429	13/06/2018	CONSTRUCTION SCIENCES	PARTICLE SIZE DISTRIBUTION TEST - EXTRACTIVE INDUSTRIES	330.00

EFT27430	13/06/2018	CAPEL CLEANING	CARRY OUT CLEANING OF CAPEL PLAYGROUP/INFANT HEALTH BUILDING TWICE WEEKLY	540.00
EFT27431	13/06/2018	CAPE DRYCLEANERS	DRYCLEANING OF BUSH FIRE BRIGADE TROUSERS AND JACKETS	73.80
EFT27432	13/06/2018	DMC CLEANING	CLEANING OF SHIRE BUILDINGS & PUBLIC AMENITIES	10,367.50
EFT27433	13/06/2018	DALYELLUP RHINOS RUGBY LEAGUE CLUB INC.	KIDSPORT REGISTRATION	150.00
EFT27434	13/06/2018	DYNAMOS JUNIOR SOCCER CLUB INC	KIDSPORT REGISTRATION	150.00
EFT27435	13/06/2018	ELDERS RURAL SERVICES AUSTRALIA LIMITED	20 LT ROUNDUP AND 1 LT LIQUID MARKING DYE	204.80
EFT27436	13/06/2018	GOLDEN WEST PLUMBING & DRAINAGE	REPLACEMENT OF UV LIGHT AT ELGIN HALL	720.50
EFT27437	13/06/2018	LD FREEMAN	REIMBURSEMENT OF PARKING FEES FOR COMMUNICATION IN EMERGENCIES CONFERENCE	54.43
EFT27438	13/06/2018	GRAND CINEMAS	DEPOSIT FOR MOVIES TICKETS - YOUTH EXPENSES	170.00
EFT27439	13/06/2018	GOOLARRI MEDIA ENTERPRISES PTY LTD	ORAL HISTORY TRAINING - PERTH	395.00
EFT27440	13/06/2018	GOLDRUSH TOURS	TOUR OF KALGOORLIE AS PART OF ACTIVE AGEING PROJECT	836.00
EFT27441	13/06/2018	HARVEY NORMAN AV/IT SUPERSTORE BUNBURY	SUPPLY ONE BLACK AND DECKER DUST BUSTER FOR CAPEL COMMUNITY HALL	99.00
EFT27442	13/06/2018	INTERFIRE AGENCIES PTY LTD	BFB HELMETS AND TORCHES	5,153.50
EFT27443	13/06/2018	JACKSONS DRAWING SUPPLIES	YOUTH ART WORKSHOPS - IN TERM PROGRAM	212.15
EFT27444	13/06/2018	KMART AUSTRALIA LIMITED	YOUTH ART PROJECT - CHARCOAL DRAWING PAD AND CANVAS'	82.70
EFT27445	13/06/2018	LD TOTAL	REMOVAL OF SHADESAILS THROUGHOUT DALYELLUP , INSTALLATION OF SOLENOID VALVES AND DECODERS NAROONA PARK AND PATCH HOLE AT SOUTH PARK PLAYGROUND	7,642.97
EFT27446	13/06/2018	LOMAX MEDIA PTY LTD	BALANCE OF PRODUCTION COSTS FOR 4 X WASTE CAMPAIGN VIDEOS	1,320.00
EFT27447	13/06/2018	MUIR'S MANJIMUP	60,000KM SERVICES FOR TWO SHIRE VEHICLES	1,221.69
EFT27448	13/06/2018	FULTON HOGAN INDUSTRIES PTY LTD	PALLET OF 20KG BAGS - RED ASPHALT	2,270.40

EFT27449	13/06/2018	PRESTIGE PRODUCTS-BUSSELTON	SHIRE CLEANING AND TOILET PRODUCTS	121.11
EFT27450	13/06/2018	PIPPIN CIVIL ENGINEERING PTY LTD	CIVIL DESIGN BOYANUP HARD COURTS RESURFACING PROJECT	1,764.91
EFT27451	13/06/2018	PLANNING INSTITUTE AUSTRALIA	PIA GRADUATE PLANNING OFFICER JOB VACANCY	330.00
EFT27452	13/06/2018	RIDING FOR THE DISABLED SOUTH WEST	KIDSPORT REGISTRATION	150.00
EFT27453	13/06/2018	SOUTH WEST TREE SAFE	REMOVE LARGE DEAD REDGUM ON PAYNE STREET	1,540.00
EFT27454	13/06/2018	CAPEL FRESH IGA	SHIRE MILK, REFRESHMENTS, YOUTH ACTIVITY EXPENSES, FOOD SAMPLING AND WELL BEING PROGRAM REFRESHMENTS	316.92
EFT27455	13/06/2018	SOS OFFICE EQUIPMENT	METERBILLING FOR SHIRE AND LIBRARY PHOTOCOPIERS	2,623.06
EFT27456	13/06/2018	SELECTUS	PAYROLL DEDUCTIONS	3,512.76
EFT27457	13/06/2018	SOUTHERN ATU SERVICES	AEROBIC TREATMENT UNIT MAINTENANCE - CAPEL SPORTS GROUND	266.50
EFT27458	13/06/2018	STRATHAM BOBCAT HIRE	DIGGER HIRE FOR ROCK PITCHING ON KENT ROAD	888.25
EFT27459	13/06/2018	SPENCER MOTORS	SERVICE SHIRE VEHICLE	598.36
EFT27460	13/06/2018	D & K THOMAS ELECTRICAL	WIRE 15 AMP POWER POINT AT BOYANUP FOOTBALL CLUBROOMS FOR FRIDGE AND REPLACE TIMER AND CONTROL FOR BOYANUP SKATE PARK LIGHTING	854.92
EFT27461	13/06/2018	TRADE HIRE	HIRE OF STEEL DRUM ROLLER FOR 3 DAYS	1,125.50
EFT27462	13/06/2018	WML CONSULTANTS	BOYANUP WEST ROAD DESIGN AND STRUCTURAL DESIGN FOR REMEDIAL WORK TO JAMIESON RD FOOTBRIDGE	4,973.38
EFT27463	13/06/2018	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 76 - CAPEL ADMIN BUILDING UPGRADE	84,004.51
EFT27464	18/06/2018	TELSTRA CORPORATION LTD	VELOCITY INTERNET CONNECTION - DALYELLUP SPORTS PAVILION - FERNDALE AVE - OCTOBER 2017 TO JUNE 2018	80.00
EFT27465	20/06/2018	GELORUP BUSHFIRE BRIGADE	HAZARD REDUCTION BURNING ON SHIRE OF RESERVES IN GELORUP	1,641.00
EFT27466	20/06/2018	BELL FIRE EQUIPMENT COMPANY	CHECK AND REPAIR FIRE FIGHTING FOAM SYSTEM ON BOYANUP BFB LIGHT TANKER	396.00
EFT27467	20/06/2018	BUNBURY TOYOTA	SHIRE VEHICLE 50,000KM SERVICE	260.44

EFT27468	20/06/2018	B & B STREET SWEEPING	HIRE OF SUMP SUCKER FOR BIBRA LOOP	990.00
EFT27469	20/06/2018	CARDNO (WA) PTY LTD	PROVISION FOR THE DETAILED DESIGN OF CAPEL CIVIC PRECINCT STAGE 3 & 3A	1,980.00
EFT27470	20/06/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	LOCKING DEVICE FOR STORAGE CABINET AND LONG HANDLE DUSTPAN SET	104.88
EFT27471	20/06/2018	BUNBURY GEOGRAPHE CHAMBER OF COMMERCE AND INDUSTRY	CULTURAL AWARENESS & ENGAGEMENT TRAINING	495.00
EFT27472	20/06/2018	BUNBURY BARBARIANS JUNIOR RUGBY UNION CLUB INC.	KIDSPORT REGISTRATIONS	420.00
EFT27473	20/06/2018	BP AUSTRALIA	DISTILLATE 16280 LTRS	24,510.45
EFT27474	20/06/2018	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	178.97
EFT27475	20/06/2018	CLEANAWAY	SUPPLY AND DELIVER 70 UNITS OF 140 L RED TOP GENERAL WASTE WHEELIE BINS TO RESIDENTS AND PICK UP LIST FOR 240 L WHEELIE BINS TO BE WASHED AND STORED BY SUPPLIER FOR REUSE WHEN REQUIRED	4,550.01
EFT27476	20/06/2018	CAPEL HORSE & PONY CLUB	MINOR COMMUNITY GRANT FOR EVENT SPONSORSHIP FOR CNC EVENTS AND EQUIPMENT PURCHASES	5,145.34
EFT27477	20/06/2018	CAPEL CELLARBRATIONS	REFRESHMENTS FOR COUNCIL CHAMBERS	400.88
EFT27478	20/06/2018	CAPEL HOCKEY CLUB	KIDSPORT REGISTRATIONS	505.00
EFT27479	20/06/2018	CRANEFORD PLUMBING	CARRY OUT QUARTERLY SERVICE OF WASTE WATER TREATMENT SYSTEM DALYELLUP SPORTS PAVILION	580.80
EFT27480	20/06/2018	CAPEL WOLVES FC	KIDSPORT REGISTRATIONS	1,710.00
EFT27481	20/06/2018	DALYELLUP SENIORS ASSOCIATION INC	MINOR COMMUNITY GRANT ROUND 1	900.00
EFT27482	20/06/2018	DIESEL FORCE	500 HOURS SERVICE FOR EXCAVATOR	2,445.10
EFT27483	20/06/2018	DALYELLUP DOCKERS FOOTBALL CLUB	KIDSPORT REGISTRATIONS	4,075.00
EFT27485	20/06/2018	DOORS WIDE OPEN	YOUTH WEEK WA WORKSHOP FUNDED BY DEPARTMENT OF COMMUNITIES	250.00
EFT27486	20/06/2018	DEPT OF FIRE AND EMERGENCY SERVICES (DFES).	ESL QTR 4	99,034.47
EFT27487	20/06/2018	FENNESSY'S	HEADLIGHT FOR SHIRE VEHICLE	68.20

EFT27488	20/06/2018	AUSTRALIAN TAXATION OFFICE	FBT RETURN ADJUSTMENT 21 MAY 2018	6,884.61
EFT27489	20/06/2018	GALVINS PLUMBING SUPPLIES	SUPPLY 1 CAST IRON HINGED LID FOR VALVE BOX	114.73
EFT27490	20/06/2018	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION FOR 2017/18	538.73
EFT27491	20/06/2018	ISA TECHNOLOGIES	MAY BLOCK HOURS AND WEB FILTERING AND ANTISPAM SERVICES	4,085.95
EFT27492	20/06/2018	LD TOTAL	REPLACE VANDALISED SPRINKLERS AT WENTWORTH PARK AND ADJUST IRRIGATION AT PLAYGROUNDS	2,791.25
EFT27493	20/06/2018	LANDGATE	GRV INT VALS COUNTRY SHARED & FESA	861.33
EFT27494	20/06/2018	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	LG PROFESSIONALS RETIREMENT BREAKFAST	25.00
EFT27495	20/06/2018	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE ON POOL INSPECTION FEES	2,995.48
EFT27496	20/06/2018	MADLINE DUFFY AND JAKE GREENWELL	CROSSOVER CONTRIBUTION	300.00
EFT27497	20/06/2018	NSCO CONSULTING	AUDIT REVIEW MEETING 1/06/2018	264.00
EFT27498	20/06/2018	RAYMUND & JOCELYN NUNEZ	CROSSOVER CONTRIBUTION	300.00
EFT27499	20/06/2018	VODAFONE HUTCHISON AUSTRALIA PTY LTD	17/18 VODAFONE MESSAGING FOR BFB	406.69
EFT27500	20/06/2018	PRESTIGE PRODUCTS-BUSSELTON	ORDER FOR ONE SCISSOR MOP	249.92
EFT27501	20/06/2018	PAVING PEOPLE	LIFT AND REMOVE PAVERS FROM DAMAGED CROSSOVER, REMOVE ROOTS AND RE-INSTATE PAVERS IN DALYELLUP	1,045.00
EFT27502	20/06/2018	PROTECTOR FIRE SERVICES	UPDATE EXISTING FIRE ZONE BLOCK PLAN CAPEL LIBRARY AND HALL	1,815.00
EFT27503	20/06/2018	PIPPIN CIVIL ENGINEERING PTY LTD	AUSTIN ROAD - PREPARE CONCEPT AND DETAILED DRAINAGE DESIGN PLANS	2,552.00
EFT27504	20/06/2018	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 12.06.18	50,542.00
EFT27505	20/06/2018	SOILS AINT SOILS	1.5 M3 CLEAN TOP DRESS SAND	80.00
EFT27506	20/06/2018	SIGNSMITHS	FIGHT THE BITE MOSQUITO SIGNAGE - UPGRADE 5 LARGE ROADSIDE SIGNS	1,726.78
EFT27507	20/06/2018	TOTALLY WORKWEAR	STAFF UNIFORMS	250.35
EFT27508	20/06/2018	TCS INSTRUMENTS	100M ROAD TUBE FOR TRAFFIC COUNTERS	472.12
EFT27509	20/06/2018	TRADE HIRE	ROLLER HIRE INCLUDING MOB AND DEMOB	831.00

EFT27510	20/06/2018	RAY TINK ROOFING	REPLACEMENT OF POLYCARBONATE ON TOILET BLOCK AT IRONSTONE GULLY, CHECK ROOF AND GUTTERS AT DALYELLUP COMMUNITY CENTRE AND ADD RUN-OFF PIPE TO ELGIN HALL BUILDING	1,155.00
EFT27511	20/06/2018	TOTAL HORTICULTURAL SERVICES	MAINTENANCE OF THE GROVE POS	1,122.55
EFT27512	20/06/2018	EDITH COWAN UNIVERSITY	PROJECT MANAGEMENT AND FACILITATION OF EARLY YEARS STRATEGY	3,630.00
EFT27513	20/06/2018	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 75 CAPEL HARDCOURTS AND LOAN 93 PURCHASE OF BINS	57,697.47
EFT27514	20/06/2018	BUNBURY WELLINGTON ECONOMIC ALLIANCE	GRANT FUNDING BALANCE TRANSFER	21,404.21
EFT27516	27/06/2018	710 SQUADRON AUSTRALIAN AIR FORCE CADETS	KIDSPORT REGISTRATIONS	300.00
EFT27517	27/06/2018	ATI-MIRAGE TRAINING SOLUTIONS	MS EXCEL INTERMEDIATE TRAINING - UP TO 12 PARTICIPANTS ON SITE	3,242.00
EFT27518	27/06/2018	AUSTRALIND PRE MIX	CONSTRUCTION OF BUSSELL HWY SHARED PATH STAGE 1 WORKS AS PER RFQ 2/2/18 AND AMENDED QUOTE 26/2/18	140,327.50
EFT27519	27/06/2018	ACCESS OFFICE INDUSTRIES	SHELVING FOR DALYELLUP LIBRARY	2,610.31
EFT27520	27/06/2018	BUNBURY 2ND SEA SCOUTS	KIDSPORT REGISTRATION	150.00
EFT27521	27/06/2018	BUNBURY CITY GLASS	REPLACEMENT OF BROKEN WINDOW AT DALYELLUP PLAYGROUP	203.28
EFT27522	27/06/2018	BUNBURY HARVEY REGIONAL COUNCIL	ORGANICS DISPOSAL WASTE FROM DOMESTIC THIRD BIN AND REGIONAL WASTE EDUCATION PROGRAM PART COST	7,771.19
EFT27523	27/06/2018	BRAD BROOKSBY CONSULTING	2017/18 CONDITION RATING AND ASSET FAIR VALUATIONS REPORT - REVIEW OF COST RATES	1,683.00
EFT27524	27/06/2018	CLEANAWAY	17/18 WASTE, RECYCLING & ORGANIC COLLECTION, STREET BIN AND PARKS WASTE COLLECTION, BIN MAINTENANCE CONTRACT, DISPOSAL OF HOUSEHOLD RUBBISH AND COLLECTION AND DISPOSAL OF WASTE FROM TRANSFER STATION	102,461.43
EFT27525	27/06/2018	CARDINALS BCD FOOTBALL CLUB	KIDSPORT REGISTRATIONS	325.00

EFT27526	27/06/2018	PAUL SHEEDY	EMPLOYEE REWARD - PAYMENT MADE ON INCORRECT CREDIT CARD	200.00
EFT27527	27/06/2018	ACCESS WELLBEING SERVICES	ACCESS WELLBEING SERVICES - ANNUAL FEE AND ONGOING APPOINTMENTS/USAGE 2017/18	187.00
EFT27528	27/06/2018	CAPEL HOCKEY CLUB	KIDSPORT REGISTRATION	150.00
EFT27529	27/06/2018	CAPEL GOLF CLUB	FUNCTION FOR CEO'S FAREWELL ON 13 JUNE 2018	2,118.00
EFT27530	27/06/2018	CRANEFORD PLUMBING	REPLACE 2 LEAKING BALL VALVES ATU DALYELLUP PAVILION	361.57
EFT27531	27/06/2018	CAREY PARK FOOTBALL SPORTING AND COMMUNITY CLUB INC.	KIDSPORT REGISTRATION	110.00
EFT27533	27/06/2018	KAREN DENNISON	REIMBURSE SUPPLIES BROUGHT FROM BUNNINGS FOR HISTORICAL PROJECT	132.53
EFT27534	27/06/2018	DIESEL FORCE	1000 HOUR SERVICE FOR GRADER	3,591.25
EFT27535	27/06/2018	DALYELLUP DOCKERS FOOTBALL CLUB	KIDSPORT REGISTRATION	125.00
EFT27536	27/06/2018	DALYELLUP RHINOS RUGBY LEAGUE CLUB INC.	KIDSPORT REGISTRATION	150.00
EFT27537	27/06/2018	DIRT DESIGN	REMOVAL OF WEEDY WATTLE AND DRY DEBRIS THAT IS A FIRE HAZARD AND IRRIGATION WORKS TO NIBS INCLUDES TRAFFIC MANAGEMENT	5,857.50
EFT27538	27/06/2018	DALYELLUP VETERINARY CLINIC	2 DE SEXING VOUCHERS	100.00
EFT27539	27/06/2018	ELGIN HALL COMMITTEE	REIMBURSEMENT FOR ELECTRICITY CONSUMPTION AT ELGIN HALL	26.09
EFT27540	27/06/2018	ENVIRONMENTAL AND AGRICULTURAL TESTING SERVICES	ANALYSIS OF COPPER LEVELS IN 4 X DRINKING WATER SAMPLES TAKEN FROM SHIRE WORKSITES	176.00
EFT27541	27/06/2018	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR OF HOT WATER SYSTEM AT DALYELLUP PAVILION	1,864.50
EFT27542	27/06/2018	FENNESSY'S	NEW NISSAN NAVARA RX KING CAB CHASSIS - 4X2 INCLUDING TRADE-IN, Tonneau cover for shire vehicle and service	19,433.51
EFT27543	27/06/2018	A INGRAM	BOOKSTOCK PURCHASES - 63 ITEMS	889.72
EFT27544	27/06/2018	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM AND BOYANUP HALL GROUNDS	255.00

EFT27545	27/06/2018	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	PROCESSING OF RECYCLABLES	4,657.83
EFT27546	27/06/2018	LD TOTAL	LOP AND REMOVE TREES AT MOONDAH PARK - 2 X BANKSIAS; 2 X JARRAH	3,795.00
EFT27547	27/06/2018	MCLEODS BARRISTERS AND SOLICITORS	PROFESSIONAL FEES & DISBURSEMENTS AND REVIEW OF TEMPLATE FOR BUILDING AND HEALTH	5,110.52
EFT27548	27/06/2018	OZLITE	LED TUBE LIGHTS FOR SHIRE ADMINISTRATION BUILDING	573.49
EFT27549	27/06/2018	PERKINS (WA) PTY LTD	SUPPLY OF ALL MATERIALS, PLANT AND LABOUR FOR THE EXECUTION OF WORKS FOR CAPEL CIVIC PRECINCT STATE 3	553,139.84
EFT27550	27/06/2018	PPCA LTD	ANNUAL MUSIC LICENCE - MUSIC ON HOLD FOR SHIRE BUILDINGS	2,159.19
EFT27551	27/06/2018	PJ & EV PAGE	MONTHLY POLISHING AND BUFFING BOYANUP HALL FLOOR	70.00
EFT27552	27/06/2018	PROPAGULE CONSULTING PTY LTD	PROVISION FOR LANDSCAPING CONSULTANCY SERVICES FOR THE PROPOSED DEVELOPMENT OF CAPEL CIVIC PRECINCT STAGE 4	5,486.25
EFT27553	27/06/2018	REDS PRODUCTIONS PTY LTD	AUSTRALIAN WILDLIFE DISPLAY FOR COMMUNITY SAFETY PROMOTION IN BOYANUP	660.00
EFT27554	27/06/2018	RIDING FOR THE DISABLED SOUTH WEST	KIDSPORT REGISTRATION	150.00
EFT27555	27/06/2018	RIFF RAFF ART AND DESIGN	DETAIL DESIGN AND COSTS FOR TUART LEAVES	1,000.00
EFT27556	27/06/2018	SOUTHERN LOCK & SECURITY	CHANGING OF BARREL LOCKS AT DALYELLUP LIBRARY	323.50
EFT27557	27/06/2018	SOS OFFICE EQUIPMENT	2 X MC-10 MAINTENANCE CARTRIDGE FOR CANON PRINTER WITH DELIVERY TO SHIRE OF CAPEL	116.16
EFT27558	27/06/2018	STRATHAM BOBCAT HIRE	BOBCAT HIRE FOR STORM DAMAGE ROAD REPAIR AT WELD ROAD, DALYELLUP BEACH ACCESS AND HARDEY TCE	2,664.75
EFT27559	27/06/2018	SPRAYMOW SERVICES	FERTILISER APPLICATION ON BOYANUP PLAYING FIELDS	2,783.00
EFT27560	27/06/2018	STRATHAM RURAL SERVICES	ESTABLISH GROUND FILL FACILITY AT LAKES ROAD STANDPIPE	6,966.00

EFT27561	27/06/2018	TOTALLY WORKWEAR	CORPORATE UNIFORM ALLOWANCES	625.05
EFT27562	27/06/2018	TARVIA	ADDITIONAL REPAIRS TO DALYELLUP NORTH BEACH ACCESS STAIRWAY, UNDERTAKE URGENT REMEDIAL WORKS TO LANDINGS 11 AND 12, PEPPERMINT GROVE STAIR CASE INSPECTION, REPAIRS TO JAMIESON BRIDGE AND TREAT MOULD	26,313.10
EFT27563	27/06/2018	THINKTANK MEDIA PTY LTD	REGISTRATION TO CORPORATE PA SUMMIT PERTH 2018	1,204.50
EFT27564	27/06/2018	SOLUTIONS I.T. BUNBURY	ADAPTER FOR PROJECTOR	70.00
EFT27565	27/06/2018	TENDERLINK	REQUEST FOR QUOTATION - BOYANUP HERITAGE TRAIL	56.10
EFT27566	27/06/2018	THE PRINT SHOP	2 AND 3 BIN CALENDARS PRINTING AND DISPATCH WITH TIP PASSES	3,972.88
EFT27567	27/06/2018	MATTHEW WANSBOROUGH	PARKING AND FOOD REIMBURSEMENT FOR 2 DAYS TRAINING AT TECHNOLOGY ONE	78.75
EFT27568	27/06/2018	BOYANUP JUNIOR HOCKEY CLUB	KIDSPORT REGISTRATIONS	660.00
EFT27569	27/06/2018	INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA	SOUTH WEST BRANCH PROFESSIONAL FORUM JUNE 2018	130.00
EFT27570	27/06/2018	CARBONE BROS PTY LTD	CONTRACT 17/05 RECONSTRUCTION AND WIDENING OF PORTION OF BOUNDARY ROAD UPGRADE	267,736.37
EFT27571	28/06/2018	ZARBELLIKA	GIS CONSULTING APRIL AND MAY	4,955.50
EFT27572	28/06/2018	AMPAC DEBT RECOVERY	DEBT RECOVERY	1,911.26
48883	06/06/2018	ALINTA GAS	ALINTA ENERGY	32.75
48884	06/06/2018	BOYANUP BUSHFIRE BRIGADE	REIMBURSEMENT OF HAZARD REDUCTION BURN INCOME	400.00
48885	06/06/2018	SYNERGY	ELECTRICITY	2,317.70
48886	06/06/2018	TELSTRA CORPORATION LTD	MAY MOBILE PHONE ACCOUNT	2,222.35
48887	06/06/2018	WATER CORPORATION	WATER USAGE	2,098.87
48888	13/06/2018	JACQUELINE AINSWORTH	REFUND FOR WITHDRAWAL OF APPLICATION	369.00
48889	13/06/2018	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	82.35
48890	13/06/2018	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	168.00
48891	13/06/2018	CITY OF BUNBURY	CUSTODY OF CATS IN BUNBURY POUND	165.00
48892	13/06/2018	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	78.00

48893	13/06/2018	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	DANGEROUS GOODS LICENCE - 16/7/2018 TO 15/7/2019	202.00
48894	13/06/2018	LGRCEU	PAYROLL DEDUCTIONS	215.28
48895	13/06/2018	TELSTRA CORPORATION LTD	MAY LANDLINE ACCOUNT	1,069.29
48896	13/06/2018	WATER CORPORATION	WATER USAGE	3,938.29
48897	13/06/2018	SHIRE OF CAPEL	OFFICE EXPENSES CAPEL LIBRARY	85.15
48898	20/06/2018	COURIER AUSTRALIA INTERNATIONAL	FREIGHT ON INTERFIRE INVOICE 1032	113.03
48899	20/06/2018	ROBIN NEIL MILLS	CROSSOVER CONTRIBUTION	300.00
48900	20/06/2018	SYNERGY	ELECTRICITY	31,643.70
48901	20/06/2018	GWENDOLINE STIRLING	REFUND FOR DOG STERILISATION	30.00
48902	20/06/2018	WATER CORPORATION	WATER USAGE	1,771.33
48903	27/06/2018	BOYANUP FOUNDATION INC	MEMBERSHIP RENEWAL 2018/2019	66.00
48904	27/06/2018	COURIER AUSTRALIA INTERNATIONAL	COURIER CHARGES FOR FREIGHT ON BANNERS IN THE TERRACE DELIVERY TO WALGA	21.31
48906	27/06/2018	SHIRE OF CAPEL	PETTY CASH RECOUP FOR BOYANUP AND DALYELLUP LIBRARIES	83.90
48907	27/06/2018	SYNERGY	ELECTRICITY	1,891.25
48908	27/06/2018	WESTERN POWER	COMMERCIAL SUPPLY UPGRADE(32A TO 100A) AT 35 FORREST ROAD CAPEL FOR THE DEVELOPMENT OF CAPEL CIVIC PRECINCT STAGE 3	27,613.00
48909	27/06/2018	CAPEL PLAYGROUP INC	MINOR COMMUNITY GRANTS	409.00
48910	28/06/2018	SHIRE OF CAPEL	CAPEL SHIRE AND CAPEL LIBRARY PETTY CASH RECOUP	394.75
48911	28/06/2018	WAYNE MCKAY	50% CONTRIBUTION FOR STORM DAMAGED FENCE AT 20 DUNKLEY DRIVE / CAPEL AND DYER PARK AS PER COUNCIL MEETING ITEM 14.6 ON 27/6/18	1,038.90
928	06/06/2018	KATARINA MIKIC	T2317 BOND REFUND	150.00
929	13/06/2018	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	T5618 MAY BSL LEVY COLLECTED	2,973.54
930	13/06/2018	SHIRE OF CAPEL	MAY BSL COMMISSION COLLECTED	125.00
931	13/06/2018	DALE CROW	T2321 BOND REFUND	500.00
932	13/06/2018	TRISHA VIDALLON	T2324 BOND REFUND	150.00
933	13/06/2018	BUILDING & CONSTRUCTION IND TRAINING FUND	T5518 MAY 18 BCITF LEVY COLLECTED	2,311.27
934	13/06/2018	SHIRE OF CAPEL	T5518 MAY 18 BCITF COMMISSION COLLECTED	49.50

935	20/06/2018	LESCHENAULT BIOSECURITY GROUP	T2325 HALL BOND REFUND	150.00
936	20/06/2018	REBECCA HACKER & GRANT BERRY	BP15577 REFUND - PAID BCITF LEVY ONLINE	43.56
937	20/06/2018	SAJEEV CHACKO MAMPARA	T2326 HALL BOND REFUND	150.00
938	27/06/2018	SHIRE OF CAPEL	T2327 KEY BOND WITHHELD	50.00
939	27/06/2018	FORERUNNER MINISTRIES INC.	T2315 HALL BOND REFUND	500.00
940	27/06/2018	LAURA NIHILL	T2327 HALL BOND REFUND	450.00
941	27/06/2018	JOSEPH PUTHUPARAMBIL	T2310 HALL BOND REFUND	150.00
942	28/06/2018	SHIRE OF CAPEL	T5008 UNCLAIMED DEPOSITS OLDER THAN 10 YEARS	2,800.00
				1,940,904.29

05.06.18	SHIRE OF CAPEL PAYROLL PAYMENTS	683.30
12.06.18	SHIRE OF CAPEL PAYROLL PAYMENTS	\$163,407.92
26.06.18	SHIRE OF CAPEL PAYROLL PAYMENTS	\$161,026.22

\$325,117.44

13.06.18	TRANSFER from MUNICIPAL ACCOUNT	\$914,000.00
27.06.18	TRANSFER from MUNICIPAL ACCOUNT	\$250,000.00

\$1,164,000.00

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 25 July 2018 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.



CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OC0710 OFFICER'S RECOMMENDATIONS – 15.4/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council receives:

- 1 The Schedule of Accounts covering vouchers 928-942, EFT27329 to EFT27572, CHQ48883 to CHQ48911 totalling \$1,940,904.29 during the month of June 2018;**
- 2 Payroll payments for the month of June 2018, totalling \$325,117.44; and**
- 3 Transfers to and from investments as listed.**

Carried 8/0

OC0711 (15.5) Financial Statements for 30 June 2018

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 10.07.18
Author: Manager Finance, A Mattaboni
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Financial Statements for June 2018

IN BRIEF

Council to consider adopting the monthly financial statements for June 2018.

RECOMMENDATION

That Council adopts the financial statements for the period ending 30 June 2018 as attached.

BACKGROUND / PROPOSAL

Background

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

Proposal

The financial statements provided to Council satisfy the requirements.

STATUTORY ENVIRONMENT

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

6.4 Financial Report

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

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

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

Financial Activity Statement Report

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

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

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

There are no risk implications related to this item.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028

The Leadership Experience, *'Open, transparent, and effective good governance'*.

Community Objective:

1.6: Council is effective and efficient in the financial management stewardship of community assets.

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 2018, Council’s net current asset position was a surplus of \$230,525. The forecast year end net current asset position is a surplus of \$31,771. This amount will vary to the final surplus/(deficit) as accounts are finalised for the year.

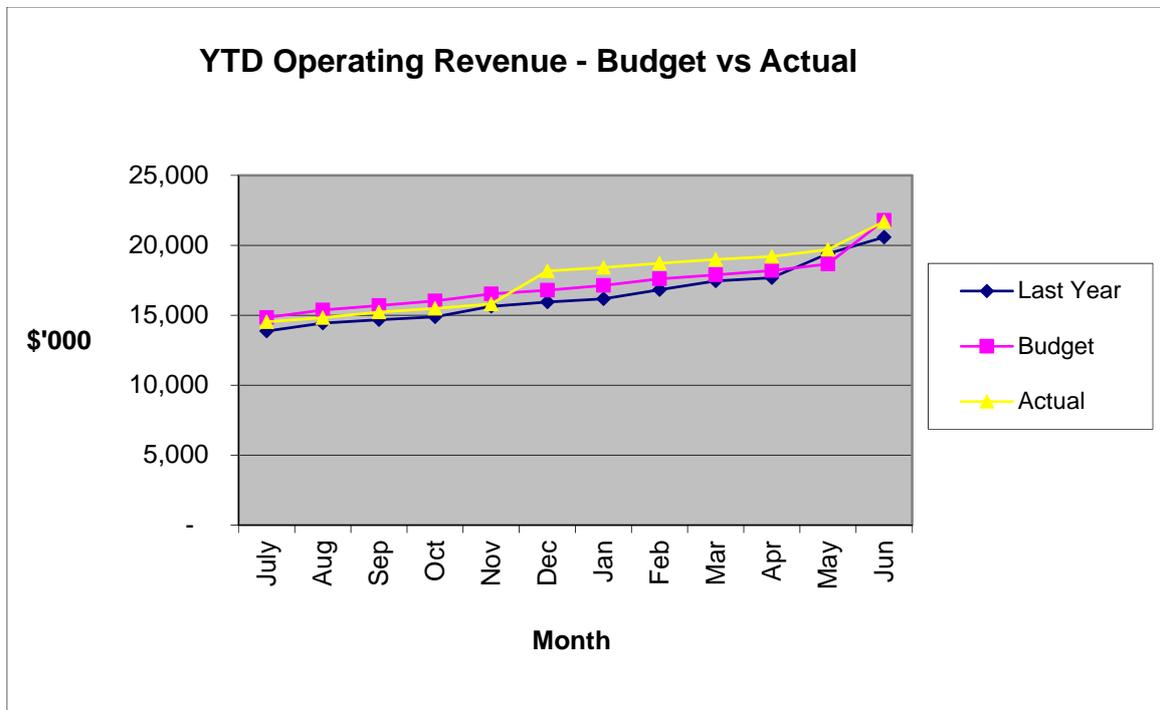
The FY18 Operating Revenue has fallen just short of the annual budget at 99.55%, but just over the revised forecast. Approximately 94% of the Operating Expenditure budget is expensed to date. As accounts for FY18 are finalised in the coming weeks, the Operating Expenditure will increase.

Rates have been assessed for the 2017/18 financial year with income raised in July 2017. The Statement of Comprehensive Income by Nature and Type shows just over 100% of rates income has been received year to date compared to the annual budget. Fees and Charges income includes \$2,282,920 for household refuse fees which is included in the rates billing process. Approximately 98.2% of Fees and Charges income has been received year to date compared to the annual budget. (Forecast 100.5%)

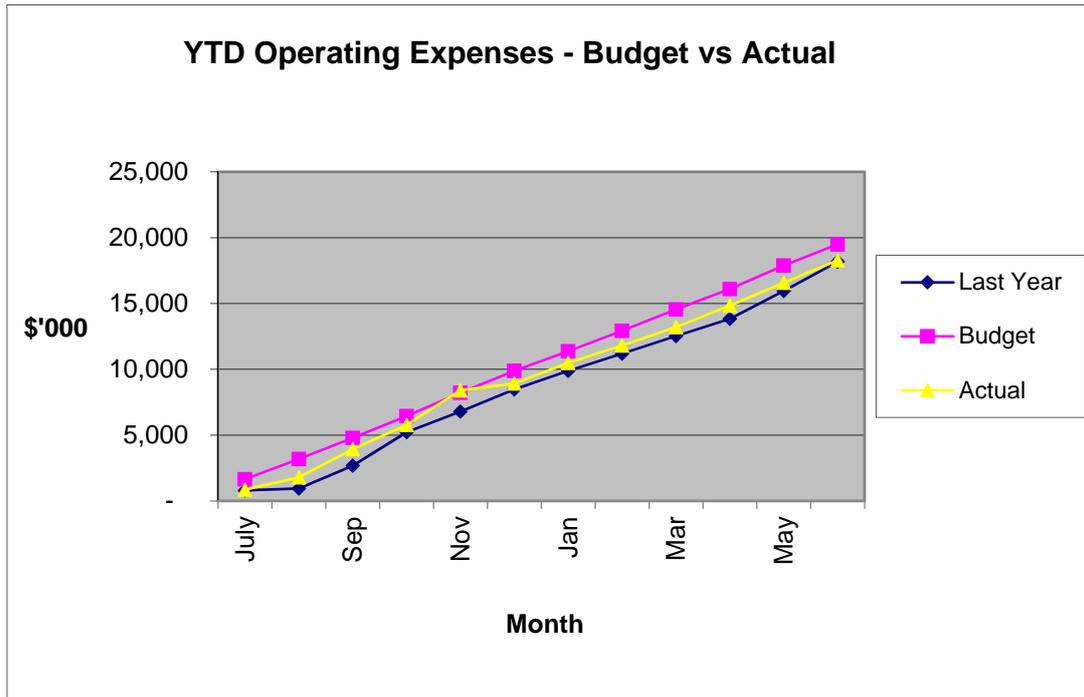
A comparison of employee costs shows that 95% of the annual budget expensed. Leave liability expenses have been calculated. Accrued salaries and wages is still to be calculated and included in 2017/18. The Employee Costs category includes salaries & wages, superannuation, workers compensation, leave liability expense, training/conferences and fringe benefits taxation.

The calculation of fixed asset depreciation for the full financial year has occurred.

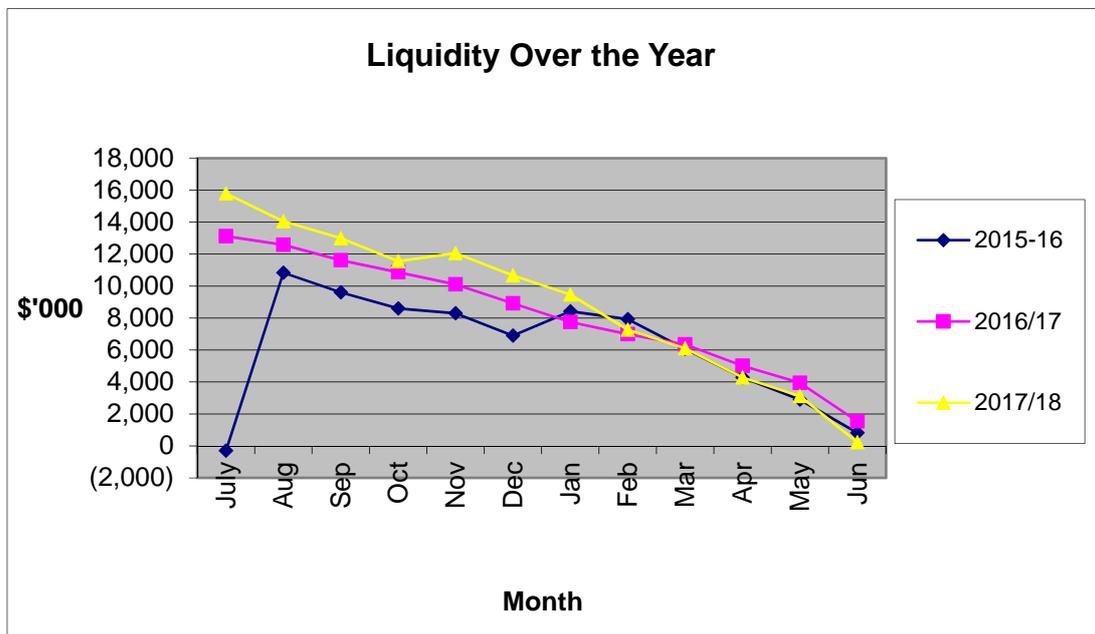
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. The receipt of Capel Civic Precinct grant funding in November 2017 has caused the increase of actual revenue in comparison to budget. Last year’s actual is also included for comparative purposes.



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



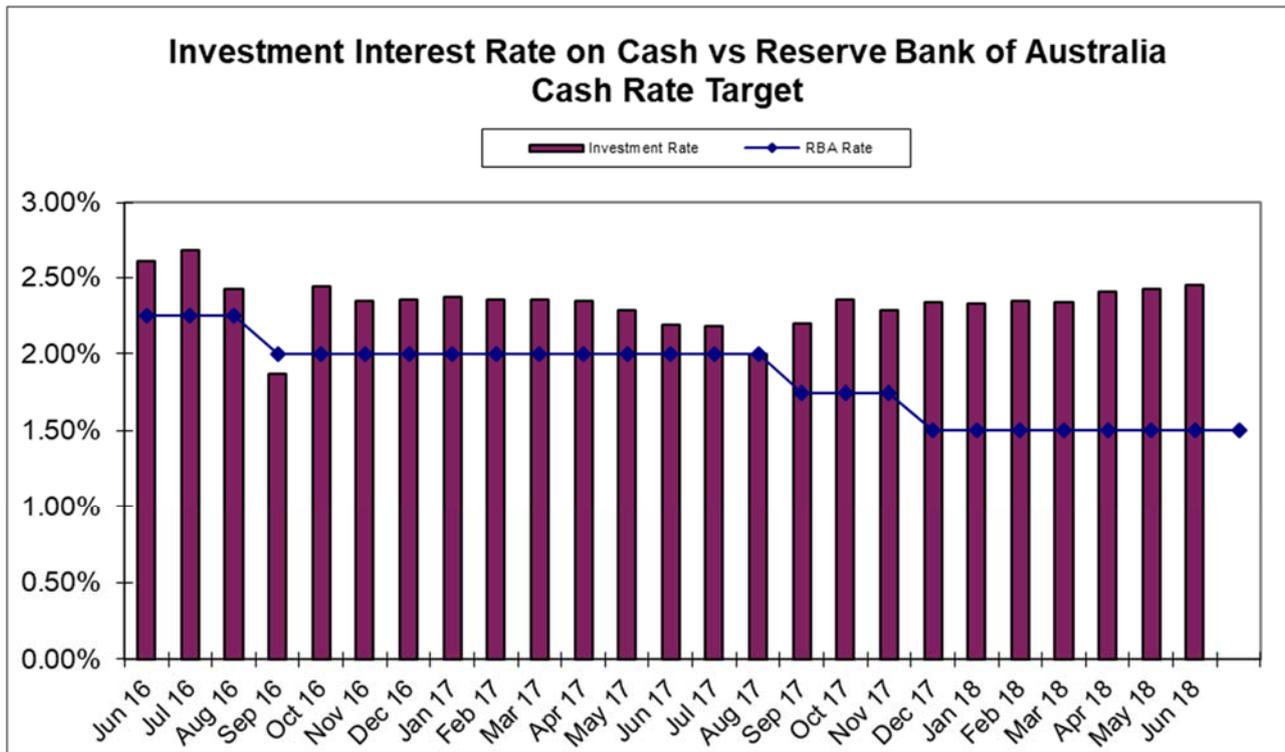
The liquidity graph compares the current year's net current assets position against that of the two previous years.



Council's municipal cash and investments position has decreased by \$1,099,955 compared to May 2018. The Municipal cash position is an amount of \$16,581,854 of which \$13,714,961 is restricted for specific purposes as shown at Note 3. The final actual reserve transfers are yet to be completed for 2017/18. Cash revenue is due to rates receipts, dog and cat registration renewals, grant funding and the Business Activity Statement refund from the Australian Taxation Office. Major cash expenses are a result of payroll, contractor and loan payments.

Total interest earned year to date is \$520,534 which is above the full year budget and forecast of \$425,068 and \$463,349 respectively. The average investment rate of return has increased to 2.45%, which exceeds the Reserve Bank's cash reference rate of 1.50%. The Reserve Bank

Board on 3 July 2018 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from July 2018 to January 2019, investment terms ranging from 90 days to 364 days and interest rates from 2.45% to 2.92%.

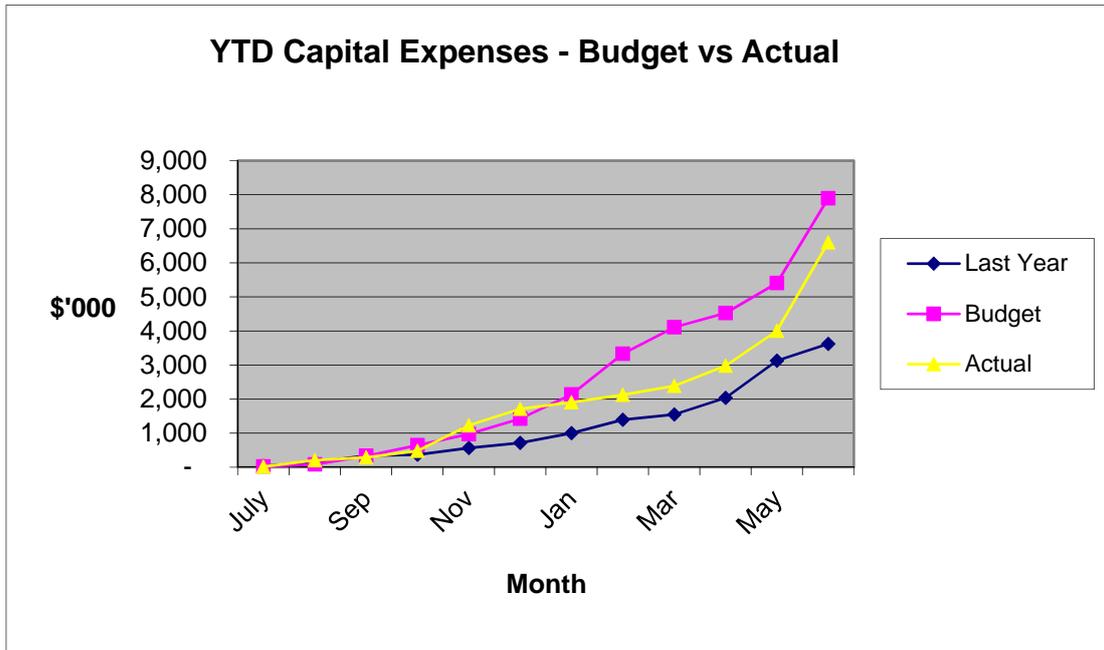


Capital works expenditure of \$2,596,431 occurred during the month on:

\$ 1,541,971	Capel Civic Precinct - Stage 3 & 3A
\$ 356,174	Non-cash Infrastructure - Roads
\$ 318,670	Non-cash Infrastructure - Drainage
\$ 134,570	Dual Use Paths
\$ 110,574	Non-cash Infrastructure - Footpaths
\$ 66,533	Road Reconstruction
\$ 27,206	Light Commercial Vehicle – 44C
\$ 20,032	Drainage
\$ 9,782	PV System – Shire Admin/Capel Early Childhood Centre
\$ 6,966	Stand Pipe Upgrades
\$ 5,141	Capel Civic Precinct - Stage 4 Multi Use Building Design
\$ 3,230	Water Tank
\$ 550	Tonneau Cover – CP9378
\$ 51	Boyanup Heritage Plan
\$ (1,570)	Playground Shade Sails
\$ (3,448)	Age Friendly Community Plan – Bus Shelters

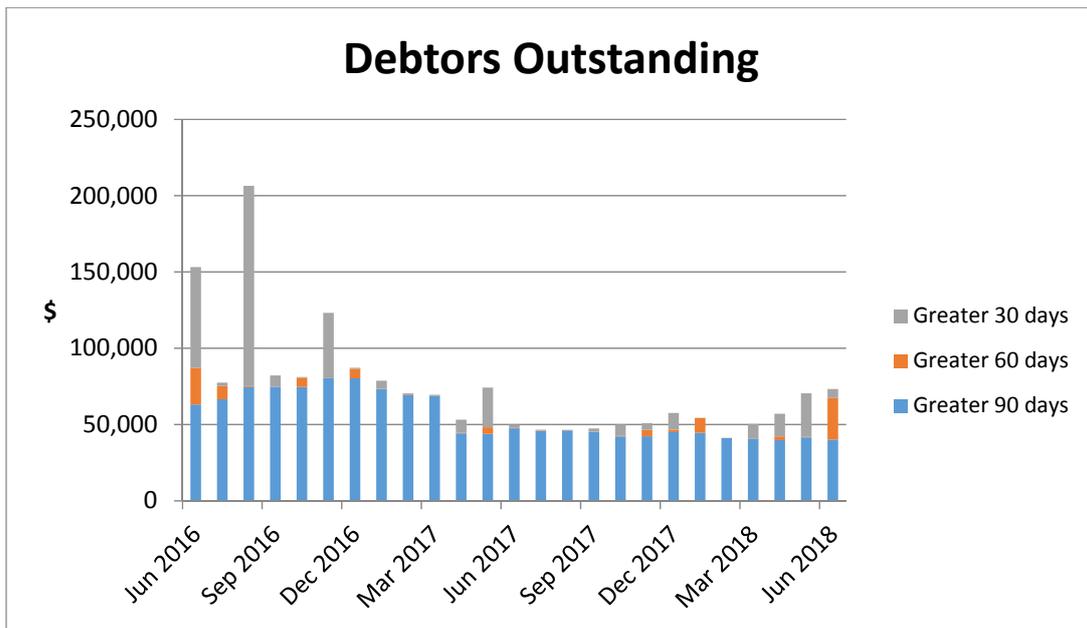
The following graph compares actual capital expenditure against budget on a year to date basis and includes the prior year actual for comparative purposes.

Capital expenditure will be finalised in the coming weeks, with only minor amounts still outstanding. The Capel Civic Precinct Stage 3 & 3A costs for FY18 are complete. The only major item to be recognised is the Non-cash Infrastructure for Subdivision Parks & Gardens.

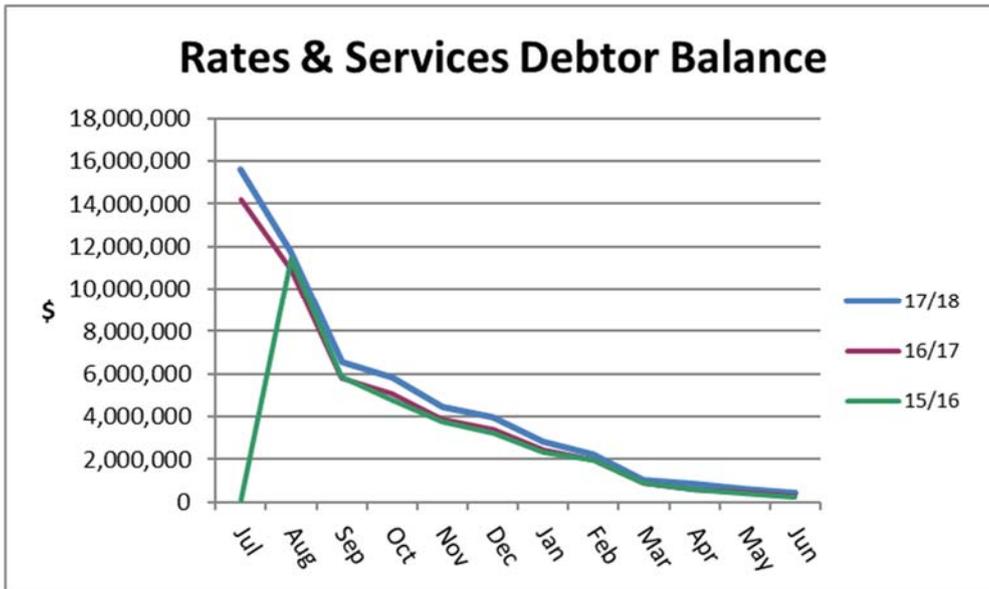


Council's financial ratios are disclosed in Note 14.

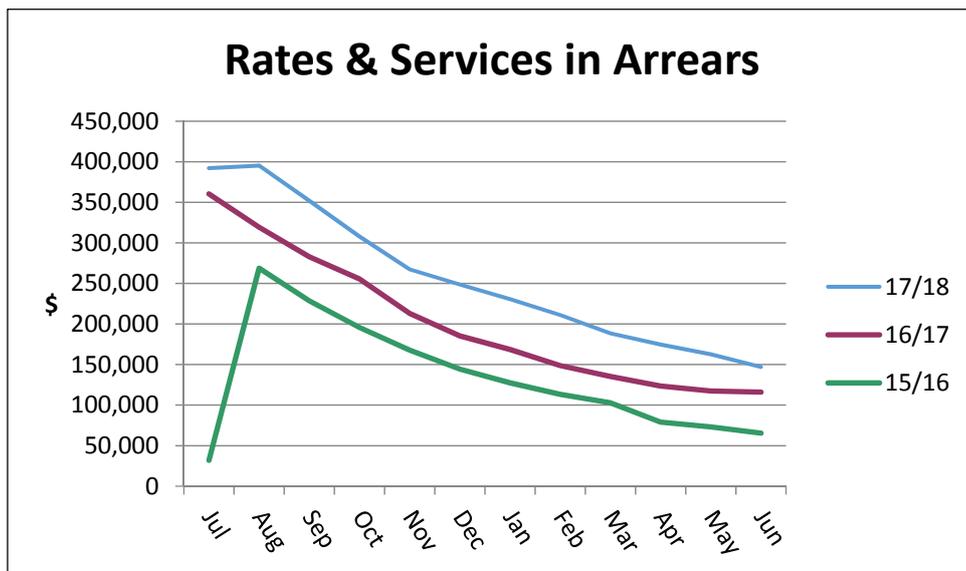
The following graph illustrates Council's current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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



The following graph shows the level of rates and services in arrears for the last three years. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2017/18 2.51%, 2016/17 2.54% and 2015/16 2.35%.



A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 30 June 2018.

VOTING REQUIREMENTS

Simple majority

OC0711 OFFICER’S RECOMMENDATION – 15.5/COUNCIL DECISION

Moved Cr Kitchen, Seconded Cr McCleery

That Council adopts the financial statements for the period ending 30 June 2018 as attached.

Carried 8/0

COMMUNITY SERVICES REPORTS

OC0712 (16.1) Dog Act – “Stop Puppy Farming - Local Government Consultation Paper”

Location:	Capel
Applicant:	Shire of Capel
File Reference:	CM.CL.1
Disclosure of Interest:	Nil
Date:	11.07.18
Author:	Manager Emergency & Ranger Services, D Freeman
Senior Officer:	Executive Manager Community Services, M Plume
Attachment:	“Stop <i>Puppy Farming</i> – Local Government Consultation Paper”

IN BRIEF

To consider Council’s position on the State Government’s proposal for amendments to the Dog Act 1976 intended to stop puppy farms.

RECOMMENDATION

That Council endorses the positions expressed in the “Stop Puppy Farming – Local Government Consultation Paper” as attached to this agenda.

BACKGROUND / PROPOSAL

Background

The State Government recently released a public Consultation Paper explaining its commitment to introduce laws to:

- stop puppy farming and the supply chains that support this industry;
- improve the health and welfare of dogs in Western Australia; and
- stop the overbreeding of dogs.

The Government aims to implement the following key elements of the Stop Puppy Farming Policy:

- Mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;
- A centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and
- The transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters;
- Mandatory standards for dog breeding, housing, husbandry, transport and sale.

WALGA, together with Local Government Professionals WA, are members of the Ministerial Working Group overseeing the Stop Puppy Farming initiative and have promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

The Stop Puppy Farming Local Government Consultation Paper is designed for Local Governments to consider and comment on the recommended actions and proposed implementation process of the stop puppy farming proposals.

Proposal

The State Government is considering significant changes to the Dog Act, which it believes will enable greater regulation of the industry referred to as “puppy farming”.

Any changes proposed are likely to have a significant impact on dog management by local government and as such, the Council should take this opportunity to participate in the consultation process.

STATUTORY ENVIRONMENT

Dog Act 1976

Section 26 – Limitations as to Numbers

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or.....
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
 - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);

Section 27 – Licensing of approved kennel establishments

27. Licensing of approved kennel establishments

- (1) Where, under section 26(1) (a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government’s district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.

Shire of Capel Dogs Local Law - Part 4 - Approved kennel establishments

The Shire’s Dogs Local Laws, through Part 4 goes into extensive details as to the requirements that must be met, both in terms of land use, public notification, kennel specifications etc that must be met before the Council will approve such an activity.

Shire of Capel TPS No. 7 - Dog Kennels: means land and buildings used for the boarding and/or breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Dog Kennels are not permitted within the Residential, Special Rural and Town Centre zones. Within the Rural and Light Industry zones, Dog Kennels are a discretionary land use that is not permitted unless the Council has granted planning consent following advertising of an application for development approval.

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

It is considered there are no risks associated with this matter.

FINANCIAL IMPLICATIONS

Budget

It is not possible to identify the costs associated with any additional enforcement/oversight by local government until more detail is provided on the actual changes that will occur.

Similarly, further details are required to enable the implications of potential reduction in dog licence income from compulsory sterilisation of animals to be considered.

Given the likely time frame required for any amendments to be introduced into Parliament and then come into effect, it is considered there are no financial implications for the 2018/19 budget associated with this matter.

Long Term

There may be long term financial implications associated with this matter however these cannot be predicted until more detailed information of the actual measures to be contained in the proposed legislation is made available.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this matter.

STRATEGIC IMPLICATIONS

Shire of Capel Community Strategic Plan 2018 – 2028:

The Leadership Experience, *'Open, transparent and effective good governance.'*

Community Objective:

1.4 Build a culture of collaboration and a stronger, safer and happier community.

CONSULTATION

The Government has now prepared a Local Government Consultation Paper and has requested WALGA to coordinate a sector response. WALGA is conducting this consultation process in alignment with the State and Local Government Partnership Agreement.

Due to the time available within which to respond to this paper, it has not been possible to undertake any public consultation. The matter has however been considered internally with input from the Shire's Community Ranger Services team.

COMMENT

The RSPCA defines 'puppy farming' as intensively breeding dogs under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs. The issue with puppy farming is that dogs bred in inadequate conditions, or used for breeding in inadequate conditions, can suffer from a range of health and behavioural issues. The other issue is that puppy farming is resulting in too many dogs being bred that do not have homes.

Currently, the management of puppy farms is through a two-pronged approach through the Dog Act 1976 and the Animal Welfare Act 2002.

The *Dog Act 1976* provides for the responsible management of all dogs in Western Australia. The Act is administered and enforced by local governments and provides for the control and registration of dogs, the ownership and keeping of dogs and the obligation and rights of dog owners. The Dog Act requires that all dogs are registered and places certain limits on the number of dogs a person can have at any property. This Act therefore impacts on puppy farming by limiting dog numbers.

The other legislation used to manage puppy farms is the *Animal Welfare Act 2002* (Animal Welfare Act) which provides for the protection of animals from cruelty. This piece of legislation covers the treatment of the animals on a puppy farm.

There is currently no legislation which deals specifically with the overbreeding of dogs in Western Australia or encourages responsible breeding.

Local Government has a long-standing involvement in animal welfare and has a majority interest in the introduction of legislative measures to reduce overbreeding which results in unwanted and abandoned dogs, and the poor animal welfare standards often associated with unregulated breeding of dogs for profit.

In a separate process, the Department of Local Government, Sport and Cultural Industries will soon develop a cost modelling project aimed at collecting current information about the cost to Local Governments to implement the Dog Act and the projected costs associated with implementation of the Stop Puppy Farming initiative.

The feedback provided in both processes will assist to inform the Government on the role of Local Governments support for the implementation of the stop puppy farming initiative, identify resource requirements and cost implications.

The Consultation Paper is divided up into 5 sections as follows:

1. HAVING YOUR SAY – an outline of the process and the opportunities for matters of concern to local government to be considered. This section also introduces the prospect of reviews of the Dog Act 1976 and the Cat Act 2011 during 2018/19.

2. STOP PUPPY FARMING – this outlines the State Governments objectives in this matter and the measures which it believes will achieve those objectives. This section:

- Acknowledges the role of Local government in the management of dogs in the community;
- Gives consideration to other agencies/organisations involved in animal welfare matters; and
- Considers cost Recovery and potential efficiencies.

3. MANDATORY DE-SEXING FOR NON BREEDING DOGS – this presents the arguments for mandatory de-sexing including:

- Age of mandatory de-sexing;
- Age for registration and microchipping;
- Exemptions from de-sexing;
- De-sexing vouchers; and
- Enforcement.

4. CENTRALISED REGISTRATION SYSTEM

The State Government believes that a centralised Registration System will enable greater oversight by agencies of activities that could indicate the operation of a puppy farm. The State consider that the current system whereby each local government is responsible for the

registration of dogs within its district, has limitations in tracking dog movements between districts and owners.

The proposed centralised registration system will be used to identify every dog or puppy by recording:

- dog registrations;
- dog breeder registrations; and
- any change in ownership of dogs or puppies.

The Dog Act will be amended to make it a requirement to register on the system and update particular information on the system within seven days of the change occurring.

The consultation paper focuses on the following elements of implementation:

- General:
 - Access to the system; and
 - Additional information to be included in the system.
- Dog Registrations:
 - Dog registration information to be included in the system;
 - Updating dog registration information in the system; and
 - Transitioning existing dog registers.
- Dog Breeder Registrations:
 - Application and approval of dog breeder registrations;
 - Conditions of dog breeder registration; an
 - Exemptions.
- Transferring a dog.

The Consultation Paper does not however consider how revenue from a central registration system will be used/distributed.

With regard to access to information, the State has advised they see this being granted in accordance with the following table:

	View and update own information*	View and update all information	Limited dog breeder verification information**	Search for dogs on the system
Dog owners	X			
Dog breeders	X			
Local governments and State government authorities	X	X	X	X
Members of the public			X	
Dog management facilities and recognised dog shelters and rescues	X		X	X

The registration/licence fees charged under the Dog Act 1976 by Local Governments for the registration of dogs is used to subsidise the cost of managing dogs within our community.

The State acknowledges the breadth of information recorded on the centralised registration system will affect how it can be used, and by whom it can be used. It is also likely to affect the cost.

There is the potential to record additional information on the centralised registration system, including the following:

- A register of approved kennel establishments in Western Australia (including the ability to apply for a kennel establishment licence on the system);
- A register of dog management facilities in Western Australia;
- A register of pet shops transferring and selling dogs in Western Australia;
- A register of dangerous dogs (declared and restricted breed);
- Information on particular dog owners, such as dog owners that are subject to a court order or have been convicted of offences under:
 - the Dog Act
 - a dog local law or by-law
 - the Animal Welfare Act.
- Information on dogs:
 - that have been seized by the local government at any time
 - that have been involved in a dog attack
 - that have not been controlled by their owner in accordance with the Dog Act
 - that have caused a nuisance or are subject to a nuisance complaint
 - that are subject to a destruction order.
- Information to inform compliance with the standards for dog breeding, housing, husbandry, transport and sale.

Much of the above information is currently held by each local government. The benefit of keeping this information on a centralised registration system is that these facilities, businesses, dogs and dog owners could be more readily identified and monitored by relevant authorities.

The inclusion of this additional information will likely result in additional costs, including:

- costs associated with creating a system that included and stored this additional information;
- costs to particular stakeholders who would be responsible for uploading this information;
- costs to local governments in processing this information; and
- costs to relevant enforcement authorities in monitoring this information.

The consultation paper acknowledges that dog registration fees, and dog breeder registration fees would need to accommodate these costs. The paper does not, however, mention how the fees will be collected or paid back to local governments.

Transfer of existing registration details/databases – The State Government proposal acknowledges that introducing a centralised registration system will mean the information in the existing local government dog registers will need to be transferred to the central register. It is suggested that this could be phased in over a number of years. This, however, is considered impractical as users of the centralised system, if unable to find the information required, will quickly lose faith in the reliability of the system.

Dog Breeder Registration – the consultation paper proposes that any person who owns a dog that has not been de-sexed will be considered as a dog breeder and they must register as such. The requirement to register as a dog breeder will come into effect once the centralised registration system is operational.

The consultation paper envisages that a majority of breeders will be registered prior to their dog having puppies, dog owners that are not registered will need to register as a breeder within seven days of the birth of puppies and/ or before the puppies are transferred to another person. The State considers, perhaps unrealistically, this will ensure the local government has adequate time to process and approve the dog breeder registration application before the puppies are potentially transferred to another owner.

The information supplied by dog breeders at registration will impact the ability of the local governments to make an informed decision on approval of dog breeder registration. This position is, however, based on the premise that the applicant will accurately enter all of the information required. Local government staff will still need to verify the information provided and also the suitability of the premises for housing additional dogs.

A further consideration of the consultation paper is that veterinary surgeons could be required to, or at least be able to update registration details when they have performed procedures such as microchipping or sterilisations.

The consultation paper also proposes a centralised registration system for cats. It is considered that any changes to the manner of registration of dogs should also be applied for cats so as to remove any uncertainty within the community. It is considered that to remove any uncertainty, the onus for the accuracy of the animal's records should be left with the owner of the animal.

The consultation paper also raises the matter of "live stock working dogs". The paper notes that in Queensland, primary producers that own and breed livestock working dogs are exempt from registering as dog breeders where they sell or transfer puppies they have bred to other primary producers.

If a primary producer sells or transfers a puppy they have bred to someone who is not a primary producer, then they are required to register as a dog breeder, and supply their dog breeder registration number.

Queensland legislation defines a **primary producer** as meaning a person who is primarily engaged in the occupation of a –

- (i) dairy farmer; or
- (ii) wheat, maize, or cereal grower; or
- (iii) cane grower; or
- (iv) fruit grower; or
- (v) grazier; or
- (vi) farmer, whether engaged in general or mixed farming, cotton, potato, or vegetable growing, or poultry or pig raising; and

includes a person engaged in primary production.

A **working dog** is defined as meaning a dog that is usually kept or proposed to be kept on rural land by an owner who is a primary producer, or a person engaged or employed by a primary producer; and is used primarily for the purpose of—

- (i) droving, protecting, tending, or working, stock; or
- (ii) being trained in droving, protecting, tending, or working, stock.

Dog breeders registered with recognised breeding associations

The Consultation Paper asks should particular dog breeders that are members of particular dog breeding associations be exempt from registering with the Government as dog breeders. This proposal is not supported. While LG is still charged with the overall management of dogs within

our communities and have to deal with any problems that arise, it is considered a basic principle that the Local Government should be given the responsibility to determine all applications.

The Dog Act 1976 currently enables rights of appeal to the State Administrative Tribunal where an applicant is dissatisfied with a decision of the Local Government. It is considered that as long as these provisions are retained, adequate checks and balances can be achieved.

5. TRANSITION PET SHOPS TO ADOPTION CENTRES

The Consultation Paper proposes amendments to the *Dog Act 1976* (the Dog Act) so that pet shops will only be able to source puppies and dogs for sale from 'properly accredited' rescue organisations or shelters.

The areas of implementation on which further input is sought are:

- the accreditation of rescue organisations or shelters;
- the assessment of the health and behaviour of dogs;
- the period to transition pet shops to adoption centres;
- the arrangements that will need to be developed between pet shops and rescue organisations and shelters; and
- enforcement, including who will be responsible and how enforcement will be undertaken.

The objective of transitioning pet shops to adoption centres is to help break the supply chain with puppy farms and to address the homeless dog problem. The Consultation Paper proposes that pet shops will be gradually transitioned into adoption centres to allow time for pet shops to make arrangements with dog rescue organisations and shelters in line with the following options:

Option 1 – Two year transition

Under this option, pet shops will be transitioned within two years of the legislation coming into effect. In the interim, pet shops will be able to source puppies and dogs as they currently do.

Option 2 – Five-year transition

Under this option, pet shops will be transitioned within five years.

From date of amendment to the Dog Act	Where pet shops can source dogs:
0 to 2 years	Pet shops can source dogs from a dog breeder registered as such on the centralised database.
2 to 5 years	Pet shops selling dogs will be required to source dogs from accredited dog rescues and shelters, but can still also source dogs from registered breeders.
5 years onwards	Pet shops can only source dogs from accredited dog rescues and shelters.

It is considered that the 5 year transition program proposed is too cumbersome and hard to follow for the general public. It is considered that the Council should support a "one step" transition.

The Consultation Paper acknowledges that it is likely that pet shops will need to form arrangements with accredited dog rescue organisation and shelters to ensure the responsible supply of dogs. Pet shops and rescue organisations have been asked to provide feedback on what those arrangements should cover, for example, where the dog will be housed.

The Paper discusses the enforcement of requirements for pet shops to only sell dogs from accredited dog rescues and shelters. Although there are currently no pet shops within the Shire, this matter could impact the Council should one commence operations within the Shire.

After the transition period, pet shops will need to be monitored to ensure they are only sourcing dogs from accredited dog rescue organisations and shelters. During the transition period pet shops would need to be monitored to ensure they are only sourcing dogs from registered dog breeders (following the introduction of dog breeder registration).

Pet shops could be monitored in a number of ways:

Option 1 – Public monitoring - Pet shops would be required to display a certificate confirming the source of the dog is from an accredited rescue organisation or shelter. The public could report pet shops to an enforcement agency that are not providing a certificate verifying the dog's source.

Option 2 – Inspections - An enforcement agency would be responsible for inspecting pet shops that sell dogs, whether randomly or periodically, and require the pet shop to provide information upon request.

Option 3 – Audits - Pet shops would be required to be audited by a particular enforcement agency, whether periodically or randomly.

Option 4 – Audited and inspected upon complaint - The enforcement agency would inspect and audit a pet shop only where concerns were raised about the pet shops compliance with the laws.

The type of enforcement undertaken will assist in informing what agency is best placed to undertake enforcement. The capacity and resources of the agency would also need to be considered.

In all of the above instances, the Consultation Paper does not specify which body will be the "enforcement agency", but given the lack of State-wide resources of all other agencies involved in animal welfare, it is considered likely that the State will seek to impose this role on Local Government.

It is considered that further demands on the services of local government should not be willingly accepted without the full financial impacts of the various proposals contained within the consultation paper being first made available.

VOTING REQUIREMENTS

Simple majority

OC0712 OFFICER'S RECOMMENDATION – 16.1/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council endorses the positions expressed in the "Stop Puppy Farming – Local Government Consultation Paper" as attached to this agenda.

Carried 8/0

NEW BUSINESS OF AN URGENT NATURE

Nil

PUBLIC QUESTION TIME

Ms Cindy Lovett: Shire of Capel Ordinary Council Meeting Minutes 27/06/2018 item OCO626 page 150 item 2 refers to the deeds being endorsed between the Shire and the Shire President and Chief Executive Officer (as tabled at the meeting) and authorise the President and Chief Executive Officer to affix the Common Seal to the deeds. – Affixing the Common Seal means all documents should be made public. Have these documents been made public, if not when will they be made public?”

CEO: Thank you for your question. I will take the question on notice and give a direct response to Ms Lovett.

Mr Steve Harris, President of Cardinals Junior Football Club, Boyanup: We as a club believe that the Shire has acted in haste regarding closing the Boyanup Oval for use by our kids. I have been in contact with JLT, our insurers today and they will be in contact with me tomorrow and the Shire to inform them of their decision. To allow the Year 3, Year 5 and Year 7 teams to play there, and possibly our Years 8 and 10 teams.

I would like the Shire also to contact their insurers and revisit the oval on Thursday as we as a Junior club have spread 18 cubic metres of sand on the rough spots and as well spread 50 kg of fertiliser, the oval now looks very good, better than a lot of League grounds in the South West.

Could the Shire and the Councillors reconsider their decision on closing the Boyanup football oval because our kids are pretty upset and we would like you to reconsider it?

Cr B Hearne, Acting President and Presiding Member: Thank you for your question. It was not a decision of Council (to close the oval).

Mr Leo Deale, Busselton: When the voting happened (for Item 14.1 Development Application – Reception Centre) you asked whether you (the Councillors) were for it or against it. Some people might think it was for the development, not for the recommendation.

Acting President: The vote was 5/3 in favour of the Officer’s Recommendation.

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 6.10pm.

These minutes were confirmed at an Ordinary Council meeting on 22 August 2018.

Signed

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

Date