



Ordinary Council Meeting Minutes  
Wednesday, 27 September 2023



GORDON MACMILE  
CHIEF EXECUTIVE OFFICER

## Acknowledgement of Country

We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

## Our Vision

*A lifestyle of choice; connecting community, culture and country.*

## Our Values



**H** Honesty

We are respectful in all that we do, and all interactions we have, whilst being inclusive and mindful of differences.



**E** Empathy

We are kind and show understanding of peoples circumstances, perspectives and differences.



**A** Accountability

We are transparent in all that we do, and stay true to our word by taking responsibility for our actions.



**R** Respect

We are respectful in all that we do, and all interactions we have, whilst being inclusive and mindful of differences.



**T** Teamwork

We are cooperative, collaborative and united while working towards common goals of our Shire.



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## 1. Declaration of Opening/Announcement of Visitors

The Presiding Member opened the meeting at 6:02pm and made the following Acknowledgement of Country and statement:

*'We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders, past, present and emerging.'*

## 2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

### PRESENT:

Councillor - Shire President	D Kitchen
Councillor - Deputy President	S Schiano
Councillor	A Dillon
Councillor	R Mogg
Councillor	P McCleery
Councillor	K Noonan
Councillor	C Terrantroy
Chief Executive Officer	G MacMile
Director Community and Corporate	S Chamberlain
Director Infrastructure and Development	T Gillett
Strategic Governance and Risk Coordinator	T Stowell

### LEAVE OF ABSENCE:

Nil

### APOLOGIES:

Nil

### ABSENT

Councillor	K Andrew
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### MEMBERS OF PUBLIC - Gallery:

14



### 3. Response to Previous Public Questions Taken on Notice

#### Penny David - Boyanup

Question 1:

Could Council please confirm that all councillors and decision makers at Council are aware that a previous application was made by this applicant in 2016 and the Applicant took it to the State Administrative Tribunal following which Council approved the exact same operation, undertaken by the same applicant with the following conditions:

- (e) The maximum number of trucks leaving the site is not to exceed 4 per day without prior Council approval;
- (f) The submission of a quarterly truck movement report to verify compliance of condition (e);
- (g) The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time;
- (h) The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (g) upon the Shire's request;
- (i) The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;
- (j) If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;
- (k) The applicant will provide temporary signage on Brookdale Road indicating the proposed times for daily truck movements;
- (l) The verges to be pruned 2.0m from the edge of the road to a height of 5.5m at the applicant's cost;
- (o) The applicant to install the appropriate truck warning signage, curve warning signage, crest warning signage, advanced warning signage for the Fowler Road intersection and appropriate chevrons on Brookdale Road;
- (p) Truck movements are prohibited on Brookdale Road for the period 1 hour after sunrise and 1 hour before sunset.
- (q) Headlights must be switched on at all times.

Brookdale road is 6km long fragile gravel road, whose width varies from 5.6m to 7m. Its subject to large potholes in winter, and bad rutting in summer. The Western end has no gravel, and the grader just cuts off the corrugations when it is too unsafe. Part of the eastern section of the road has been resheeted and the crest and 3 curves widened slightly, but the road conditions are materially the same as when the application went in to council in 2016. The applicant proposes 12 truck movements – both semis and tandem tippers and has not adopted any of council's previous requirements in their submission.



I would like to know if Council will impose the same restrictions as deemed fit in the previous approval in 2016, and if not, please could you explain why not. I would like a response to each of the points mentioned above please (e, f, g, h, i, j, k, l, o, p and q). I apologise for this being a boring long winded request but these restrictions are equally relevant and were a really great outcome from the Council in 2016.

**Response:**

Council is required to condition precedents and planning objectives when considering imposing conditions.

Conditions applied to developments are to:

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development for which permission is given; and
- Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

In addition, it is necessary to acknowledge that the proposal being considered now is different to the original proposal. The new proposal has an extraction area of 1.3ha and proposes to extract 20,000m<sup>3</sup> of sand resource. This is smaller than originally approved, which was for an area of 2.6ha and 40,000m<sup>3</sup>.

Having regard to the above, the following comments are provided under each condition as requested.

*e) The maximum number of trucks leaving the site is not to exceed 4 per day without prior Council approval;*

This condition is generally reflected in proposed Condition h). Proposed Condition h) increases traffic movements to 12 per day. This is considered a reasonable approach to meet the needs of the operator and the needs of local landowners/local road users. Further, activity will be limited to specific campaigns and haulage will not likely occur daily for the life of the approval.

*(f) The submission of a quarterly truck movement report to verify compliance of condition (e);*

This condition is proposed to be imposed (see condition i). This condition is to improve compliance.

*(g) The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time;*

This condition is proposed to be imposed (see condition j). This condition is to ensure that traffic operates to local road conditions and reduces potential nuisance (dust) and wear and tear on the road network.

*(h) The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (g) upon the Shire's request;*

This condition is proposed to be imposed (see condition k). This condition is to ensure compliance.

*(i) The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;*

This condition is proposed to be imposed (see condition l). This condition is to ensure that potential for dust nuisance is managed to an acceptable level.



*(j) If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;*

This condition is proposed to be imposed (see condition m). This condition is to ensure that potential for dust nuisance is managed to an acceptable level.

*(k) The applicant will provide temporary signage on Brookdale Road indicating the proposed times for daily truck movements;*

This condition has not been recommended. Traffic safety is suitably addressed by condition j), when combined with the limited scale of the operation. The proposed extractive industry does not generate a sufficient need for this requirement to be imposed.

*(l) The verges to be pruned 2.0m from the edge of the road to a height of 5.5m at the applicant's cost;*

This condition has not been recommended. The works have already been undertaken previously and sight lines and vertical clearances are considered reasonable. Maintenance can be undertaken if necessary.

*(o) The applicant to install the appropriate truck warning signage, curve warning signage, crest warning signage, advanced warning signage for the Fowler Road intersection and appropriate chevrons on Brookdale Road;*

This condition has not been recommended. Proposed conditions j) and n) are considered sufficient to ensure safe haulage of materials, when noting the limited scale of the operation.

*(p) Truck movements are prohibited on Brookdale Road for the period 1 hour after sunrise and 1 hour before sunset.*

This condition has not been recommended. Proposed conditions j) and n) are considered sufficient to ensure safe haulage of materials, when noting the limited scale of the operation.

*(q) Headlights must be switched on at all times.*

This condition is proposed to be imposed (see condition n). The requirement is considered reasonable and will improve visibility for other road users.

Officers have provided a recommendation to the Council for the 27 September 2023 Ordinary Meeting on the proposed licence conditions.





#### **4. Public Question Time**

*Public Question Time began at 6:03pm.*

##### **K Thomson – North Boyanup**

We have a very satisfactory arrangement with McColl's who run the milk tanker. Based on the road conditions and the proximity of dwellings to the road they have agreed to only travel 40kmph. As they have said, it is in their interests to preserve the driving surface and therefore reduce maintenance required to their vehicles. At the same time it reduces the impact on local residents and makes for a safer driving environment for other road users. Generally residents' comment on the good conduct of their drivers.

##### **Question 1:**

In an effort to promote a safe driving environment, preserve the fragile roadways and preserve some amenity for local residents, would the Council extend the 40kmph speed limit applied to haulage trucks on the Skippings Road section to Brookdale Road, where we all live and Fowler Road which, in sections, has a one lane driving surface, goes underwater in the winter, has a dangerous dogleg and an intersection where vision is obscured by vegetation?

##### **Shire President Response:**

Thank you Mrs. Thomson for the question. The assessment of the speed limit for haulage vehicles along individual roads is undertaken using criteria that looks at the road width, geometry, traffic hazards, operating speed and traffic volumes.

Haulage traffic along Ken Bell Road is recommended to be restricted to 60km/hr on Brookdale Road and Fowler Road with a road width in excess of 6m. This is not the case for Skippings Road which has a road width of less than 5m in sections which limits safe passing opportunities, because of this a condition of 40km/hr for haulage vehicles has been recommended.

These speed limits are a condition on the current Extractive Industry license and only applicable to the trucks associated with this activity.

The Shire has no authority to impose broader speed limits and traffic on local roads, as this is the domain of the State Government's Road Traffic Act.

##### **Question 2:**

Can I just ask then, could the 40km an hour be applied to Fowler Road where it is actually very narrow and the dog leg is a one lane section? Because if that's the reason for doing it on the Skipping's Road section surely that applies to Fowler Road as well.

##### **Shire President Response:**

Council has the option to amend the conditions to include Fowler Road should it wish, but as I said there is a geometry around it, so it has legitimate planning reasons. Council can make a decision from a defensible position.



**Question 3:**

Could you please explain how the limit of 12 truck movements per day with a clause saying 'depending on demand' works? Does this mean there is really no limit? Who will decide what the actual limit is and what changes are allowable? Will residents be notified in advance of any changes?

**Shire President Response:**

The applicant is recommended to be restricted to 12 truck movements per day as-of-right. Should the applicant require an uplift in sand exportation to meet the needs of a contract, the applicant has the ability to apply to the Shire and seek a temporary increase in truck numbers, on the basis that the Shire is provided a traffic impact statement and management plan.

The Shire would be under no obligation to agree to this arrangement, however. The Shire may request that neighbours are notified as part of any increase in numbers. This temporary approval is delegated to the CEO.

**Question 4:**

What are the complaints protocols and can you explain clearly how they work?

**Shire President Response:**

The operator would be subject to the Shire's standard practices for compliance of any imposed license conditions. Any complaints received regarding the breach of a planning condition or planning approval would be investigated by the Shire Officers (upon receipt of evidence).

Should the Shire Officers have sufficient evidence to suggest that a breach has occurred, an investigation may be conducted into the activity and either request that operations align to the approval or continue towards the infringements process.

**Question 5:**

Just to clarify if I was unhappy about some behavior I saw on the road from one of these haulage trucks, if they're allowed to get on these roads, who would I ring?

**Shire President Response:**

Depending on what behaviour this operator was undertaking on the road, if they were exceeding a condition, say the 60km an hour condition was approved, if they were exceeding that and you had evidence to prove it, you could report that to the Shire as a breach of license condition and it would go through the complaints handling process. You can report that either by phoning the Shire on 97270222 or by emailing the records team at [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).

If it's other traffic behaviour on the road such as dangerous driving and exceeding the state speed limit of 110 kilometers an hour that would be a WA Police matter.

**Question 6:**

In the application it actually says that we should ring the applicant, but we can also just to be clear instead of ringing the applicant we can actually ring the Shire?



**Shire President Response:**

Yes you can ring the Shire, but the applicant sorry does have their own complaints handling process most extractive industry license operators do as they try to deal with the community first and hopefully come to a mutual understanding and agreement. If there has been a variation from condition or if there's just something that's going on that might meet conditions but a neighbor or community member might not necessarily be either aware of or happy with.

**Question 7:**

Would this also be because in his last license he didn't put any of the conditioner on the road to stop the Dust that was never done, so those kinds of things we could actually complain to the Shire about if those conditions are not met?

**Shire President Response:**

If it's a condition or the license to undertake road dust mitigation activities in the instance of this proposal it is if that was not being complied with you can complain to the Shire.

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**S Alderson – Peppermint Grove Beach**

**Question 1:**

I have been informed that the Shire of Capel has no policy regarding short stay accommodation. If this is the case, how is the shire able to grant approval for Airbnb requests?

**Question 2:**

Why doesn't Capel Shire adopt Busselton Shire's "holiday homes regulatory framework"? If it is because the shire doesn't have the budget for a short stay accommodation 'officer' then why can't this be funded by charging these 'short stay accommodation businesses' an additional rate/tax? Based on a basic internet search there are at least 34 properties listed on Airbnb for the Peppermint Grove Beach locality, this is estimated to be 10% of all dwellings. Charging these holiday home businesses an annual fee would help to fund a shire employee to 'police' holiday homes in the locality.

**CEO Response:**

Currently short stay rental accommodation is managed through the shire's annual home business registration process.

Thank you for the question Ms Alderson. The Shire had previously been waiting for guidance from the State Government with a State Planning Policy, which would provide uniformity across Western Australia for the assessment of short-term accommodation uses. As the State Planning Policy takes precedent over a Local Planning Policy, many local governments within Western Australia have held off introducing local planning framework in the circumstances that the work would be merely superseded once the State formalise their position on the matter.

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However, the State has not proceeded at the rate in which would be considered expedient by multiple local governments, hence why the Shire has decided to commence drafting an interim policy.

The Shire is in the process of formulating a Local Planning Policy to provide further guidance and framework for the discretionary land use. This would outline additional provisions to the Shire's Local Planning Scheme No. 8 and would provide the necessary guidance between now and when the State introduce the SPP.

We anticipate that the draft Local Planning Policy in relation to short term rental accommodation will be advertised for public comment in the next few months.

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### **B Hearne –Peppermint Grove Beach**

I have spent nearly 2 days, on and off, reading the Shire of Capel Place Plan 2023/27.

In my opinion the document contains inaccuracies, inconsistencies, spelling mistakes including indigenous spelling, omissions that have been raised by ratepayers on numerous occasions and some language that is hard to accept as rational descriptions of the Shire various locations.

The plan was to "activate people" however the Shire only attracted .3 of 1% of the population to workshops and only 3% of the population lodged submissions. Do the other 97% have any knowledge of the plan? Clearly something is not working with our communication and I want to work with the Shire to "activate people" to enable ratepayers to have ownership of this Plan. I am also concerned at what appears to be the use of Wikipedia in the document and possibly AI Artificial Intelligence. If so this may explain some of the flowery language used and if these platforms have been used it should, at the very least, be acknowledged in the document?

#### **Question 1:**

The Shire's Long Term Financial Plan identifies capital expenditure of some \$153 million. Can the projects identified in the plan be included in the Place Plan under the various location headings to better inform ratepayers and to enable them to focus on what the Place Plan is all about, place planning, development and investment and to enable them to have more meaningful input if in fact more input is sought?

#### **Question 2:**

I note in item 13.1 the text refers to a draft report while the actual report is labelled final. Can I request that Council give serious consideration to again seek ratepayer comment on the draft Place Plan, with the inclusion of capital expenditure in the document, before adopting a final plan and to seek that comment in a targeted well-advertised manner? Perhaps the target groups could include community groups, volunteer groups, sporting clubs' community associations as well as ratepayers at large?



**CEO Response:**

Thank you for the question Mr. Hearne.

I can start by saying that the difficulty in engaging in the community with these strategic processes is incredibly frustrating for us as well because significant amount of effort goes into organising the workshops and providing the opportunity for the community to comment. That's part of the reason why when we did the place plan it was so important to get information from the whole Community we actually sent the survey out to all 7,500 residents in the in the district.

The response rate was normal which is also disappointing often it is very difficult to get the community to engage and that's as I said that's why we actually sent the survey to every single resident in the district. To answer your question more directly the Place Plan is a high level document that captures the essence of a community, what is special and unique, what is to be preserved and celebrated.

The next step beyond adoption of the Place Plan will be to give effect to it through Place Development and Place Management.

Subject to Council adopting the Long Term Financial Plan, the Place Plan will be used to guide the implementation of identified projects within the Long Term Financial Plan and be integrated with Place Development and Place Management plans. These will allow the Shire to implement projects identified in the Long-Term Financial Plan but execute them in a way that enhances the character of the district and each townsite or locality in the process.

In relation to the Place Plan, that item has been withdrawn as you've already been informed from the agenda tonight to review some of the inconsistencies in the draft. Once the draft has been reviewed and updated, a decision will be made regarding how and when the item comes back to Council.

**Question 3:**

So will you consider including the capital expenditure that's identified in the Long-Term Financial Plan to better inform ratepayers when and if you do go back to the Shire, because I mean I could mention 100 things right now, but if people know that in the next 10 years you're going to do x, y and z and you have a meeting and discuss it with them and they can't actually see it in the plan you've got to waste a lot of time. Let them focus on what they need to focus on not stupid questions about decisions that have already been made.

**CEO Response:**

Once the Long-Term Financial Plans adopted our intention then is to implement those projects from the Long-Term Financial Plan using the information from the place plan, so it's not so much a matter of incorporating the Long-Term Financial Plan into the place plan. We actually use the place plan to do the projects, we both understand that it kind of happens in reverse.

Council identifies the projects that they want to complete in the Long-Term Financial Plan and then we use the Place Plan to make sure that we enhance the character of each of the areas when we do the projects.

*Public Question Time concluded at 6:21pm.*



## 5. Application for Leave of Absence

Nil

## 6. Declarations of Interest

*Cr Mogg declared an Impartiality Interest following item 15.2 of the Agenda.*

## 7. Notice of Items to be Discussed Behind Closed Doors

The item to be discussed behind closed doors is:

- 20.1 Chief Executive Officer - Annual 2022/23 Performance and Remuneration Review and 2023/24 Performance Agreement

## 8. Confirmation of Minutes

### 8.1. Ordinary Council Meeting - 30 August 2023

#### Voting Requirements

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Simple Majority

#### **OC/2023/159 - Officer's Recommendation / Council Decision - 8.1**

*Moved Cr Terrantroy, Seconded Cr McCleery.*

**That the Minutes of the Ordinary Council Meeting - 30 August 2023 be confirmed as a true and correct record.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



## 9. Announcements by Person Presiding Without Discussion

### 9.1 – Shire President Activity Report

Please see attached the *Shire President Activity Report* for the July – September period.

Event:	13/07/2023 – Meeting Don Punch MLA
Report:	Update on local matters.
Event:	19/07/2023 – Bunbury Geographe Economic Alliance
Report:	Meeting with BGEA, Mayor/Presidents of Bunbury, Harvey and Dardanup to discuss regional matters and opportunities
Event:	28/07/2023 – NAIDOC Week celebrations – Dalyellup Primary School
Report:	Unveiling the new addition to the Shire’s uniform, developed in partnership with the Dalyellup Primary School.
Event:	09/08/2023 – Malaysian Trade Delegation Visit
Report:	Representatives from the Sabah State Government of Malaysia visited the Shire of Capel to discuss opportunities and sample local produce.
Event:	11/08/2023 – Dalyellup Pump Track Opening
Report:	Completion of the next stage of the Dalyellup Youth Precinct.
Event:	16/08/2023 – New Website Launch
Report:	Launch of the new website for the Shire.
Event:	18/08/2023 – SW Vietnam Veterans Commemoration Service
Report:	Commemorative service held by the Capel RSL.
Event:	25/08/2023 – Economic Outlook briefing at BCCI
Report:	State and National economic trends presentation
Event:	25/08/2023 – Minister for Small Business at BCCI
Report:	
Event:	25/08/2023 – SW Local Government Zone Meeting
Report:	Zone meeting to discuss regional matters. It was also the last meeting of the zone before the October elections, where a number of Presidents and Mayors are retiring.



<b>Briefings and Workshops</b>	
<b>Date</b>	<b>Session</b>
19/07/2023	2023/24 Waste Services briefing
19/07/2023	Bunbury Geographe Economic Alliance Briefing to Council
19/07/2023	Ordinary Council Meeting briefing
23/08/2023	FutureBus Presentation
23/08/2023	Greenpatch Structure Plan briefing
23/08/2023	Local Planning Scheme No8 update
30/08/2023	BORR update from Gateway Alliance
30/08/2023	WALSA update
13/08/2023	Kaatijinup Biodiversity Park update
13/08/2023	Place Plan briefing
13/08/2023	Vision/Strategic Community Plan review
13/08/2023	Asset Management Strategy briefing

Item 13.1 Shire of Capel - Place Plan 2023 - 2027 has been withdrawn from the Agenda.

Congratulations to Glenys Malatesta on taking out the Murray Lang Bushfire service award at the recent WA Fire Emergency Service Awards in Perth Glenys has been recognised for her outstanding contribution not only to the Shire of Capel Bushfire Brigade but to numerous deployments across the state to assist in emergency responses and recovery. Glenys is an inspiration for volunteering and the Shire congratulates her on this well-deserved award.

Secondly tonight is the last meeting of the 2021-2023 Council of the Shire of Capel the next meeting of the council will be held post-elections where the makeup could potentially be a little different.

As president I am proud of the accomplishments over the past two years which have made a real impact and we're excited for what the future holds. I want to thank the Councillors for their contributions these last two years, in particular Councillor Schiano, Mogg, Andrew and Noonan are coming to the end of their four-year term.

On behalf of the Shire thank you for your contributions over that four-year period we've had some challenges over the course of that term such as our parks and Gardens in Dalyellup we've also had some great wins such as the gazette of the Local Planning Scheme 8.

There is a lot to look forward to in our forward planning and come up May and October, I think we all look forward to seeing it delivered.

## **10. Petitions/Deputations/Presentations**

Nil





## 11. Motions of Which Previous Notice has Been Given

### 11.1. Notice of Motion - Cr Christine Terrantroy - Greenpatch

Cr Christine Terrantroy has given notice that they intend to move the following motion:

#### Motion

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That Council, in the interest of public health and safety, peace of mind for community members and decision-making transparency regarding any future development of the area known as the Greenpatch, requests the Chief Executive Officer within 4 weeks to take steps to:

1. Make broadly accessible through the Shire's media / information sources, the various versions of the Greenpatch Structure Plan as they become publicly available.
2. Begin the preparation of a report to Council that, subject to endorsement, commences an application to amend the Greater Bunbury Regional Scheme to amend SCA4 – Wastewater Treatment Plant odour buffer area for the Dalyellup Wastewater Treatment Plant based on up-to-date independent odour modelling.
3. Make a request under Section 94 of the *Freedom of Information Act 1992* to the Western Australian Planning Commission, Department of Planning, Lands and Heritage, the Environmental Protection Authority, the Housing Authority and the Water Corporation for the release of all information pertaining to Lots 5262 (R37116), 2 9111 and 9076 Maidment Parade, Dalyellup, Greater Bunbury Region Scheme Amendment 0020/57 and the proposed Dalyellup Greenpatch Local Structure Plan.
4. Formally request the WA Planning Commission to defer any decision on the Dalyellup Greenpatch Local Structure Plan until independent odour modelling has been completed.

#### Reasons / Rationale

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Future residents of the proposed Greenpatch Satterley Residential Housing development are entitled to full disclosure and transparency from Satterley and all Government departments with legislative responsibilities, and with the power to inform and insist on up-to-date odour buffer studies and potential contamination surveys by independent scientific bodies of the Greenpatch.

Past industries / businesses who operated in the Greenpatch prior to current rigorous public health and safety protocols should for ethical reasons, disclose past practices that do not meet current protocols / regulation for the health and well-being of current and future residents.

Full disclosure of the past uses of the land on which Satterley's propose to sell housing lots needs to be available, so land purchasers can make an informed decision to buy land and build a family home in the area known as Greenpatch.

Everyday people deserve to be treated respectfully; therefore, all studies, scientific data and potentially contaminated site information should be available to them.



## Officer Comment

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Preliminary investigations have indicated that independent odour modelling could be expected to cost between \$50,000 and \$60,000, as well as additional costs in relation to any potential GBRS amendment (planning documentation and application fee) and officer resource time.

## Voting Requirements

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Simple Majority

## Motion

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*Moved Cr Terrantroy, Seconded Cr Mogg.*

**That Council, in the interest of public health and safety, peace of mind for community members and decision-making transparency regarding any future development of the area known as the Greenpatch, requests the Chief Executive Officer within 4 weeks to take steps to:**

- 1. Make broadly accessible through the Shire's media / information sources, the various versions of the Greenpatch Structure Plan as they become publicly available.**
- 2. Begin the preparation of a report to Council that, subject to endorsement, commences an application to amend the Greater Bunbury Regional Scheme to amend SCA4 – Wastewater Treatment Plant odour buffer area for the Dalyellup Wastewater Treatment Plant based on up-to-date independent odour modelling.**
- 3. Make a request under Section 94 of the *Freedom of Information Act 1992* to the Western Australian Planning Commission, Department of Planning, Lands and Heritage, the Environmental Protection Authority, the Housing Authority and the Water Corporation for the release of all information pertaining to Lots 5262 (R37116), 2 9111 and 9076 Maidment Parade, Dalyellup, Greater Bunbury Region Scheme Amendment 0020/57 and the proposed Dalyellup Greenpatch Local Structure Plan.**
- 4. Formally request the WA Planning Commission to defer any decision on the Dalyellup Greenpatch Local Structure Plan until independent odour modelling has been completed.**

**OC/2023/160 - Amendment / Council Decision - 11.1**

*Moved Cr McCleery, Seconded Cr Noonan.*

**To delete point's 2 and 4.**

**Carried 5 / 2**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Noonan and Cr Schiano*

*Against - Cr Mogg and Cr Terrantroy*



*The Amendment became the substantive motion.*

**OC/2023/161 - Substantive Motion / Council Decision – 11.1**

*Moved Cr Terrantroy, Seconded Cr Mogg.*

**That Council, in the interest of public health and safety, peace of mind for community members and decision-making transparency regarding any future development of the area known as the Greenpatch, requests the Chief Executive Officer within 4 weeks to take steps to:**

- 1. Make broadly accessible through the Shire's media / information sources, the various versions of the Greenpatch Structure Plan as they become publicly available.**
- 2. Make a request under Section 94 of the *Freedom of Information Act 1992* to the Western Australian Planning Commission, Department of Planning, Lands and Heritage, the Environmental Protection Authority, the Housing Authority and the Water Corporation for the release of all information pertaining to Lots 5262 (R37116), 2 9111 and 9076 Maidment Parade, Dalyellup, Greater Bunbury Region Scheme Amendment 0020/57 and the proposed Dalyellup Greenpatch Local Structure Plan.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

**12. Questions of Which Previous Notice has Been Given**

Nil



### 13. Chief Executive Officer Reports

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#### 13.1. Shire of Capel - Place Plan 2023 to 2027

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. 23-092 Capel Place Plan D 2 15092023 - FINAL [13.1.1 - 78 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

***THIS ITEM WAS WITHDRAWN FROM THE AGENDA.***



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**13.2. Plan for the Future 2023 to 2033 - Review and Update of Strategic Community Plan and Integration with Corporate Business Plan**

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile Executive/Strategic
<b>Nature of the Decision</b>	Legislative Review
<b>Attachments</b>	1. Plan for the Future DRAFT 2023 [13.2.1 - 73 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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Consider the reviewed and proposed updated Strategic Community Plan 2023 to 2033 and the incorporation of the Corporate Business Plan 2023 to 2027, into a consolidated 'Plan for the Future'.

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**Officer's Recommendation**

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That Council:

1. Notes the extensive information gathered from recent community engagement processes that have informed the review and update of the Strategic Community Plan.
2. Endorses the new Shire of Capel Vision to be *"A Lifestyle of Choice: Connecting Community, Culture and Country"*.
3. Adopts the reviewed and updated Shire of Capel Strategic Community Plan 2023 to 2033 as per Attachment 13.2.1.
4. Authorises the giving of Public Notice regarding the adoption of a new Shire of Capel Strategic Community Plan 2023 and 2033.
5. Endorses the incorporation of the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives into a consolidated 'Plan for the Future'.
6. Notes that the adopted Corporate Business Plan 2023 to 2027 – Core Business Actions will be detailed in Annual Operational Delivery Plans, with significant items included and reported as required, as part of the quarterly reporting.
7. Notes that the final published version of the 'Plan for the Future' incorporating the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives will be graphically designed, formatted and illustrated to a standard suitable for public presentation.



## Background

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The Strategic Community Plan (SCP) is the capture of the community's future needs and aspirations, aligned with the Council's vision and long term delivery strategies. The SCP is the cornerstone of the Integrated Planning and Reporting Framework that includes the Corporate Business Plan (CBP), Long Term Financial Plan (LTFP), Asset Management Plan (AMP) and Workforce Plan (WFP), as well as a range of other strategic informing documents that are adopted by Council as required.

The SCP has been previously reviewed and updated in 2013, February 2018 and August 2021.

The content of the SCP is reviewed and updated when necessary (usually due to significant community change) or as required by legislation, through a process of consultation to understand the current concerns, needs and aspirations of the Shire of Capel community.

The current SCP includes a series of 'Directions' that detail specific goals under the following headings:

1. Strengthen and enhance the wellbeing of our community.
2. Manage and protect our environment.
3. Foster a dynamic, diverse and strong local economy.
4. Deliver good leadership, governance and decision making.
5. Provide and maintain suitable infrastructure and facilities.
6. Effective communication, engagement, and relationship development.

These 'Directions' articulate the big-picture aspirations that were identified following extensive community engagement and refined during workshops with staff and Councillors. The Directions are then expanded through a series of outcomes, strategies, and performance measures.

### Previous Council Decisions

- August 2023 – Council endorsed the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions as per Attachment 13.2.1.

Council further noted that the final published version of the Corporate Business Plan 2023 to 2027 will align to the Strategic Community Plan 2021 to 2031.

- August 2021 – Council adopted (OC172/2021) the Shire of Capel Strategic Community Plan 2021 – 2031 as per the attachment in accordance with section 5.56 of the *Local Government Act 1995* and regulation 19C of the *Local Government (Administration) Regulations 1996*.

## Decision Framework

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### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

- 1.1 A more engaged community
- 1.2 A capable community that drives community activation and participation
- 1.3 An inclusive community
- 1.5 A healthy and active community



Direction 2 - Manage and protect our environment

2.1 Improved management of our natural environment assets and attractions

2.2 Increased community capacity in supporting positive environmental management

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

3.4 Continued improvement in town centre vibrancy

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.1 Appropriate community facilities, that meet the communities' needs

Direction 6 - Effective communication, engagement and relationship development

6.1 Greater trust and the development of positive relationships within the Shire and with the community

### **Corporate Business Plan 2023-2027**

- CEO 12 – **Strategic Planning** - Continue progression of the 'Council Plan' integrating SCP, CBP, LTFP, AMP, RMP, WFP and all supporting sub-plans are adopted in the 2022/23 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

*Local Government Act 1995* section 5.56

#### **5.56 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* Regulation 19C

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a strategic community 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 strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.



- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to –
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
  - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community 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.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

#### **19DA. Corporate business plans, requirements for (Act 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
- (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.

#### **Federal Framework**

There are no federal frameworks relevant to this item.

#### **Policy Framework**

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The following Shire Policies apply:

- Preparation of Integrated Plan and Budget





**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  Rating: <b>Medium</b>	Possible	Major	Effective development, alignment, integration, and reporting on all strategic and corporate planning.
<b>Risk Description:</b> Failure to effectively align the individual projects, core-business actions, and associated costs with annual budgets and long term financial planning			

Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Reputation  Rating: <b>Medium</b>	Likely	Moderate	Effective community planning and delivery, understanding of current and future needs. Effective asset sustainability strategies and available expenditure.
<b>Risk Description:</b> Failure to effectively understand and deliver current and future community needs.			
<b>Risk 3</b> Service Delivery  Rating: <b>High</b>	Likely	Major	Effective community planning and understanding of current and future needs. Effective organisational and workforce planning.
<b>Risk Description:</b> Failure to effectively understand current and future community service needs and ensure that organisation is appropriately structured and resourced to deliver.			
<b>Opportunity:</b> Integrated planning that ensures detailed and up-to-date understanding of community needs, aligned to effective organisational, infrastructure and workforce planning to deliver and maintain service levels.			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal. Any future financial implications will be considered separately within long term and annual budgeting processes.

Long Term

Future periodical reviews of the SCP and annual updating of the Corporate Business Plan and the Long Term Financial Plan, in line with annual budgets will need to be aligned and account for all future costs.

**Sustainability Implications**

Climate Change and Environmental

The proposed Strategic Community Plan 2023 to 2033 contains climate change and environmental strategies and initiatives, with any future implications considered separately at the time.



## Social

The proposed Strategic Community Plan 2023 to 2033 contains a range of social initiatives. Any future social impacts will be considered separately and reported if relevant at the time of implementation.

## Economic

The proposed Strategic Community Plan 2023 to 2033 contains economic development initiatives, with any future implications considered separately at the time.

## Asset

The proposed Strategic Community Plan 2023 to 2033 will result in a range of capital works, asset upgrades and development initiatives being delivered through the CBP and Annual Budgets. Any additional or amended assets circumstances that result from the delivery of the Corporate Business Plan will be assessed separately at the time and included in future consideration of the Asset Management Strategy and Programs of Works.

## **Consultation/Engagement**

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### **External Consultation**

A local government that intends to adopt, update, or modify a strategic community plan is to ensure that the electors and ratepayers of its district are consulted during the development of the modified plan. This means that the local government should be satisfied that any of the proposed modifications to the strategic community plan are sufficiently well informed and justified through community engagement and that any changes proposed are in keeping with the information gathered from those processes.

- August 2021 – The SCP was reviewed and updated via the engagement of an external consultant that hosted a series of workshop with the community and Shire staff, as well as a community perception survey that was distributed to residents.
- 2022 and 2023 – Most recently extensive community engagement has occurred through the completion of the 2022 Community Perception Survey and the development of the Place Plan 2023 to 2027. The community engagement undertaken, and the information gathered from these processes has informed this proposed SCP review and update.

Other community and business consultation utilised in this update has included the development of the Economic Development Framework and Retail Trading Hours amendments, recently approved.

The above 2022 and 2023 community engagements have included 2 comprehensive and direct surveys of all residents within the District, multiple workshops (open to the public and targeted), online surveys, public notices, formal submissions, social media campaigns, briefings and facilitated stakeholder workshops.

Other key community engagement processes have occurred as part of the development of the Economic Development Framework, Youth Strategy and Age Friendly Communities Strategy.



The quantum of information gathered, the coverage of the entire community and richness of feedback, gives confidence that the proposed amendments to the SCP are well based and reflective of the community's needs and aspirations into the future.

Additionally, comprehensive research was undertaken regarding leading practice in the presentation of Integrated Planning and Reporting Framework (IPRF) documentation within the WA local government sector.

### **Internal Consultation**

Additional work on the proposed vision was undertaken by the organisation's Cultural Optimisation Group and a staff-wide survey, that collective key associative words (word clouds) that described the community and working in the Shire. These word clouds were utilised, along with the Sense of Place information to craft a proposed new vision to be included in the updated SCP.

### **Officer Comment**

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#### **Modifying the Strategic Community Plan**

The Shire's current Strategic Community Plan and Corporate Business Plan remain covered by the Act s5.56 - Planning for the Future and Regulation 19C - Strategic community plans, requirements for, with any updates and / or modifications needing to be compliant with existing legislative and regulatory requirements.

Noting these continued compliance requirements, however, does not preclude the Shire from taking this review and update opportunity to take transitional steps towards the future LG Reform requirements.

#### **Proposed LG Reforms to the Integrated Planning and Reporting Framework (IPRF)**

The WA State Government are proposing to amend the legislative requirement regarding IPRF as part of a later tranche of reforms to the Local Government Act and associated regulations.

(Proposed) Local Government Reform - Theme 6: Improved Financial Management and Reporting is expected to consider - 6.2 Simplify Strategic and Financial Reporting

- Current Requirements
  - Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.
  - There is also the Integrated Planning and Reporting (IPR) framework.
  - While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.
- Proposed Reforms - It is proposed that the plans that are required are:
  - Simplified **Council Plans** replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years.
  - Simplified **Long Term Financial Plans** will outline any long term financial management and sustainability issues, and any investments and debts. These plans will be required to be reviewed in detail at least every four years
  - These will become **Service Plans** and **Project Plans** added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver.



## Review of Strategic Community Plan 2021 to 2031

Noting the requirement to remain compliant with IRPF, the SCP has been internally reviewed and proposed to be updated utilising the extensive community information gathered primarily from the 2022 Community Perceptions Survey and the 2023 Place Planning.

The review of the SCP highlighted the following:

- Vision – visions are usually short, aspirational statements that describes what success looks like and the outcome(s) that all efforts are focused towards achieving.

The current vision is long, contains a variety of part aspiration / part principle / part outcome, is wordy compared to contemporary approaches within the local government sector, not well recognised nor recalled with the community or the organisation and generic that does not speak to the unique characteristics of our local communities identified through the Place consultation.

A new vision is proposed within the Draft Strategic Community Plan 2023 to 2033.

- Key Directions and Key Opportunities for Improvement – these remain consistent with the information captured with the Place consultation and relevant to the priorities identified in the 2022 Community Perception Survey.

No changes are proposed to the Key Directions or Key Opportunities for Improvement, however, to better align with future Annual (Organisational) Delivery Plans a key descriptor word is proposed to be added to each.

- Outcomes – these remain consistent with the information captured with the Place consultation and relevant to the priorities identified in the 2022 Community Perception Survey.

No changes are proposed to the Key Directions or Key Opportunities for Improvement.

- Strategies – the current SCP strategies:
  - Appear to be a combination of strategies and specific actions that would be better reflected in the CBP or are operational actions that should be covered in Annual Delivery Plans.
  - Include specific actions that have been achieved, not required on an ongoing basis, and can be removed.
  - In some instances, could be retained but be slightly reworded to better reflect the intent of this section or refer to up-to-date terminology.

Some strategies have been achieved and proposed to be removed as detailed below, with others retained but slightly reworded within the Draft Strategic Community Plan 2023 to 2033.

- Performance Measures – there is an opportunity to reduce the number of measures, remove duplication and where possible, convert the remaining to improved SMART outcomes.



Current and completed SCP strategies (actions) that have been achieved, proposed to be removed and / or shifted to the CBP includes:

Direction 1: People - Strengthen and enhance the well-being of our community

<b>Current SCP Strategy</b>	<b>Proposed change / modification</b>
Establish and publish a calendar of events.	Achieved / remove - operational action.
Support the development of firefighting facilities in each township.	Remove and include specific actions in CBP.
Develop and implement effective Emergency Management plans.	Remove / include specific actions in CBP.

Direction 2: Planet - Manage and protect our environment

<b>Current SCP Strategy</b>	<b>Proposed change / modification</b>
Prepare the Capel-Leschenault Hazard Risk Management Plan (CHRMAP).	Achieved / remove – specific year on year actions to be included in CBP.
The Council’s decision making is informed by the Climate Change Declaration.	Retain, amend wording to refer to adopted Sustainability Framework.
Develop a waste management community awareness campaign to limit the impact of waste issues on the environment and encourage reducing, reusing, and recycling waste.	Remove, with specific year on year actions to be included in CBP.
Ensure the Local Planning Strategy - provides a focus on sustainable development, including provisions for tree retention.	Achieved with LPS.8, with specific year on year actions to be included in CBP.
Provide access to expert advice on sustainable building design for new developments within the Shire.	Remove - operational action.
Review and address key land use conflicts such as the cattle saleyards in Boyanup.	Retain, update wording to refer to relocation of BSY and Agribusiness Precinct.



Direction 3: Prosperity - Foster a dynamic, diverse, and strong local economy

Current SCP Strategy	Proposed change / modification
Develop a Local Economic Development Strategy that identifies and harnesses the Shire's and local communities' unique value proposition.	Achieved with ED Framework, remove with specific year on year actions to be included in CBP.
Appoint an Economic Development Officer to drive the Economic Development Strategy.	Remove – covered in adopted Workforce Plan and now an operational action.
Ensure the Local Planning Framework creates the conditions that will encourage local investment.	Achieved, remove with specific year on year actions to be included in CBP.
Develop a 'Buy Local' promotional strategy that promotes local businesses and advises of the impacts of buying locally.	Achieved with BGCCI and CCCI campaign, remove with specific year on year actions to be included in CBP.
Streamline the local business approval process.	Achieved, covered in ED Framework, remove, operational action.
Support a coordinated approach for regional tourism with other Local Governments.	Remove, with specific year on year actions to be included in CBP.
Develop a Shire of Capel prospectus and promotional campaign that outlines the local investment and business opportunities within the Shire.	Achieved with annual update of Advocacy Prospectus, remove, and continue in CBP.
Develop and implement a local planning framework to meet current and future community needs.	Achieved with LPS.8, remove with year-on-year actions included in the CBP.
Focus on developing Dalyellup town centre and Dalyellup beach tourism precinct.	Remove and include in CBP.
Take a place-based approach to investment in the town centres and gathering places to create attractive and unique destinations, increase activation and improve wayfinding.	Achieved, remove with year-on-year actions included in the CBP.
Establish and publish a calendar of town centre events.	Achieved, remove with year-on-year actions included in the CBP.



Direction 4: Performance - Deliver good leadership, governance and decision making

Current SCP Strategy	Proposed change / modification
Ensure all elected members are provided with targeted professional development in governance processes and compliance.	Remove and include in CBP.
Appoint a Governance Officer to ensure compliance with governance and decision-making policies and procedures.	Remove, covered in adopted Workforce Plan, operational action.
Develop a process for early identification of potential risks/issues/opportunities that need consideration in Council decision making and operations.	Achieved with Risk Framework, with specific year on year actions to be included in CBP.
Lead the organisation in a financially sustainable manner through the development of short- and long-term financial plans.	Included in CBP.
Deliver procurement processes that adhere to policies and probity.	Achieved, with specific year on year actions to be included in CBP.
Audio record all council meetings and publish audio on-line for ease of community access.	Achieved, operational action.
Publish the minutes of all committee and council meetings online for ease of community access.	Operational action.
Establish a contemporary Local Planning Framework that guides land planning across the Shire.	Achieved with LPS.8, with year-on-year actions included in the CBP.
Recognise and reward innovation and leadership within the staff per quarter.	Achieved, operational action.
Provide flexible and attractive work conditions in a supportive work environment.	Achieved, covered in adopted Workforce Plan, operational action.
Provide relevant training and professional development opportunities for staff.	Achieved, covered in adopted Workforce Plan, operational action.
Provide staff with access to contemporary technology to foster high levels of productivity.	Included in CBP.
Provide access to employer assistance schemes to support staff experiencing personal challenges.	Achieved, operational action.
Undertake annual anonymous staff surveys to seek feedback on how the Shire is operation and its effect on Staff satisfaction and motivation.	Achieved, remove, covered in adopted Workforce Plan, included in CBP.
Improve efficiency of internet and computer technology systems and explore online options for services for community-facing services.	Remove, covered in CBP.



Direction 5: Places - Provide and maintain suitable infrastructure and facilities

Current SCP Strategy	Proposed change / modification
Establish a restorative and routine maintenance plan for all Shire assets that address the required levels of service.	Remove, covered in CBP.

Direction 6: Relationships - Effective communication, engagement, and relationship development

Current SCP Strategy	Proposed change / modification
Develop and deliver a Community Engagement Strategy that clearly identifies how and when the Shire will communicate and engage with the community.	Achieved with Community Engagement Framework, remove, with year on year in CBP.
Continuously improve the Shire’s website and other communication channels to ensure information is easy to find and services are effectively communicated.	Achieved, remove, covered in CBP.
Improve access to information on what the Shire offers the community, including both online and hard copy publications.	Operational action.
Provide a consistent approach to community engagement where constructive input and feedback results in action.	Achieved with Community Engagement Framework, remove, covered in CBP.
Involve the community in setting strategic directions through ongoing participation.	Achieved with Community Engagement Framework, remove, covered in CBP.

Additionally, the recent adoption (2 August 2023) of the Corporate Business Plan 2023 to 2027 highlighted that the current CBP whilst legislatively compliant, is repetitive (with the SCP) and does not appear to be functionally optimal in terms of planning, annual delivery, monitoring, and reporting for the organisation. Several situations arose throughout 2021/22 and 2022/23 where the structure of the Corporate Business Plan has not allowed Service Areas to effectively plan for delivery (particularly with capital works), nor monitor and report on delays to the Council and the community.

Council has already adopted (2 August 2023) the Corporate Business Plan 2023 to 2027 - Service Area Initiatives and Actions (as aligned to the adopted 2023/24 Annual Budget) and this content is not proposed to change.

This review and update of the Strategic Community Plan is however, proposed to reconsider the interface differently between the SCP, the Corporate Business Plan and the organisation’s Annual Delivery Plans.

Proposed changes to this interface will be designed to:

- Integrate the SCP and CBP into an aligned ‘Plan for the Future,’ removing the duplication that currently exists.
- Better present, more easily understandable strategic planning to the Council and the community.
- Allow the Council and the community to better understand the clear and direct relationship between how actions and initiatives in the Corporate Business Plan deliver on and achieve higher-level strategies contained in the Strategic Community Plan.
- Include in the SCP and CBP for the first time, information regarding:
  - the Shire’s role in achieving outcomes.
  - recent highlights and achievements in key areas; and





- better describing how other informing strategic documents contribute to the achievement of outcomes, initiatives, and strategies.
- Allow for the Shire's Service Areas to better plan, allocate resources effectively, implement, monitor and report on key annual deliverables and budget.
- Prepare in advance for the eventual change expected to Integrated Planning and Reporting as part of Tranche Two of the LG Reform Agenda.

### **Draft Strategic Community Plan 2023 to 2033 / Incorporation of the Corporate Business Plan 2023 to 2027 – Strategic Initiatives**

The proposed reviewed and updated Strategic Community Plan 2023 to 2033 includes:

- A new vision based on the outcomes of the community Place Planning and the work of the Shire's Cultural Optimisation Group.
- Updated drivers lifted from the 2022 Community Perception Survey that underline the Key Directions retained.
- Updated community demographic profile from the most recent Census information.
- Description of the Shire's diverse role in the achievement of outcomes within the SCP and being clear where achievement may not be within the organisation's direct control and reliant on others.
- A direct follow on and integration of the SCP to the CBP.
- Better integration of other key informing strategic documentation.

### **Draft Vision**

The information gathered throughout the Place Planning engagement has also been used to guide the development of a new Draft Vision contained in the reviewed and updated Strategic Community Plan 2023 to 2033.

The overwhelming responses gathered relating to a lifestyle of choice (with many diverse options), uniqueness (of people, places, needs and choice), community (diversity yet unity and connectedness), culture (heritage, history, ethnicity) and country (heritage, custodianship, environment, landscapes) have strongly influenced the proposed Vision.

These response themes can be clearly identified in the word clouds (Place Plan pg.5) that highlight the descriptors most frequently associated with the district, further in Sense of Place Statement (Place Plan pg.6) and detailed throughout the characteristics of the entire district (Place Plan pgs. 9 to 17).

Further information was gathered from the key themes valued and what needs to be improved / focused on detailed in response to the 2022 Community Perceptions Survey.

Insights from the 2022 Community Perceptions Survey indicated that the 'The Lifestyle' (65%) was the most popular quality of living in the Shire of Capel. Other common qualities chosen was 'Our History and Heritage', 'Beaches' and 'Our Forestry.'

The proposed vision to be contained in the Strategic Community Plan 2023 to 2033 is:

### ***A Lifestyle of Choice: Connecting Community, Culture and Country***

The proposed Vision is believed to capture the choice that our community has and values so highly, speaks to the connection we have and finally, the individual unique aspects that evoke the strongest emotions and descriptions of the district.



These also aligned effectively to the Future Directions that are proposed to be retained unchanged in the proposed Strategic Community Plan.

### **Monitoring and Reporting**

Reporting to Council on the Plan for the Future is proposed to occur quarterly, as per the previous Corporate Business Plan along with a summary and any key or material matters from the Annual Organisational Delivery Plans (internally updated and reported to Executive monthly).

### **Summary**

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The recent and extensive engagement conducted in the development of the Shire's inaugural Place Plan 2023 to 2027 and the earlier Community Perceptions Survey (Oct 2022), provides an ideal opportunity to review whether the needs and aspirations of the community have changed since the SCP consultation held in 2021, and to inform any modifications that may be considered appropriate.

The new vision proposed endeavours to capture the valued character, emotion and aspiration that has been learned from the community over multiple engagement processes.

Council is requested to consider and adopt the updated Shire of Capel Strategic Community Plan (2023 to 2033) along with the remodelled format of the Corporate Business Plan 2023 to 2027, based on the Service Area Initiatives and Core Business Activities (adopted 2 August 2023). (see Attachment 13.2.1).

This updating and reformatting remains legislatively and regulatory compliant (as a SCP and CBP remain) yet are incorporated into an aligned document that begins the transition to a new 'Plan for the Future.'

Reformatting the SCP and CBP importantly also allows the reconsideration of and significantly improve the organisational delivery plans. These new plans will better allow for the planning and use of resources (human and financial), improved delivery of services and activities and improved monitoring and reporting.

### **Voting Requirements**

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Absolute Majority

<b>Officer's Recommendation – 13.2.</b>
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That Council:

1. Notes the extensive information gathered from recent community engagement processes that have informed the review and update of the Strategic Community Plan.
2. Endorses the new Shire of Capel Vision to be *"A Lifestyle of Choice: Connecting Community, Culture and Country"*.



3. Adopts the reviewed and updated Shire of Capel Strategic Community Plan 2023 to 2033 as per Attachment 13.2.1.
4. Authorises the giving of Public Notice regarding the adoption of a new Shire of Capel Strategic Community Plan 2023 and 2033.
5. Endorses the incorporation of the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives into a consolidated 'Plan for the Future'
6. Notes that the adopted Corporate Business Plan 2023 to 2027 – Core Business Actions will be detailed in Annual Operational Delivery Plans, with significant items included and reported as required, as part of the quarterly reporting.
7. Notes that the final published version of the 'Plan for the Future' incorporating the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives will be graphically designed, formatted and illustrated to a standard suitable for public presentation.

**OC/2023/161- Alternative Recommendation / Council Decision - 13.2**

*Moved Cr Terrantroy, Seconded Cr Mogg.*

**That Council:**

1. **Notes the extensive information gathered from recent community engagement processes that have informed the review and update of the Strategic Community Plan.**
2. **Endorses the new Shire of Capel Vision to be "A Lifestyle of Choice: Connecting Community, Culture and Country".**
3. **Adopts the reviewed and updated Shire of Capel Strategic Community Plan 2023 to 2033 as per Attachment 13.2.1.**
4. **Authorises the giving of Public Notice regarding the adoption of a new Shire of Capel Strategic Community Plan 2023 and 2033.**
5. **Endorses the incorporation of the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives into a consolidated 'Plan for the Future'.**
6. **Notes that the adopted Corporate Business Plan 2023 to 2027 – Core Business Actions will be detailed in Annual Operational Delivery Plans, with significant items included and reported as required, as part of the quarterly reporting.**
7. **Notes that the final published version of the 'Plan for the Future' incorporating the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives will be graphically designed, formatted and illustrated to a standard suitable for public presentation.**
8. **Notes that some terminology may be amended to align with the Shire of Capel Place Plan following adoption.**



**Carried 7 / 0 with an absolute majority.**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

**Reason:**

The additional point 8 was included to align with the withdrawal of the Shire of Capel Place Plan, as references are made within the Plan for the Future.





The land was originally a combination of pine plantation and agriculture, with patches of native vegetation before mineral sand mining commenced in 1971. Mining excavations intersected the water table creating large, deep lakes of permanent water.

Over time, these lakes developed typical wetlands ecologies presenting an advantageous post-mining land use oriented to nature-based activities. The mining company rehabilitated the lakes with water plants, grasses and trees.

In 1994, facilities (including a large building, composting toilets, car park, five bird hides, and 9 kilometres of footpath, three boardwalks and eight pedestrian bridges) funded by the company were constructed to cater for public access to the Wetlands Centre. The Wetlands Centre was closed in 2008 but the infrastructure remains.

Since 2009, three of the lakes on the Iluka-owned part of the Wetlands have been used by the Water Corporation for the Capel Wetlands Enhancement Project.

Currently, the site is being rehabilitated by Iluka Resources in accordance with the Mine Closure Plan (MCP), last updated and approved in 2020 under the *Mining Act 1978* (Mining Act) by the Department of Mines, Industry Regulation and Safety (DMIRS). With permission from Iluka Resources and Department of Biodiversity, Conservation and Attractions (DBCA) in the meantime, FAWNA Inc (registered with DBCA as a wildlife rehabilitation centre), established the 'Possum Finishing School,' a possum rehabilitation facility, on approximately one hectare of the site, using some infrastructure from the now closed Wetlands Centre and additional plant and equipment from their own resources.

North of the site, the area previously mined has reverted to agricultural production, although the land remains under a mine license. Although responsibilities to the State Government, under the *Mining Act (1978)*, have not been fully acquitted and the land has not been formally relinquished, hand back has been formalised with the land holders, most of whom are the farmers currently grazing the land. The status and current use of this land presents ambiguities for the mining company; transition of mining land for agricultural purposes with management of the land by the private sector does not present concerns for either the company or the DMIRS.

FAWNA Inc. was seeking to locate small animal shelters in 2019 to rehabilitate at-risk native animals and subsequently established a 'possum finishing school' on unused nursery facilities within the former Capel Wetlands Centre. FAWNA had plans to locate an aviary to rehabilitate injured Carnaby Cockatoos in a 'flying school' near the shelters.

The prospect of establishing a native animal hospital and research centre alongside the animal shelters and aviaries and develop secure areas to rehabilitate at-risk or threatened wildlife gave rise to the Kaatijinup Biodiversity Park vision and concept.

Kaatijinup is a Noongar word meaning "knowledge." FAWNA with permission, has adopted the name Kaatijinup Biodiversity Park as a place for sharing Noongar culture and work closely with the South West Aboriginal Land and Sea Council on a range of initiatives.





A native animal hospital and research centre would require significant annual funding to succeed and subsequently, the Kaatijinup Biodiversity Park would need to attract enough visitors and contributors to generate the revenue required to achieve the broader aim of Fostering and providing Assistance to Wildlife Needing Aid (FAWNA) Inc.

#### Proposed Concept / Vision

FAWNA Inc. outlined the proposed 'Kaatijinup' vision and concept in April 2020 as an integrated site potentially comprising the following.

- A centre of excellence in the care and recovery of endangered wildlife and habitats.
- A wildlife specific veterinary service and hospital.
- A research, training and education facility specialising in endemic at-risk wildlife.
- Function, gallery, exhibition, and interpretive space.
- Re-establishment of the lake's system as habitat for local and / or threatened aquatic fauna.
- Large feral-proof enclosures to house at-risk wildlife without fear of predation.
- Coordinators & wildlife advisors to maximise rehabilitation & release effectiveness.
- Onsite accommodation for researchers.
- A nature-based campground & luxury eco-camp for short stay / overnight visitors.
- An immersive wildlife experience with walk-in aviaries & animal enclosures.
- A bush tucker / bush medicine grove to host Aboriginal cultural activities.
- An open range area with Kangaroos and Emus.
- A picnic area with shade, ablutions, refreshments, and short walks.

The primary focus of the Park will be to provide care, medical treatment, recovery, and rehoming of native wildlife. Ancillary and additional elements, activities and facilities should serve to support / cover this primary aim, as well as maintaining their own individual sustainability.

#### Previous Council Decisions

- August 2023 – Council endorsed the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions that included the completion of a feasibility study into the (proposed) Kaatijinup Biodiversity Park, in consultation with all relevant stakeholders

#### Feasibility Study Scope of Work

The Shire engaged (August 2022) consultants GHD to undertake the KBP Feasibility Study, covering the following Scope of Work:

- Task 1: Study Inception
- Task 2: Background Review and Gap Analysis
- Task 3: Stakeholder Engagement
- Task 4: Market / Demand Analysis
- Task 5: Site Considerations / Master Plan
- Task 6: Feasibility and Viability
- Task 7: Development / Management Options
- Task 8: Final Recommendation and Conclusion



## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community

1.1 A more engaged community

Direction 2 - Manage and protect our environment

2.1 Improved management of our natural environment assets and attractions

2.2 Increased community capacity in supporting positive environmental management

2.5 Improved connection and access to natural assets of the forest and coastal environment

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

3.2 Effective promotion of the Shire and its towns

Direction 4 - Deliver good leadership, governance and decision-making

4.2 Informed and transparent decision making

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.1 Appropriate community facilities, that meet the communities' needs

Direction 6 - Effective communication, engagement and relationship development

6.1 Greater trust and the development of positive relationships within the Shire and with the community

6.2 Improved cross sector relationships and collaboration

### Corporate Business Plan 2023 to 2027

CEO 7 - Kaatijinup Biodiversity Park - Lead the completion of a feasibility study into the (proposed) Kaatijinup Biodiversity Park, in consultation with all relevant stakeholders.

## Statutory Framework

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### Local Framework

Local Planning Scheme No.8

### State Framework

Greater Bunbury Region Scheme

SW Native Title Settlement

*Calm Act 1984*

*Mining Act 1978*

*Aboriginal Heritage Act 1972*

### Federal Framework

*Environment Protection and Biodiversity Conservation Act 1999*





**Policy Framework**

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The following Shire Policies apply:

- There are no Council policies relevant to this item.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environmental  Rating: <b>Medium</b>	Possible	Moderate	Significant research and comprehensive consideration of environmental factors and relevant legislation / regulation.
<b>Risk Description:</b> Failure to appropriately understand and consider all relevant factors, leading to non-compliance or development / operational risks.			
<b>Risk 2</b> Financial  Rating: <b>Medium</b>	Possible	Moderate	Comprehensive cost analysis and modelling to inform potential future capital developments and operational requirements.
<b>Risk Description:</b> Failure to appropriately understand and consider the financial requirements and implications of the development (upfront and ongoing), leading to cost escalation and risk.			
<b>Risk 3</b> Reputation  Rating: <b>Medium</b>	Possible	Moderate	Well considered, planned, and implemented project development and delivery.
<b>Risk Description:</b> Failure to fully understand and examine all relevant considerations required for development, implementation and operational, leading to project failure.			
<b>Opportunity:</b> Well considered, planned, and implemented project development and delivery, that leads to a game changing environmental, fauna care, research, aboriginal culture, and accommodation family that provides a tourism / visitation attraction and gives Capel State and national significance.			

**Financial Implications**

Budget

The consultant, GHD was engaged by the Shire, with funding contributions towards the Study from Iluka Resources and the South West Development Commission.

There are no financial implications immediately relevant to this proposal. The Study details the significant capital expenditure (circa \$120 million for the high specification build) and funding that would be required to realise all facility elements and the full KBP vision.

Several critical steps need to be taken and matters considered before the proposed vision can progress.

Any future financial implications will be considered separately and detailed within subsequent reports.



## Long Term

Any future long-term and / or ongoing financial implications will be considered separately and detailed within subsequent reports.

## **Sustainability Implications**

### Climate Change and Environmental

The KBP Feasibility Study contains environmental information that will be responded to in future initiatives, actions, and further work, with any implications considered separately at the time.

### Social

The KBP Feasibility Study contains a range of social and community development information. Any future social and / or community initiatives will be considered separately and reported if relevant at the time of implementation.

### Economic

The KBP Feasibility Study contains economic development information, with any future actions and initiatives will be considered separately at the time.

### Asset

The KBP Feasibility Study identifies a range of potential facilities and asset information that may result in a range of capital works, asset upgrades and development initiatives. Any additional or amended assets circumstances will be assessed separately at the time.

## **Consultation/Engagement**

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### **External Consultation**

A Project Steering Group (PSG) included members from:

- Shire of Capel (Chair).
- FAWNA Inc.
- Iluka Resources.
- Department of Biodiversity, Conservation and Attractions (DBCA).
- South West Development Commission; and
- Undalup Association.

The PSG was responsible for providing relevant information, connecting the consultant with other potential stakeholders, overseeing the progress of the Study and work of the consultant, reviewing, and providing feedback on the Study information.

A comprehensive stakeholder engagement that included:

- Government agencies and services (DPLH, DBCA, DWER, Water Corporation).
- Tourism and Economic Development (SWDC, Tourism SW, BG Tourism Partnership, BGCCI, BGEA).
- University Research (Murdoch University – Harry Butler Institute, UWA, ECU).
- Aboriginal organisations (Undalup, Wadandi Elders, Karri Karrak Aboriginal Corporation).



- KBP site interests (Iluka Resources, FAWNA).
- Local tourism (Ludlow Tuart Forest Restoration Group, Forrest Family).

### Internal Consultation

An internal Working Group included the Chief Executive Officer, Director Infrastructure and Development, Planning Coordinator and Natural Resource Management officer.

### Officer Comment

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#### KAATIJINUP BIODIVERSITY PARK VISION

The KBP vision proposes an integrated native animal hospital and research facility, incorporating new and existing wildlife initiatives with the primary aim being the provision of native wildlife care, medical treatment, recovery, rehoming and for the KBP area to be a refuge for native aquatic and terrestrial fauna.

Ancillary tourism functions and additional elements, activities and facilities propose to support / cover this aim and be sustainable in their own right. The vision aspires to develop the site as a Centre of Excellence with a rich visitor offering that supports connection with nature and culture.

The KBP has potential to become a unique eco-tourism destination, whose viability is supported by a well-integrated and dynamic development concept.

The feasibility study further develops the FAWNA KBP vision as an integrated site concept, comprising of the following.

- A Centre of Excellence in the care and recovery of endangered wildlife and habitats
  - A wildlife specific veterinary service and hospital
  - A research, training and education facility specialising in endemic at-risk wildlife and land care
- Quality accommodation
  - Onsite accommodation for researchers, special interest, and school groups
  - A nature-based campground and eco-camps for short stay / overnight visitors
- Visitor facilities
  - Function, gallery, exhibition, and interpretive space for learning from nature and researchers
  - A bush tucker / bush medicine grove to host Aboriginal cultural activities
  - Café / refreshments
  - A picnic area with shade, ablutions, and short and long walks.
- An immersive nature and wildlife experience with
  - Walk-in aviaries & animal enclosures.
  - An open range area with Kangaroos and Emus.
- Wildlife habitat
  - Further enhancement of the lake's system as habitat for local and / or threatened aquatic fauna
  - Large feral-proof enclosures to house at-risk wildlife without fear of predation



## **OUTCOMES AND OUTPUTS OF THE FEASIBILITY STUDY**

Based on the Scope of Work for the Feasibility Study, the following key outputs and outcomes have been achieved.

### **Market / Demand Analysis**

The South-West Tourism Region is a significant tourist area in Western Australia providing a wide range of tourist attractions along the coast and inland, combining the new with the historic. Tourist demand is varied, ranging from the short-term specific attraction tourist to the longer-term 'wandering-see more' tourist.

Being close to the centre of the region, the KBP is well positioned to tap into the full range of visitors, developing specialised tourism options and / or adding to the tourism diversity of the region with a 'nature' based holiday option and focus on nature care, training, and research. Its offering to complement with an authentic tourist attraction rather than compete with what already exists in the region.

With a site of 319 hectares, strategically located on Bussell Highway at Tuart Drive, KBP has the capacity to satisfy a mix of tourism demands, from short stays, immersion in environmental activities (flora and fauna), involvement in indigenous cultural, educational programs and seminars.

The KBP report (Attachment 13.3.1) includes information on potential visits, spend and night stays for local, national, and international tourism demand.

### **Site Considerations / Master Plan**

#### Strategic Positioning

Formerly mined for mineral sands, the 319-hectare site is characterised by a string of 17 artificial lakes formed through land excavation. Over the past 35 years, Iluka Resources' award-winning environmental rehabilitation efforts have progressively "re-naturalised" the site creating bushland and wetland ecosystems. Many rare and threatened native fauna species now occupy the site.

Potentially suitable development areas for the KBP have been identified through overlays of site planning, environmental and infrastructure opportunities, and constraints. It has been driven by the need to minimise environmental impact and disruption of the current rehabilitation and mine closure activities. The areas mostly occur on the western part of the site around the lake's axis and close to Tuart Drive where there is opportunity to build upon existing services, facilities, buildings, and features.

The KBP's conceptual development is driven by the need to achieve a tranquil experience of nature and connection to land through an authentic nature-based offering.

The master plan development concept achieves an authentic nature-based offering that is strategically positioned for long term success. The concept embraces the site's qualities, making the most of existing assets (buildings, structures, paths), site history, existing uses, conservation values and opportunities while proactively responding to constraints. Development is located on the site's west in a consolidated, efficiently serviced infrastructure spine where it least impacts upon the environment. The development structure minimises vehicular intrusion upon the site and allows an immersive experience of place, which is safe for pedestrians and fauna alike.

Driving the site structuring is the concern to minimise visitor impact upon fauna rehabilitation and release areas. With this in mind, areas have been arranged with sufficient flexibility to further separate proposed activity and section off areas, as required.

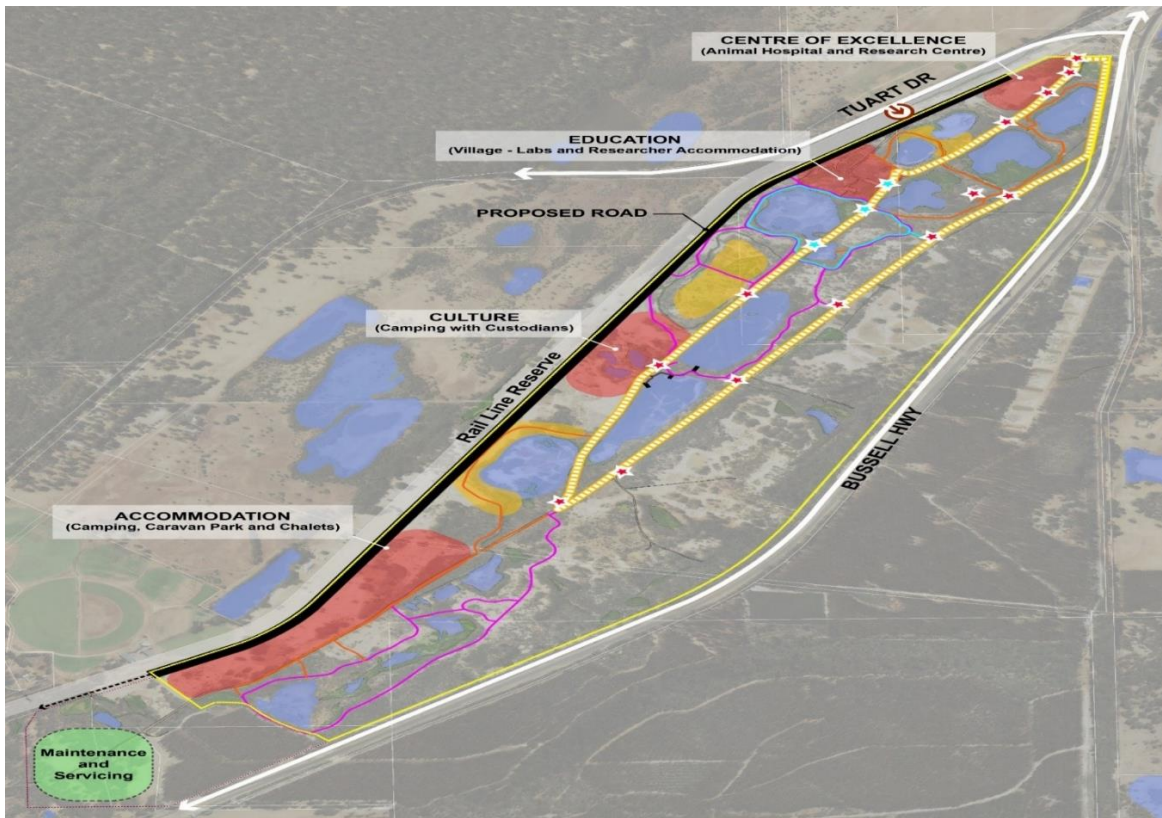
The primary activity nodes occur as discrete development clusters around the wetland's attractions, away from areas valuable for free ranging fauna (emus, and other) and the Bussell Highway's noise. They are strategically located to create complementary activity magnets that are within a walkable 10-15 minute distance of each other.

Attractive linkage around them encourages recreational movement through well-facilitated short and long recreational trails, including boardwalks. Learning from nature and connection to land and Indigenous culture opportunity is embedded in the KBP concept, throughout the site.

The master plan concept embraces the site's inherent attributes and possibilities, providing a robust development framework that can evolve over time with integrity, making effective use of available investment and initiatives to accelerate the KBP's establishment. The master plan is a guiding document rather than an explicit detail of outcomes.

Four activity nodes are created to build a unique place offering, facilitate various place dynamics, and achieve flexible staging, as funds become available:

- Primary activity nodes are located to create complementary activity magnets that are within a walkable 10-15 minute distance.
- Attractive linkages are created around activity nodes through well-facilitated short and long recreational trails, including boardwalks, which encourage recreational movement and provide learning from nature opportunity. Achieving discrete development clusters and servicing efficiency within a consolidated infrastructure spine that minimises vehicular intrusion upon the site, is cost effective and logically staged, as and when funds become available.





## Key Places

- Centre of Excellence - A native animal hospital and research centre.

The destination facility is located at Bussell Highway and Tuart Drive to create a gateway to the Ludlow heritage and tourism precinct and a welcoming front door to the KBP for regional travellers.

It provides best practice native animal care and enclosures, research standard laboratories and learning facilities, offices, meeting rooms, an Aboriginal Cultural Consultation facility, and inclusive, multipurpose spaces suitable for displays and special events. The multipurpose facility focusses on field work within the precinct, related training, education for eco-camps and engagement with the public.

- Education – A village hub for researchers and visitor destination.

An education focused village hub for researchers and visitors is located at the current area of wildlife care activity and facilities, near the site entry. Effective use is made of the existing buildings and structures to form an attractive village core from which the site can be explored.

It builds upon and celebrates the site's environmental care and education tradition. An education hub at the Eco-centre provides a research quality laboratory, indoor and outdoor learning opportunity and accommodation for small school groups and researchers.

- Culture – Camping with Custodians and Aboriginal ranger focus to learning from nature.

A Camping with Custodians focus is created around high-quality wetlands for a unique learning from nature and culture experience. Located centrally within the site it provides easy access to diverse offerings where an uninterrupted experience of nature can occur.

The guest facility is a place for visitors to meet a ranger and learn about traditional land care practices through programmed visits and tours.

- Accommodation – Various options suited to nature tourism and special interest groups

A choice of high end and low-key accommodation options are provided at the site's south where close connection to nature can be achieved in an informal setting, including camping, caravan, chalet, and glamping possibilities.

A small maintenance and servicing hub (depot) supports effective site management of this and other areas.

## **Feasibility and Viability**

### Implementation Approach

A multi-stage rollout of the concept may see the full vision realised over 20 years. The KBP Report considers a range of financial and economic models, that are considered against various construction program scenarios.

Delivery of the master plan to the fullest vision over the short term would necessitate substantial upfront funding and capital expenditure that is beyond the capacity of the site.



Generating a sufficiently well-developed offering over the short to mid-term and as a 'proof of concept,' will be critical to building the KBP's profile and attracting investment. Quality is important to attracting patronage and delivering regional economic benefits.

The KBP will require an implementation program that focuses on the viability of the early development stages, which can expand and scale up until operations are underway. In the short term, incremental establishment through low cost, low spec, low risk delivery can achieve a simple market entry that builds demand, stakeholder buy in and investor confidence.

### Prioritisation of Works

Establishing the biodiversity park's core functions will be a priority. A low capital wildlife hospital, potentially mobile, will meet FAWNA's "bare bones" objective for urgently needed animal care. Accommodation and cultural elements also require early establishment as part of the core offering. The elements may up-spec as they move to the next phase of their (individual) evolution, based on demand, demonstrated viability and available funding.

These may be mutually exclusive and occur at separate times. Some of the master plan elements will largely be dependent upon external funding, such as the Centre of Excellence and Education Hub, and so will affect implementation staging. However, a multifaceted program of well curated small and large projects can progressively grow the KBP offering.

It is not intended that whole activity nodes be delivered at once, rather the elements that kickstart the Park and allow it to evolve organically. Coherent delivery of the master plan over the long term is most critical to consolidating a development and investment framework that accelerates the Park's delivery.

### Modelling and Demand Analysis

Capital and operational cost modelling explored the KBP feasibility / viability through several development scenarios. The initial scenario achieved the master plan to its fullest and was based on cost estimates prepared to high quality standards. Alternative development possibilities were explored through Cost Benefit Analysis and sensitivity Analysis to assist in determining how the project can be carried forward over the next 15-20 years.

The analysis gives a feel for how upfront costs may be minimised depending on the biodiversity park's development path taken and the speed of implementation and quality of the finished product.

This analysis was used by the Project Steering Group to develop a Base Case scenario and is considered the most viable moving forward. With a lower capital cost program (circa \$8.2m) it is proposed that the KBP can commence from a targeted base which will demonstrate proof of concept and kickstart the development of a major tourist attraction, with a very strong positive impact on the Shire of Capel region.

Diversion of Iluka Resources mining closure spend to this implementation phase, along with grant funding, could realise the KBP in its basic form.

### Funding

Options for funding include, but are not limited to, government contribution, grant funding, commercial bank loans, philanthropy, and private sector sponsorship. There are several potential participants that may be inclined to provide additional support for the project. By developing



diverse working relationships across sectors through MOUs and partnerships funding avenues will be opened.

## **Development / Management Options**

### Tenure and Land Management Context

To support the achievement of the vision for the KBP, it is important to consider how the site will develop and be managed in the long-term, including appropriate transition from the mining closure phase. Given the range of uses proposed and number of stakeholders it is a complex process.

The regulatory framework is established by local and regional planning schemes for land use planning, the CALM Act, Mining Act and Native Title Settlement Act. They have implications for the use, management and operational and delivery of the activity nodes and site rehabilitation.

A small northern section of the site, adjoining the Bussell Highway and Tuart Drive intersection, is owned freehold by Iluka Resources and falls under the Shire of Capel Local Planning Scheme No.8 (LPS 8). The remaining area is Crown land (part of State Forest 12) that falls under the management of the Department of Biodiversity, Conservation and Attractions, and is reserved as a State Forest under the GBRS. Use and management of the KBP is guided by the Forest Management Plan 2014-2023, to be replaced by a new management plan in December 2023.

The KBP use of the site will support the achievement of the draft strategic goals included in the updated forest management plan.

The State Forest site is subject to an active mining lease held by Iluka Resources, now in its mine closure phase. Mining has ceased and Iluka Resources have responsibility for the site's rehabilitation, to return it to the state as a safe, stable, and non-polluting site.

### Governance and management approach

There is a significant role for Iluka Resources in facilitating the KBP and transitioning use. Optioneering assumes a unified site. The Iluka Resources freehold site is particularly important to kickstarting the KBP's development staging and program. Ideally, the northern portion of the site would be gifted freehold to the Shire free of cost for their use. The Shire's tenure of the land, together with a lease from DBCA on the State Forest site, would provide the land management framework and certainty for the Park's realisation. Subsequently, it can then sub-lease to FAWNA Inc and other ventures for the biodiversity park purpose. The Shire would be placed in a position to promote the Park without taking on the full risk of delivery.

To facilitate achievement of the vision in a cohesive manner it is recommended that a management body be formed to oversee operations and development at the site. The site may also benefit from the development of a management plan, following the overarching direction of the Draft Forest Management Plan 2024-2033 with site specific management approaches.

The proposed approach will focus efforts on the shared vision, giving better certainty to current land managers and site users. It also allows for use of the site to be expanded whilst also ensuring the site is rehabilitated appropriately. More detailed action plans are provided in the study. They are pragmatic steps that plot a way forward for the KBP.





## WAY FORWARD / NEXT STEPS

Rehabilitation of the KBP site by Iluka Resources will continue until the company have fulfilled the requirements of the Mine Closure Plan or unless the 'ultimate outcome' is revised and receives the necessary State and organisational approvals.

Subject to agreement by DMIRS and DBCA, changing the post-mining land use within the Mine Closure Plan to be consistent with the master plan (to exclude development areas shown) could reduce the area requiring further rehabilitation activity or allow for rehabilitation funds to be expended differently and towards achievement of the masterplan and vision.

Critical steps, considerations and further work is required to take the KBP vision from a concept that now seems feasible, to a well-defined and understood actual project. These include:

- Continued discussion, negotiation and (in-principle) agreement on the vision and key land tenure, management, and governance arrangements.

Both DBCA and Iluka will require a high-level of confidence that the KBP project can be developed, funded, delivered, operated, and maintained, without leaving a legacy liability to the parties to vary from the agreed and approved outcome (mine closure and hand back to State Forest).

- Continued discussion and negotiation with potential development and operational partners including universities, research and conservation organisations, Karri Karrik, FAWNA).
- Continued work on potential funding sources and partnering organisations.
- Continue to explore and fully understand the two-tiered scenario approach to implementation.
- Detailed understanding of legislative and regulatory requirements, as well as any required approvals.

The Shire believes that a continuation of the Project Steering Group can progress the above within existing resources throughout 2023/24.

A subsequent report and (potential) proposal to proceed (or not) will be the outcome of this work.

## Summary

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The feasibility of the Kaatijinup Biodiversity Park vision has been considered via a comprehensive stakeholder engagement and concept development process. The output and outcome of this work is a:

- Masterplan that responds effectively to the site characteristics, with a well-designed layout that is based on four (4) key nodes.
- Strong demonstrated demand, particularly from an environmental conservation, cultural heritage, and tourism perspective.
- A potential two-stage development scenario albeit with significant funding required to realise the ultimate vision.
- Logical land tenure, governance, and potential management arrangements.



This information provides a foundation on which, subsequent key critical steps, considerations and further work can be undertaken throughout 2023/24, to take the KBP vision from a concept that now seems feasible, to a well-defined and understood actual project.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 13.3.

*Moved Cr Mogg, Seconded Cr Dillon.*

**That Council:**

- 1. Notes the completed Kaatijinup Biodiversity Park (KBP) Feasibility Study as per Attachment 13.3.1**
- 2. Endorses the Kaatijinup Biodiversity Park (KBP) - Feasibility Study as an in-principal foundation and guide to undertake subsequent work.**
- 3. Supports Shire officers continuing to lead the ongoing work of the KBP Steering Group throughout 2023/24, to progress the critical steps and considerations to (potentially) take the KBP vision from a concept from feasibility, to a well-defined and understood project.**

### OC/2023/162- Amendment / Council Decision - 13.3

*Moved Cr McCleery, Seconded Cr Terrantroy.*

**To change the word 'from' to 'and' in the last sentence of point 3.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*The Amendment became the substantive motion.*



**OC/2023/163 - Amended Recommendation / Council Decision – 13.3**

*Moved Cr Mogg, Seconded Cr Dillon.*

**That Council:**

- 1. Notes the completed Kaatijinup Biodiversity Park (KBP) Feasibility Study as per Attachment 13.3.1**
- 2. Endorses the Kaatijinup Biodiversity Park (KBP) - Feasibility Study as an in-principal foundation and guide to undertake subsequent work.**
- 3. Supports Shire officers continuing to lead the ongoing work of the KBP Steering Group throughout 2023/24, to progress the critical steps and considerations to (potentially) take the KBP vision from a concept to feasibility, to a well-defined and understood project.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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### 13.4. Proposed Ordinary Council Meeting Dates 2024

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Consider and adopt the schedule of Ordinary Council Meeting (OCM) dates for 2024.

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#### Officer's Recommendation

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That Council:

1. Approves the Ordinary Council Meeting Schedule for 2024 as:

Wednesday	31 January
Wednesday	28 February
Wednesday	27 March
Wednesday	24 April
Wednesday	29 May
Wednesday	26 June
Wednesday	31 July
Wednesday	28 August
Wednesday	25 September
Wednesday	30 October
Wednesday	27 November

2. Approves the commencement time of 6:00pm for each Ordinary Council Meeting, with all scheduled meetings held at the Council Chambers, Forrest Road, Capel.
3. Endorses any necessary public notice of the meeting dates.

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#### Background

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The Shire of Capel (Shire) Council is required to adopt a schedule of OCM's for 2024.

The Shire's OCM's are normally held on the last Wednesday of each month, however meetings held in January and / or December may be an exception to this cycle, depending on the time between and fall of public holidays.

The Shire aims to publish the Agenda for each OCM approximately two weeks prior to the meeting, to allow Councillors and the public sufficient time to read the agenda, request any additional information that may be required, prepare for the meeting and to assist with fully considered decision making.



The proposal for the non-scheduling of the December OCM meeting is due to the short time period between the November and December meetings, and the resultant impact on the agenda preparation and publishing cycle, and the likelihood of a very minimal agenda as a result.

### Previous Council Decisions

November 2021 - The Council decided on the Council meeting dates for the 2022 Calendar year (OC240/2021).

September 2022 – The Council decided on the Council Meeting dates for the 2023 Calendar year (OC/2022/180)

‘That the Council:

1. Approves the Ordinary Council Meeting Schedule for 2023 as:

- Wednesday 25 January
- Wednesday 22 February
- Wednesday 29 March
- Wednesday 26 April
- Wednesday 31 May
- Wednesday 28 June
- Wednesday 26 July
- Wednesday 30 August
- Wednesday 27 September
- Wednesday 25 October
- Wednesday 29 November’...

An officer’s recommendation to revoke the decision to hold the December 2022 meeting was amended to change the date of the December 2022 Meeting to 21 December (OC/2022/182) as follows:

‘That the Council:

1. Revokes part of section 2 of Council Decision OC40/2021, regarding holding an Ordinary Meeting of Council on Wednesday, 14 December 2022 and replace that date with 21 December 2022.
2. Endorses any necessary public notice.’

### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

1.1 A more engaged community

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

Direction 6: Effective communication, engagement and relationship development.

6.1 Greater trust and the development of positive relationships within the Shire and with the community.



## Corporate Business Plan 2023 to 2027

- GOV 29 - Council/ Committee Timeframes - Realign delivery of Council / Committee agendas and associated briefings / site visits to provide for increased preparation time and improved understanding / decision-making.
- GOV 30 - Council Meeting support - Production and distribution of meeting agendas and minutes for council, committee and internal meetings.
- BTECH 29 – Online Meeting Capability - Review Council Chambers Audio / Visual / Virtual / Streaming Capability.

## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government Act 1995*

#### 5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

#### 5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either –
  - (i) the mayor or president; or
  - (ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

#### 5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to –
  - (g) the giving of public notice of the date and agenda for council or committee meetings;

*Local Government (Administration) Regulations 1996*

#### 12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  1. the ordinary council meetings; and
  2. the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.



**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

The following Shire Policies apply:

- Council Chambers Usage.

**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <b>Medium</b>	Almost Certain	Minor	The proposed dates be considered by Council and the public notice requirements fulfilled.
<b>Risk Description:</b> If Council Meeting dates are not scheduled and publicly advertised in accordance with the Local Government Act, the Chief Executive Officer will have to notify the Minister which could result in a breach by the Local Government.			
<b>Risk 2</b> Reputation  Rating: <b>Low</b>	Unlikely	Minor	The proposed dates be considered by Council and the public notice requirements fulfilled.
<b>Risk Description:</b> Council meeting dates not being scheduled, and public notice not being followed can resolve in lack of accountability and transparency to the community.			
<b>Opportunity:</b> The Shire meets the statutory requirements and continues to facilitate strong community engagement in decision making for 2024.			

**Financial Implications**

Budget

There are resourcing costs associated with hosting council meetings in the Council Chambers. These costs are provided for in the adopted 2023/24 Annual Budget.

Public access to the Council Chamber is available for those who wish to view the meetings in person.

The installation of live streaming equipment in the Council Chamber in 2021, has increased the availability and many more members of the public are now able to view meeting proceedings. This upgrade in technology has superseded the requirement to host some OCM’s at alternate venues in the Shire, and negated the additional associated expenses incurred.

The Corporate Business Plan 2023 to 2027 (BTECH 29) and the 2023/24 Annual Budget includes a budgeted item to review the Council Chambers Audio / Visual / Virtual / Streaming capability.

The Annual Electors Meeting will continue to be rotated through alternate venues within the Shire.



## Long Term

As no assets/infrastructure are being created, there are no long term financial implications relevant to this proposal.

## **Sustainability Implications**

There are no sustainability implications related to this item.

## **Consultation/Engagement**

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### **External Consultation**

There was no external consultation. Public notice will be given of Council's decision in accordance with legislative requirements and the adopted Shire of Capel Community Engagement Framework 2022 to 2026.

### **Internal Consultation**

No internal consultation was undertaken.

## **Officer Comment**

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Council business is conducted at Ordinary and Special Council Meetings. Special Meetings may be called for on an emergent basis when need arises.

Ordinary Meetings provide for the general business of Council and occur regularly to allow for public and staff presentation of relevant materials and timely decision making. Council or staff members may also conduct committees, workshops or other meetings or hearings to contribute to the understanding of an issue.

## Schedule

The proposed schedule of meetings has been prepared to balance the demands of Council business with resource availability and the assessment of available information. Accordingly, this schedule recommends eleven ordinary meetings in 2024.

A commencement time of 6:00pm is proposed for each Ordinary Meeting, to be held at the Council Chambers, Forrest Road, Capel.

The decision will be advertised under the public notice requirements of the *Local Government Act 1995*.

## **Summary**

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Council's consideration of the 2024 meeting dates will inform the community and assist the operational planning for the year ahead.





## Voting Requirements

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Absolute Majority

### Officer's Recommendation – 13.1

#### OC/2023/164 - Officer's Recommendation / Council Decision - 13.4

*Moved Cr Mogg, Seconded Cr Dillon.*

#### That Council:

**1. Approves the Ordinary Council Meeting Schedule for 2024 as:**

<b>Wednesday</b>	<b>31 January</b>
<b>Wednesday</b>	<b>28 February</b>
<b>Wednesday</b>	<b>27 March</b>
<b>Wednesday</b>	<b>24 April</b>
<b>Wednesday</b>	<b>29 May</b>
<b>Wednesday</b>	<b>26 June</b>
<b>Wednesday</b>	<b>31 July</b>
<b>Wednesday</b>	<b>28 August</b>
<b>Wednesday</b>	<b>25 September</b>
<b>Wednesday</b>	<b>30 October</b>
<b>Wednesday</b>	<b>27 November</b>

**2. Approves the commencement time of 6:00pm for each Ordinary Council Meeting, with all scheduled meetings held at the Council Chambers, Forrest Road, Capel.**

**3. Endorses any necessary public notice of the meeting dates.**

**Carried 7 / 0 with an absolute majority.**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



## 14. Infrastructure and Development Reports

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### 14.1. Environmental Offsets Register Update to Council

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<b>Author</b>	Manager Development Services, Scott Price Manager Sustainability and Environment, Matt Beahan Planning Coordinator, Matthew Wansborough
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Information Only
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Note the advice provided by the Department of Water and Environmental Regulation (DWER) about the Environmental Offsets Register and acknowledge the answers provided to the questions posed by Council at the Ordinary Council Meeting (OCM) dated 29 March 2023.

#### Officer's Recommendation

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That Council notes the information provided by the Department of Water and Environmental Regulation on the Environmental Offsets Register.

#### Background

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##### Previous Council Decisions

Council requested at the meeting held on 29 March 2023 that:

1. The CEO seeks an update on the State Government 'WA Environmental Offsets Framework Review;'
2. The CEO to investigate the potential process for having private land within the Shire of Capel included on the Environmental Protection Authority Offset Register; and
3. The CEO to investigate the legal process whereby Conservation Covenants may be applied to any private land secured as an offset area within the Shire of Capel.

The reasons for the investigation into the Environmental Offsets Register were:

- *To ensure that the Shire always has available a list of suitable potential offset sites for any future development, either public or private.*
- *To ensure that any future Offsets Rehabilitation requirements and funding incurred within the Shire, either private or public, are located and expended within the Shire.*
- *To increase Community Connectivity and Engagement*
- *To encourage Active Participation in Environmental Rehabilitation*
- *To enhance the tourism potential of the Shire - As an example of Public / Private Joint Venture program, where private or institutionally owned land can be used by government departments to achieve a mutually beneficial outcome, please refer to the Homeswest Joint Venture Housing Scheme, media release below.*



The findings to the above would then be presented to Council for further information and consideration (where applicable).

### Offset Register Background

The Environmental Offsets Register provides a central public record of all offset agreements in Western Australia most often related to proposals as part of an environmental impact assessment condition or clearing permit condition under Part IV and V of the *Environmental Protection Act 1986* (EP Act) respectively. Offset conditions for impacts to biodiversity conservation under the *Biodiversity Conservation Act 2016* (BC Act) can also be considered and included in the Register. This may include in some cases, private land where offsets are considered.

Covenants can be applied as part of securing offsets through mechanisms such as conservation covenants under the *National Trust of Australia (WA) Act 1964*, covenants under the *Soil and Land Conservation Act 1945*, or most recently environmental protection covenants under the EP Act.

### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 2 - Manage and protect our environment

2.1 Improved management of our natural environment assets and attractions

2.2 Increased community capacity in supporting positive environmental management

2.3 A Shire committed to sustainable practices

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

*Biodiversity Conservation Act 2016*

*Environmental Protection Act 1986*

*National Trust of Australia (WA) Act 1964;*

*Soil and Land Conservation Act 1945;*

#### **Federal Framework**

*Environment Protection and Biodiversity Conservation Act 1999*

### **Policy Framework**

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There are no Council policies relevant to this item.



## Implications

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### Financial Implications

#### Budget

There are no financial implications relevant to this proposal.

#### Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

### Sustainability Implications

#### Climate Change and Environmental

Environmental offsets are specifically designed to mitigate negative environmental impacts, including those due to man-made climate change.

#### Social

There are no relevant social implications relevant to this item.

#### Economic

There are no relevant economic implications relevant to this item.

#### Asset

There are no relevant asset implications relevant to this item.

## Officer Comment

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According to DWER, the main aim of the Register is to facilitate transparency and accountability of offsets. Offsets in the Offset Register are for approved projects and most often applied to proposals subject to environmental impact assessment and as a condition of permits for clearing of native vegetation under the '*Environmental Protection Act 1986*' (EP Act). They may be considered in relation to other legislation.

The Offset Register will provide information regarding the rationale for the need and quantum of an offset, the spatial location of offsets (where applicable), any proposed offset actions and the implementation of offsets.

### Update on WA Environmental Offsets Framework Review

To progress the assessment and investigation into the matters raised at the March 2023 OCM, Shire Officers contacted several people within the DWER to ascertain further information on the Offsets Register.



The DWER is in the process of implementing actions considered in the environmental offsets review completed in 2019 which was documented in the report Review of the Western Australian Environmental Offsets Framework. The review report provided 25 recommendations including an update on the WA Environmental Offsets Policy, guidelines and finalisation of the WA metric. This was followed with the release of the Implementation Plan for the review's recommendations with 10 key projects. Further information and progress on the implementation of the projects can be found on the Department's webpage.

### **Potential of Shire of Capel land to be included on the Offset Register**

The CEO was requested to investigate the potential process for having private land within the Shire of Capel included on the Environmental Protection Authority Offset Register. This would involve identifying a number of sites suitable for offsets and advising DWER of their availability.

When the DWER grants a clearing permit with an offset corresponding to a certain area, this area is digitised and (in conveyancing) automatically goes into the Government of Western Australia Environmental Offsets Register. This process is internal at both DWER and Department of Mines, Industry Regulations and Safety (DMIRS), the latter having some land clearing/offset responsibility.

The advice from DWER is that the local government has no role to play, and that the identification of offset land is a responsibility that sits between the state and the proponent of the environmental action. Despite this, the Shire sometimes ends up having to manage the offsets.

### **Conservation Covenant Process**

The CEO was requested to investigate the legal process whereby Conservation Covenants may be applied to any private land secured as an offset area within the Shire of Capel.

As explained, DWER will place a condition on a clearing permit requiring a conservation covenant to be placed (on an offset property), and it is the permit holder's responsibility to organise this. Initially the permit holder must contact the Department of Primary Industries and Regional Development (DPIRD) Commissioner of Soil and Land Conservation to obtain agreement to the covenant, after which they are required to do the following (website excerpt):

*There are a number of steps to arrange a covenant. Once the Commissioner has agreed in principle to a Conservation Covenant or ATR, the landowner will be advised of the following steps:*

- *If only a part of the lot is to be covenanted, the landowner must engage a licensed surveyor to draw up an Interests Only Deposited Plan (IODP) that identifies the area to be protected by a covenant. Some IODPs can be completed by the surveyor as 'desktop' work, rather than a detailed survey of the site. The surveyor will then lodge the IODP with Landgate.*
- *The IODP can be skipped if an entire lot (as described on the Certificate of Title) is to be covenanted.*
- *When the Commissioner has received advice that the IODP has been lodged and received an electronic copy, documents are prepared for the landowner's review and signing when all details are confirmed correct.*
- *Where covenants are required as a condition of a statutory process, such as a subdivision approval or an environmental impact assessment, the Commissioner charges a fee for preparing the documents based on the time taken to complete the task.*



- *If a Conservation Covenant is proposed, a statement of undertaking will be included in the documents confirming that the owners understand they are signing an irrevocable covenant.*
- *Signed covenants are lodged with Landgate for registration of the memorial on the Certificate of Title.'*

### **Existing Offsets**

Based upon the Government of Western Australia's database for Environmental Offsets, the Shire currently contains three sites that are registered as offsets. The Shire is a proponent of two offsets, whilst a private company is the proponent of the third site. The sites are as follows:

- Payne Street Reserve (PIN 1314733) Boyanup;
- Weld Road Reserve (PIN 11543462), Capel and Elgin; and
- Lots 677 & 679 on Deposited Plan 250876, Stratham.

### **Summary**

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The opportunity exists for the Shire to recommend sites to DWER for potential offsets into the future, however the ultimate decision as to whether a site is chosen as an offset is with both DWER and the proponent. Furthermore, the Shire has been advised that it has very little power in the process.

### **Voting Requirements**

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Simple Majority.

#### **Officer's Recommendation – 14.1.**

#### **OC/2023/165- Officer's Recommendation / Council Decision - 14.1**

*Moved Cr Mogg, Seconded Cr McCleery.*

**That Council notes the information provided by the Department of Water and Environmental Regulation on the Environmental Offsets Register.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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## 14.2. Extractive Industry Development Proposal - Lots 677 and 679 Calinup Road, Gelorup

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<b>Author</b>	Senior Planning Officer, Adrian Ortega
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Development Plans and Accompanying Documents [<b>14.2.1</b> - 122 pages]</li><li>2. Calinup Rd Flora Survey Rehab Areas 2023 Report [<b>14.2.2</b> - 81 pages]</li><li>3. Applicant Response to Schedule of Referrals [<b>14.2.3</b> - 10 pages]</li><li>4. Applicant Response to Schedule of Submissions [<b>14.2.4</b> - 8 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Consider a Development Application for 'Industry Extractive' for the continuation of extraction of sand at Lot 679 Calinup Road, Gelorup and the expansion of this activity into Lot 677 Calinup Road, Gelorup (Attachment 14.2.1 – Development Plans and Accompanying Documents)

The development application will enable the continuation of extraction of material from the site and expansion onto the adjoining lot. It is anticipated that there are sufficient resources to continue extraction for at least another 5 years.

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### Officer's Recommendation

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That Council:

1. In accordance with Clause 68(2)(b) of the Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant Development Approval for 'Industry Extractive' on Lots 677 and 679 Calinup Road, Gelorup subject to the following 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 27 September 2023;
  - b. This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect;
  - c. Resource extraction is only permitted for a maximum of 5 years after the issue of this Development Approval;
  - d. The maximum pit floor depth shall not be below 11 metres AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation;



- e. No dewatering works are to be undertaken without consultation with the Department of Water and Environmental Regulation;
- f. The Local Government is to be notified within 24 hours if the water table is intercepted;
- g. There shall be no storage of hydrocarbons on-site. On-site refueling 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;
- h. Prior to the commencement of development, a signed Extractive Industry Rehabilitation Agreement shall be lodged with the Shire of Capel;
- i. Prior to the commencement of development, a Rehabilitation Implementation, Management and Monitoring Plan shall be submitted for approval by the Shire. The Rehabilitation Implementation, Management and Monitoring Plan shall be consistent with Water Quality Protection Note 15 (WQPN 15) and the Guidelines for Preparing Mine Closure Plans, and covering the intended staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria and include a finished rehabilitated level at least 3 metres above the highest groundwater level;
- j. 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;
- k. 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;
- l. The maximum truck movements to and from site per day is limited to 26 (13 in and out of site). Consideration by the Shire will be given for granting additional numbers to the stated maximum figure of 26 truck movements per day, with any variation to be approved in writing by the Chief Executive Officer;
- m. All works associated with the extractive industry be setback at least 20 metres from any boundary, including the location of bunds;
- n. Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016;
- o. Prior to the issue of an Extractive Industry Licence, the assigned rehabilitation bond for Stages 1 and 2 shall be provided to the Shire in the form of a bond or bank guarantee in pursuant to the Shire's Schedule of Fees and Charges;





- p. The development that is the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Accordingly, a Noise Management Plan is requested and is to include but is not limited to standard operating practices, loader operating times, complaints procedure/communication with receivers, mitigation measures, records and monitoring.
- q. A fauna specialist shall be present when clearing of native vegetation is undertaken.
2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development, for Lots 677 and 679 Calinup Road, Gelorup and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.

## Background

Land/Title Information:	Lots 677 and 679 Calinup Road, Gelorup
Development Description:	Extension and expansion to an existing Industry Extractive Approval
Land Area:	Lot 677 - 33.75ha Lot 679 - 14.15ha
Existing Land Use:	Industry - Extractive
Town Planning Scheme zone:	Rural
Greater Bunbury Region Scheme zone:	Rural
Bushfire Prone Area:	Yes
Heritage Listing:	No
Application Received Date:	16 May 2023

## Previous Council Decisions

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

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

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

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

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

2018 – The licence was renewed in July 2018 for Lots 677 and 679 Calinup Road with an expiry of 25 July 2023.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

Direction 4 - Deliver good leadership, governance and decision-making

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

## Statutory Framework

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### Local Framework

#### Local Planning Scheme No. 8 (LPS8):

Lots 677 and 679 Calinup Road are zoned Rural under LPS8. Industry – Extractive is an 'A' Use and is not permitted unless Council grants development approval after advertising the application. The following clauses of the Scheme apply to the consideration of this application:

#### Clause 9: Aims of the Scheme

- (1) to implement the Strategies, Actions and Strategic Plans of the Shire of Capel Local Planning Strategy.
- (2) to provide facilities and services that recognize the diverse needs of the community and strive to make the Shire a safe place to live, work and visit.
- (3) to foster and support responsible and progressive economic development opportunities in the Shire.
- (4) to facilitate sustainable growth and development taking account of the special assets and individual requirements of each locality in the Shire.
- (5) to plan and facilitate safe sustainable and efficient infrastructure and transport networks to meet the needs of the community.
- (6) to preserve and enhance the natural and built environment to ensure it is livable, sustainable and adaptable to the communities' needs and expectations.
- (7) to provide for the preservation and enhancement of areas, places and objects of cultural and heritage significance.
- (8) to protect rural land for sustainable agricultural production and natural resource development and provide for a broad range of rural and ancillary land use opportunities.

#### Clause 16: Objectives of the Rural Zone

- To provide for the maintenance or enhancement of specific local rural character.
- To protect extensive agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, in order to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.



- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

### Extractive Industry Local Law

#### Clause 2.1: Extractive industries prohibited without licence

*A person shall not carry out an extractive industry –*

- 1. Unless the person is the holder of a valid and current licence; and*
- 2. 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

The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.

#### 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–*
  - 1. the fees and charges determined by the local government from time to time;*
  - 2. a copy of the current licence;*
  - 3. a plan showing the contours of the excavation carried out to the date of that application;*
  - 4. 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 clauses 2.3(1) (b) and (c); and*
  - 5. any other things referred to in clauses 2.3 and 3.1.*
- 2. The local government may waive any of the requirements specified in clause 4.3(1) (d) or (e).*
- 3. If –*
  - 1. A n application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and*
  - 2. the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,*

*then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.*

### Local Planning Policy 6.2 Extractive Industries (LPP6.2)

The intent of this policy is to provide guidance in assessing proposals for Extractive Industry and provide operators and the community with more certainty around the outcomes of such proposals. The policy has undergone extensive consultation with the community and operators and was considered for final approval at the Shire's Ordinary Council Meeting in June 2023.

LPP6.2 sets out acceptable development and performance criteria for the assessment of development applications. In the event that a development application does not meet the



'Acceptable Development' provisions, a performance-based assessment will be undertaken against the criteria listed in 'Performance Criteria' to determine the proposal's suitability.

The assessment of the proposal against the Acceptable Development/Performance Criteria of draft LPP6.2 is demonstrated below:

Performance Criteria	Acceptable Development	Assessment of Proposal
<b>Element: Amenity</b>		
PC1.1.1 Development is to demonstrate a negligible impact on the amenity of residential areas by way of vehicular traffic, noise, dust, blasting and vibration.	AD1.1.1 Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on Sundays or recognised public holiday days.	AD1.1.1 The proposed hours of operation are 7am to 6pm Monday to Friday and 7am to 12pm Saturday.  <b>Consistent (subject to conditions).</b>
PC1.1.2. Development does not result in land degradation, or a landform that prejudices the productive end use of the site in accordance with the objectives of the zone.	AD 1.1.2 Development is located, designed and rehabilitated compatible with long-term planning and environmental protection.	AD1.1.2 The Shire's generally satisfied, although the applicant is advised to further consider their documentation in order to fulfill their rehabilitation obligations.  <b>Consistent (subject to conditions).</b>
<b>Element: Environmental</b>		
PC1.2.1 With advice from relevant state government departments, development is located to minimise the impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	AD1.2.1 Development does not prejudicially affect native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	AD1.2.1 Native flora will be impacted. The operator has obtained a clearing permit (issued on 8 May 2018), which has allowed them to clear the areas subject to this approval. However, the area will be rehabilitated once the extraction is completed. The activity on-site will also meet the minimum setback requirement of 20m from all boundaries.  In terms of the groundwater, the applicant proposes not to dig closer than 3m from the top of the groundwater. This is considered satisfactory.  There is no historic or cultural significance on or next to the site. <b>Consistent (subject to conditions).</b>



Performance Criteria	Acceptable Development	Assessment of Proposal
<p>PC1.2.2 Development is located and managed to minimise the spread of Phytophthora (Dieback).</p>	<p>AD1.2.2 Dieback is managed in accordance with Best Practice Guidelines – Management of Phytophthora Dieback in Extractive Industries (2005 – Dieback Working Group) as detailed within an agreed Dieback Management Plan.</p>	<p>AD1.2.2</p> <p>The applicant has stated that there are no obvious signs of dieback infestation and will be putting several measures in place to minimise the spread of dieback.</p> <p><b>Consistent (subject to conditions).</b></p>
<p>PC1.2.3 Development is located and managed to achieve a high level of surface and groundwater resource protection to provide soil depth for rehabilitation, future land use and a buffer against groundwater contamination and exposing groundwater.</p>	<p>AD1.2.3 Excavation shall not occur within 2 metres of the estimated maximum ground water level.</p>	<p>AD1.2.3</p> <p>The applicant has stated that excavation will not occur within 3 metres of the estimated maximum ground water level.</p> <p><b>Consistent (subject to conditions).</b></p>
<p>PC1.2.4 Final excavation batters to achieve rehabilitated slopes compatible with future land use, existing soil structure, topography, and positive environmental outcomes.</p>	<p>AD1.2.4 Batter slopes with gradients up to 1:6 when rehabilitated to pasture for agricultural land uses and/or native revegetation.</p>	<p>AD1.2.4</p> <p>The proposed batters, once excavation has been completed, will be smoothed to 1:6 and the base of the pit levelled out. The batters at the southern part of the pit will be smoothed to 1:4 declining to zero. This will be done to make the most of sand available on site, due to the scarcity of sand in the area. The batter slope proposed is considered to be inconsistent with the Acceptable Development criteria.</p> <p>PC1.2.4 The applicant has stated that they will only be doing this to make the most of sand available on-site. They have not stated if this will be to achieve compatibility with existing slopes or to achieve a better environmental outcome.</p> <p><b>Not Consistent (a condition will be necessary to seek appropriate rehabilitation).</b></p>



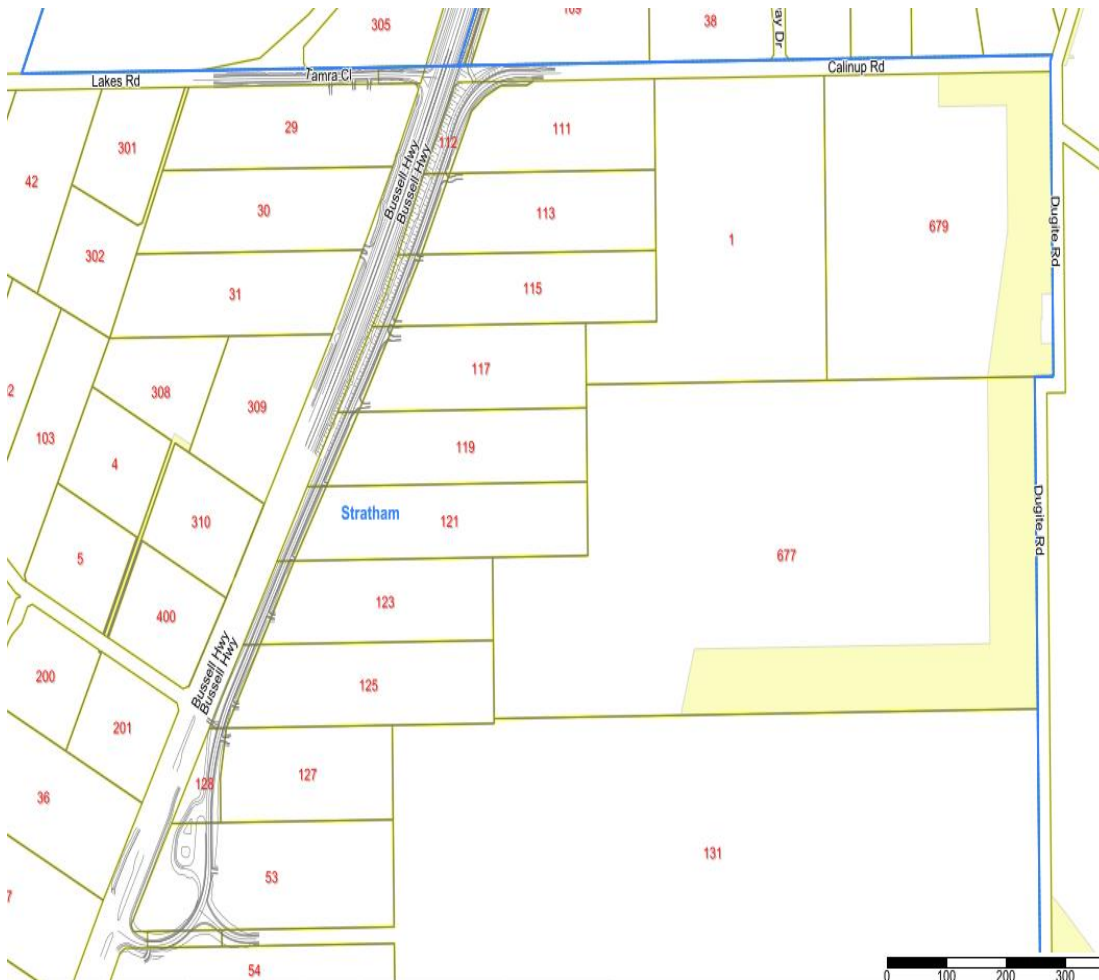
Performance Criteria	Acceptable Development	Assessment of Proposal
<p>PC1.2.5 Development is located and managed to achieve a high level of staged rehabilitation.</p>	<p>AD1.2.5 Sites to be rehabilitated in accordance with an agreed Environmental Management Plan and Rehabilitation Implementation Plan prepared and implemented in accordance with application and bonding requirements as specified in Appendix 1 of this Policy. For hard rock extraction sites, an end-of-life pit plan is to be provided and agreed upon between the Shire and applicant at least 5 years prior to the expiration of the approval's validity.</p>	<p>AD1.2.5</p> <p>The separation distance for groundwater to 3m will assist in ensuring the long-term suitability of the land for pasture in the future.</p> <p>In terms of a security bond for rehabilitation, the owner has paid \$71,370 Ex GST, it is expected that additional bond money will be required due to the expansion of works.</p> <p><b>Consistent (subject to conditions).</b></p>
<p><b>Element: Buffers</b></p>		
<p>PC1.3 Development to demonstrate satisfactory mitigation and management measures in accordance with SPP4.1 Industrial Interface and Guidance Note 3 – Separation Distances Between Industrial and Sensitive Land Uses (EPA – 2005</p>	<p>AD1.3.1 Buffer distances to be in accordance with Guidance Note 3 – Separation Distances Between Industrial and Sensitive Land Uses (EPA – 2005).</p>	<p>AD1.3.1</p> <p>The proposal and the current operations have a 500m buffer distance from the boundary.</p> <p>The impacts can be managed through measures in an Environmental Acoustic Report, restricting hours of operation and constructing noise barriers (bunds).</p> <p><b>Consistent (subject to conditions).</b></p>
<p><b>Element: Visual Impact</b></p>		
<p>PC1.4 Through Development of an adopted Rehabilitation Plan, the final landform shall not have a significant detrimental impact on visual amenity of the landscape when viewed from surrounding sites.</p>	<p>AD1.4.1 Visual screening to be provided through retention of existing vegetation and /or provision of an appropriate landscaping screen/bund to the satisfaction of the Shire. No walls or solid fences will be considered.</p>	<p>AD1.4.1</p> <p>The development is not obviously visible from a major distributor road or highway and is considered to have ample vegetation for screening operations from the public realm. Lastly, Calinup Road is not considered to be a major travel and tourist route.</p> <p><b>Consistent</b></p>



Performance Criteria	Acceptable Development	Assessment of Proposal
<b>Element: Transport</b>		
PC1.5.1 The proposed haulage route is not to have a detrimental impact on safety and amenity of residents, and local road users.	AD1.5.1 Haulage is to be wholly contained to the 'Tandem Drive 4' Network route, as identified by Main Roads Western Australia.	AD1.5.1 The haulage will be contained within the Tandem Drive 4 network route. Calinup Road will however require maintenance. This Road will be extended to run parallel with Bussell Hwy, the road contribution will need to also cover the use of this portion of road.  This new service road is depicted in Figure 1, running parallel with Bussell Hwy.  <b>Consistent (subject to conditions).</b>
PC1.5.2 The application is accompanied by a Traffic Management Plan to demonstrate that haulage periods that conflict with school pick and drop off times are acceptable in their impact to the safety of the road network.	AD1.5.2 Haulage traffic is to be proposed at times of the day which will minimise conflict with school pick up and drop off hours (7:30am-9am and 2:30pm-4pm Mondays to Fridays)	AD1.5.2 There appears to be a school bus route running along Calinup Road. The proposed activity will be taking place during school hours.  <b>Not consistent (a condition will be necessary).</b>
PC1.5.3 The applicant is to demonstrate that the haulage traffic will not have adverse impacts on the locality by virtue of noise, dust pollution, and safety, and that suitable arrangements be made by the developer to ensure the road is maintained to an appropriate standard.	AD1.5.3 Where available, haulage traffic is to utilise road networks which have a sealed surface, and appropriate designed to accommodate the proposed vehicle types.	AD1.5.3 Calinup Rd has a sealed surface. In the near future, Calinup Road will be extended to run parallel with Bussell Hwy (Refer to <b>Figure 1</b> ). This will ensure that trucks will be able to use the new extension of Calinup Rd for access when road works start at the intersection of Bussell Hwy and Calinup Rd.  <b>Consistent</b>

Performance Criteria	Acceptable Development	Assessment of Proposal
<p>PC1.5.4 Development does not create hazards to other road users, impact on sustainability of the transport network, nor negatively impact on the amenity of the residences along the route, in terms of:</p> <ul style="list-style-type: none"> <li>• Access points to the operation site.</li> <li>• Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network.</li> </ul>	<p>AD1.5.4 Development application is accompanied by a Traffic Impact Assessment that demonstrates the local road network capacity is sufficient to accommodate the additional traffic and proposed truck volumes generated by the development.</p>	<p>AD1.5.4</p> <p>The applicant has provided a Traffic Impact Assessment report stating that the traffic will be less than previously approved (26 traffic movements in lieu of 28).</p> <p><b>Consistent (subject to conditions).</b></p>

Figure 1 – Bunbury Outer Ring Road Reserve.







## State Framework

### Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2 Part 7 (the Regulations)

Clause 60(a) - requires the development approval of the local government prior to the commencement of development.

#### Clause 67 - Matters to be considered by local government

1. *In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application*
  - 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 including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
  - c. *Any approved State planning policy;*
  - d. *Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
  - e. *Any policy of the Commission;*
  - f. *Any policy of the State;*
  - g. *Any local planning policy for the Scheme area;*
  - h. *Any structure plan, activity centre plan or local development plan that relates to the development;*
  - i. *Any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*

#### Clause 68 - Determination of application

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

#### Greater Bunbury Region Scheme (GBRS)

The GBRS identifies lots 677 and 679 Calinup Road as Rural. The purpose of 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.'

Clause 6 (h) of the GBRS Scheme identifies its purpose is to: '(h) protect strategic minerals and basic raw materials of State and regional importance and provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.'

## Federal Framework

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- State Planning Strategy 2050.
- State Planning Policy 2.0 - Environment and Natural Resources Policy.
- State Planning Policy 2.4 - Planning for Basic Raw Materials (2021).
- State Planning Policy 2.5 - Rural Planning (2016).
- Great Bunbury Strategy (GBRS) 2013.
- GBRS – Strategic Minerals and Basic Raw Material Resources Policy 2018.
- Environmental Protection Authority – Separation Distances between Industrial and Sensitive Land Uses, Guidance Statement No. 3 2005.

State Planning Policy 2.4 - Planning for Basic Raw Materials

Policy Intent:

- To ensure basic raw materials (BRM) and extractive industry matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State’s BRM resources.

Policy Objectives:

- Ensure BRM and its regional importance is considered at the earliest stages of the planning process;
- Protect BRM in SGS areas and ES by avoiding encroachment from compatible land uses;
- Ensure BRM resources are used efficiently in land use planning and development;
- Identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and
- Ensure the extraction of BRM avoids, minimises or mitigates any adverse impacts on the community, water resources and biodiversity values.

- Local Planning Policy 6.2 - Extractive Industries

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Almost Certain	Moderate	Deciding based upon factual information provided to the Shire for the purpose of the assessment, and avoiding decisions based upon innuendo.

**Risk Description:**

**Incorrect Decision Making**

The failure to decide on relevant planning grounds or within the planning framework could have repercussions on the Shire’s reputation, and subsequently the confidence for local Extractive Industry businesses to continue their long-standing operations within the Shire.



Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Major	Deciding on relevant and valid planning grounds.
<b>Risk Description:</b>  <b>Proceeding to a State Administrative Tribunal Directions Hearing</b> The applicant may not agree to the terms and conditions of the Shire’s decision, and as such, may choose to proceed to a Directions hearing, which will also have financial implications by virtue of legal representation.			
<b>Opportunity:</b> To allow continuity of operations and maintain employment and supply of raw materials to meet current demand.			

**Financial Implications**

Budget

The applicant has paid \$739 for an application for Development Approval.

Long Term

Rehabilitation

To date the applicant has paid a Rehabilitation Bond to ensure the extraction area is rehabilitated. Should the licensee fail to rehabilitate the extraction area, the Shire may use the bond to undertake the required works.

Operational Costs

Extractive Industries require heavy vehicles to access the site and remove materials to the intended destination, which has the potential to cause damage to local roads and the cost of deterioration must be passed on to the Extractive Industry operator as the generator of the heavy vehicle traffic. This has repercussions on the road deterioration rates for localised roads which are identified in the routes to and from site.

**Sustainability Implications**

Climate Change and Environmental

The proposed EIL area (part of Stage 1, Stage 2, and Stage 3) was approved for clearing under Clearing Permit CPS 4154/3, with approval to clear 5.4ha of native vegetation. All the clearing related to the clearing permit has been completed. An area of 10.8ha to the east of the approved clearing area has been placed under a conservation covenant to conserve native vegetation within that area in accordance with Condition 7 of CPS 4154/3.



### Social

The social impacts of Extractive Industries in general on the community are by the way of noise, dust and traffic. The proposal includes details of how these matters will be addressed and the methods that are considered to be acceptable.

### Economic

The economic implications relate to employment and the provisions of materials which are highly sought after in a regional context for the purpose of road and building construction.

### Asset

There are no relevant asset implications relevant to this item.

## **Consultation/Engagement**

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### **External Consultation**

The application was referred to 44 neighbouring landowners for a period of 28 days, at the end of which a total of 4 submissions had been received, all of these were objections.

The application was also referred to nine State Government agencies for assessment, none of whom raised objections. The Department of Water and Environmental Regulations advised that the relevant approvals may be required under the respective legislation. The Department of Biodiversity, Conservation and Attractions (DBCA) advised that there is a requirement for a fauna specialist to be present when clearing of native vegetation is undertaken in order to protect the threatened black cockatoos and critically endangered western ringtail possums (WRP). DBCA also advised the need for the proponent to be aware of their obligations and approval requirements under the Biodiversity Conservation Act 2016.

### **Internal Consultation**

The application was referred to relevant internal departments of the Shire including:

- Rates;
- Building Services;
- Environmental Health;
- Emergency Management; and
- Engineering and Technical Services.

The proposal is considered acceptable on the basis that appropriate conditions and advice notes accompany the Officer's Recommendation.

## **Officer Comment**

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### **Setback from Property Boundaries**

The Shire's Local Planning Scheme No. 8 requires a setback distance of 20 metres from all boundaries in a Rural zone. Any approval to reduce the setback distance requires approval from the Shire of Capel.



In this instance the proposal is mostly compliant with this requirement. The proposed setback to the western neighbour will be 30 metres. The extraction area crosses the boundary between lots 679 and 677 which are both owned by Carbone Bros Pty. Ltd., and which are subject of the Industry – Extractive licence. It is therefore not anticipated that there will be any issues arising from approving a reduced boundary setback, particularly in regard to the visibility of operations to the public realm.

### **Traffic Impact**

The amount of traffic generated is estimated at 26 heavy vehicle movements per day (13 in and 13 out) depending on market demand. The subject site has access from Calinup Road. The entrance to the site is located 700m from Bussell Highway, which is a Primary Regional Road classification under Main Roads Western Australia. The subject site is located 150m from the Calinup Road and Brockway Drive intersection which is used by vehicles coming to and from the Rural Residential zone in Gelorup.

Traffic and safety concerns have been raised during the consultation period from surrounding properties. These however may not directly relate to this operation alone. The number of heavy vehicle movements has been recommended as a condition of development approval.

### **Hydrocarbon Management Plan**

The applicant has submitted a Hydrocarbon Spill Management Plan for Quarry Sites as part of this application. The plan indicates that the Shire of Capel will be contacted in the event of a spill. This measure is important to ensure that the Shire is satisfied with the remediation action for Contaminated Sites reporting requirements.

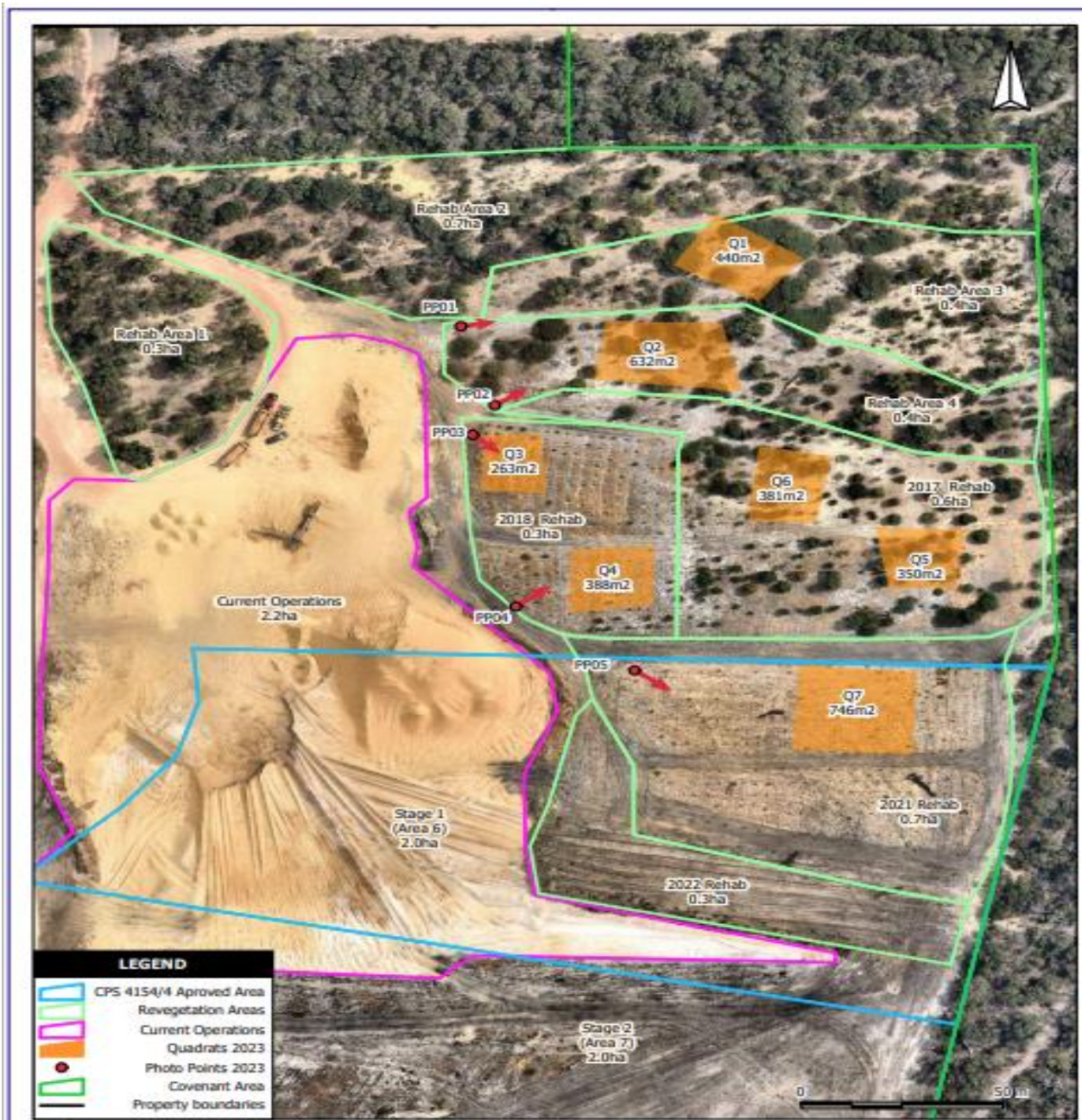
### **Rehabilitation Plan**

The Revegetation Survey Report has been prepared by Lundstrom Environmental Consultants and submitted as part of this application. The report specifies that Areas 3 and 4 are meeting the rehabilitation criteria as outlined in the Rehabilitation Plan. It is considered that as a minimum, the proponent should control weeds to an acceptable level (as per the rehabilitation plan). Figure 2 below depicts the Revegetation areas.

The report outlines that all areas younger than 2016 revegetation are not meeting revegetation criteria. Several of the species within the recorded flora for 2017 and 2021 rehabilitation are coastal or limestone species. These have likely been introduced and can be weedy, therefore not considered to be suitable for the site.

The proponent should focus revegetation efforts on local species. The proponent should consider using nurseries that use stock from a local origin to the Shire of Capel. This will form part of the final agreed rehabilitation management plan as conditioned.

Figure 2 – Revegetation Survey.

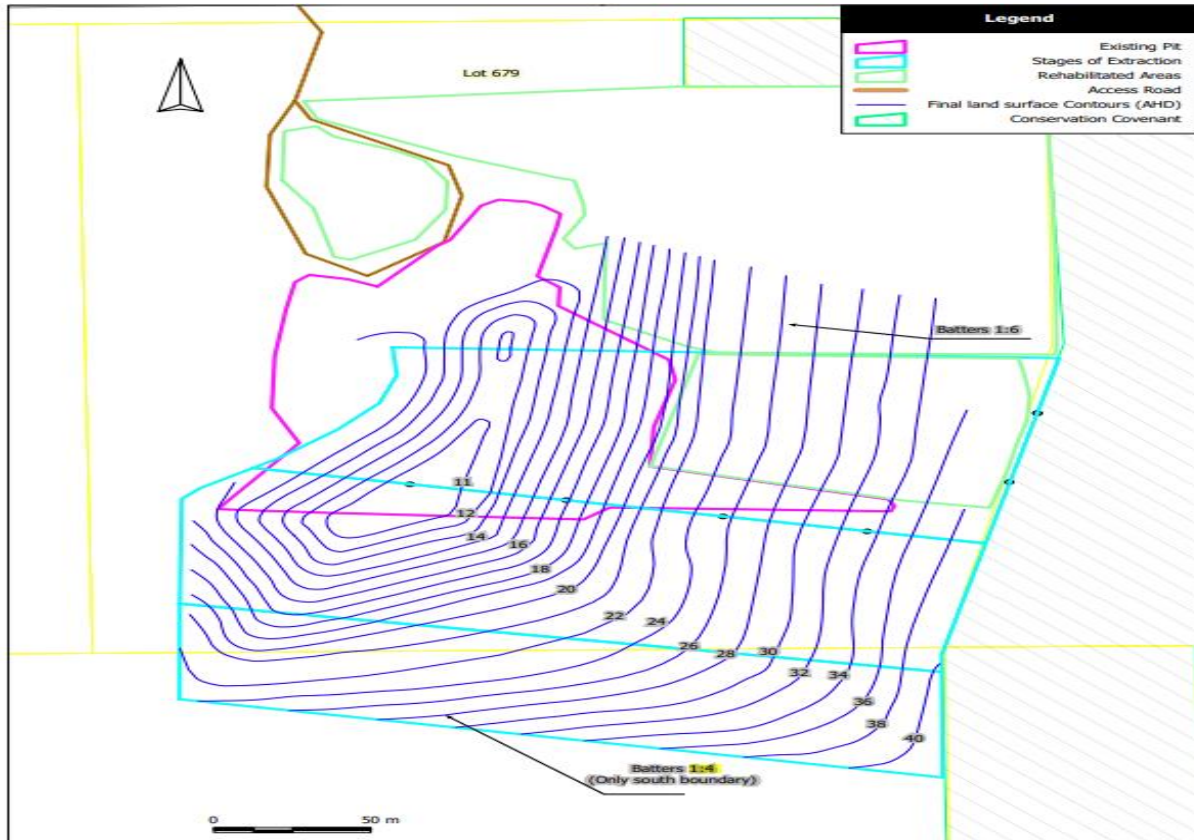


### Planning

The subject site is zoned Rural under GBRs and LPS8. The Rural zone is to provide for the maintenance of the rural character, protect agricultural activities, maintain environmental qualities, provide for the operation and development of rural uses and to provide for a range of compatible non-rural land uses.

The proposal’s rehabilitation of the extraction area will be returning to native vegetation with a slope of 1:6 which aligns with more recent planning and environmental directions and can be supported. However, there are some areas along the southern boundary where a slope of 1:4 is being proposed (See Figure 3). These areas should be conditioned to ensure that the slopes can be successfully rehabilitated at 1:4 to the required standard.

**Figure 3 – Final Land Surface.**



The GBRS and strategic policies indicate that the natural environment value in the locality is of higher priority over urban development values.

The existing land use will enable the extraction of basic raw materials whilst still ensuring that the landscape and environmental values of the locality are maintained.

**Summary**

The proposed land use is considered consistent with the relevant Regional and Local Planning legislative framework, the relevant concerns raised have been addressed through the conditions recommended for Development Approval.

It is considered that the land use and activity are appropriate for the site and its continuation is supported. The owner’s obligations for the rehabilitation of the site will ensure revegetation work leads to a satisfactory environmental outcome once excavation activity ceases. Notwithstanding this, it is imperative that incidents are reported to the Shire immediately.

**Voting Requirements**

Simple Majority



**Officer's Recommendation – 14.2.**

**OC/2023/166 - Officer's Recommendation / Council Decision - 14.2**

*Moved Cr McCleery, Seconded Cr Dillon.*

**That Council:**

- 1. In accordance with Clause 68(2)(b) of the Deemed Provision of the Planning and Development (Local Planning Schemes) Regulations 2015 grant Development Approval for 'Industry Extractive' on Lots 677 and 679 Calinup Road, Gelorup subject to the following 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 27 September 2023;**
  - b. This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect;**
  - c. Resource extraction is only permitted for a maximum of 5 years after the issue of this Development Approval;**
  - d. The maximum pit floor depth shall not be below 11 metres AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation;**
  - e. No dewatering works are to be undertaken without consultation with the Department of Water and Environmental Regulation;**
  - f. The Local Government is to be notified within 24 hours if the water table is intercepted;**
  - g. There shall be no storage of hydrocarbons on-site. On-site refueling 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;**
  - h. Prior to the commencement of development, a signed Extractive Industry Rehabilitation Agreement shall be lodged with the Shire of Capel;**
  - i. Prior to the commencement of development, a Rehabilitation Implementation, Management and Monitoring Plan shall be submitted for approval by the Shire. The Rehabilitation Implementation, Management and Monitoring Plan shall be consistent with Water Quality Protection Note 15 (WQPN 15) and the Guidelines for Preparing Mine Closure Plans, and covering the intended staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria and include a finished rehabilitated level at least 3 metres above the highest groundwater level;**





- j. 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;**
- k. 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;**
- l. The maximum truck movements to and from site per day is limited to 26 (13 in and out of site). Consideration by the Shire will be given for granting additional numbers to the stated maximum figure of 26 truck movements per day, with any variation to be approved in writing by the Chief Executive Officer;**
- m. All works associated with the extractive industry be setback at least 20 metres from any boundary, including the location of bunds;**
- n. Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016;**
- o. Prior to the issue of an Extractive Industry Licence, the assigned rehabilitation bond for Stages 1 and 2 shall be provided to the Shire in the form of a bond or bank guarantee in pursuant to the Shire's Schedule of Fees and Charges;**
- p. The development that is the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Accordingly, a Noise Management Plan is requested and is to include but is not limited to standard operating practices, loader operating times, complaints procedure/communication with receivers, mitigation measures, records and monitoring.**
- q. A fauna specialist shall be present when clearing of native vegetation is undertaken.**
  - 1. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development for Lots 677 and 679 Calinup Road, Gelorup and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.**

**Advice Notes:**

- a. 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.**



- b. 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.
- c. 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.
- d. 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 to areas that were part of 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.
- e. Following the occurrence of a rainfall event greater than the 10 years/2-hour Average Recurrence Interval, the applicant shall inspect the site and within 48 hours report to the Shire of Capel, details of impacts and remediation actions (if required).
- f. The development that is the subject of this Development Approval must comply with the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
- g. 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.
- h. The applicant is advised that they may meet the requirement for Prescribed Premises and as such require a works approval to construct/install the equipment (mobile or otherwise) and a licence or registration to operate from the Department of Water and Environmental Regulation.
- i. In relation to Condition 1(n), the calculation of bonds will be in accordance with the Shire of Capel Schedule of Fees and Charges. Please liaise with Shire's Projects, Engineering and Assets Department regarding payment.
- j. In relation to Condition 1(o), the calculation of bonds will be in accordance with the Shire of Capel Schedule of Fees and Charges. Please liaise with Shire's Projects, Engineering and Assets Department regarding payment.



- k. The proponent is encouraged to consider using nurseries that utilise stock from a local origin within the Shire of Capel to ensure consistency.**
- l. A Dust Control Plan is to be implemented referencing applicable Standards such as the National Environmental Protection (Ambient Air Quality) Measure.**
- m. Compliance with the Requirements of the Environmental Protection (Unauthorised Discharges) Regulations 2004.**
- n. The proponent should be aware of their obligations and approval requirements under section 40 of the Biodiversity Conservation Act 2016, which requires Ministerial authorisation to take or disturb threatened species.**

**Carried 6 / 1**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Mogg*



**14.3. RFT 23-09 Engineering Technical Services - Design Support - Evaluation Report**

<b>Author</b>	Manager Projects, Engineering & Assets, Shawn Lombard
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Contractual
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. RFT 23-09 Engineering Technical Services - Design Support [14.3.1 - 35 pages]</li> <li>2. CONFIDENTIAL REDACTED - RFT 23-09 Evaluation Summary &amp; Schedule of Rates Comparison [14.3.2 - 7 pages]</li> </ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

**Proposal**

Award RFT 23-09 Engineering Technical Services - Design Support to the various separable portions as listed in the content and supporting attachments of this report.

Council is also asked to endorse support of the methodology of budget allocation for design as defined in this report, with the inclusion of an annual supporting design consultancy budget for the incidental tasks and actions not captured in the Capital works program for each respective year.

**Officer's Recommendation**

That Council:

1. Award the following separable portions for RFT 23-09 Engineering Technical Services - Design Support to the successful Respondents:

**Civil Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Coates Civil Consulting Pty Ltd
2.	JDSI Consultant Engineers Pty Ltd
3.	Cadds Group Pty Ltd

**Lighting Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	JJ Ryan Consulting Engineers Pty Ltd

**General Drafting Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	Cadds Group Pty Ltd



2. Does not award the following separable portions for RFT 23-09 Engineering Technical Services - Design Support:
  - Structural Design; Geotechnical Surveyance and Reporting
  - Landscape Design

## **Background**

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### Securing of Required Technical Skills and Expertise

Part of the ongoing consideration of obtaining the required technical services and expertise to deliver outcomes to the community, is to identify the elements of design that are required within the organisation, these are summarised as:

- To inform part of the road, footpath, drainage and various other civil and structural works program processes;
- To inform the project brief through verified and compliant design;
- To develop accurate budget estimations on designs, noting that the design captures the scope of work and specification in detailed pictorial and annotated format that is then used to price the project more accurately.

The Shire has made several attempts but been unable to recruit a specialist Officer with the skillset to meet the above detailed design requirements. Given this, a tender panel of design specialists across multiple disciplines to service the Shire business needs has subsequently been explored.

There are certain added benefits to an external engagement of design services over the recruitment of a full-time employee, with these being:

- The workload has peaks and lows and is always in excess of the individual employed, with a large portion of works still (potentially) having to be outsourced.
- The skillset of the individual is usually limited to specific or key elements of the design discipline. This then requires them to seek advice/support from others which in most instances is time consuming and inefficient.
- It is common practise that a fulltime employee always uses the support services of an external design consultancy to deliver the full brief.
- Supervision of the work of tender design panel can be more efficient.

Time and quality are built into the key deliverables and terms and conditions of any tender panel.

- The diversity of the work is more suited to external contractor design capabilities as they are usually made up of multiple individuals/disciplines all working to deliver your brief as a collective.

This coordination of skills falls on them to manage and not the Shire, this a great improvement to resource and time management.

- It is common practise that in most good project development and budgeting, the design element of the project is asked to include pricing and scope development as part of the overall project scope and deliverables.

This consequently improves budget determination and overall project detail quality at the design stage (initiation phase).

- A further benefit of having a tender panel of this calibre and diversity is that it:
  - can be used by the entire organisation;
  - Prequalifies a diverse spread of design services;
  - Ensures purchasing compliance is met and sustained through the period of validity;



- Creates a resource network that is not prey to the current transient workforce retention issues that are being experienced in full time employment;
- Centralises and standardises design compliance and specification within the Shire;
- Intellectual Property (IP) is saved in two resource locations, the Shire and the Contractor. This serves as immediate support in the event of critical infrastructure failure;
- Centralises all design and creates a standard approach to how this is completed.

Given that the Shire have unsuccessfully recruited for the required technical skills, the option of external design panel sourced expertise is being implemented to enable the execution of future works. This methodology will be used for all capital works and maintenance programs, with the intention being to improve the overall project development, budgeting and delivery process.

This entails transitioning the capital works program to the following format as far as practicable:

- To develop, design and complete all compliance and approval work for a project concluded in one financial year, particularly for roads, footpaths, major civil works and other significant projects that have long and complex approval lead times and criteria;
- To then complete the construction phase of the project in the following year (year two (2)).

This will then yield the following benefits:

- Improved design and overall project outcomes due to sufficient time being allocated to the front end of the project, including project scoping, design and costing which indirectly improves the Shires community perception rating and overall project development and delivery;
- Provisioning sufficient time to get all necessary clearance and compliance approvals from third party agencies completed, reducing undue stress due to unrealistic time constraints; and
- Improving the budget process as the design informs the pricing considerations, removing or mitigating variations down the line which are often the result of poor or rushed project scoping and pricing.

The Shire is also in the process of formalising a centralised Project Management Framework that will see all projects, move through distinct milestones that includes design as a key milestone of this process.

In anticipation of this tender being considered by Council, a provision has been made for the inclusion of design requirements for the 2023/24 financial year's works program within the current year's budget and project allocations.

This will be further evidenced in the financial section of this report in more detail.

#### Previous Council Decisions

There are no known previous Council decisions in this regard.

#### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 2 - Manage and protect our environment.

2.1 Improved management of our natural environment assets and attractions.

2.3 A Shire committed to sustainable practices.

2.5 Improved connection and access to natural assets of the forest and coastal environment.

2.7 Urban planning that supports sustainable development.



Direction 3 - Foster a dynamic, diverse and strong local economy.

- 3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity.
- 3.4 Continued improvement in town centre vibrancy.

Direction 4 - Deliver good leadership, governance and decision-making.

- 4.1 Effective and compliant governance.
- 4.2 Informed and transparent decision making.

Direction 5 - Provide and maintain suitable infrastructure and facilities.

- 5.1 Appropriate community facilities, that meet the communities' needs.
- 5.3 Better and safer roads.

### **Corporate Business Plan 2023-2027**

- OPS 16 - Infrastructure Maintenance-Sealed Road, Maintenance-Unsealed Road, Maintenance-Drainage Maintenance, Footpath Maintenance, Bridge Maintenance, Public Open Space Maintenance, Tree Pruning, Annual Removal, Repair, and reinstatement of SOC Shade sails.
- OPS 19 - Road Construction as identified in Annual Capital Works Program.
- AST 5 - Develop and complete long-term asset management plans for all Plant & Vehicles within the Shire.
- AST 7 - Implement and Review Asset Management Plans – Tech Services portfolio – Review Asset Management Plans for Roads, Paths, Trails, Drainage, Bushland, Reserves POS and Buildings.
- AST 8 - Review, Update and implement Capital PoW – Review Asset Capital Programs of Works for Roads, Paths, Trails, Drainage, Bushland Reserves, POS and Buildings.
- ETS 11 - Prepare technical and contract documents - Develop detailed project scope, design, cost estimates and specifications for all major projects & capital works.
- ETS 14 - Contract Superintendency - Superintend contracted services to ensure delivery against the specification.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

There are no state frameworks relevant to this item.

#### **Federal Framework**

There are no federal frameworks relevant to this item.



**Policy Framework**

The following Shire Policies apply:

- Asset Management;
- Budget Management - Capital Acquisitions and Works;
- Purchasing;
- Crossovers;
- Engineering Specifications (Subdivision Land Development).

**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<p><b>Risk 1</b> Environmental  <b>Rating: Medium</b></p>	Possible	Moderate	<p>To address environmental risks, it is crucial for designers, engineers, and planners to integrate principles of sustainable design, environmental impact assessment, and responsible construction practices. This involves considering the life cycle of projects, assessing their potential environmental impacts, and implementing strategies to mitigate these impacts, while also considering the needs and concerns of local communities and ecosystems. The Shire tender documents cover these requirements in their terms &amp; conditions.</p>
<p><b>Risk Description:</b> Environmental risks related to general design works can encompass a range of concerns associated with the planning, construction, and operation of various projects. These risks can have implications for ecosystems, communities, and natural resources.</p>			
<p><b>Risk 2</b> Financial  <b>Rating: Medium</b></p>	Possible	Moderate	<p>To mitigate financial risks, effective project management, comprehensive risk assessment, accurate cost estimation, clear communication among stakeholders, and the use of contingency plans are essential. Careful consideration of the project's financial aspects during the design phase can help ensure that potential risks are identified and addressed early, ultimately contributing to the project's financial success. The Shire tender documents cover these requirements in their terms &amp; conditions.</p>
<p><b>Risk Description:</b> Financial risks related to general design works can impact the economic viability and success of projects. These risks can arise from various factors that affect project costs, funding, and overall financial performance.</p>			
<p><b>Risk 3</b> Legislative Compliance  <b>Rating: Medium</b></p>	Possible	Moderate	<p>To mitigate legislative compliance risks, design professionals stay updated on relevant laws and regulations, work closely with legal experts, conduct thorough regulatory assessments, and integrate compliance measures into the design process. By proactively addressing compliance requirements, design projects can proceed smoothly while minimising the potential for legal and regulatory challenges. The Shire tender documents cover these requirements in their terms &amp; conditions.</p>
<p><b>Risk Description:</b> Legislative compliance risks related to general design works pertain to the potential violations of laws, regulations, codes, and standards that govern various aspects of design, construction, and</p>			





operation of projects. Failure to adhere to these legal requirements can result in legal penalties, delays, disputes, and reputational damage.

**Opportunity:**

An opportunity in the context of a tender design panel award refers to a positive and advantageous situation that, if realised, could provide significant benefits to the project or the parties involved. It represents a favorable outcome that might not have been initially anticipated but could enhance the project's success or the value of the award.

1. The tender design panel provides a mechanism to identify and evaluate innovative design proposals beyond the standard criteria. This approach can add value, foster creativity, encourage competition, and lead to outcomes that benefit all parties involved.

**Financial Implications**

Budget

This is a multi-year tender that will see the initial award lock in the contract for a period of three (3) years with the option to extend this contract in two separate one (1) year periods. This extension being at the Principal's sole discretion.

The Tender has been drafted with no formal financial commitment to the Contractor stated within the tender. If not done in this manner, it would require a specific allocation of funding having to be assigned to what is a very flexible and fluid portion of everyday tasking and restrict the essential concept and detailed design development.

The percentage of project costs allocated to the design process can vary depending on the type and complexity of the project, the industry norms, and the specific circumstances of the region. In Western Australia, as in many places, there is no fixed or universally accepted percentage that is applied to cover the design phase of new projects. However, as a general guideline, design costs for new projects typically range from 5% to 15% of the total project budget. This includes architectural, engineering, and other design-related expenses (survey, etc). Noting that more complex or specialised projects might have higher design costs, while simpler projects might have lower design costs.

It is important to note that these percentages can vary based on factors such as the scale of the project, the level of detail required in the design, the regulatory environment, the project's location, and the level of customisation needed. Additionally, fluctuations in market conditions, changes in design requirements and unexpected challenges can impact the actual design costs. For accurate cost estimation and budgeting, it is recommended to work with professionals (quantity surveyors) in the construction and design industry who have experience in the specific project type and location. Consulting with architects, engineers, project managers and cost estimators can assist with determining a more accurate design budget based on the specific details of the project.

Rather than encumber the annual budget with a specific line-item allocation for all projects that is in most instances impossible to predict or quantify to an exact dollar value, this tender has been linked to two streams of funding at the discretion of the Principal (the Shire) for each financial year, these being:



1. Capital works budget allocation:

Each Capital Project will have a minimum of 10% (this the mid-point of the normal range) of the adopted project budget assigned to the design requirements of the project, this is only applicable where the project definition does not clearly assign the entire value to the design of the project.

2. General Design Contingency:

A separate fixed amount of *General Design Consultancy (CBP ETS 13) (Code 2102)* budget of \$60,000 contingency (for 2023/24) be allocated each year for incidental design and associated task (survey etc.) requirements for programs of works.

- It is anticipated that this will be a re-occurring budget line item for all future financial years.
- This value will be verified and amended based on each year's works campaigns.
- The use of this allocation will be tracked through Synergy using design specific task coding.

It is anticipated that under this Tender and in relation to the current 2023/24 Capital works program, that:

- Not all line items require design;
- 10% of project budget will be assigned to the design portion of projects; and
- In some instances, the budget listing is for full design and using all the funds allocated to the budget line item for the year.

The estimated cumulative cost of design works for the Projects, Engineering & Assets team capital works program 2023/24 is shown below. This is an estimation and subject to change as the projects develop and move through the investigation/implementation phases:

<u>Works type:</u>	<u>Cumulative design Budget</u>
Roads	\$216,209
Drainage	\$61,950
Bridges	\$123,000 (This is Main Roads funded and managed)
Dual Use Paths	\$63,596
Carparks	\$23,000
<b>Total Budget (ex GST):</b>	<b>\$487,755 ex GST</b>

Note: This value is also inflated as several projects are fully committed funding for design only in the 23/24 Financial year, this assumption did not consider this factor when completing the original estimation.

Long Term

The future financial implications of this proposal are outlined below.

**Whole of Life Implications**

Council will need to consider the whole of life cost for the consultancy. The current 2023/24 Annual budget includes an allocation for the design portion of capital works and overall project delivery and budget allocation for residual and unforeseen design works not identified in the capital works program.



Consideration for future allocation of costs through budget line items will need to occur to support the outcome of this tender, on the basis that this will be reviewed and justified through the annual budget workshops for inclusion.

Potential future Shire assets	Basic description
Roads, Footpaths, Bridges	<p>This Tender will see the design of this infrastructure done to the most recent and relevant standards, which will ensure the whole of life use and wear and tear is achieved, assuming ongoing maintenance is completed.</p> <p>This reduces the impact of premature Capital expenditure due to failure linked to poor or inadequate design consideration.</p> <p>Furthermore, asset failure due to poor or non-compliant design can result in costly prosecution. In this instance all design is covered through the Tender Panel members' insurances and may result in a claim against the Contractor in such instances.</p>
Potential future Shire assets	Basic description
Buildings	<p>This Tender will see the design of this infrastructure done to the most recent and relevant standards, which will ensure whole of life use and wear and tear is achieved assuming ongoing maintenance is completed.</p> <p>This reduces the impact of premature Capital expenditure due to failure linked to poor or inadequate design consideration.</p> <p>Furthermore, good design also has the potential to reduce ongoing maintenance and operational costs.</p>

## Sustainability Implications

### 1. Climate Change and Environmental

Design has a profound impact on climate and environmental sustainability within a Local Government. The way spaces are planned, buildings are constructed, and infrastructure is developed can either contribute to environmental degradation or help mitigate and adapt to climate change. Several ways in which design can influence climate and environmental sustainability within a community include:

1. **Energy Efficiency:** Sustainable design practices can lead to energy-efficient buildings and infrastructure. Proper insulation, efficient lighting and heating, ventilation, and air conditioning (HVAC) systems can reduce energy consumption and lower greenhouse gas emissions.
2. **Renewable Energy Integration:** Designing assets to incorporate renewable energy sources, such as solar panels and wind turbines, can contribute to the generation of clean, renewable energy, reducing dependence on fossil fuels.
3. **Green Building Materials:** Choosing environmentally friendly and sustainable building materials can reduce the environmental impact of construction and minimise the carbon footprint of projects.
4. **Urban Heat Island Mitigation:** Thoughtful urban planning and design can help reduce the urban heat island effect by incorporating green spaces, reflective surfaces, and cool roofing materials that lower temperatures in densely developed areas.



5. **Water Management:** Sustainable design includes strategies for efficient water use, such as rainwater harvesting, greywater recycling, and low-flow fixtures. This reduces water consumption and strain on local water resources.
6. **Waste Reduction:** Designing with a focus on waste reduction, recycling, and materials recovery can minimize the amount of waste sent to landfills and promote a circular economy.
7. **Natural Habitat Preservation:** Incorporating green spaces, parks, and natural areas into urban design can provide habitats for local wildlife and promote biodiversity, contributing to a healthier ecosystem.
8. **Resilience to Climate Change:** Designing assets that can withstand the impacts of climate change, such as floods and extreme weather events, helps communities adapt to changing environmental conditions.
9. **Sustainable Transportation:** Designing for active transportation options like walking and cycling, as well as efficient public transportation systems, can reduce reliance on cars and lower transportation-related emissions.
10. **Smart City Technologies:** Integrating smart technologies into design can optimize energy use, reduce waste, and enhance resource management through data-driven insights.
11. **Permeable Surfaces:** Designing permeable surfaces, such as permeable pavement and green roofs, can reduce stormwater runoff, mitigate flooding, and improve water quality.
12. **Ecosystem Services:** Design that values and integrates ecosystem services, such as carbon sequestration, air purification, and water filtration, can provide valuable benefits to the community and the environment.
13. **Sustainable Land Use Planning:** Well-planned land use can help preserve agricultural land, natural habitats, and open spaces, preventing urban sprawl and habitat destruction.
14. **Education and Awareness:** Designing educational spaces and interpretive signage about local ecosystems and sustainability can raise awareness and promote environmentally responsible behaviour.

By incorporating climate and environmental sustainability considerations into design decisions, Local Governments can contribute to a healthier, more resilient, and more sustainable community.

Collaboration with environmental experts, architects, urban planners, and community members is crucial for effective implementation of these strategies.

## **2. Social**

Design has a profound impact on the social sustainability of a Local Government, influencing the well-being, inclusivity, and overall quality of life of its residents. Several ways in which design can affect social sustainability within a community are:

1. **Inclusivity and Accessibility:** Designing public spaces, buildings, and infrastructure with universal design principles in mind ensures that they are accessible to people of all ages and abilities. This promotes social equity and ensures that everyone can participate in community life.
2. **Community Cohesion:** Thoughtful urban planning and design can foster a sense of belonging and community among residents. Well-designed public spaces, parks, and gathering areas encourage social interactions and strengthen the social fabric.
3. **Affordable Housing:** Design policies that promote affordable housing options, mixed-income developments, and cooperative housing can address housing affordability challenges and prevent social segregation.
4. **Cultural Diversity:** Incorporating cultural elements into the design of public spaces, landmarks, and events can celebrate the diversity of the community and foster cross-cultural understanding.



5. **Health and Wellbeing:** Designing walkable neighbourhoods, green spaces, and recreational areas can encourage physical activity and improve residents' mental and physical well-being. Access to nature and safe outdoor spaces contributes to a healthier community.
6. **Education and Lifelong Learning:** Designing schools, libraries, and educational facilities that are accessible and inviting can support education and lifelong learning, fostering personal development and social mobility.
7. **Public Safety:** Thoughtful design can enhance public safety by promoting natural surveillance, clear sightlines, and well-lit public spaces. This helps reduce crime and improve the perception of safety.
8. **Social Services and Support:** Designing spaces for community centres, healthcare facilities, and social service providers can ensure that residents have access to essential services and support networks.
9. **Local Economies:** Designing vibrant commercial and retail areas can stimulate local economies, create jobs, and provide spaces for small businesses to thrive, contributing to social and economic well-being.
10. **Youth and Elderly Engagement:** Designing spaces that cater to the needs of young people and the elderly can promote social interaction, reduce isolation, and provide opportunities for intergenerational connections.
11. **Community Engagement:** Well-designed public spaces, meeting areas, and participatory design processes can encourage community engagement, empowering residents to have a voice in shaping their environment and decisions that affect their lives.
12. **Civic Pride and Identity:** Design that reflects the unique identity and history of a community can instil a sense of civic pride and ownership, fostering a positive social atmosphere.
13. **Resilience to Shocks:** Designing for social resilience involves creating spaces that can serve as hubs during emergencies, offering shelter, resources, and support for the community during crises.
14. **Gender Equity:** Designing spaces with consideration for gender equity, such as providing safe public transportation and addressing gender-specific needs, can contribute to a more inclusive and equal society.

By prioritizing social sustainability in design decisions, Local Governments can create environments that support a high quality of life, social cohesion, and a sense of belonging for all residents.

Collaboration with urban planners, architects, social scientists, and community members is essential to ensuring that design strategies meet the social needs of the community.

### **3. Economic**

Design can have significant economic sustainability implications on a Local Government, affecting its long-term fiscal health, economic growth, and overall prosperity. Some ways in which design can impact economic sustainability within a Local Government include:

1. **Cost Efficiency:** Efficient design of public buildings, infrastructure, and facilities can lead to reduced construction and operational costs. Sustainable building practices and energy-efficient technologies can result in lower utility bills and maintenance expenses over time.
2. **Revenue Generation:** Well-designed urban spaces, cultural attractions, and tourist destinations can attract visitors, leading to increased spending on local businesses and generating revenue through tourism-related activities.
3. **Job Creation:** Design projects, such as infrastructure development and urban renewal, can create jobs in construction, architecture, engineering, and other related industries. This can contribute to reducing unemployment and boosting the local economy.



4. **Business Attraction:** Designing business-friendly environments, such as well-planned commercial districts and innovation hubs, can attract businesses, startups, and entrepreneurs. This can lead to economic diversification and stimulate job growth.
5. **Property Values and Tax Revenue:** Aesthetic and functional design can lead to higher property values, increasing property tax revenue for the Local Government. Desirable neighbourhoods can also attract new residents and businesses, further contributing to tax revenue.
6. **Small Business Support:** Designing public spaces that encourage foot traffic and provide opportunities for small businesses can stimulate local economic activity and support entrepreneurship.
7. **Infrastructure Investment:** Designing efficient and sustainable infrastructure can attract private investment, both domestically and internationally. This can lead to increased economic development and improve the overall quality of life for residents.
8. **Revitalization of Underserved Areas:** Strategic design interventions in underdeveloped or blighted areas can revitalize neighbourhoods, increase property values, and attract investment, ultimately leading to increased economic activity.
9. **Resource Efficiency:** Sustainable design practices, such as water conservation and waste reduction, can lead to cost savings for the Local Government by lowering utility bills and waste disposal expenses.
10. **Economic Resilience:** Designing with long-term economic resilience in mind can prepare the Local Government to withstand economic shocks and changes in market conditions.
11. **Public-Private Partnerships (PPPs):** Well-designed projects that are attractive to private investors can facilitate PPPs, where private entities invest in and manage public assets, sharing the financial risk and benefits.
12. **Innovation and Competitiveness:** Designing spaces that foster innovation, research, and collaboration can position the Local Government as a hub for creativity and attract innovative companies and talent.
13. **Quality of Life:** Design that enhances the quality of life through amenities, cultural spaces, and recreational areas can attract and retain a skilled workforce, which, in turn, can attract businesses seeking a strong talent pool.

Local Governments need to consider the economic sustainability implications of design decisions to ensure that investments align with long-term economic goals.

Collaboration with economists, urban planners, architects, and business development experts is essential to maximizing the positive economic impact of design initiatives.

#### 4. Asset

1. Design plays a crucial role in determining the sustainability of assets within a Local Government. Sustainable design considers the environmental, economic, and social impacts of infrastructure and facilities, with the goal of minimizing negative effects and maximizing long-term benefits.

By incorporating sustainable design principles into asset development and management, Local Governments can create assets that provide value for the community while minimizing their environmental impact.



## Consultation/Engagement

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### External Consultation

The tender has been advertised as per the requirements of the Local Government Act and Tender Regulations.

### Internal Consultation

This tender has been developed in consultation between the following internal stakeholders:

- Manager Operations
- Engineering Coordinator
- Manager Projects, Engineering & Assets
- Procurement Officer
- Director Infrastructure and Development

## Officer Comment

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### General Evaluation commentary/assumptions:

Establishing a Tender panel for Design consultancy is a complex and difficult task, as it is an evaluation that does not just rely on pure qualitative and pricing criteria as the source of award determination.

The Evaluation team were asked to consider the following, but not be limited to:

- Value for money considerations, these being additional or other cost inclusions that could and do affect the hourly rates if becoming relevant e.g., disbursements for travel.
  - In this instance a low unit rate for a metropolitan agency could very easily become like or similar to a higher unit rate for a local or regional operator.
- Supporting local - This is a difficult consideration, as it requires favourable thinking toward local agencies for ability, resource capacity and price against in some instances major metropolitan agencies at much lower rates and greater resourcing, all while not being seen to be biased. This is where panel members must lean on practical experience of the inner workings of the processes with justifications to support their recommendations.
- Fairness and Equity of works assignment - The Tender speaks to this consideration and asks that the officer assign works for each separable portion based on order of award nomination.
  - Successful Respondent 1 will be given all work until they default either due to timing, resource constraint and then price if asked to quote against the panel for larger works.
  - In the even they cannot deliver, Respondent 2 becomes eligible for the works delivery and so on.
  - There will be instances where the officer will directly engage from the panel at their discretion, this documented and recorded for future audit transparency. This is not the norm, but more of a case by case and out of the ordinary appointment usually due to a specific skill set or critical timing considerations.

Noting the above, the Tender Evaluation Panel has recommended that Council award the Tender to specific separable portions, noting that design covers a vast diversity of specialist disciplines, and so doing creating a very diverse and easy to use Tender panel for each discipline as they are required.



These separable portions are listed as follows:

1. Civil Design
2. Structural Design
3. Lighting Design
4. Survey
  - a. Engineering Survey
  - b. Cadastral Survey
  - c. Underground Utilities Survey
5. Landscape Design
  - a. Landscape design
  - b. Visualisation (3D and artworks)
6. Geotechnical & Pavement Investigation
7. Drafting

The Tender further speaks to an award of between one (1) and three (3) successful respondents for each portion.

- For this Tender and based on the submission quality, the evaluation team have chosen to award 3 per separable portion.

With regards to the addition of Item 8 - Value Added Services, it became evident from the submission content that several of the companies making submissions have additional value-added services on offer. Noting that the Tender speaks to value add, the evaluation panel deemed it appropriate to create an eighth separable portion to extract maximum value from the submission content.

- It is also further noted that the Shire has several projects listed that would rely on these services to further progress and develop them, these being Water Management, Geotechnical projects, Asset Management, Feasibility and Business Case studies and condition reviews, this not an exhaustive listing.

The separable portion panel is further supported by a schedule of rates for each specialist activity within each separable portion discipline.

- These rates are used to determine and verify variation costs as they occur but are not ranked as part of the panel award.
- These fees are included in the unit rate as shown in each table but are not in most instances the full cost allocation in the unit rate offered for said service in the Tender submission.
- Other costs such as mark-up, administration fees etc. are included in the unit rate.

### Separable portion award

The following is the final evaluation panel recommendation award per separable portion:

#### 1. Civil Design

<b>No:</b>	<b>Successful Respondent:</b>
1.	Coates Civil Consulting Pty Ltd
2.	JDSI Consultant Engineers Pty Ltd
3.	Cadds Group Pty Ltd

The evaluation panel has chosen to award the Civil Design separable portion as listed in this table, on the basis that this demonstrates the best value for money and local / regional support outcome for the Shire of Capel.





## 2. Structural Design – NOT AWARD

The evaluation panel has chosen to not award this portion to any of the Respondents, as it was not sufficiently supported by content from the evaluation that demonstrated good value for the Shire of Capel.

It was unanimously agreed to go to market for this on a case-by-case basis as this is very project specific and is best dealt with as required seeking pricing for said services aligned to a thorough and well-defined scope and specification.

## 3. Lighting Design

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	JJ Ryan Consulting Engineers Pty Ltd

The evaluation panel has chosen to award the Lighting Design separable portion as listed in this table, on the basis that this demonstrates the best value for money and regional support outcome for the Shire of Capel

## 4. Geotechnical Surveyance and reporting – NOT AWARD

The evaluation panel has chosen to not award this portion to any of the Respondents, as it was not sufficiently supported by content from the evaluation that demonstrated good value for the Shire of Capel.

## 5. General Drafting Design

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	Cadds Group Pty Ltd

The evaluation panel has chosen to award the General Drafting Design separable portion as listed in this table, on the basis that this demonstrates the best value for money and regional support outcome for the Shire of Capel

## 6. Landscape Design

The evaluation panel has chosen to not award this portion to any of the Respondents, as it was not sufficiently supported by content from the evaluation that demonstrated good value for the Shire of Capel.

It was unanimously agreed to go to market for this on a case-by-case basis as this is very project specific and is best dealt with as required seeking pricing for said services aligned to a thorough and well-defined scope and specification.

## Summary

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The evaluation of RFT 23-09 Engineering Technical Services - Design Support has been a complex process, requiring the Tender Evaluation Panel to apply a lot of lateral thinking for the determination of the respective separable portion award nominations.

It is the Tender Evaluation Panel’s belief that the award process has been both fair and equitable, and that this is supported with sufficient and valid justification based on procedural fairness, transparency and operational experience for like or similar services required.

This award is also believed to be value for money, not just on first impression of the submission unit rate review, but also including considerations of disbursements and other cost considerations that affect the application of the services across the Shire’s capital works portfolio from this Tender award.

In closing, the Tender Evaluation Panel selection has had a healthy consideration for local, regional and metropolitan support for what is a very diverse and specialised skill set, and in this selection their being sufficient resource and capacity to support both current and future works through design for the whole of the Shire of Capel portfolio.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation – 14.3.**

**OC/2023/167 - Officer's Recommendation / Council Decision - 14.3**

*Moved Cr McCleery, Seconded Cr Schiano.*

**That Council:**

- Award the following separable portions for RFT 23-09 Engineering Technical Services - Design Support to the successful Respondents:**

**Civil Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Coates Civil Consulting Pty Ltd
2.	JDSI Consultant Engineers Pty Ltd
3.	Cadds Group Pty Ltd

**Lighting Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	JJ Ryan Consulting Engineers Pty Ltd



**General Drafting Design**

<b>No:</b>	<b>Successful Respondent:</b>
1.	Kercheval Engineering Australia
2.	JDSI Consulting Engineers Pty Ltd
3.	Cadds Group Pty Ltd

2. Does not award the following separable portions for RFT 23-09 Engineering Technical Services - Design Support:

- Structural Design
- Geotechnical Surveyance and Reporting
- Landscape Design

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*2 members of the public left the room and did not return.*



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#### 14.4. Temporary Road Closure - Sleaford Drive

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<b>Author</b>	Manager Projects, Engineering & Assets, Shawn Lombard
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Sleaford Road Closure Map [14.4.1 - 1 page]</li><li>2. Resident Notification Correspondence - Sleaford Road Closure [14.4.2 - 2 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Approve the temporary road closure of a portion of Sleaford Drive as requested by Main Roads Western Australia (MRWA) for construction works associated with the Bunbury Outer Ring Road (BORR) project in this locality.

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#### Officer's Recommendation

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That Council endorse the temporary closure of a portion of Sleaford Drive as presented in Attachment 14.4.1 in accordance with the *Local Government Act 1995*, Subdivision 5 – Certain provisions about thoroughfares.

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#### Background

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The Bunbury Outer Ring Road (BORR) project has had considerable collaboration between:

- Main Roads Western Australia (MRWA)
- South West Gateway Alliance (SWGA)
- Shire of Capel

This collaboration has resulted in a shared consultation process being implemented for these three key stakeholders to address the following aspects of the construction of this significant road project, but not limited to:

- Impacts on residents due to construction activities within their locality.
- Anticipated permanent and temporary road closures.
- Road name and numbering changes.

As the project moves through its delivery milestones, a formal request is put to the Shire via South West Gateway Alliance (SWGA) on behalf of Main Roads Western Australia (MRWA) for consideration and subsequent Council consideration, which if approved, is issued through the Chief Executive Officer.

As part of this process, the Shire is required to seek community feedback through a formal advice notification whereby comments and issues are collated and recorded for review and consideration prior to being presented to the Council.



Noting the above and acknowledging that there have been several previous permanent and temporary road closures completed in relation to this project, South West Gateway Alliance (SWGA) have now made formal application for a temporary road closure for Sleaford Drive for the period October 2023 to May 2024.

In lieu of this request, Shire Officers issued a formal notification to the affected residents along this Bunbury Outer Ring Road (BORR) project construction zone, seeking comment which was finalised at the close of business on Wednesday, 13 September 2023.

This report summarises the findings and officer recommendation of this process seeking Council approval for temporary closure.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 2 - Manage and protect our environment

2.7 Urban planning that supports sustainable development

Direction 4 - Deliver good leadership, governance and decision-making

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.3 Better and safer roads.

### **Corporate Business Plan 2023-2027**

ETS 5 – **Oversee Statutory administration of relevant Acts for Roads** – Road Closures, Assess and Audit Traffic Management Plans, Works by Others, Alterations to speed zoning, Road naming, etc.

## **Statutory Framework**

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### **Local Framework**

There are no local frameworks relevant to this item.

### **State Framework**

The following Legislative framework applies:

*Local Government Act 1995*

Subdivision 5 – Certain provisions about thoroughfares

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

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.



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

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) deleted]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who –

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

[(7) deleted]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

#### *Land Administration Act 1997, Part 2 – General administration*

- Division 3 – General;
  - Section 26. Constitution, etc. of land districts and townsites;
  - Section 26A. Names of roads and areas in new subdivisions.
- Part 5, Division 1- Conventional Roads
  - Section 56 Dedication of land as road
  - Section 58 Closing roads
- *Land Information Authority Regulations 2007*
- Australian Standard AS/NZS 4819:2011 Rural and urban addressing

#### **Federal Framework**

There are no federal frameworks relevant to this item.

#### **Policy Framework**

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The following Shire Policies apply:

- Asset Management
- Risk Management Framework
- Road and reserve names



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Effective and timely consultation and processing of road closure applications in accordance with legislative framework.
<b>Risk Description:</b> The timely notification of road closure for road asset infrastructure and the effects this may have on community and other users in this period.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Health and Safety  <b>Rating: High</b>	Likely	Moderate	Timely notification and advice of alternative route redirection and the implementation of clear signage to support this process.
<b>Risk Description:</b> The impacts of temporary road closure on community and other road users with regards to access and egress from this affected area in periods of high use and emergency conditions.			
<b>Opportunity:</b> The opportunity for the Shire is that all legislative processes required for the BORR renaming and road closures are completed.			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal for the Shire of Capel.

South West Gateway Alliance will be charged the “Temporary Road closure fee” under the Shire’s adopted fees and charges for this request if this is approved by Council. This fee is listed as \$706.15 Ex GST for each respective road closure.

Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

**Sustainability Implications**

Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.



## Social

The temporary road closure will impact residents and other users on a social level only for time and redirection of what is their normal path of access and egress. Once this closure is removed the road will revert to normal and the improved road connectivity will improve options for travel and redirection.

## Economic

There are no relevant economic implications relevant to this item.

## Asset

This closure will result in the current asset being upgraded for portions of the existing road network and new road infrastructure being constructed as part of this overall project deliverable. Once this is completed the changes will be documented and our asset data updated to receive and model future responsibilities and obligations for this asset class.

## **Consultation/Engagement**

### **External Consultation**

The Shire has undertaken community consultation via letters to the affected residents sent on Thursday, 24 August 2023, for a period of 14 days outlining the proposal of the temporary closure.

As a requirement of Section 3.50 of the *Local Government Act 1995*, the Shire of Capel requested comments from the community regarding the planned closures.

Submissions were to be received by 4.00pm on Wednesday, 13 September 2023.

Zero (0) submissions were received from this consultation process as of 4:00pm, 13 September 2023.

Further, public notice was published in the following media streams:

- South Western Times on Tuesday, 29 August 2023
- Shire website and Facebook page on Monday, 28 August 2023
- The Capel, Dalyellup, and Boyanup Libraries.

### **Internal Consultation**

There was no internal consultation.

## **Officer Comment**

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The Shire of Capel received notification by email from MRWA in August 2023 requesting the temporary road closure of Sleaford Drive to support and align to the construction works timing required to do these works in this locality. This closure is noted to be for the period October 2023 up to and including May 2024.

In this correspondence it was noted that the Bunbury Outer Ring Road (BORR) project has moved through its progress phases faster than originally anticipated and communicated to the Shire of Capel in prior progress meetings.





This request was presented with a level of urgency and acknowledgment that this advice is being issued with late notice, and that an expedient response would be appreciated to support the ongoing delivery of this element of the greater project.

In preparation for the above consultation, Shire Officers considered the known impacts of the proposed BORR upon local roads and immediately advised South West Gateway Alliance of:

- The need to do community consultation; and
- To formalise this consultation in a Council report seeking approval of this temporary closure.

This process has been concluded with zero (0) community responses being received in this regard.

It is therefore the Officer's recommendation to Council that they support this closure in lieu of the advice and evidence summarised in this report.

## Summary

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A request for temporary road closure has been requested by South West Gateway Alliance (SWGA) for Sleaford Drive for the period October 2023 to May 2024 to support ongoing construction works in this locality associated to the Bunbury Outer Ring Road (BORR) project.

The Shire of Capel has processed this request in accordance with legislative compliance and associated processes, with this all summarised in a formal report to Council for consideration at the September 2023 Ordinary Council Meeting for approval of temporary closure.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.4.

#### OC/2023/168 - Officer's Recommendation / Council Decision - 14.4

*Moved Cr Noonan, Seconded Cr Dillon.*

**That Council endorse the temporary closure of a portion of Sleaford Drive as presented in Attachment 14.4.1 in accordance with the *Local Government Act 1995*, Subdivision 5 – Certain provisions about thoroughfares.**

**Carried 6 / 1**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Mogg*



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**14.5. Proposed Extractive Industry (sand) - Lot 141 (307) Ken Bell Road, North Boyanup**

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<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Extractive Application [14.5.1 - 50 pages]</li><li>2. Site and location plan [14.5.2 - 2 pages]</li><li>3. Proposed Final Landform Plan [14.5.3 - 1 page]</li><li>4. Proposed Haulage Route [14.5.4 - 1 page]</li><li>5. External Referral - Schedule of Submissions [14.5.5 - 10 pages]</li><li>6. Public Consultation - Schedule of Submissions [14.5.6 - 18 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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Consider a development application at the subject site for an Extractive Industry land use, and subsequent license approval under the Shire's Local Law. This is a renewal of a previous approval which has now expired.

The proposal is presented to Council as the development was previously subject to a Council decision and no delegation is available for determining extractive industry proposals under Delegation 166 - Planning.

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**Officer's Recommendation**

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That Council:

1. In accordance with Clause 68(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant Development Approval for "Industry Extractive" (sand) at Lot 141 Ken Bell Road, North Boyanup subject to conditions:
  - a) Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire (Attachment 14.5.1), subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.
  - b) This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.
  - c) Resource extraction is only permitted for a maximum of 5 years after the issue of this Development Approval.
  - d) The application to provide a Rehabilitation Bond for not less than \$20,318 for Stage 1 and such bond or bank guarantee to be unconditional (no expiry date).



- e) The applicant is to pay the Shire of Capel a road upgrade contribution of \$2000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$80,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes.
- f) A weed management plan being prepared to the satisfaction of the Shire of Capel.
- g) A dieback management plan being prepared to the satisfaction of the Shire of Capel.
- h) The maximum number of daily truck movements to and from the site is limited to 12 movements (6 in and 6 out). Consideration by the Shire will be given for granting additional numbers to the stated movements per day, with any variation to be approved in writing by the CEO.
- i) The submission of a quarterly truck movement report to verify compliance of condition (h).
- j) The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road and Fowler Road at any time and 40km/h along Skippings Road at any time.
- k) The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (j) upon the Shire's request.
- l) The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.
- m) If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.
- n) Headlights must be switched on at all times.
- o) The lowest level of extraction shall be 25m AHD.
- p) The removal of native vegetation outside of an approved clearing permit boundary is prohibited.
- q) The dust management plan shall be implemented and carried out in accordance with the approval details.
- r) The weed management plan shall be implemented and carried out in accordance with the approval details.
- s) The dieback management plan shall be implemented and carried out in accordance with the approval details.
- t) An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:
  - a. Details to demonstrate compliance with the conditions of this Development Approval;



- b. Tonnage of sand removed from the site and the period within which the sand was removed;
  - c. Progress report on the approved Rehabilitation Management and Monitoring Plan including:
    - i. Details of completed ongoing and future rehabilitation areas;
    - ii. Photos of rehabilitated areas;
    - iii. Monitoring and reporting details, if available;
    - iv. Start and completion dates, and expected start dates, if applicable; and
    - v. A map depicting the rehabilitation areas and their completion progress.
  - u) The Extractive Industry license holder is to maintain (Grading) the section of Skippings Road, Brookdale Road and Fowler Road used for haulage to the sealed portion of Boyanup West Road, to the satisfaction of the Shire and at the licence holder's expense.
  - v) Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed and unsealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016;
2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development Lot 141 Ken Bell Road, North Boyanup and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.

## Background

<b>Land / Title Information:</b>	Lot 141 (307) Ken Bell Road, North Boyanup
<b>Development Description:</b>	Extractive Industry (Sand) 20,000m <sup>3</sup>
<b>Land Area:</b>	54.8ha
<b>Existing Land Use</b>	Agricultural (previous approval for extractive Industry expired)
<b>Local Planning Scheme zone:</b>	Rural
<b>Greater Bunbury Region Scheme zone:</b>	Rural
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	2 June 2021
<b>Application Process Days:</b>	827 days



Previous Council Decisions

24 June 2015 (OCO612)

Council refused an application for sand extraction of an area of 2.6ha (40,000m<sup>3</sup>) of sand on concerns regarding safety and community concerns, road orientation, dust, dangerous crest and width of road in parts.

27 January 2016 (OCO106)

That Council support extractive industry as part of a mediation process through the State Administrative Tribunal. Conditions imposed addressed the use of Brookdale Road, hours of operation, truck movement restrictions (hours and speeds), upgrading requirements for Brookdale Road.

5 December 2019

Delegated approval issued for effluent storage ponds to support a dairy operation.

**Current Proposal**

The proposal is to extract 20,000m<sup>3</sup> of sand from Lot 141 (307) Ken Bell Road, North Boyanup (Attachment 14.5.1). The extraction area is 1.3ha (see Attachment 14.5.2 – site plan) and consists of two stages.

Attachment 14.5.3 shows an end landform with batter grades of at least 1:6 slopes. It is proposed that the site will be rehabilitated with native vegetation and levels to achieve a 2m ground water separation.

Haulage is proposed along Skippings Road, Brookdale Road and Fowler Road to Boyanup Road West (Attachment 14.5.4).

The proposal represents two key changes from the previously approved extractive operation. These are:

1. Reduced area and extraction volume from the previous approval (previous approval for 2.6ha and 40 000m<sup>3</sup> – proposed 1.3ha and 20 000m<sup>3</sup>). This reduced area and volume is to acknowledge poor resource availability confirmed with past activity.
2. Alternative haulage route to include Fowler Road. The previous approval was for haulage to use Brookdale Road all the way to the South Western Highway intersection. This proposal seeks to use Fowler Road to access Boyanup West Road (see Attachment 14.5.3). The length of gravel road used is approximately the same (original route 6.86km vs 7.1km new route).

This alternative route is intended to reduce the number of dwellings impacted by the route (see table below).

<b>Route</b>	<b>Number of dwellings</b>	<b>Number of dwellings within 50m of frontage</b>
Original approved (Skippings and Brookdale Road)	13	5
New proposed (Skippings, Brookdale and Fowler Roads)	9	3

It is noted that no dwellings are located along Skippings Road and Fowler Road.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

The Strategic Community Plan Objectives are not applicable to this item.

### Corporate Business Plan 2023-2027

DEVS 12 - Development Applications – Process and determine applications in accordance with the local government framework

## Statutory Framework

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### Local Framework

#### Local Planning Scheme No.8 (LPS8)

The subject land is zoned “Rural” with a Special Control Area overlay for the majority of the site (SCA6.1 - Resource Area).

“Industry – Extractive” is listed as an “A” use for the “Rural” zone in Table 1. An “A” classification means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising.

The objectives listed for the “Rural” zone are as follows:

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect extensive agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, in order to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

In addition, the land lies within a Special Control Area SCA6 – Strategic Minerals and Basic Raw Materials, which has the following objectives:

1. *To identify land within the Scheme area which contains mineral resources and basic raw materials of State or regional significance*
2. *To prevent mineral resources and basic raw materials of State or regional significance being sterilised by incompatible development and land uses.*
3. *To encourage the mining of mineral resources and extraction of basic raw materials in accordance with acceptable environmental standards.*
4. *To promote the rehabilitation and restoration of mining and extraction sites, after works have been completed, in a way that is consistent with the long-term use of the land.*



Schedule 4 includes additional site and development requirements by zone. Relevant requirements in relation to this proposal include setbacks of 20m from all boundaries and clause 5) which states:

*"Where appropriate, land uses which generate off-site impacts must demonstrate an appropriate separation distance from a sensitive land use or that potential impacts will be acceptable in order to preserve rural character and amenity, in accordance with state government guidance, to the satisfaction of the local government."*

#### Extractive Industry Local Law

Clause 2.1: Extractive industries prohibited without a licence. A person shall not carry out an extractive industry –

1. Unless the person is the holder of a valid and current licence; and
2. Otherwise, then in accordance with any terms and conditions set out in or applying in respect of the licence.

Clause 3.1: Determination of application

The local government may refuse to consider an application for compliance that does not comply with the requirements of clause 2.3, and any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.

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-
  1. the fees and charges determined by the local government from time to time;
  2. a copy of the current licence;
  3. a plan showing the contours of the excavation carried out to the date of that application;
  4. 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 clauses 2.3(1)(b) and (c); and
  5. any other things referred to in clauses 2.3 and 3.1
2. The local government may waive any of the requirements specified in clause 4.3(1)(d) or (e).
3. If-
  - (a) An application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
  - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,

Then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.



## State Framework

### State Planning Policy 2.4 Planning for Basic Raw Materials.

The site is located within the Basic Raw Materials policy area. The objectives of this policy are to:

- a. *ensure BRM and its regional importance is considered at the earliest stages of the planning process;*
- b. *protect BRM in SGS areas and ES by avoiding encroachment from incompatible land uses;*
- c. *ensure BRM resources are used efficiently in land use planning and development;*
- d. *identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and*
- e. *ensure the extraction of BRM avoids, minimises or mitigates any adverse impacts on the community, water resources and biodiversity values.*

*Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2 Part 7 (the Regulations)*

Clause 60(a) - requires the development approval of the local government prior to the commencement of development.

### Clause 67 - Matters to be considered by local government.

1. *In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.*
  - 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 including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
  - c. *Any approved State planning policy;*
  - d. *Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
  - e. *Any policy of the Commission;*
  - f. *Any policy of the State;*
  - g. *Any local planning policy for the Scheme area;*
  - h. *Any structure plan, activity centre plan or local development plan that relates to the development;*
  - i. *Any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*

### Clause 68 - Determination of application

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

### Greater Bunbury Region Scheme (GBRS)

The GBRS identifies Lot 141 Ken Bell Road, North Boyanup as Rural. The purpose of 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.'





Clause 6 (h) of the GBR Scheme identifies its purpose is to: *'(h) protect strategic minerals and basic raw materials of State and regional importance and provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.'*

**Federal Framework**

There are no Federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

Local Planning Policy 6.2 Extractive Industries (LPP6.2)

LPP6.2 sets out acceptable development and performance criteria for the assessment of development applications. If a development application does not meet the 'Acceptable Development' provisions, a performance-based assessment will be undertaken. Performance based assessments are considered against listed criteria to determine the proposal's suitability.

An assessment of the proposal against the Acceptable Development / Performance Criteria of LPP6.2 is as follows:

<b>Element: Amenity</b>		
PC1.1.1 Development is to demonstrate a negligible impact on the amenity of residential areas by way of vehicular traffic, noise, dust, blasting and vibration.	AD1.1.1 Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on Sundays or recognised public holiday days.	The proposed hours of operation will be in accordance with AD1.1.1  <b>CONSISTENT</b>
PC1.1.2. Development does not result in land degradation, or a landform that prejudices the productive end use of the site in accordance with the objectives of the zone.	AD 1.1.2 Development is located, designed and rehabilitated compatible with long-term planning and environmental protection.	Rehabilitation is proposed to comply to be returned to native vegetation. A new clearing permit will be required as the existing permit has expired.  <b>CONSISTENT</b>
<b>Element: Environmental</b>		
PC1.2.1 With advice from relevant state government departments, development is located to minimise the impact upon native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	AD1.2.1 Development does not prejudicially affect native flora and fauna; groundwater quality, quantity and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	The proposal requires replanting of native vegetation. This will need to occur in accordance with an updated clearing permit.  <b>CONSISTENT</b>



<p>PC1.2.2 Development is located and managed to minimise the spread of Phytophthora (Dieback).</p>	<p>AD1.2.2 Dieback is managed in accordance with Best Practice Guidelines – Management of Phytophthora Dieback in Extractive Industries (2005 – Dieback Working Group) as detailed within an agreed Dieback Management Plan.</p>	<p>A condition can be imposed to address dieback management.</p> <p><b>CONSISTENT</b></p>
<p>PC1.2.3 Development is located and managed to achieve a high level of surface and groundwater resource protection to provide soil depth for rehabilitation, future land use and a buffer against groundwater contamination and exposing groundwater.</p>	<p>AD1.2.3 Excavation shall not occur within 2 metres of the estimated maximum ground water level.</p>	<p>A 2m separation to maximum ground water is proposed</p> <p><b>CONSISTENT</b></p>
<p>PC1.2.4 Final excavation batters to achieve rehabilitated slopes compatible with future land use, existing soil structure, topography, and positive environmental outcomes.</p>	<p>AD1.2.4 Batter slopes with gradients up to 1:6 when rehabilitated to pasture for agricultural land uses and/or native revegetation.</p>	<p>Batter slopes will be at least 1:6.</p> <p><b>CONSISTENT</b></p>
<p>PC1.2.5 Development is located and managed to a achieve a high level of staged rehabilitation.</p>	<p>AD1.2.5 Sites to be rehabilitated in accordance with an agreed Environmental Management Plan and Rehabilitation Implementation Plan prepared and implemented in accordance with application and bonding requirements as specified in Appendix 1 of this Policy. For hard rock extraction sites, an end-of-life pit plan is to be provided and agreed upon between the Shire and applicant at least 5 years prior to the expiration of the approval’s validity.</p>	<p>Rehabilitation to native vegetation will occur. Standards for replanting will need to accord with a new clearing permit.</p> <p><b>CONSISTENT</b></p>
<p><b>Element: Buffers</b></p>		
<p>PC1.3 Development to demonstrate satisfactory mitigation and management measures in accordance with SPP4.1 Industrial Interface and Guidance Note 3 – Separation Distances Between Industrial</p>	<p>AD1.3.1 Buffer distances to be in accordance with Guidance Note 3 – Separation Distances Between Industrial and Sensitive Land Uses (EPA – 2005).</p>	<p>A separation distance of greater than 300m to 500m can be achieved. The nearest sensitive land use (dwelling) is 875m.</p>



<p>and Sensitive Land Uses (EPA – 2005</p>		<p>Screening of materials has a recommended separation distance of 500m. A minimum 875m separation distance is achieved.</p> <p><b>CONSISTENT</b></p>
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<p><b>Element: Visual Impact</b></p>		
<p>PC1.4 Through Development of an adopted Rehabilitation Plan, the final landform shall not have a significant detrimental impact on visual amenity of the landscape when viewed from surrounding sites.</p>	<p>AD1.4.1 Visual screening to be provided through retention of existing vegetation and /or provision of an appropriate landscaping screen/bund to the satisfaction of the Shire. No walls or solid fences will be considered.</p>	<p>The extraction area is not visible from any public receptor point due to setbacks, vegetation and topography.</p> <p><b>CONSISTENT</b></p>
<p><b>Element: Transport</b></p>		
<p>PC1.5.1 The proposed haulage route is not to have a detrimental impact on safety and amenity of residents, and local road users.</p>	<p>AD1.5.1 Haulage is to be wholly contained to the 'Tandem Drive 4' Network route, as identified by Main Roads Western Australia.</p>	<p>The proposed use of Skippings Road, Brookdale Road and Fowler Road is acceptable subject to controls (including limits to speed and daily trips).</p> <p><b>CONSISTENT</b></p>
<p>PC1.5.2 The application is accompanied by a Traffic Management Plan to demonstrate that haulage periods that conflict with school pick and drop off times are acceptable in their impact to the safety of the road network.</p>	<p>AD1.5.2 Haulage traffic is to be proposed at times of the day which will minimise conflict with school pick up and drop off hours (7:30am-9am and 2:30pm-4pm Mondays to Fridays)</p>	<p>Skippings Road, Brookdale Road and Fowler Roads are not school bus routes. Boyanup West Road is part of the RAV network.</p> <p><b>CONSISTENT</b></p>
<p>PC1.5.3 The applicant is to demonstrate that the haulage traffic will not have adverse impacts on the locality by virtue of noise, dust pollution, and safety, and that suitable arrangements be made by the developer to ensure the road is maintained to an appropriate standard.</p>	<p>AD1.5.3 Where available, haulage traffic is to utilise road networks which have a sealed surface, and appropriate designed to accommodate the proposed vehicle types.</p>	<p>Skippings Road, Brookdale Road and Fowler Road are not sealed roads (gravel surface). These roads will be suitable subject to imposing conditions for maintenance and controls to condition of use (including speed restrictions). These conditions will ensure dust, noise and safety standards are achieved.</p> <p><b>CONSISTENT (SUBJECT TO CONDITIONS)</b></p>



<p>PC1.5.4 Development does not create hazards to other road users, impact on sustainability of the transport network, nor negatively impact on the amenity of the residences along the route, in terms of:</p> <ul style="list-style-type: none"> <li>• Access points to the operation site.</li> <li>• Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network.</li> </ul>	<p>AD1.5.4 Development application is accompanied by a Traffic Impact Assessment that demonstrates the local road network capacity is sufficient to accommodate the additional traffic and proposed truck volumes generated by the development.</p>	<p>Conditions on maintenance, haulage controls and dust management will minimise impacts on amenity along haulage routes.</p> <p>A Traffic Impact Assessment is not required due to the limited scale of the operation that is below the threshold for requiring a traffic impact assessment.</p> <p><b>CONSISTENT (SUBJECT TO CONDITIONS)</b></p>
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**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<p><b>Risk 1</b> Environmental</p> <p><b>Rating:</b> Low</p>	<p>Unlikely</p>	<p>Minor</p>	<p>Controlled through imposing conditions and holding of existing bonds.</p>
<p><b>Risk Description: Failure to complete rehabilitation</b></p>			
<p><b>Opportunity:</b> Approval allows use of sand resources for land use development in the Shire and South West.</p>			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal.

**Sustainability Implications**

Climate Change and Environmental

Clearing of remnant vegetation is proposed. A clearing permit has been issued and requires rehabilitation with native vegetation.

Social

There are no relevant social implications relevant to this item.



## Economic

Sand is a basic raw material that is essential for the building industry and its supply assists with development within the southwest.

## Asset

The proposal will use the local road network including gravel constructed roads. The previous approval required upgrades to the existing road network to accommodate haulage as well as imposing limits to daily traffic movements and speeds. An inspection of the roads confirms that the roads are suitable to accommodate vehicle movements subject to speed limits being imposed (40km per hour for Skippings and 60km per hour for Brookdale and Fowler Roads).

## **Consultation/Engagement**

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### **External Consultation**

The proposal has been advertised, resulting in 18 submissions. This consists of eleven submissions of objection from the public and seven submissions from government agencies providing technical advice. Attachments 14.5.5 and 14.5.6 provide details on matters raised and suggested responses.

In summary, key issues raised by the public are provided below.





### **Suitability of road network**



Concerns have been raised regarding the suitability of the road network to safely accommodate haulage. These concerns relate to:

- a) maintenance and conditions (pavement widths, variations in road alignments/bends and pot holes);
- b) sight lines at intersections; and
- c) conflicts with existing users (safety).

An inspection of the Skippings Road, Brookdale Road and Fowler Roads confirm that they will be suitable for haulage subject to conditions regarding maintenance and controls on usage (including speed limits).

The following table provides a summary detail on each roads character:

Road	photos	Constraints
<p>Skippings Road</p>	 <p>Approximately 30m from Brookdale Road intersection (looking towards extractive site)</p>  <p>View near entrance to extractive site looking towards Brookdale Road)</p>	<p>Pavement 3.7m wide with shoulders approximately 800mm. Good site lines and flat topography. No corrugations (section of road not used for residential access)</p>
<p>Brookdale Road</p>	 <p>View looking west approximately 600m east of Skippings Road intersection</p>  <p>View looking west, approximately 50m west from intersection of Fowler Road.</p>	<p>Pavement varies ranging from 7m pavement to 5.6m with shoulders of various widths. Towards Skippings Road "intersection" pavement reduces further. Good site lines generally with a number of bends. No topography and generally flat. Surface generally in good conditions with a few minor pot holes (no corrugations)</p>

<p>Fowler Road</p>	 <p>Looking towards Boyanup West Road approximately 150m from intersection with Boyanup West Road</p>  <p>Looking north towards Brookdale Road, located approximately 150m from intersection of Boyanup West Road</p>  <p>Looking north towards Brookdale Road, located approximately 200m north of "s" bend</p>	<p>Pavements range from 5.9m to 5.3m with some sections with shoulders and others with steep drainage swales.</p> <p>Good site lines and generally flat. Evidence of flooding (signage) and water in drainage in low lying sections immediately on edge of road pavement</p> <p>Evidence of drag marks and disruption to pavement at intersection of Penn Street.</p> <p>No residential dwellings fronting Fowler Road.</p> <p>No corrugations except at intersection of Penn Street.</p>
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Impacts on Rural lifestyle

The extractive operation itself is not visible from any public receptor point (public road) or visible from any nearby residential dwelling (see Attachment 14.5.2). The nearest dwelling is 875m to the north-east with only four other dwellings within 1500m of the extractive site. The two next closest dwellings (approximately 1km) are screened by the topography and extensive areas of remnant vegetation.

Impacts on rural lifestyle and amenity is limited to haulage routes. Haulage is proposed along Skipplings Road, Brookdale Road and Fowler Road before using Boyanup West Road.

In assessing impacts on rural lifestyle and amenity, the following needs to be considered:



- a) limited scale of extraction (20,000m<sup>3</sup>);
- b) number of vehicles movements (12 per day) during campaigns;
- c) number of dwellings impacted (9 along Brookdale Road with 3 being within 50m of front boundary);
- d) potential to restrict haulage vehicle speeds (60km along Brookdale Road);
- e) potential to restrict dust through dust management plan.

Need to impose conditions consistent with previous approval

Conditions are recommended to reflect the need generated by the proposal. It is recommended to include conditions previously imposed where still relevant and necessary which include restrictions on traffic speed limits and road maintenance.

When considering imposing conditions, it is necessary to have regard to the relevant tests to ensure that a condition is valid. These tests are based on the *Newbury DC v Secretary of State for the Environment (1981) AC578* decision. This approach is applied by the State Administration Tribunal.

The tests require a condition to:

- a) Be imposed for a planning purpose;
- b) Fairly and reasonable relate to the development for which permission is given; and
- c) Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.





**Internal Consultation**

Internal consultation is summarised and the recommended response are contained in the following table:

Department	Comments	Recommended Response
Health Services	Apply standard conditions applying to: <ul style="list-style-type: none"> <li>• Dust</li> <li>• Noise</li> </ul>	Include conditions to comply with dust plan and noise regulations
Building Services	n/a	Note
Finance	No impact on rates levied	Note
Engineering Technical Services	Advises that: <ul style="list-style-type: none"> <li>• Previous Council report advised that Shire would ensure that total traffic on Brookdale Road would remain under 75 VPD (presently 51 VPD). Increasing to 12 movements (6 in and 6 out) each way would lift total traffic to 75 which is within the nominated limit.</li> <li>• Retain condition on speed recording device. Keeping speed down is paramount to preserving the road surface and controlling dust.</li> <li>• Supports applicant’s request to remove previous conditions (k), (l), (m), (o) and (p)</li> <li>• No excavation to take place below 25AHD</li> <li>• Requires a new road deterioration agreement</li> </ul>	<p>Include condition limiting movements to 1 VPD (6 in and 6 out) unless approved otherwise.</p> <p>Agree. This condition ensures compliance and enforcement to protect roads, amenity and safety.</p> <p>Agree. conditions on previous approval have not been included on this approval.</p> <p>Agree. Condition included.</p> <p>Agree. This condition included.</p>

**Summary**

The proposal presents a reduced scale than the previously approved extractive industry operation. The extraction area is limited to 1.3ha and 20,000m<sup>3</sup> of sand and is isolated from nearby sensitive land uses.

Objections received during the advertising process focus on the suitability of the proposed haulage routes (Brookdale Road and Fowler Road). A review of the roads has indicated that these roads are suitable to accommodate haulage subject to imposing conditions and acknowledging the limited movements (12 vehicle movements per day (6 in and 6 out)).

Comments from government agencies can be addressed through imposing conditions. The proposal also complies with the Shire’s Local Planning Policy 6.2 which provides guidance on rehabilitation, groundwater and environmental considerations, end landforms, amenity and haulage.



## Voting Requirements

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Simple Majority

## Officer's Recommendation – 14.5

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That Council

1. In accordance with Clause 68(2) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 grant Development Approval for "Industry Extractive" (sand) at Lot 141 Ken Bell Road, North Boyanup subject to conditions:
  - a) Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire (Attachment 14.5.1), subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.
  - b) This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.
  - c) Resource extraction is only permitted for a maximum of 5 years after the issue of this Development Approval.
  - d) The application to provide a Rehabilitation Bond for not less than \$20,318 for Stage 1 and such bond or bank guarantee to be unconditional (no expiry date).
  - e) The applicant is to pay the Shire of Capel a road upgrade contribution of \$2000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$80,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes.
  - f) A weed management plan being prepared to the satisfaction of the Shire of Capel.
  - g) A dieback management plan being prepared to the satisfaction of the Shire of Capel.
  - h) The maximum number to truck movements to and from the site is limited to 12 movements (6 in and 6 out). Consideration by the Shire will be given for granting additional numbers to the stated movements per day, with any variation to be approved in writing by the CEO.
  - i) The submission of a quarterly truck movement report to verify compliance of condition (h).
  - j) The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road and Fowler Road at any time and 40km/h along Skippings Road at any time.
  - k) The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (j) upon the Shire's request.



- l) The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.
  - m) If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.
  - n) Headlights must be switched on at all times.
  - o) The lowest level of extraction shall be 25m AHD.
  - p) The removal of native vegetation outside of an approved clearing permit boundary is prohibited.
  - q) The dust management plan shall be implemented and carried out in accordance with the approval details.
  - r) The weed management plan shall be implemented and carried out in accordance with the approval details.
  - s) The dieback management plan shall be implemented and carried out in accordance with the approval details.
  - t) An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:
    - a. Details to demonstrate compliance with the conditions of this Development Approval;
    - b. Tonnage of sand removed from the site and the period within which the sand was removed;
    - c. Progress report on the approved Rehabilitation Management and Monitoring Plan including:
      - i. Details of completed ongoing and future rehabilitation areas;
      - ii. Photos of rehabilitated areas;
      - iii. Monitoring and reporting details, if available;
      - iv. Start and completion dates, and expected start dates, if applicable; and
      - v. A map depicting the rehabilitation areas and their completion progress.
  - u) The Extractive Industry license holder is to maintain (Grading) the section of Skippings Road, Brookdale Road and Fowler Road used for haulage to the sealed portion of Boyanup West Road, to the satisfaction of the Shire and at the licence holder's expense.
  - v) Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed and unsealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016.
2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development for Lot 141 Ken Bell Road, North Boyanup and that the Director



Infrastructure and Development be authorised to sign the Licence on behalf of the Council.

Advice Note(s)

- a) If the applicant or owners 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.
- b) In relation to conditions (d) the Shire acknowledges that a rehabilitation bond has already been provided.
- c) In relation condition (e), the Shire acknowledges that a contribution towards a road upgrading has been provided.
- d) The applicant is advised to liaise with the Department of Water and Environmental Regulation regarding approvals required for any proposed screening related to extraction activity. Further information is available regarding Industry Regulation Guide to Licensing at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or by contacting DWER regarding works approvals and licenses at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000.
- e) The applicant is advised to liaise with the Department of Water and Environmental Regulation prior to clearing vegetation, noting the previous clearing permit has expired. For further information and applying, please use the following link <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms> For further information please contact DWER by email at [admin.nvp@dwer.wa.gov.au](mailto:admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).
- f) In relation to Condition (g), a Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries.

### Amended Recommendation

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*Moved Cr Dillon, Seconded Cr Terrantroy.*

### That Council

1. **In accordance with Clause 68(2) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 grant Development Approval for "Industry Extractive" (sand) at Lot 141 Ken Bell Road, North Boyanup subject to conditions:**
  - a. **Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire (Attachment 14.5.1), subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.**



- b. This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.**
- c. Resource extraction is only permitted for a maximum of 5 years after the issue of this Development Approval.**
- d. The application to provide a Rehabilitation Bond for not less than \$20,318 for Stage 1 and such bond or bank guarantee to be unconditional (no expiry date).**
- e. The applicant is to pay the Shire of Capel a road upgrade contribution of \$2000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$80,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes.**
- f. A weed management plan being prepared to the satisfaction of the Shire of Capel.**
- g. A dieback management plan being prepared to the satisfaction of the Shire of Capel.**
- h. The maximum number to truck movements to and from the site is limited to 12 movements (6 in and 6 out). Consideration by the Shire will be given for granting additional numbers to the stated movements per day, with any variation to be approved in writing by the CEO.**
- i. The submission of a quarterly truck movement report to verify compliance of condition (h).**
- j. The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time and 40km/h along Skippings Road at any time. No haulage is permitted to occur on Fowler Road.**
- k. The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (j) upon the Shire's request.**
- l. The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.**
- m. If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.**
- n. Headlights must be switched on at all times.**
- o. The lowest level of extraction shall be 25m AHD.**
- p. The removal of native vegetation outside of an approved clearing permit boundary is prohibited.**
- q. The dust management plan shall be implemented and carried out in accordance with the approval details.**



- r. The weed management plan shall be implemented and carried out in accordance with the approval details.
  - s. The dieback management plan shall be implemented and carried out in accordance with the approval details.
  - t. An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:
    - a. Details to demonstrate compliance with the conditions of this Development Approval;
    - b. Tonnage of sand removed from the site and the period within which the sand was removed;
    - c. Progress report on the approved Rehabilitation Management and Monitoring Plan including:
      - i. Details of completed ongoing and future rehabilitation areas;
      - ii. Photos of rehabilitated areas;
      - iii. Monitoring and reporting details, if available;
      - iv. Start and completion dates, and expected start dates, if applicable; and
      - v. A map depicting the rehabilitation areas and their completion progress.
  - u. The Extractive Industry license holder is to maintain (Grading) the section of Skippings Road and Brookdale Road to the satisfaction of the Shire and at the licence holder's expense.
  - v. Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed and unsealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016.
2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development for Lot 141 Ken Bell Road, North Boyanup and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.

**Advice Note(s)**

- a. If the applicant or owners 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.
- b. In relation to conditions (d) the Shire acknowledges that a rehabilitation bond has already been provided.
- c. In relation condition (e), the Shire acknowledges that a contribution towards a road upgrading has been provided.



- d. The applicant is advised to liaise with the Department of Water and Environmental Regulation regarding approvals required for any proposed screening related to extraction activity. Further information is available regarding Industry Regulation Guide to Licensing at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or by contacting DWER regarding works approvals and licenses at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000.
- e. The applicant is advised to liaise with the Department of Water and Environmental Regulation prior to clearing vegetation, noting the previous clearing permit has expired. For further information and applying, please use the following link <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms> For further information please contact DWER by email at [admin.nvp@dwer.wa.gov.au](mailto:admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).
- f. In relation to Condition (g), a Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries.

*The Shire President adjourned the meeting for 5 minutes at 7:34pm to allow for the correct wording of the amended recommendation, 3 members of the public left the room and did not return.*

*The Meeting resumed at 7:49pm.*

**OC/2023/169 - Amendment / Council Decision - 14.5**

*Moved Cr Schiano, Seconded Cr Noonan.*

**For condition J to read as follows:**

**'J. The applicant to ensure that trucks do not exceed 40km/h along Brookdale Road and Skippings Road at any time. No haulage is permitted to occur on Fowler Road.'**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*The amended alternative recommendation became the substantive.*

**OC/2023/170 - Amended Alternative Recommendation / Council Decision - 14.5**

*Moved Cr Dillon, Seconded Cr Terrantroy.*

**That Council**



- 1. In accordance with Clause 68(2) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 grant Development Approval for "Industry Extractive" (sand) at Lot 141 Ken Bell Road, North Boyanup subject to conditions:**
  - a. Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire (Attachment 14.5.1), subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.**
  - b. This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.**
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  - e. The applicant is to pay the Shire of Capel a road upgrade contribution of \$2000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$80,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes.**
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  - g. A dieback management plan being prepared to the satisfaction of the Shire of Capel.**
  - h. The maximum number to truck movements to and from the site is limited to 12 movements (6 in and 6 out). Consideration by the Shire will be given for granting additional numbers to the stated movements per day, with any variation to be approved in writing by the CEO.**
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  - j. The applicant to ensure that trucks do not exceed 40km/h along Brookdale Road and Skipplings Road at any time. No haulage is permitted to occur on Fowler Road.**
  - k. The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (j) upon the Shire's request.**
  - l. The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.**
  - m. If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.**



- n. **Headlights must be switched on at all times.**
  - o. **The lowest level of extraction shall be 25m AHD.**
  - p. **The removal of native vegetation outside of an approved clearing permit boundary is prohibited.**
  - q. **The dust management plan shall be implemented and carried out in accordance with the approval details.**
  - r. **The weed management plan shall be implemented and carried out in accordance with the approval details.**
  - s. **The dieback management plan shall be implemented and carried out in accordance with the approval details.**
  - t. **An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:**
    - a. **Details to demonstrate compliance with the conditions of this Development Approval;**
    - b. **Tonnage of sand removed from the site and the period within which the sand was removed;**
    - c. **Progress report on the approved Rehabilitation Management and Monitoring Plan including:**
      - i. **Details of completed ongoing and future rehabilitation areas;**
      - ii. **Photos of rehabilitated areas;**
      - iii. **Monitoring and reporting details, if available;**
      - iv. **Start and completion dates, and expected start dates, if applicable; and**
      - v. **A map depicting the rehabilitation areas and their completion progress.**
  - u. **The Extractive Industry license holder is to maintain (Grading) the section of Skippings Road and Brookdale Road, to the satisfaction of the Shire and at the licence holder's expense.**
  - v. **Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed and unsealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry License in accordance with the Shire of Capel Extractive Industry Local Law 2016.**
2. **Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development for Lot 141 Ken Bell Road, North Boyanup and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.**



**Advice Note(s)**

- a. If the applicant or owners 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.
- b. In relation to conditions (d) the Shire acknowledges that a rehabilitation bond has already been provided.
- c. In relation condition (e), the Shire acknowledges that a contribution towards a road upgrading has been provided.
- d. The applicant is advised to liaise with the Department of Water and Environmental Regulation regarding approvals required for any proposed screening related to extraction activity. Further information is available regarding Industry Regulation Guide to Licensing at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or by contacting DWER regarding works approvals and licenses at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000.
- e. The applicant is advised to liaise with the Department of Water and Environmental Regulation prior to clearing vegetation, noting the previous clearing permit has expired. For further information and applying, please use the following link <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms> For further information please contact DWER by email at [admin.nvp@dwer.wa.gov.au](mailto:admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).
- f. In relation to Condition (g), a Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries.

**Carried 6 / 1**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Mogg*



**14.6. Final approval Structure Plan - Amendment 2 to Dalyellup South Local Structure Plan - Lot 1 Harewoods Road, Dalyellup**

<b>Location</b>	Lot 1 Harewoods Road, Dalyellup
<b>File Reference</b>	PA131/2022
<b>Applicant</b>	Able Planning & Project Management
<b>Owner</b>	Roman Catholic Bishop of Bunbury
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Current Dalyellup South Local Structure Plan [14.6.1 - 1 page]</li> <li>2. Proposed amendment map [14.6.2 - 1 page]</li> <li>3. Structure Plan Amendment Document [14.6.3 - 212 pages]</li> <li>4. Schedule of Submission [14.6.4 - 14 pages]</li> <li>5. Schedule of Modifications [14.6.5 - 1 page]</li> <li>6. Concept Plan [14.6.6 - 1 page]</li> </ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

**Proposal**

Amend the Dalyellup South Local Structure Plan by providing detail for Lot 1 Harewoods Road, Dalyellup (subject site). Attachment 14.6.1 provides an extract of the existing approved structure plan for Dalyellup South. The subject site is located in the north-western corner of the Dalyellup South Local Structure Plan map and is identified as "Detailed Structure Plan Area."

This proposal seeks to provide detail on how the site will be developed identifying land uses such as residential 'cells' with density codes, a local road network, open space and potential school site (see Attachment 14.6.2 – proposed structure plan map). The table below provides details on proposed yields and land areas by use and provides comparisons between the current and proposed version of the structure plan.

Total area covered by the structure plan:	9.8938 hectares
Area of each land use proposed:	Hectares:
• Residential	7.4083 or 4.8285
• Primary School	0 or 3.7588
Total estimated lot yield	131 or 76`
Estimated number of dwellings	132 or 76
Estimated residential site density	17.82 or 15.74 dwellings per site / hectare
Estimated population	396 or 228 based on 3 people per household (Dalyellup SA2 – ABS, 2016)
Number of primary schools	0 or 1
Estimated area of public open space given over to:	
• Regional open space	0 hectares
• District open space	0 hectares
• Neighbourhood parks	0 hectares
• Local parks	0.9326 hectares (1 park)



The structure plan amendment document is provided in Attachment 14.6.3.

The Council is requested to make a recommendation to the Western Australian Planning Commission (WAPC) to support Amendment 2 to Dalyellup South Local Structure Plan for Final Approval.

The WAPC is the decision maker for local structure plans and the local government is required to make a recommendation following advertising and considering any submissions received.

## Recommendation

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That Council:

1. Adopts the Schedule of Submissions (Attachment 14.6.4) prepared in respect to the proposed structure plan amendment.
2. Pursuant to Schedule 2, Part 4, clause 20 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that the proposed amendment 2 to Dalyellup South Local Structure Plan for Lot 1 Harewoods Road, Dalyellup, be approved subject to modifications (Attachment 14.6.5 Schedule of Modifications).
3. Advises the landowner and those who made a submission of Council's recommendation accordingly.

## Background

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<b>Land / Title Information:</b>	Lot 1 Harewoods Road, Dalyellup
<b>Development Description:</b>	Amendment 2 to Dalyellup South Local Structure Plan
<b>Land Area:</b>	9.8938ha
<b>Existing Land Use</b>	Vacant
<b>Local Planning Scheme zone:</b>	Urban Development
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	6 July 2022
<b>Application Process Days:</b>	448 days



## Previous Council Decisions

### 23 February 2011

Council resolved to initiate Scheme Amendment No.51 to Local Planning Scheme No.7 and adopt the draft Dalyellup South Local Structure Plan for the purpose of public consultation.

### 19 March 2014

Council resolved to adopt Scheme Amendment No.51 to Local Planning Scheme No.7 for final approval subject to a range of modifications to the Specific Provisions of Development precinct 5. Adopted by the WAPC for final approval and gazetted on 24 April 2015.

### 24 June 2015

Council recommended final approval for Dalyellup South Local Structure Plan.

### 29 March 2017

Proposed Dalyellup South Structure Plan Amendment 1 received by the Shire of Capel.

### 8 May 2017

Commencement of advertising of the proposed amendment for a period of 28 days until 9 June 2017

### 29 January 2018

Dalyellup South Local Structure Plan Amendment No.1 endorsed by Western Australian Planning Commission.

### 29 July 2022

Delegated decision to advertise Amendment No. 2.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

- 1.1 A more engaged community
- 1.2 A capable community that drives community activation and participation
- 1.3 An inclusive community
- 1.4 A safe and prepared community
- 1.5 A healthy and active community

Direction 2 - Manage and protect our environment

- 2.1 Improved management of our natural environment assets and attractions
- 2.2 Increased community capacity in supporting positive environmental management
- 2.3 A Shire committed to sustainable practices

Direction 3 - Foster a dynamic, diverse and strong local economy

- 3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity
- 3.2 Effective promotion of the Shire and its towns
- 3.4 Continued improvement in town center vibrancy

Direction 4 - Deliver good leadership, governance and decision-making

- 4.1 Effective and compliant governance
- 4.2 Informed and transparent decision making



#### 4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.1 Appropriate community facilities, that meet the communities' needs

5.2 Improved transport options

5.3 Better and safer roads

#### **Corporate Business Plan 2023-2027**

DEVS 13 – **Local Area Plans** – Process and make recommendations and/or determine various forms of local area plans such as Local Structure Plans and Local Development Plans in accordance with the local planning framework.

### **Statutory Framework**

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#### **Local Framework**

#### **Local Planning Scheme No.8 (LPS8)**

The subject land is zoned "Urban Development" under LPS8.

The objectives of the "Urban Development" zone are as follows:

- To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.
- To provide for a range of residential densities to encourage a variety of residential accommodation.
- To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
- To provide an intermediate transitional zone prior to or following the lifting of an urban deferred zoning within the Greater Bunbury Region Scheme.

The subject land is included in Special Control Area 2 Development Contribution Area (SCA2). The purpose of SCA2 is:

*"to designate areas requiring infrastructure servicing for the purposes of implementing arrangements for the fair and equitable apportionment of the costs of providing identified infrastructure."*

Additional site and development requirements apply to the subject land (Schedule 5 of LPS8). The subject land is listed in Schedule 5 as SR2 Dalyellup South which requires:

1. *Prior to commencing the first stage of subdivision, the subdivider shall provide a strategy detailing that the district distributor and neighbourhood connector roads, including the upgrading of the Harewoods Road / Bussell Highway intersection, are constructed in a timely manner at the subdividers' cost, to the satisfaction of the Shire of Capel and Main Roads WA;*
2. *The subdivider shall, at the time of creating new lots, ensure that finished ground levels within the subdivision are at a minimum of 0.5m above the predicted 100-year average recurrence interval level for the Five Mile Brook Diversion Drain adjacent to the land.*



3. *The subdivider shall, prior to commencing subdivision works, provide a management plan for a 100m wide section of Regional Open Space to the satisfaction of the WAPC and the Shire of Capel. The management plan should provide such rehabilitation and management infrastructure as are reasonably required to provide for a transition from the urban development to the core ecological habitat and linkage values in the reserves. This shall include but not be limited to the wetland west of and the wildlife corridor south of the land; and*
4. *The subdividing owner(s) of the land is to provide utility services to the identified Community Purposes site within the Dalyellup South Local Structure Plan, prior to the site being reserved.*

## **State Framework**

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

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

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

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

Clause 18 – Once accepted as being suitable for assessment and advertisement by the local government, the proposed structure plan must be advertised in one or more ways. This can be by written notice to affected owners and occupiers, a notice in a local newspaper and on the Council's website or by erecting a sign on the subject land. This must be for a period of time not less than 42 days.

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

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

Upon discussing this timeframe with the Department of Planning, Lands and Heritage, it has been advised that this recommendation being put to the Department outside of the specified timeframe is not critical in the decision-making process and that late recommendations can still be considered.

## **Greater Bunbury Region Scheme (GBRS)**

The subject land is zoned Urban within the GBRS to provide for residential and associated development.



Part 4, clause 12 states the purpose of the “Urban” zone is to:

*“To provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities”*

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following key State strategies and policies are applicable:

- State Planning Strategy 2050;
- State Planning Policy No. 1: State Planning Framework;
- State Planning Policy No. 3: Urban Growth and Settlement;
- State Planning Policy No. 3.1: Residential Design Codes;
- State Planning Policy No. 3.6: Development Contributions for Infrastructure;
- State Planning Policy No. 3.7: Planning in Bushfire Prone Areas;
- Liveable Neighbourhoods (January 2009);
- Operational Policy 2.4 Planning for School Sites
- South West Regional Planning and Infrastructure Framework (December 2015);
- Bunbury Geopraphe Sub Regional Strategy (January 2022).

**Dalyellup South Local Structure Plan (DSLSP) (November 2015)**

The DSLSP provides the framework for the design of future urban development south of the Harewoods Road (See Attachment 14.6.1 - extract of DSLSP map).

The land subject to this amendment is located in the north-eastern corner and is identified as “Detailed Structure Plan Area (Lot 1).

The DSLSP provides for the creation of an estimated 1116 residential lots, a local centre, a primary school site and seven areas of public open space.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Low</b>	Unlikely	Insignificant	Imposition and clearing of conditions at the subdivision stage when works are incomplete
<b>Risk Description:</b> Future civil works being undertaken without valid approvals being in place or works being undertaken contrary to structure plan design.			
<b>Opportunity:</b> Support will establish a framework for future residential subdivision and development.			





## **Financial Implications**

### Budget

There are no financial implications relevant to this proposal. However, the structure plan will guide future subdivision which will create infrastructure assets for the Shire to maintain. This will include construction of local roads and public open space (see Attachment 14.6.2).

### Long Term

No assets/infrastructure are being created as part of this application. However, it provides the framework for future infrastructure assets (please see item above).

## **Sustainability Implications**

### Climate Change and Environmental

The site is primarily cleared farmland except for:

- A small centrally located area containing swamp paperbark and flooded gums over sedges of a multiple use wetland;
- A small stand of trees on the northern boundary and isolated peppermint trees.

The design proposes to retain trees where possible in public open space. It is noted that design levels may impact how practical retention is. If removal is necessary, replanting of this area can occur as part of developing public open space.

Street tree selection and planting (potentially Peppermint trees) will be required for future subdivision. This will increase the number of trees within the structure plan area.

### Social

The proposal provides scope for a future private primary school site that adds potential schooling choice and opportunities for local residents.

### Economic

The proposal will provide the planning framework for future subdivision development to expand residential housing south of the existing Dalyellup suburbs.

### Asset

There are no assets directly created by this application. However, it will provide the framework for future residential development which will include the construction of local roads and open space. Furthermore, the proposed configuration of the local structure plan will result in some sections of verge, particularly on the eastern boundary of the parent lot, that will become road reservation once formally gazetted. It is anticipated that maintenance of these verge areas for the purposes of upholding the bushfire management plan will become a responsibility of the Shire.

## **Consultation/Engagement**

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### **External Consultation**

The application has been advertised for a minimum of 42 days in accordance with clause 18 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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A total of nine submissions were received, consisting of one public submission (objection) and eight government agency submissions providing technical advice. Attachment 14.6.4 provides details of the submissions, the applicant's comments as well as recommended actions.

In summary, the key issues raised related to:

- Upgrading of existing road infrastructure (Intersection of Harewoods Road/Bussell Highway);
- Potential land use conflicts with extractive industry operations (no longer active);
- School road interfaces.

**Internal Consultation**

Internal consultation is summarised, and the recommended responses are contained in the following table.

Department	Comments	Recommended Response
Health	<p>Recommend standard conditions relating to:</p> <ol style="list-style-type: none"> <li>1) Mosquito Management Plan Mosquito contribution - based on formula used for recent subdivision mosquito contribution \$712 per lot.</li> <li>2) Connect to sewer and mains water</li> <li>3) Dust</li> <li>4) Noise</li> </ol> <p>Demonstrate consideration given to Public Health Plan outcomes including creation of shade and active spaces and path linkage and distance to parks/playgrounds.</p> <p>Tech to address rubbish truck access and flow.</p>	<p>Note. These conditions will be addressed through standard conditions at the subdivision stage.</p>
Finance	<p>No comments on actual structure plan other than when new lots created, they will be rated individually from final approved DP from WAPC.</p>	<p>Note.</p>
Sustainability	<ol style="list-style-type: none"> <li>1) If possible, to avoid the removal of the only remnant vegetation on the block in the wetland, to install a retention basin adjacent to the wetland to strip the stormwater of silt and nutrients prior to it entering the water table. Similar to the design done on the wetland on Wicklow Bvd in Dalyellup.</li> <li>2) Also, there is a contaminated site across the road (R31012) which may have a contaminated groundwater plume heading in the direction of Lot 1 Harewoods Rd. Before any groundwater is used it should be tested for contamination. Investigations into the contaminated site are ongoing.</li> </ol>	<p>Note. This alternative will significantly reduce the potential utility of POS.</p> <p>Design solutions can be investigated further at the detailed subdivision stage.</p> <p>Note. This can be addressed at the subdivision stage through conditions.</p>



Department	Comments	Recommended Response
<p>Technical Services</p>	<p>Comment:</p> <ol style="list-style-type: none"> <li>1) Part 1 5.2 advises that remnant veg will be protected. This is contrary to the LWMS which shows the Public Open Space area filled to 8.00m AHD being up to 2m of fill which will require the removal of the trees. If the remnant vegetation is to be protected, then the location of the basin needs to be moved impacting on lot return. This same untrue is repeated in Page 7-first paragraph, Page 12 – last dot point, Page 32 2.1 3rd paragraph.</li> <li>2) Page 8 – 2nd sentence states there is only one ‘dead end’ road, but there is two.</li> <li>3) Page 14 DP5 Specific provision 8 – Road Implementation Strategy – indicates that this is completed, but the strategy provided by Piacentini’s is not current and does not include any contributions from this development.</li> </ol> <p>This strategy should be reviewed in light of this structure plan and the expiry of Piacentini’s subdivision approval.</p> <ol style="list-style-type: none"> <li>4) DP5 Specific Provision 20 – not sure if this is required but should be reviewed.</li> <li>5) DP5 Specific Provision 21 – this should be required for this development.</li> <li>6) TIA 5.7 Advises that as the western road is a Neighbourhood Connector A which is expected to have up to 6,700 vehicles per day, is not suitable for normal vehicle access where cars reverse onto the road. The proposal to provide a turning area in the verge is not workable as it would require at least 7m of verge width to construct and this road will have only 4-6m of verge. Suggest internal layout is modified to provide rear access to lots.</li> </ol>	<p>Agree. The supporting documents will require updating to ensure consistency.</p> <p>Note. This can be modified if necessary, depending on design changes being supported.</p> <p>Note. Points 3) to 5) have been addressed and superseded by LPS8 (Schedule 5)</p> <p>Agree. A design change will be necessary to ensure safe vehicular access.</p>

**Officer Comment**

**Future subdivision design**

The design includes several elements that can be improved to address concerns raised. Issues raised include:



- Direct vehicular access to Connector A road on eastern boundary (which creates potential traffic movement conflicts (potential for reversing from properties into traffic flows);
- Irregular road alignments abutting primary school site (southern boundary) that does not align with Liveable Neighbourhood design principles;
- Creation of irregular road network for residential alternative option if the private primary school site is not used.

Liveable Neighbourhoods outlines the following design considerations for primary school interfaces:

- A school should be surrounded by a minimum of three streets, including a neighbourhood connector and a wider access street (Element 8 - R20); and
- Surrounding residential development should be designed to overlook the school. Side and rear fencing abutting school sites will generally not be acceptable (Element 8 – R30).

Alternative design options have been prepared at Officer level by the Shire and Department of Planning Lands and Heritage (DPLH). These designs show that changes can be made to improve interface and legibility outcomes (see Attachment 14.6.6 Indicative design option).

Attachment 14.6.6 will create opportunities to:

- Create regular road alignments (removing cul-de-sac bulbs and battle-axe lots);
- Reduce lots with direct vehicular access to the Neighbourhood Connector A road along the western boundary (near roundabout); and
- Provide a more permeable and legible interface along the southern boundary with the future primary school site.

The applicant does not agree with the design option (Attachment 14.6.6) as it will require review and modifications to water management arrangements and detailed engineering design that has already been undertaken based on the existing design.

The applicant's concerns are noted. However, the design changes reflect submissions received during the advertising process and will ensure improved urban design outcomes. It is noted that the changes do not materially impact on lot yield outcomes.

It is recommended that the structure plan be modified to ensure consistency with Liveable Neighbourhoods design in relation to interfaces, create a more regular road network and remove battle-axe lots.

### **Public Open Space provision**

Public Open Space (POS) is required to be provided at a rate of 10%. A POS land contribution will be marginally less than 10% should the residential option over the private primary school site be progressed. Further, a redesign to address the above road interface and design issues may result in further minor reductions in the POS area.

Liveable Neighbourhoods provides scope to accept reduced public open space provision (reduced area of up to 20%) in certain instances.

The reduced area can be compensated by a cash-in-lieu contribution towards open space infrastructure and upgrading of nearby public open space areas. Cash-in-lieu contributions are considered at the subdivision stage and any funds received are required to be set aside in a separate reserve account established and maintained under the Local Government Act 1995.

The potential reduction of POS resulting from modifying the design will be significantly less than 20%.



In this instance, a reduced physical public open space area is reasonable on the basis that:

- The locality will be well serviced by existing open space (large active open space area immediately to the north of Harewoods Road);
- Proposed new areas of open space (two sites) immediately to the west;
- A large active open space area (shared with the proposed primary school site) is located on the southern boundary; and
- Regional Open Space located along the eastern boundary.

### **Upgrades or Harewood/Bussell Highway intersection**

Main Roads WA has raised concerns regarding arrangements for upgrading the existing intersection of Bussell Highway and Harewoods Road.

This matter is addressed in Schedule 5 of LPS8. Specially, requirement 1 states:

*"Prior to commencing the first stage of subdivision, the subdivider shall provide a strategy detailing that the district distributor and neighbourhood connect roads, including the upgrading of the Harewoods Road /Bussell Highway intersection are constructed in a timely manner at the subdividers' cost, to the satisfaction of the Shire of Capel and Main Roads, WA."*

On this basis, a strategy will need to be prepared prior to subdivision to address and resolve upgrading and cost sharing arrangements to ensure the road network is appropriate to support future demand.

### **Inheritance of Asset Protection Zones**

As discussed in the above section for 'Sustainability Implications,' the formal gazettal of the proposed road network for the LSP will result in the Shire inheriting portions of land that function as asset protection zones (APZ), such as the verge area that sits between the eastern lot boundary and the proposed carriageway.

The Shire will need to upkeep the APZs to ensure the LSP complies with the bushfire management plan. Should the maintenance of such areas be considered onerous or financially consuming, it may be suggested that an alternative motion be put to Council to consider support for the LSP on the basis that a condition be included to state the following:

- The asset protection zones on the eastern lot boundary are to be either bituminised and forming part of the carriageway, or of a hardstand surface to facilitate a footpath.

By proposing such an alternative, the Shire can hopefully avoid slashing or regular clearing of vegetation in a bid to reduce the BAL rating.



## Summary

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The proposed amendment to the Dalyellup South Local Structure Plan provides suitable detail to guide future subdivision and development subject to modifications.

Council is recommended to support the Western Australian Planning Commission approval of the structure plan amendment, subject to modifications listed in the schedule of modifications.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.6.

#### OC/2023/171 - Officer's Recommendation / Council Decision - 14.6

*Moved Cr Terrantroy, Seconded Cr McCleery.*

**That Council:**

- 1. Adopts the Schedule of Submissions (Attachment 14.6.4) prepared in respect to the proposed structure plan amendment.**
- 2. Pursuant to Schedule 2, Part 4, clause 20 of the deemed provisions of the *Planning and development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that the proposed amendment 2 to Dalyellup South Local Structure Plan for Lot 1 Harewoods Road, Dalyellup, be approved subject to modifications (Attachment 14.6.5 Schedule of Modifications).**
- 3. Advises the landowner and those who made a submission of Council's recommendation accordingly.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*The Presiding member adjourned for 10 minutes at 8:04pm to allow for a short recess.*

*The meeting resumed at 8:14pm with 4 members of the public in attendance.*



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**14.7. Tourism facility "Restaurant" with capacity for 300 patrons, micro market and processing facility - Lot 584 (313) Goodwood Road, Capel**

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<b>Location</b>	Lot 584 (313) Goodwood Road, Capel
<b>File Reference</b>	PA14/2023
<b>Applicant</b>	Aquafarms Australia Pty Ltd
<b>Owner</b>	N J Parker
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Application and Development Plans [<b>14.7.1</b> - 31 pages]</li><li>2. Location Plan [<b>14.7.2</b> - 1 page]</li><li>3. Floor Plan [<b>14.7.3</b> - 2 pages]</li><li>4. Unauthorised works [<b>14.7.4</b> - 8 pages]</li><li>5. Schedule of Public Submissions [<b>14.7.5</b> - 3 pages]</li><li>6. Schedule of State Government Agency Submissions [<b>14.7.6</b> - 17 pages]</li></ol>
<b>Confidential Status</b>	Nil

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**Proposal**

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Expand the Aquafarm facilities at Lot 584 (313) Goodwood Road, Capel to construct:

- A two-storey extension to the existing buildings. The ground floor has a total floor area of 895m<sup>2</sup> and consists of a raised tour walkway, marron purging area, processing room and service access. The first floor has a total floor area of 1407m<sup>2</sup> consisting of bar, indoor service area and display/sale area of local produce, outdoor service area and toilet facilities;
- An access ramp;
- Playground area;
- Landscaping (including reshaping a dam); and
- Upgrading of carparking area and access.

The application details are provided in Attachment 14.7.1. The proposed use is for a "Restaurant" with a capacity of 300 patrons and an incidental display/sale of complimentary locally sourced food products and produce. The hours of operation are to be limited between 9am and 5pm. The subject site has an existing approval and is operating as a marron farm and processing facility, including manufacturing aquaculture feed.

Attachment 14.7.2 provides a site plan and Attachment 14.7.3 shows a floor plan.

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**Recommendation**

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That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*, grants development approval for PA14/2023 for a tourism facility including a Restaurant/Cafe with



capacity for 300 patrons and Industry Primary Production (Marron purging and processing) subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.7.1 dated 27 September 2023.
2. A building certification application for the unauthorised works outlined in Attachment 14.7.4 being lodged with the Shire within 30 days of the date of this decision.

Prior to Commencement

3. Prior to the commencement of development, a detailed engineering design for the carparking, manoeuvring areas and drainage thereof being submitted for approval and thereafter implemented in accordance with the approved design and maintained to the satisfaction of the Shire of Capel for the life of the development.
4. Prior to commencement of development, details are to be submitted regarding the provision for onsite storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly to the satisfaction of the Shire of Capel.
5. Prior to commencement of the development, a Noise Management Plan is to be submitted for approval by the Shire of Capel demonstrating the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997 and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel. Consultation with an Acoustic Engineer will be required in the preparation of this report.
6. Prior to commencement of works, a Waste Storage and Removal Plan shall be submitted to and approved by the Shire of Capel. Once approved, the Waste Storage and Removal Plan shall be implemented in its entirety.
7. Prior to commencement of works, an operational management plan shall be submitted to and approved by the Shire of Capel. Once approved, the Operational Management Plan shall be implemented in its entirety for the lifetime of the development.
8. Prior to commencement of development, a Landscape Plan for the parking, access and immediate building surrounds lot shall be submitted for approval and implemented thereafter as per the approved plan to the specification and satisfaction of the Shire of Capel.
9. Prior to commencement of development, a detailed Engineering design plan of the stormwater disposal system shall be submitted and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.

Prior to Occupation

10. Prior to Occupation, a minimum of 72 car parking bays must be provided on the land that is the subject of this planning approval and to the satisfaction of the Shire of Capel.
11. Prior to Occupation, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked and signed (including loading and parking provided for the exclusive use of people with a disability) and thereafter maintained to the specification and satisfaction of the Shire of Capel.





12. The driveway and crossover to Goodwood Road is to be located, designed and constructed to the specifications and satisfaction of the Shire of Capel, on the advice of Main Roads Western Australia.
13. Prior to the occupation of the development, a waste management plan shall be submitted to the Shire of Capel for approval. The plan shall include:
  - a) Details of collection times and methods; and
  - b) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
  - c)

In Perpetuity

14. Except with the prior written consent of the Shire of Capel, the approved use must only operate between the following hours:
  - 9am and 5pm Monday to Friday;
  - 9am and 5pm Saturday; and
  - 9am and 5pm Sunday or public holiday.
15. Patron numbers shall be limited to a maximum of 300 persons at any one time.
16. The dimensions and wording of the sign shall be in accordance with the attached approved sign plan and sign location plan and colour scheme described on the application form.
17. Stormwater and roof run-off disposal including driveway drainage shall be contained on site.
18. The installation of outdoor lighting shall be in accordance with the requirements of the Australian Standard AS 4282-1997: 'Control of the Obtrusive Effects of Outdoor Lighting'.

**Background**

<b>Land / Title Information:</b>	Lot 584, (313) Goodwood Road, Capel
<b>Development Description:</b>	Tourism Facility including Restaurant/cafe with capacity for 300 patrons, micro market and processing facility
<b>Land Area:</b>	42.07ha
<b>Existing Land Use</b>	Industry – Primary Production - Marron Farm (aquaponics)
<b>Local Planning Scheme zone:</b>	Priority Agriculture
<b>Greater Bunbury Region Scheme zone:</b>	Rural - Access leg abuts Primary Regional Road Reserve
<b>Bushfire Prone Area:</b>	Yes (along eastern boundary) Proposed development footprint outside Bushfire Prone Area
<b>Heritage Listing:</b>	N/A
<b>Application Received Date:</b>	19 January 2023
<b>Application Process Days:</b>	261

Access

Access to the property is through adjoining Lot 1203 to the west via a 12m wide (6740m<sup>2</sup>) easement which grants a right of carriageway. The right of carriageway enables:



*"the full and free right and liberty at all times hereafter to go pass and repass for all purposes and either with or without vehicles or animals for all purposes over that piece of the subservient Tenement..."*

Road frontage is to Goodwood Road which is Primary Regional Road controlled and managed by Main Roads WA.

#### Unauthorised works

At a site meeting (12 April 2023), it was evident that construction works had been undertaken, including construction of the walkway, and floors and roof of the proposed two storey extension (see Attachment 14.7.4). The owners confirmed that no Building Permit had been issued for this works. Civil construction details have been supplied as additional information to confirm that the works are structurally sound.

#### Previous Council Decisions

21 January 1993 – The Town Planning Committee resolved to consider a formal application for planning consent for a Caravan/tourist park facility – Town Planning Committee

4 March 2005 – change of use (second dwelling to employee accommodation) - issued under delegation

13 October 2010 – extension to existing shed – issued under delegation

20 August 2012 – Employee Dwelling – Second hand dwelling – issued under delegation

8 October 2021 - Aquaculture feed manufacturing (100 tonnes pa)– issued under delegation

13 April 2022 – Aquaculture feed manufacturing (990 tonnes pa) - issued under delegation

#### **Decision Framework**

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##### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 2 - Manage and protect our environment

2.1 Improved management of our natural environment assets and attractions

2.3 A Shire committed to sustainable practices

2.6 Increased opportunities for better waste management and reduction

2.7 Urban planning that supports sustainable development

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

##### **Corporate Business Plan 2023-2027**

DEVS 12 - **Development Applications** – Process and determine development applications in accordance with the local planning framework



## Statutory Framework

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### Local Framework

#### Local Planning Scheme 8 (LPS8)

The subject land is zoned "Priority Agriculture" under LPS8.

The objectives of the "Priority Agriculture" zone are listed as follows:

- To identify land of State, regional or local significance for food production purposes.
- To retain priority agricultural land for agricultural purposes.
- To limit the introduction of sensitive land uses which may compromise existing future and potential agricultural production.

The land use elements of the proposal and their respective land use designations under Table 3 Zoning Table of LPS8 are shown below.

Land use Element of proposal	Land use designation	Permissibility
Marron purging and processing	<i>Industry – Primary Production</i> Means premises used (a) To carry out a primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) Section 995-1; or (b) For a workshop servicing plant or equipment used in primary production businesses.	D (discretionary)
Restaurant/bar	<i>Restaurant/Cafe</i> Means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .	I (incidental to predominant use)

#### Schedule 4

Schedule 4 of LPS8 provides additional site and development requirements by zone. Relevant requirements are as follows:

- 6) Where appropriate, land uses which generate off-site impacts must demonstrate an appropriate separation distance from a sensitive land use or that potential impacts will be acceptable to preserve rural character and amenity, in accordance with state government guidance, to the satisfaction of the local government.



### Special Control Area 8

The site is within Special Control Area No.8 Regional Ecological Linkages, which has the following purpose, objectives and provisions.

#### Purpose

To identify significant ecosystems on the Scheme Map as a Special Control Area and to provide measures to ensure that land use and development within its boundaries are regulated and managed to protect significant ecological linkages, foreshore environments, biodiversity and environmental quality.

#### Objectives

- (a) To provide a clear framework for how significant ecosystems are to be considered and protected under this Scheme
- (b) To assist in the protection and management of biodiversity and significant ecological linkages and their interactions with the non-living elements of the ecosystems.
- (c) To assist in the protection and management of non-living elements of ecosystems and enhancement of air, soil and water quality and their interactions with the living elements of the ecosystems.
- (d) To assist in the protection and management of foreshore environments and associated life, property and community infrastructure from impacts related to natural and/or man-made processes.

Relevant "Additional Provisions" are as follows:

1. For the purpose of assessing and determining any proposed structure plan, application for development approval and/or making a recommendation to the Commission on subdivision referral within the Special Control Area that may directly or indirectly impact upon an ecological linkage, value or asset, the local government:
  - (a) shall require the proponent to show the mapped extent and boundaries of any land containing significant ecosystems that are proposed to be removed or cleared; and/or conserved in perpetuity;
  - (b) shall require the proponent to demonstrate how and where the proposal may remove or alter significant ecosystems to the local government's satisfaction;
  - (c) may require the preparation of an ecological and/or environmental survey of the area, and associated supporting development impact, by the proponent to the satisfaction of the local government;
  - (d) may require a landowner to produce and implement a foreshore management plan and bushfire management plan to the satisfaction of the local government;
  - (h) may require the provision of an adequate wetland buffer.
2. When considering any scheme amendment, structure plan, subdivision or development application within the Special Control Area, the local government shall seek, where practicable, to ensure that the development and/or land use does not result in the removal or harming of significant ecosystems specifically protected under any relevant local, state and/or federal government legislation or policy.



## State Framework

### Greater Bunbury Region Scheme (GBRS)

The GBRS identifies Lot 584 Goodwood Road as "Rural". The purpose of 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"

Access is proposed via an easement to Goodwood Road. Goodwood Road is reserved as a "Primary Regional Road".

### Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2 Part 7 (the Regulations)

Clause 67 - Matters to be considered by local government:

1. In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development of the subject of the application
  - 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 including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
  - c. Any approved State planning policy;
  - d. Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
  - e. Any policy of the Commission;
  - f. Any policy of the State;
  - g. Any local planning policy for the Scheme area;
  - h. The compatibility of the development with its setting, including:
    1. The compatibility of the development with the desired future character of its setting; and
    2. 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.
      - i. The amenity of the locality including the following –
        1. Environmental impacts of the development;
        2. The character of the locality;
        3. Social impacts of the development.
  - j. The suitability of the land for the development taking into account the possible risk to human health or safety;
  - k. The adequacy of –
    1. The proposed means of access to and egress from the site; and
    2. Arrangements for the loading, unloading, maneuvering and parking of vehicles.
  - l. 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.
  - m. The potential loss of any community service or benefit resulting from the development other than potential that may result from economic competition between new and existing businesses.



- n. The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- o. Any submissions received on the application;
- p. Any comments or submissions received from any authority consulted under clause 66.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

Local Planning Policy 6.1 - Vehicle Parking

An assessment of carparking requirements is provided in the table below.

Use	requirement	required	proposed
Industry – Primary Production	1 bay per employee plus 1 visitor parking bay	No additional staff proposed for primary production	<b>62 plus 1 bus bay</b>
Restaurant/cafe	1 bay per 15m <sup>2</sup> NLA 1 bay for visiting service vehicles	1185m <sup>2</sup> NLA 79	
<b>Total</b>		<b>79</b>	

Local Planning Policy 6.11 Signage and Advertising (LPP6.11)

An assessment of signage requirements is provided in the table below.

Type of Sign	Requirements	Comments
Wall sign	<ul style="list-style-type: none"> <li>• A wall sign is to only display the name, logo or slogan of the business premises to which the sign is applied</li> <li>• The maximum single face area is 45m<sup>2</sup> and must not extend beyond 12.0m above the ground</li> <li>• Must not project more than 300mm from the wall and/or fascia to which it is affixed</li> <li>• Must not project beyond the edges of a wall and</li> </ul>	<p>Complies</p> <p>Complies (15m<sup>2</sup> proposed)</p> <p>Complies (6mm proposed)</p> <p>Complies (does not project beyond edges of wall)</p>



## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environmental <b>Rating: Medium</b>	Possible	Moderate	Impose conditions to manage site activity
<b>Risk Description:</b> Approval allows the establishment of a business that generates employment, economic diversity and tourism activity within the Shire.			
<b>Risk 2</b> Legislative Compliance <b>Rating: Medium</b>	Likely	Moderate	Imposing conditions to address existing non-compliance of development without approval.
<b>Risk Description:</b> Approval allows the expansion of a business that generates employment, economic diversity and tourism activity within the Shire.			

### Financial Implications

#### Budget

The financial implications relevant to this proposal are outlined below.

#### Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

### Sustainability Implications

#### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

#### Social

There are no relevant social implications relevant to this item.

#### Economic

The proposal has the potential to significantly contribute to the local economy and generate substantial tourism interest.

#### Asset

There are no relevant asset implications relevant to this item.

### Consultation/Engagement

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## External Consultation

The proposal has been advertised and resulted in seven submissions. This consists of four submissions from the public and three from government agencies. **Attachments 14.7.5 and 14.7.6** provide details on matters raised and suggested responses.

In summary, concerns raised by public submissions relate to:

- Concerns of hours of operations;
- Dust;
- Speed limits;
- Privacy; and
- Environmental damage.

These concerns can be addressed through imposing conditions that the applicant has suggested which includes limits to hours of operation (9am to 5pm), limit the noise generation at the site (such as reducing amplified music) and bitumen sealing of access and parking areas.

In summary, issues raised by Government agencies focused on:

- the capacity of the site to accommodate effluent disposal given proximity to the river and marron production ponds; and
- the suitability of access to Goodwood Road in terms of sightlines and safety.

Additional information provided by the applicant and changes in road speed conditions have resolved these matters. MRWA have advised that speed limits will be reduced to 80km at the entrance of the subject site and that sight line conditions are suitable at this reduced speed environment. MRWA further advises that upgrading of the existing intersection will be required. A condition reflecting MRWA requirements is recommended.

In respect to effluent disposal, additional details provided demonstrate that proposed methods can be made practical. It is noted that a separate approval is required for effluent disposal and any further technical details can be provided and resolved as part of this separate process.

## Internal Consultation

Internal consultation initially raised concerns regarding effluent disposal capacity, access and drainage associated with carparking areas.

The applicant in consultation with external agencies has now demonstrated that these concerns can be reasonably addressed. Conditions and advice are recommended to ensure development and ongoing use of the land is managed appropriately.

## Officer Comment

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The proposal generally complies with the established planning framework. An assessment against the objectives of the "Priority Agriculture" zone is provided in the table below. The other issue relates to car parking provision. This is addressed in the following section.





Objectives	Comments
To identify land of State, regional or local significance for food production purposes.	The proposal complements a significant established aquaculture development and will improve economic diversity and economic viability of existing food production operations. <b>Complies</b>
To retain priority agricultural land for agricultural purposes.	The proposal is ancillary to an established and large aquaculture (food production and processing) business. <b>Complies</b>
To limit the introduction of sensitive land uses which may compromise existing future and potential agricultural production.	The proposed use/development complements the existing food production and processing facility. The proposed uses assist with diversifying activity to assist in improving long term sustainability of food production and processing on site.  It is considered that sensitivities that occur when agricultural businesses locate nearby operations are to be addressed through the imposition of planning conditions and other regulatory checks (noise, odour, traffic). <b>Complies</b>

### Car Parking

The proposal requires a variation in car parking provision. There is a shortfall of 17 car parking spaces. It is noted that a space is provided for bus parking that addressed the shortfall to a degree, given that bus tours may visit the site and reduce demand for private vehicle parking.

The shortfall is considered reasonable if more space is provided for overflow parking near the facility. There are sites available to accommodate this requirement. It is recommended that an overflow parking area be provided to accommodate an additional 10 bays to acknowledge the bus bay provided. A condition has been recommended to address this matter with advice. No specific marking on the site plan has been provided, and this will enable the applicant to decide the most suitable location on the site once finer details are being considered.

### Conclusion

The development application consists of two elements, use (restaurant/bar and industry-primary production) and development (built form). The proposed uses complement existing land use activity on the land (extensive marron ponds and processing facility).

The proposed built form is framed and partly screened by existing structures and of a scale and character consistent with the immediate locality.

The application is supported by a suitable level of detail to demonstrate that the uses can be serviced appropriately to minimise risk to the local environment and that access and parking are sufficient to meet demand generated.

Approval is recommended subject to conditions.



## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.7.

#### OC/2023/172 - Officer's Recommendation / Council Decision - 14.7

*Moved Cr McCleery, Seconded Cr Mogg.*

#### That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*, grants development approval for PA14/2023 for a tourism facility including a Restaurant/Cafe with capacity for 300 patrons and Industry Primary Production (Marron purging and processing) subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.7.1 dated 27 September 2023.
2. A building certification application for the unauthorised works outlined in Attachment 14.7.4 being lodged with the Shire within 30 days of the date of this decision.

#### Prior to Commencement

3. Prior to the commencement of development, a detailed engineering design for the carparking, manoeuvring areas and drainage thereof being submitted for approval and thereafter implemented in accordance with the approved design and maintained to the satisfaction of the Shire of Capel for the life of the development.
4. Prior to commencement of development details are to be submitted regarding the provision for onsite storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly to the satisfaction of the Shire of Capel.
5. Prior to commencement of the development, a Noise Management Plan is to be submitted for approval by the Shire of Capel demonstrating the measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997* and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel. Consultation with an Acoustic Engineer will be required in the preparation of this report.
6. Prior to commencement of works, a Waste Storage and Removal Plan shall be submitted to and approved by the Shire of Capel. Once approved, the Waste Storage and Removal Plan shall be implemented in its entirety.



7. Prior to commencement of works, an operational management plan shall be submitted to and approved by the Shire of Capel. Once approved, the Operational Management Plan shall be implemented in its entirety for the lifetime of the development.
8. Prior to commencement of development, a Landscape Plan for the parking, access and immediate building surrounds lot shall be submitted for approval and implemented thereafter as per the approved plan to the specification and satisfaction of the Shire of Capel.
9. Prior to commencement of development, a detailed Engineering design plan of the stormwater disposal system shall be submitted and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.

#### Prior to Occupation

10. Prior to Occupation, a minimum of 72 car parking bays must be provided on the land the subject of this planning approval and to the satisfaction of the Shire of Capel.
11. Prior to Occupation, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked and signed (including loading and parking provided for the exclusive use of people with a disability) and thereafter maintained to the specification and satisfaction of the Shire of Capel.
12. The driveway and crossover to Goodwood Road is to be located, designed and constructed to the specifications and satisfaction of the Shire of Capel, on the advice of Main Roads Western Australia.
13. Prior to the occupation of the development, a waste management plan shall be submitted to the Shire of Capel for approval. The plan shall include:
  - a. Details of collection times and methods; and
  - b. Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.

#### In Perpetuity

14. Except with the prior written consent of the Shire of Capel, the approved use must only operate between the following hours:
  - 9am and 5pm Monday to Friday;
  - 9am and 5pm Saturday; and
  - 9am and 5pm Sunday or public holiday.
15. Patron numbers shall be limited to a maximum of 300 persons at any one time.
16. The dimensions and wording of the sign shall be in accordance with the attached approved sign plan and sign location plan and colour scheme described on the application form.
17. Stormwater and roof run-off disposal including driveway drainage shall be contained on site.



- 18. The installation of outdoor lighting shall be in accordance with the requirements of the Australian Standard AS 4282-1997: 'Control of the Obtrusive Effects of Outdoor Lighting'.**

**Advice notes:**

- 1. In relation to Condition 3:**

- a. The carpark standards applied to the proposed lot have been assessed as requiring user class classification 3A in accordance with Australian Standard AS/NZS 2890.1.**

**The Class 3A option of 2.6m x 5.4m bays with aisle width of 6.6m is to be applied to the proposed lot and subject land; and**

- b. In accordance with the National Construction Code 2016, 3 universal access car parking bays are to be provided.**

- 2. In relation to Condition 7, the Operational Management Plan is to detail how the following matters are to be managed:**

- a. Access to and from the site.**
- b. The delivery of materials and equipment to the site.**
- c. The storage of material and equipment on the site.**
- d. Other matters likely to impact on surrounding properties.**
- e. The parking arrangements for contractors and subcontractors.**
- f. Management of construction waste; and**
- g. Dust mitigation.**

- 3. If the development the subject of this approval is not substantially commenced with a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**

- 4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

- 5. 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.**

- 6. The building is to comply with the *Health (Public Buildings) Regulations 1992*, in particular;**

- 1. An application shall be made to the Shire of Capel in writing in the form of Form 1 "Application to Construct, Alter or Extend a Public Building" as attached.**
- 2. An application for a Certificate of Approval, Form 2, as attached shall be made in writing prior to the public building is opened for use.**
- 3. Prior to issuing a Certificate of Approval the electrical installation must comply with the *Health (Public Buildings) Regulations 1992*. A Certificate of Electrical Compliance – an electrical contractor must submit Form 5. The electrical contractor must be familiar with the requirements under these regulations.**



4. Should ventilation for the public building be provided by mechanical means the system shall be designed and installed so as to conform with the requirements of Australian Standard 1668 Part 2 entitled "Mechanical Ventilation for Acceptable indoor Air Quality".
5. The maximum number of patrons at any one time is 300. The toilet numbers and exit widths, are to be in accordance with the Building Regulations, and are to reflect the maximum number of people permitted.
6. Exit doors are to be fitted with approved latches. Suitable latches include espagnolettes, panic bars and strap bolts.
7. The following is to be noted in relation to seating and aisles;
  - a. Aisles are required on both sides of every row of seats that is between 10 and 42 seats in length.
  - b. Dead end aisles can be no more than 10 seats in length.
  - c. The maximum distance between aisles is 42 seats.
  - d. The minimum width of an aisle is 1 metre.

7. An application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid waste must be submitted for the approval of the Shire of Capel, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

While a Site and Soil report has been submitted this does not comprise an approval. An application to Construct or Install and Apparatus for the Treatment of Sewerage shall be included with all Building Permit applications and will be submitted to the Department of Health for determination. The site and soil evaluation should qualify the use if onsite effluent disposal in accordance with AS 1547.

8. The applicant will need to conform to the requirements of the Food Standards Code, specifically:
  - Standard 1.2.1 Labelling and other information requirements;
    - Standard 3.2.1 Food Safety Programs;
  - Standard 3.2.2 Food Safety Practises and General Requirements;
  - Standard 3.2.3 Food Premises and Equipment.

Additionally, Compliance with the Australian and New Zealand Food Standards Code – Standard 4.2.1 - Primary Production and Processing Standard for Seafood. An application is to be submitted including floor plan showing fixtures and fittings to the Shire's Environmental Health Division for assessment and approval.

9. The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application shall be made to the Shire of Capel's Environmental Health Services for assessment and approval prior to commencing development.



**Two (2) sets (1 set if electronic submission) of scaled plans (minimum 1:100) and specifications detailing the design and fit out shall be submitted to Environmental Health Services and shall include the following information:**

- **the use of each room/area;**
- **the structural finishes of walls, floors, ceilings, benches, shelves, and other surfaces;**
- **the position and type of all fixtures, fittings and equipment;**
- **all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc;**
- **waste storage and disposal areas;**
- **plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;**
- **specifications of all cooking equipment (stoves, ovens, fryers, etc);**
- **elevations of food handling and storage areas; and**
- **details of the types of food being prepared or sold.**

**Please refer to the Shire of Capel's Food Business Guidelines: Design, Operation, and Construction of Food Premises available from the Shire of Capel upon request.**

**A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.**

**Further information may be obtained from the Shire of Capel's Environmental Health Services on (08) 9727 0222.**

- 10. The property is not connected to scheme water and will require a water supply service to the satisfaction of the Health Services staff and will require regular water monitoring to ensure compliance with the Australian Drinking Water Guidelines No 6. A minimum supply shall be the equivalent of a 92,000 litre rainwater tank.**
- 11. In relation to Condition 10, the additional 10 car parking spaces can be provided as an overflow facility. It is requested to liaise with the Shire regarding potential location, design and construction standards for the additional parking spaces.**
- 12. In relation to Condition 17, a geotechnical report will be required to support any stormwater drainage plans. Drainage plans will be required to address all runoff generated from hardstand (include roof areas).**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



**14.8. RFT 23-10 Traffic Management - Provision of Goods & Services**

<b>Author</b>	Manager Projects, Engineering & Assets, Shawn Lombard
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Contractual
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - RFT 23-10 Evaluation Summary &amp; Schedule of Rates Comparison [<b>14.8.1</b> - 6 pages]</li> <li>2. RFT 23-10 Traffic Management - Provision of Goods &amp; Services [<b>14.8.2</b> - 62 pages]</li> </ol>
<b>Confidential Status</b>	<i>This report is not a confidential matter.</i>

**Proposal**

Award RFT 23-10 Traffic Management - Provision of Goods & Services to the preferred Tender Respondent.

**Officer's Recommendation**

That Council awards RFT 23-10 Traffic Management - Provision of Goods & Services to Traffic Force for the supply and delivery of:

1. Traffic Management services for Shire operational and capital works programs.
2. The regulatory signage and infrastructure required as part of this service delivery.
3. The supply of alternative plant and equipment; and
4. The development of traffic management plans.

**Background**

As part of the Shire of Capel's ongoing delivery of both operational and capital works, there is a re-occurring scope of work line item in many of these projects for traffic management.

The Shire of Capel has been using the services of various service providers for the provision of traffic management across various business units, and due to this ongoing requirement, it has been identified that this service provision is achieving financial thresholds that now require this to be formalised for reasons of governance and compliance within a formal Tender.

From a review of the last two (2) financial years data for this service provision, the following table reflects the expenditure across the three most commonly used Contractors, this being:

Supplier	FY21/22	FY22/23
CB Traffic	33,166.00	75,333.00
SJ Traffic	11,117.00	0.00
Traffic Force	7,678.00	7,983.00
Sub-Total (Ex GST):	<b>51,961.00</b>	<b>83,316.00</b>
Average Expenditure (Ex GST):	<b>67,638.50</b>	



Assuming a worst-case scenario of an \$85,000 Ex GST spend per annum, the total aggregate expenditure over three years would be \$255,000 Ex GST which then triggers the requirement for said services to be formally procured through a formal Tender process.

The Shire of Capel sought tenders from suitably qualified contractors to provide goods and services relevant to Traffic Management, and as part of this commission contractors are asked to evidence understanding, resourcing and adherence to the latest standards and regulations that govern this high-risk activity.

These services are required for both, but not limited to, operational and capital works programs at the direction of the various Shire project officers.

In some or most instances the successful respondent will be required to provide multiple service provisions at various locations simultaneously. The Respondent is required to have sufficient resources, or the ability to contract in additional resources to support this brief as and when required.

#### Previous Council Decisions

There are no previous Council decisions in this regard.

### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.3 Better and safer roads

Direction 6 - Effective communication, engagement and relationship development

6.2 Improved cross sector relationships and collaboration

#### **Corporate Business Plan 2023-2027**

The Corporate Business Plan actions are not applicable to this item.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.





**State Framework**

Section 3.57 of the *Local Government Act 1995* applies.

3.57. Tenders for providing goods or services.

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- Traffic Management Plans
- Purchasing Policy

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Unlikely	Moderate	The implementation of the Tender is the risk mitigation tool, as this captures the cost assumptions of this service and defines the method of use of this service provision moving forward.
<b>Risk Description:</b> Annual expenditure for goods and services that require a Tender process to ensure compliance and adherence to the purchasing policy thresholds.			
<b>Risk 2</b> Health and Safety  <b>Rating: High</b>	Possible	Major	Working on road and public infrastructure is a high-risk activity, and the Tender closes the loop of how this is done and by whom for the contract period, with award being based on understanding, ability, conformance measure and resourcing to mitigate the risk of the works with professional support and oversight being applied to each campaign.
<b>Risk Description:</b> The provision of goods and services in a high-risk environment through service agents that are required to deliver said services in compliance to the latest regulations and guidelines as setout under the Work Health & Safety Act and Shire Policies.			



Risk	Likelihood	Consequence	Mitigation
<p><b>Risk 3</b> Legislative Compliance</p> <p><b>Rating: Medium</b></p>	Possible	Moderate	Working in high-risk environments without a formal standardized method of risk management was the risk identified, the Tender now ensures we have the engagement of these services in alignment to all WH&S standards and compliance regulations.

**Risk Description:** The inadvertent non-compliance of the Shire of Capel Contractor engagement for high risk works and the mitigation thereof without a clear and well documented process for the management and assurance of compliant service provision.

**Opportunity:**

One upside risk or opportunity for a local government in the tender award for the services of Traffic Management is the potential for innovative and cost-effective solutions from bidders.

When local governments issue tenders for services like Traffic Management, they often outline their requirements and expectations. Bidders, particularly those with expertise in traffic management and related technologies, may propose innovative solutions or technologies that can not only meet the government's requirements but also improve efficiency, safety, and cost-effectiveness.

For example, a bidder might propose the use of advanced traffic monitoring systems, real-time data analytics, or smart traffic signal technology to optimize traffic flow and reduce congestion. They could also suggest sustainable practices like using eco-friendly traffic cones or LED traffic signals to reduce energy consumption and environmental impact.

This opportunity for innovation can lead to:

1. **Cost Savings:** Innovative solutions may be more cost-effective overall, reducing the burden on the local government's budget. For instance, a traffic management system that optimizes traffic flow can help reduce fuel consumption and emissions, leading to cost savings and environmental benefits.
2. **Improved Services:** Innovative technologies and methods can lead to better traffic management, which in turn can improve road safety, reduce accidents, and enhance the overall transportation experience for residents and visitors.
3. **Positive Reputation:** A local government that embraces innovation in its traffic management services can build a positive reputation as a forward-thinking and efficient organization, which may attract more businesses and residents to the area.

However, it is important for the local government to carefully evaluate these innovative proposals to ensure they align with their objectives, budget constraints, and long-term sustainability goals. Additionally, the government should consider potential risks associated with new technologies and ensure they have contingency plans in place.

**Financial Implications**

Budget

The financial implications relevant to this proposal are outlined below.



Traffic Management is an outsourced service that is primarily used by the following key Shire of Capel stakeholders, these being:

- **Projects, Engineering and Assets**
  - This business unit engages these services primarily for the roads, footpaths, bridges, drainage, and other capital works projects that encroach or directly impact on the road infrastructure and require risk mitigation or risk management.
- **Operations**
  - This business unit is an extension of the above-listed team, with many similar works campaigns including the everyday scheduled and reactive works listings on these same asset classes.
- **Community Development** – This service is used for Shire managed and arranged events that require or impact road infrastructure and requires risk mitigation.
- **Overall**
  - This service is also available to all Shire business units where they might require the services of this Contractor to:
    - Develop a compliant traffic management plan.
    - Provide traffic management plan review advice, recommendations and sign-off for third party plans submitted as part of the greater community works and activities.

From a review of the last two (2) financial years data for said services, the following table reflects the budget expenditure for this provision:

Supplier	FY21/22	FY22/23
CB Traffic	33,166.00	75,333.00
SJ Traffic	11,117.00	0.00
Traffic Force	7,678.00	7,983.00
Sub-Total (Ex GST):	<b>51,961.00</b>	<b>83,316.00</b>
Average Expenditure (Ex GST):	<b>67,638.50</b>	

The annual budget implication for this Tender is therefore assumed that will be to a like or similar value, this averaged to a value \$68,000 ex GST rounded, with variation to this value being due to:

- Diversity of work scope across the financial year/s.
- Greater capital scheduled and operational road, footpath, bridge, and drainage works campaigns.
- Unforeseen activities or events that require this service provision.
- It is also assumed that a maximum value of \$85,000 ex GST being spent per annum, this based off the trend data maximum value rounded to the aforementioned value.
- This equates to a total of \$255,000 ex GST over a three (3) year period, this triggering the requirement for procurement through a formal Tender process.

It is also noted that:

- The cost associated to this service provision is considered as a specified pricing line item when budgeting each of these campaigns, and;
- For the more reactive elements of this requirement the various business units making use of their individual operational budgets to fund said service provisions.



### Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

### **Whole of Life**

There is no whole of life cost considerations for this item as it is a service provision for ongoing operational and capital works programs.

### **Sustainability Implications**

#### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

#### Social

There are no relevant social implications relevant to this item.

#### Economic

There are no relevant economic implications relevant to this item. This is merely an ongoing operational expense that occurs in both operational and capital works programs for the purposes of high-risk activity mitigation.

#### Asset

There are no relevant asset implications relevant to this item.

### **Consultation/Engagement**

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#### **External Consultation**

This Tender did not require any additional consultation other than that required for the formal advertising obligations under the Tender Regulations.

#### **Internal Consultation**

RFT 23-10 Traffic Management - Provision of Goods & Services has been developed internally with the following officers providing input, these being:

- Manager Operations - Technical advice and pricing considerations
- Coordinator Engineering and Technical Services - Technical advice and pricing considerations
- Leading Hand - On site practical considerations and overall compliance considerations
- Manager Projects, Engineering and Assets - General document inclusions and layout including panel set-up and works award advice.



## Officer Comment

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The combined spend on traffic management services for the last two years was \$135,000.

A four-week tender period via the Shire of Capel Tenderlink Portal was completed. Once the tender period closed, a tender ranking process was undertaken with four Shire Officers conducting independent assessments of all four tenders.

Evaluation criteria was set, with a score allocated to each criterion. Scores were assigned to the tenders against each criterion.

These criteria were:

- Relevant Experience;
- Key Personnel Skills and Experience;
- Tenderer's Resources;
- Demonstrated Understanding; and
- Cost.

There were four companies who submitted for the Tender. The assessment was undertaken, the scores were then tallied across the predetermined criteria outlined. One Tenderer advised of insolvency and was subsequently excluded from the evaluation summary.

To ensure the cost analysis was fair and equitable across all submissions, several critical and specific line items were pre-allocated to assess the costs against. This decision was due to the extensive list of rates requested, some of which have a lower priority. The intention was to base the price decision around key line items intended for most regular purchase ordering requests.

The panel consisted of four Shire Officers across various management levels, with Traffic Force scoring the highest value for the four qualitative criteria scoring section. Although Traffic Force was not the lowest value across the requested price line items, they ranked first overall through the pre-determined and weighted criteria and were recommended the overall preferred candidate.

The panel was unanimous in recommending the preferred tenderer, Traffic Force.

## Summary

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The following is a summary of the key outcomes and assumptions achieved from this process:

- This is the formal report that summarises the process and information relevant to RFT 23-10 Traffic Management - Provision of Goods & Services evaluation recommendation.
- This report also highlights the outcome of this process with the successful award recommending Traffic Force.
- There is an assumed annual financial implication moving forward under this award for an average annual expenditure of \$65,000 ex GST (rounded) from two (2) years historical data being reviewed across four (4) previously used Contractors.
- It also assumes that a maximum value of circa \$85,000 ex GST per annum being spent, this based off the trend data maximum value as rounded.

This process now aligns this service provision to the Shire of Capel Purchasing Policy.

## Voting Requirements

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Simple Majority

**Officer's Recommendation – 14.8.**

**OC/2023/173 - Officer's Recommendation / Council Decision - 14.8**

*Moved Cr McCleery, Seconded Cr Terrantroy.*

**That Council awards RFT 23-10 Traffic Management - Provision of Goods & Services to Traffic Force for the supply and delivery of:**

- 1. Traffic Management services for Shire Operational and Capital works programs.**
- 2. The regulatory signage and infrastructure required as part of this service delivery.**
- 3. The supply of alternative plant and equipment; and**
- 4. The development of traffic management plans.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



## 15. Community and Corporate Reports

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### 15.1. 2024-2034 Long Term Financial Plan and 2023-24 Advocacy Prospectus

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<b>Author</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. LTFP Financial Statements 2024-2034 [15.1.1 - 4 pages]
<b>Confidential Status</b>	None

#### Proposal

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Review and consider the Shire of Capel's Long Term Financial Plan (LTFP) 2024-2034, as part of the Shire's Integrated Planning and Reporting (IPR) Framework.

Endorses the update of the Shire's Advocacy Prospectus to include Capital Projects detailed within the LTFP, aiding with grant opportunities, and informing prospective investors of the Shire's key capital priorities for 2023 and beyond.

#### Officer's Recommendation

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That Council:

1. Endorses the Shire of Capel's Long Term Financial Plan (LTFP) 2024-2034 as part of the Shire's Integrated Planning and Reporting (IPR) Framework.
2. Endorses the revisions and inclusions to the Shire's 'Advocacy Prospectus 2023 & Beyond' document, ensuring its alignment with the Shire's LTFP.
3. Endorses the Chief Executive Officer to submit funding applications for priorities detailed in the Advocacy Prospectus as the opportunities arise.

#### Background

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##### Shire of Capel Long Term Financial Plan

The Integrated Planning and Reporting Framework and associated guidelines were introduced in Western Australia during 2013-14 as part of the State Government's Local Government Reform Program. [Integrated planning](#) is the development and delivery of a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

All local governments in Western Australia are required to produce a 'Plan for the Future' for their district under S5.56(1) of the *Local Government Act 1995. Local Government (Administration) Regulations 1996* now prescribe the requirement to prepare a Strategic Community Plan and Corporate Business Plan as part of the 'Plan for the Future'.



These plans were required by the 1 July 2013 and are intended to guide local governments to a successful integrated planning process. This is designed to deliver the following outcomes:

- A long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.
- A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan.
- A clearly stated vision for the future viability of the local government area.

The Framework is supported by Integrated Planning and Reporting Guidelines and outlines the minimum planning and reporting methodology to achieve the outcome prescribed in the legislation.

The Long Term Financial Plan is part of a suite of strategic documents which is designed to predict the Shire's future financial viability considering and accounting for main operating and capital income and expenditure and economical influences which may cause significant variances from normal financial practices.

Ideally, a local Government should review its Long Term Financial Plan on an annual basis and while there is no requirement that this plan be endorsed by the Council, it is considered best practice.

### **Shire of Capel Advocacy Prospectus**

Many local governments have, in recent years, stepped up their advocacy efforts with both State and Federal Governments to deliver on their priorities, particularly for infrastructure funding. The advocacy landscape however is an increasingly crowded and competitive market, as more local governments are advocating for the needs of their community.

While the Shire continues to review our future key priorities, there are some key principles an advocacy position and campaign need to consider:

1. Understand your 'investors or potential funders' - Advocacy is about finding win-win situations and identifying mutual objectives. The Shire will need to identify priorities that assist the State or Federal governments to deliver on their commitments, while delivering something popular and importantly, visible within the community.
2. Know your 'customers and community' - Local government advocacy needs to be based on the current and future needs of the community; understanding what matters most. The Shire could utilise the information gained from extensive community engagement throughout the development of the Strategic Community Plan in determining advocacy priorities, giving the best chance of success if the things we are asking for reflect the priorities of our community.
3. Prioritise, prioritise, prioritise - Local governments need to have a sharp focus on a few, most important priorities and be very persistent in the delivery of this message. Presenting extensive menu lists of asks to government makes it difficult for them to choose, and often leads to disappointment if an initiative gets funded that, in hindsight, was not the most important to the local government and the community. The Shire needs to identify the top priorities, while continuing to allow the lesser priorities to be 'in play' in case they better align with government priorities.





4. Get in early - Successful advocacy campaigns give themselves time to build a story, and a message that articulates how funding a priority delivers outcomes for the community. This messaging demonstrates community and stakeholder support to the decision makers.

5. Government relations is not enough - The best advocacy campaigns start early and are research driven, with a clear sense of priorities, purpose, and a coherent message. Advocacy campaigns also leverage all the communication tools and channels available to hit decision makers from a variety of angles and build a sense of energy and momentum that is hard to resist (i.e., giving a sense that potential funders are missing out by not committing). The importance of building and demonstrating community support cannot be overstated. Activating local communities, while building understanding and pressure through the media, are often critical to the success of advocacy campaigns. The strongest support the Shire can enlist is from the energy of the community itself and directly driven by the decision makers.

6. The Shire's new 'Plan for the Future' document articulates the Council's role and responsibilities across all areas of service delivery, identifying mechanisms where the Shire provides advocacy, facilitation, fund, lead, partner, provide, regulate and stewardship. These service delivery methods are mapped across all Shire strategies ensuring the community have a greater understanding of the Shire's role in these areas.

The Shire's Advocacy Prospectus will be reviewed on an annual basis and aligned to the strategic capital projects detailed within the Shire's LTFP.

#### Previous Council Decisions

- Long Term Financial Plan 2021-2031 – Council endorsed (OC257/2021) the Shire of Capel's Long Term Financial Plan 2021 – 2031 as part of the Shire's Integrated Planning and Reporting Framework.
- Advocacy Prospects 2021/22 – Council endorsed (OC208/2021): the development of an Advocacy Prospectus that articulates the key priorities for the Shire of Capel for 2021/ 22 and beyond, in line with the Corporate Business Plan 2021 - 2025; and
- Endorses the order of advocacy priority to appear on the Prospectus as:
  - a. Bunbury - Capel - Busselton Cycle Link.
  - b. Kaatijinup Biodiversity Park.
  - c. Bridge Infrastructure (Mallokup and Minninup).
  - d. Dalyellup Surf Lifesaving Club and Community Amenities.
  - e. Boyanup Heritage Precinct.



2. Notes that the following other key initiatives will be included in the Prospectus as part of longer-term advocacy:
  - a. Future Sporting fields and facilities.
  - b. Essential Infrastructure (power, water, sewerage).
  - c. Industrial Remediation (Government advocacy / pressure on industry to fast track the clean-up and remediation of strategically located sites with development potential).
  - h. Lifestyle impacts (advocacy for increased action / expenditure on circumstances affecting the quality of life and wellbeing in the community- i.e., mosquito management and control); and
  - i. Rapid Rail Link - Perth to Busselton (subject to inclusion in the State Infrastructure Strategy).
3. Endorses the Chief Executive Officer to submit funding applications for priorities detailed in 2. and 3. above should the opportunity arise.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community:

- 1.1 A more engaged community.
- 1.2 A capable community that drives community activation and participation.
- 1.3 An inclusive community.

Direction 2 - Manage and protect our environment:

- 2.1 Improved management of our natural environment assets and attractions.

Direction 3 - Foster a dynamic, diverse, and strong local economy:

- 3.1 Increased support and advocacy to stimulate greater local business success, investment, and diversity.

Direction 4 - Deliver good leadership, governance, and decision-making:

- 4.1 Effective and compliant governance.
- 4.2 Informed and transparent decision making.
- 4.4 Increased attraction and retention of high quality staff to deliver optimal services to the community.
- 4.5 Improved customer engagement.

Direction 5 - Provide and maintain suitable infrastructure and facilities:

- 5.1 Appropriate community facilities, that meet the communities' needs.

Direction 6 - Effective communication, engagement, and relationship development:

- 6.1 Greater trust and the development of positive relationships within the Shire and with the community.
- 6.2 Improved cross sector relationships and collaboration.

### **Corporate Business Plan 2023-2027**

- FIN 2 - Manage and investigate financial investment models to maximise benefit to the Council.
- FIN 3 - Manage loans to minimise cost to Council - investigate contemporary lending models.



- FIN 4 - Ensure financial systems remain compliant with all relevant legislation.
- FIN 5 - Valuation of assets in accordance with AASB 13 Standard.
- FIN 6 - Local Government (Financial Management) Regulations 5(2)(c) - review.
- FIN 12 - Annual review of the Shire's adopted Rating Policy consistent with the principles of rating and aligned to the Shire's annual Rate Strategy.
- FIN 15 - Provide single reporting mechanism for both Monthly and Annual reports.
- FIN 16 - Design and present a detailed long term financial sustainability plan to the Council, ensuring linkage to other strategic documents.
- CEO 3 – Facilitated Vision – Update the Advocacy Prospectus to attract funding, investment and alternative revenue sources from government, Industry, and commercial organisations.
- CEO 4 – Capel Place Plan - Finalise and implement the adopted Shire of Capel Place Plan 2023 to 2027.
- CEO 7 - Kaatijinup Biodiversity Park - Lead the completion of a feasibility study into the (proposed) Kaatijinup Biodiversity Park, in consultation with all relevant stakeholders.
- CEO 8 - Agribusiness Precinct - Lead the development of an Agribusiness Precinct, incorporating a future relocation of the Boyanup Saleyards.
- CEO 11 – Regional Outcomes - Develop and maintain positive regional collaboration with other local authorities, government departments, commercial organisations and businesses to achieve individual Shire and regional outcomes.
- CEO 12 – Strategic Planning - Continue progression of the 'Council Plan' integrating SCP, CBP, LTFP, AMP, RMP, WFP and all supporting sub-plans are adopted in the 2022/23 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework.

## Statutory Framework

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Local Government Act 1995, Section 5.56

### 5.56 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 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 Framework**

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The following Shire Policies apply:

- Community Engagement.
- Asset Management.
- Borrowing Management.
- Budget Management - Capital Acquisitions and Works.
- Fair Value of Assets.
- Financial Reserves.
- Investment of Funds.
- Legislative Compliance.
- Preparation of Integrated Plan and Budget.
- Fleet and Plant – Procurement.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial	Unlikely	Minor	<p>The development and review of an LTFP is an effective strategy to mitigate unaccounted financial risk. Shire Officers has the capacity to advise and provide financial modelling data to support the Council in reaching the right decision.</p> <p>It is the responsibility of the Council to have a good understanding of the Shire’s long term position, and the LTFP aides the Council in achieving good financial decisions, accounting for the future operating and capital priorities for the Shire.</p>



<b>Risk Description:</b> Lack of understanding of the Shire’s long term operating and capital financial priorities.			
<b>Opportunity:</b> An informed and community-connected Long-Term Financial Plan where the Council has considered and supported the funding required to deliver the Shire’s operating and capital priorities for ten years.			
<b>Risk 2</b>			Seeking funding to support the Shire’s strategic projects is a very competitive field, seeing many other local governments think creatively in marketing their capital priorities as an investment opportunity to external funding providers/government agencies.
Strategic	Likely	Moderate	The purpose of the Advocacy Brochure is to professionally and succinctly present Capel’s strategic priorities to such investors/agencies in the hope that it attracts funding.
<b>Risk Description:</b> Lack of opportunity to professionally present the Shire’s strategic projects to external organisations/stakeholders for the purpose of seeking funding opportunities.			
<b>Opportunity:</b> A mechanism to professionally present the Shire’s key strategic priorities to secure funding.			

**Financial Implications**

Budget

The Shire’s 2023-24 Annual Budget allocates an annual consultancy of \$10,000.00 for the review and completion of the Shire’s LTFP.

The 2024-34 LTFP has undergone a full financial structure review to ensure alignment with the new Chart of Accounts (COA) which were released in February 2023 and used to formulate the Shire’s adopted 2023-24 Annual Budget.

The review is also an opportunity to ensure the LTFP framework is contemporary in nature and scope and accounts for recent changes in financial legislation.

The Shire contracted Moore Australia (WA) to complete this review at a cost of \$2,500.00 which is significantly lower than budgeted.

Once the review is finalised, Shire Officers build the LTFP to capture anticipated operating and capital revenue and expenditure over a period 10 years with an annual Net Current Asset position presented once all accounting treatments have been included e.g., forecast rate revenue, financial reserve transfers, borrowing and grant opportunities and other such considerations.

The LTFP financial reports attached present this level of information in greater detail.

The production of the Advocacy Prospectus has a budget allocation of \$15,000.00 and will be sufficient to cover the review and amendments required to align the document to the LTFP.



## Long Term

The continual development of the Shire's Long Term Financial Plan does not have any future financial implications other than the reliance on physical resource to maintain the integrity of the financial data contained in the plan.

Officers allocate an annual budget amount of \$10,000.00 to complete an annual LTFP framework review, ensuring the document's current and future form remain compliant with the Department of Local Government Sport and Cultural Industries' (DLGSCI) Integrated Planning and Reporting Framework and the plan successfully informs future budget and strategic planning preparations and informs decision making.

### **Sustainability Implications**

The review and development of the Integrated Planning Framework provides the Council the ability to evaluate the long-term sustainability implications of all Shire current and projected strategies, plans and works programs. This provides sound guidance to the Council on the value of rates required on an annual basis to fund Shire services and facilities, and / or in turn, adjust expenditure and service levels to match the rate income projected for the future.

Financial sustainability modelling within the LTFP ensures the protection of the Shire's assets and financial capacity over the medium to longer term and how it mitigates risk to the community's assets.

The LTFP aims to assume a balanced budget philosophy each year, inclusive of transfers to financial reserves to help build the Shire's financial capacity and resilience.

However, unplanned capital projects will present during the term of the plan, and it is the responsibility of the Council and Shire Officers to present a solution which does not impact on the continued viability of the Shire's financial position.

### **Consultation/Engagement**

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The LTFP is a planning tool which summarises the financial outcomes from the reviews of the Shire's Strategic Community Plan and Corporate Business Planning processes.

During 2022 and 2023 a series of workshops, meetings and consultations have occurred with the community, staff and the Council on financial sustainability, long term planning and annual budgeting. Throughout this consultation process, the awareness of the Shire's ability to meet the financial expectations of the strategic reviews has been paramount and of prominent discussion, ensuring the priorities the Shire has identified is both achievable and sustainable.

Furthermore, to the above consultation, the data detailed in the following informing strategies has also been referenced within the plan:

- 2023 - 2027 Corporate Business Plan (CBP).
- Program of Works – Bushland Reserves.
- Program of Works – Building and Structures.
- Program of Works – Drainage.
- Program of Works – Roads.
- Program of Works – Car Parks.
- Program of Works – Paths and Trails.
- 10 Year Drainage Strategy (43/2018).



- 10 Year Shade Sail Strategy (OC0320).
- 10 Year Plant Replacement Program.
- 10 Program of Works – Public Open Spaces.
- 2023-24 Proposed Fees and Charges Schedule.

### **Officer's Comment**

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The Long Term Financial Plan 2024-34, presented to the Council, is a strategic document and as such, the plan is at a high level and should be treated as a guide for future budget discussions. The adopted 2023-24 Annual Budget has been imported into the modelling and forms the baseline for the ten year plan.

The Long Term Financial Plan format incorporates:

- A forecast of significant capital expenditure by asset class.
- Forecast revenue, expenses, and net asset positions.
- Future rate revenue scenario modelling.
- Future fees and charges scenario modelling.
- Forecast financial reserve movements.
- Future opportunities for borrowings.
- Future grant funding requirements.
- Assessment of risks and uncertainties.
- Forecast asset ratio analysis.
- A series forecast financial statements.
- A ten year financial perspective on the Shire's proposed project commitment to the community.

Through long-term financial forecasting, several assumptions and references to certain policies are accounted for, ensuring the community and Officers understand the basis of the decisions forecast in the plan.

This level of transparency enables consistency in ongoing reviews and a level of confidence that decisions in ways to fund key operating and capital priorities are well considered leading to a reasonable and sustainable financial position for the Shire.

However, with long term financial planning there is a level of risk and uncertainty associated with known and unknown variables in the future. In this case, the current format of the LTFP is positioned well to allow a series of assumptions and are detailed as follows:

#### **Assumed Forecast Variables**

Economic indicators for cost and revenue increases are provided through a variety of sources including the WALGA Economic Briefing, Australian Bureau of Statistics, State Treasury forecasts and long term Consumer Price and Local Government Indexations.

The percentage increases applied to all assumption modelling within the LTFP has been influenced by rises in the Consumer and Local Government Cost Indexes which has significantly impacted the Shire's ability to maintain pre-covid operating and capital service levels.

In consideration of this, the LTFP projects the following financial outcomes:

1. The LTFP trends a positive end of year financial position with marginal surpluses throughout the ten year plan. This financial position has been achieved through a blended



financing approach utilising reserves where financially sustainable and grant / borrowing opportunities.

Diagram 1.

**For the period 2024 - 2034**  
 Abridged Forecast Statement of Funding  
 For the period 2024 - 2034  
 Draft Base Scenario - Version 1

	1	2	3	4	5	6	7	8	9	10
	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Opening surplus/(deficit) July 1	0	482	107,119	731,234	66,425	64,836	727,791	12,618	30,720	61
Estimated surplus/(deficit) for	482	107,119	731,234	66,425	64,836	727,791	12,618	30,720	61	0

Where an end of year surplus variance is larger than the norm e.g., FY2026-27 \$731,234.00 & FY2029-30 \$727,791.00 (as above), this is purposeful in offsetting an anticipated operating / capital increase in the following financial year.

- The projected annual increases to rate **yield** (not rate in the dollar) is projected at 4.50% per year and assumes interim property growth in the region of 50 lots per annum.

Given Landgate are conducting a revaluation of all properties in the Shire during this financial year, it is hard to predict the impact this will have on property values and subsequent property rate increases.

During the rate setting period, future decisions of the Council on increases to the rate in the dollar will be substantiated by the data utilised in the WA Treasury Corp's Financial Sustainability Modelling Tool and the Shire's LTFP.

Through rate setting discussions, Officers and Councillors are conscious of minimising financial burden through the imposition of property rates to residents' and effort is made to ensure that any increase to rates is fair, equitable and accountable.

- The implementation of Fair Value asset accounting has had a significant impact on asset values and depreciation and will continue to do so into the future. The full impact is assessed in the LTFP and adjusted in the annual financial statements as a rolling asset valuation program.

Asset valuations remain difficult to forecast in the current market. Depreciation remains a large annual budget expense ranging from \$5.2M in 2024-25 to \$8.2M in 2034-33.

The Shire's ability to re-invest the full annual depreciation amount across the corresponding asset classes remains a resourcing challenge for the Shire. Officers are confident with the introduction of a sophisticated Asset Management System; asset data can be managed more effectively to plan efficient and realistic annual capital work programs.





The recent Asset Management presentation to Councillors, in part, identified this and highlighted the work which is required to ensure the method of asset Fair Value is contemporary in nature and scope. This allows for assets to be revalued more frequently ensuring values are reflective of market trends and supports the design of realistic and on budget program of works schedules, which considers community service level expectations and asset renewal and sustainability measures.

4. Projected new positions as identified within the Council endorsed 2023–2027 Workforce Plan has been allocated within the LTFP, including additional employee operating costs to sustain new capital infrastructure such as the Dalyellup Multipurpose Community and Youth Centre, as a result of changes in operational activity.

Items also included in the employee costs are annual salary increases tracking at 3.50%, training, fringe benefits tax, worker’s compensation insurance, superannuation costs, protective equipment and any other staff related costs. These are assumed to increase in line with the variables details above. Any new staffing lines will be reported to the Council during the draft annual budget process.

5. Population, demographics, and land growth projections are based on current forecasts identified within the Shire of Capel. Growth assumptions will continue to be refined in the 2023-24 financial year and will be reflected in any future long term financial plans.
6. New borrowings are currently assumed in the model to fund the capital upgrades to the Shire Depot, Waste Transfer Station, including a Weigh Bridge and acquisition of land for the Mallokup Bridge project.

The LTFP assumes the following borrowing opportunities, noting the financial year identified may change due to project readiness:

FY2026-27 – Shire Depot Capital Upgrade	\$750,000
FY2027-28 – Waste Transfer Station and weigh bridge	\$1,500,000
FY2028-29 – Mallokup Bridge land acquisition/site prep	<u>\$1,500,000</u>

**Total assumed borrowing as of September 2023** **\$3,250,000**

The capital figures identified above are provisional, given work is currently underway to realise the true cost of these projects. Further reviews of the LTFP will include an update of the above figures.

7. Projected financial reserve movements reflect the Shire’s affordability in part financing capital projects, programs, and work schedules. Through the course of the plan, financial reserves are in a sustainable position, seeing growth through the annual interest accruals and a modest approach to utilising reserves to fully fund projects.

The first three years of the LTFP forecasts transfers from reserves to part fund capital expenses related roads and community buildings at a sustainable rate.

Future reserve transfers will be modelled through the course of the plan when drafting the Shire’s future annual budgets.



Consideration was given to modelling a transfer from the Waste Reserve for FY2024-25 to cover the anticipated shortfall in the Shire's waste levy collection from residents. However, through the 2024-25 draft annual budget process, Officers will determine if this is necessary based on the operating cash position once all other expenditure areas have been accounted for.

The LTFP does project reserve investment movements through the life of the plan, and depending on available revenue through annual budget setting, a focus on reserve investment for those reserves at financial risk will be prioritised to secure the financial health of future operating and capital projects.

8. The capital and operating Program of Works are currently being reviewed to align to the new Asset Management Strategy and as per the information shared during the Asset Management presentation.

In line with current service levels, the LTFP assumes (for the life of the plan) the following capital investment across the Shire's main asset classes:

<b><u>Asset</u></b>	<b><u>Assumed Annual Investment Amount</u></b>
Roads	\$3,500,000.00
Drainage	\$500,000.00
Paths	\$400,000.00
Carparks	\$200,000.00
Land & Buildings	\$700,000.00
Parks, Ovals and Other	\$1,000,000.00
Plant Replacement Program	\$867,152.00 (average over 10 years)
Office and Equipment	<u>\$500,000.00</u>
<b>TOTAL ANNUAL INVESTMENT</b>	<b><u>\$7,667,152.00</u></b>

Investment in Bridge infrastructure is ad hoc in nature and will be reviewed annually through the program of works.

Capital project costs associated to the Enterprising Resourcing Product (ERP) are accounted for in the LTFP as follows:

2024-25	\$1,500,000
2025-26	\$1,500,000
2026-27	\$1,500,000 = <b>\$4,500,000.00</b>

Bringing forward the main infrastructure capital costs above, forecasts a ten year capital spend as follows:

**FY2024-25 – FY2026-27 = \$9,167,152.00**

**FY2027-28 – FY2033-34 = \$7,667,152.00**

Please note – The above figures are based on current program of work schedules which may change through the review of the Asset Management Strategy.

Also noting, capital investment in new Shire facilities and other infrastructure linked to strategic projects is not included in the above figures.



9. The funding of adopted Corporate Business Plan priorities (4 yearly) are included in the LTFP in both operating and capital expenses. The LTFP will track the annual updates to the CBP with adjustments to reserves and grant requirements completed through the life of the plan.

**Shire of Capel’s Strategic CAPITAL Priorities**

The following projects in table 1 are detailed within the LTFP as a capital priority.

Through the recent LTFP workshops with Councillors, the projects detailed below were discussed with a view to prioritising each project in order of community need / expectation and feasibility of funding within a suitable and achievable period.

Some historic projects, such as the Dalyellup Millenium Site, which was an identified site for future sporting space was removed from the LTFP due to the high site remediation costs. Alternative future sport space provisions are currently being investigated.

Other projects which were originally in the LTFP as capital in nature such as the Dalyellup Surf Life Saving Club and Boyanup Heritage Site / Fettle’s Lion Precinct have been initially allocated an operating expense for further investigation / feasibility to occur for these two sites before allocating a capital saving plan for the projects.

The current LTFP forecasts **CAPITAL** funding for the below projects:

**Table 1.**

	<b>STRATEGIC PROJECTS - CAPITAL</b>	<b>CAPITAL \$</b>	<b>FUNDING MECHANISM</b>	<b>DUE (Proposed)</b>
<b>1</b>	Bunbury to Busselton Cycle Path - (Feasibility investigation ongoing)	\$10m	Grant and Shire Funds	2029-30 - TBC
<b>2</b>	Mallokup Bridge Widening Land Acquisition	\$4.5m \$1.5m	Grant/External Funding Shire funds/Borrowing	2029-30 - TBC
<b>3</b>	Shire Depot Upgrade	\$750,000	Borrowing	2024-25
<b>4</b>	Shire Waste Transfer Station Upgrade & Weigh Bridge	\$1.5m	Borrowing	2025-26
<b>5</b>	Dalyellup Multipurpose Community and Youth Centre (DMCYC)	\$11.1m	Grants and \$500,000 DCP Reserve	2024-25
<b>6</b>	Replacement Stirling Bushfire Shed	\$1.2m	DFES Funded	2025-26
<b>7</b>	Replacement Capel Bushfire Shed	\$1.2m	DFES Funded	2025-26
<b>8</b>	Enterprising Resourcing Product – Management Information System	\$4.5m over 3 years	Shire Funded – (Capital Works Program)	2024-27



## **Shire of Capel's Strategic OPERATING Priorities**

The current LTFP forecasts operational funding to support further investigation activities for several projects, such as the Dalyellup Surf Life Saving Club and Boyanup Public Open Space.

These projects are linked to historic strategies detailed within former LTFP capital programs and will require a project rescope to ensure project costs and design are realistic and still align to meeting community expectations and needs for the specific locations.

The 'Sense of Place' outcomes derived through the Place Planning Community Workshops will be useful in informing this rescope exercise.

Dalyellup District Sporting Facilities – The future provision of sporting fields and facilities is being investigated with the intent the Shire's Sports Spaces' Plan will be presented to the Council in January / February 2024 and if endorsed, will be included in the next iteration of the LTFP.

For projects linked to 'Industrial Land Remediation Investigation' and 'Essential Development Infrastructure Investigation;' it is worth noting that alternative funding / financing options like 'National Housing Infrastructure Facility' (NHIF) concessional loans and grants will be considered as investigations continue on these strategies.

The strategic projects detailed above, although currently operating in nature due to ongoing studies and feasibilities, may become a capital priority within the LTFP, where a future funding plan will be identified ensuring project commitment and delivery.

## **'Advocacy Prospectus 2023 & Beyond' Priorities**

Referencing the above project detail, several strategic operating and capital priorities will be included in the review and rebuild of the Shire's 'Advocacy Prospectus 2023 & Beyond' document.

The following projects will be re-introduced in the revised prospectus, allowing for a greater level of detail to be presented due to the informing works completed to date:

1. Dalyellup Multipurpose Community and Youth Centre (DMCYC).
2. Bunbury – Capel – Busselton Cycle Link.
3. Agribusiness Precinct.
4. Bridge Infrastructure – Mallokup Bridge.
5. Essential Infrastructure (power, water, sewerage).
6. Industrial Remediation (advocacy / pressure on industry to fast track the clean-up and remediation of strategically located sites with development potential).

While it is expected that the Shire's advocacy priorities will be heavily weighted towards major individual infrastructure projects, other initiatives that remove the constraints of or barriers to economic activity and development should also be strongly considered.

The advocacy priorities for the Shire should look to encourage investment in key strategic projects which will support jobs and industry, encourage tourism, and establish a point-of-difference for Capel and the region, while building on the unique lifestyle opportunities that come with living in the locality and the South-West of WA.



In its finished format, the endorsed 'Advocacy Prospectus 2023 & Beyond' will also include the following detail:

- A Place Profile – acknowledgement of country, our history, geography and lifestyle, localities.
- A Community Profile – snapshot, population demographics, regional positioning.
- An Economic Profile – labour force and employment, business sectors.
- A Regional Profile – regional positioning, strategic alignment.
- Specific project and initiative information (description, justification, budget, timing, and imagery).

### **Future LTFP Strategic Considerations (not included in the above capital project tables)**

Through ongoing investigations with current projects, there is opportunity to consider making future financial provisions for the following strategic considerations:

1. **Future Aquatic Provision** (through the Shire's Sports Spaces Planning) – Dependant on community need; consideration of the part funding of an aquatic provision within the Shire in partnership with a third party provider. Alternatively, consider the part funding of an existing aquatic facility in partnership with a neighbouring local government through an MOU (Memorandum of Understanding) arrangement, to leverage an attractive service level agreement model for the benefit of the Capel community.
2. **Coastal Hazard Risk Management Adaptation Plan (CHRMAP)** - Report due to be presented to the Council early 2024 outlining the Shire's recommendations in response to actions identified in the CHRMAP report. The report will outline probable costs associated to recommended actions and these will have to be accounted for in future revisions of the LTFP and reserve investment requirements.
3. **Dalyellup District Sporting Facilities** – As detailed above, the future provision of sporting fields and facilities is being investigated with the intent the Shire's Sports Spaces' Plan being presented to the Council in January / February 2024 and if endorsed, will be included in the next iteration of the LTFP.

### **Summary**

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The Shire's LTFP presents a realistic and reasonable financial outturn for the next ten years.

The 'Officer's Comment' section of the report identifies a number of key 'knowns' throughout the life of the plan, instilling a level of confidence in the figures, projecting what is both financially sustainable and achievable for the Shire.

Councillors have recently learnt of the additional work and investment required in rebuilding the Shire's Asset Management Strategy which will inevitably influence the capital works modelling in future budgets and long term financial planning. The annual review of the plan will reflect the changes in the Asset Management Strategy once adopted by the Council.

The LTFP does identify the need for Borrowing for some strategic capital projects, albeit at the discretion of the Council's appetite to see these projects realised sooner than being funding through the Shire's financial reserves alone.

The financial statements attached to this report substantiates the above commentary and details the following data:

1. **Forecast Statement of Funding for Period 2024-2034** - A statement combining operating and capital revenues and expenses and discloses the opening and closing net current budget surplus (deficit) funding position for each year.



2. **Forecast Statement of Capital Funding for Period 2024-2034** - A statement detailing annual capital projects and associated funding.
3. **Forecast Statement of Comprehensive Income by Nature of Type for Period 2024-2034** - Often referred to as the operating statement, it shows the revenues and expenses over the periods classified by Nature or Type to disclose a net result.
4. **Forecast Statement of Cashflows for Period 2024-2034** - Represents the forecast cash inflows and outflows and discloses the changes to the balance of cash over the period.

The LTFP Councillor Workshop scheduled for Wednesday 20 September 2023 will present this information in more detail and fully review the proposed 10 year strategic project and capital work listings.

Should the Council choose to endorse the LTFP, a presentation format of the plan will be shared with the community via the Shire's website, which will include the attached reports, with supporting analysis tables and commentary, mainly referencing the information contained in this report.

The data included in the LTFP is contemporary at the time of publishing. The plan is a fluid document which models financial assumptions and situations of material impact as they present. This is to ensure the Shire has a clear understanding of its evolving financial position from year to year.

It is intended that the LTFP will be re-presented to the Council in May / June 2024, detailing the Council endorsed 10 year program of works across all asset classes, which are planned for Council's review commencing January / February 2024 onwards.

The 2024–2034 Long Term Financial Plan is commended to the Council for review and endorsement, noting some strategic projects in the LTFP will be re-presented in the Shire's 'Advocacy Prospectus 2023 & Beyond' document.

## **Voting Requirements**

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Simple Majority.



**Officer's Recommendation – 15.1.**

**OC/2023/174 - Officer's Recommendation / Council Decision - 15.1**

*Moved Cr Schiano, Seconded Cr Mogg.*

**That the Council:**

- 1. Endorses the Shire of Capel's Long Term Financial Plan (LTFP) 2024-2034 as part of the Shire's Integrated Planning and Reporting (IPR) Framework.**
- 2. Endorses the Chief Executive Officer to make revisions and inclusions to the Shire's 'Advocacy Prospectus 2023 and Beyond' document, ensuring its alignment with the Shire's LTFP.**
- 3. Endorses the Chief Executive Officer to submit funding applications for priorities detailed in the Advocacy Prospectus as the opportunities arise.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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## 15.2. Community Events Sponsorship Scheme - Round 1

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<b>Author</b>	Manager Community Services, Jeremy O'Neill
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. Event Sponsorship Scheme Evaluation Outcomes and Recommendations - 2023-24 [15.2.1 - 7 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Support the delivery of community-based events as outlined in this report through the first round of the 2023/24 Events Sponsorship Scheme (the Scheme).

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### Officer's Recommendation

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That Council:

1. Approves cash funding of \$27,223.00 and In-kind funding of \$3,400.00 for the eight (8) Event Sponsorship applications as per Table 1 – Summary of Applications contained in this report.
2. Notes the second round of the Event Sponsorship Scheme for the remaining funds of \$2,777.00 will be promoted to the community in December 2023.

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### Background

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Council endorsed Events Sponsorship Policy 8.8 provides strategic direction to the Council to consider requests for grants from organisations for the development and implementation of events in the Shire.

The first round of the scheme was promoted through the Shire's online news, website, and Facebook pages and via a direct email to a database of recognised community groups and event providers.

Sponsorship applications closed Friday 28 July 2023, with 8 applications for events sponsorships being received across the Shire. Liaison was conducted between Shire Officers and applicants to ensure that applications received were compliant.

Each eligible application has been reviewed and assessed, with recommendations for funding outlined in the comments section of this report for the Council's consideration.

### Previous Council Decisions

There are no previous Council decisions relating to this matter.





## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community:

1.1 A more engaged community.

1.2 A capable community that drives community activation and participation.

Direction 3 - Foster a dynamic, diverse, and strong local economy:

3.2 Effective promotion of the Shire and its towns.

### Corporate Business Plan 2023-2027

The Events Sponsorship Scheme also aligns with the following objectives in the Shire of Capel's 2023- 2027 Corporate Business Plan as follows:

CDVS 27 – **Event Services** - Provide a well-balanced events portfolio, including facilitating large and small activation events across the Shire, and providing external support to other organisations via financial or in-kind support.

## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

There are no state frameworks relevant to this item.

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Event Sponsorship



## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial <b>Rating: Low</b>	Rare	Insignificant	The proposal to approve all the applications is considered low. All applications have been discussed in detail with the report's author, risks identified and mitigated prior to application submission. Funds to support these events have also been included in the adopted 2023/24 Annual Budget.
Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Service Delivery <b>Rating: Low</b>	Rare	Insignificant	Service Delivery risks have been mitigated through significant planning in the application process.

### Financial Implications

#### Budget

The Council endorsed (OC/2023/129) 2023/24 Annual budget has an allocation of \$30,000.00 for the Scheme. The amount recommended for funding this round of events is \$27,223.00, which is \$2,777.00 less than the approved budget. The remaining balance of funds will be promoted as a second round of the scheme in December 2023.

#### Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

### Sustainability Implications

#### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

#### Social

Socially, community groups and the provisions of community events play a significant role in the wellbeing of our residents. They provide the chance for people to socialise with like-minded members, develop skills, assist in integrating members of the community and are mostly intergenerational.

Community groups do, however, face difficulties accessing funds for free or low-cost community events and without assistance are less likely to remain sustainable.



## Economic

Events can have direct and indirect economic impacts. Direct economic impacts can include the number of new people that visit the Shire because of the event, the number of local people that attend the event and its economic turnover, or a measure of local businesses/industries that generate income resulting from the event. Indirect economic impacts include the publicity and the marketing resulting before, during and after the event and the spotlight it generates for the Shire or locality conducting the event.

## **Consultation/Engagement**

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### **External Consultation**

The scheme was advertised in July 2023 in the Shire's online news, Facebook pages and Shire website. For future funding rounds, a broader distribution strategy will be employed.

All potential applicants were strongly encouraged to contact the Community Development Team prior to submitting their application to ensure the sponsorship guidelines were followed and to ensure the applicant provided the required information.

One applicant, the Boyanup Lions Club, was unfortunately unaware that the Scheme was open, as previous applicants were not directly notified, and as detailed earlier in the report, a broader strategy to advertise this initiative will be employed for future funding rounds.

Due to the long-term historical and civic importance, of this event, the Annual Australia Day Community Breakfast, has now been received by the Shire and included in Table 1 – Summary of Applications for Council consideration.

### **Internal Consultation**

Given the broad nature of the applications, eight Shire Officers from across the organisation participated in the evaluation panel for the 2023/24 financial year's event sponsorship round; evaluating 7 out of the 8 applications received (as above). The Officers included in this process were Environmental Health Technician, Coordinator Customer Services, Ranger Services Coordinator, Building Supervisor, Manager Operations, and Coordinator Engineering and Assets.

Each panel member graded the applications based on Economic Impact (25%), Social Benefit (40%), Environmental Impact (10%), and Promotional Benefit (25%). This thorough and robust evaluation methodology provides the basis for the Officer comment and recommendations below (See Attachment 15.2.1).

## **Officer's Comment**

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The Scheme provides a process by which the organisation can provide either an in-kind and/or cash contribution to the development and implementation of community-led and coordinated events in the Shire of Capel.

The popularity of the scheme increases year on year and the smaller community associations welcome the opportunity to apply for a grant which can make a significant difference in their ability to deliver wonderful place activations and outcomes for the community.

The summary of applications in Table 1 below briefly details each organisation's project requirements, funding amount and community benefit descriptors.

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**Table 1 – Summary of Applications**

Organisation	Event	Event Benefits	Total Project Cost	Amount Requested	Officer's Comment / Conditions	Officer's Recommendation
Swan River Horse Trials Club	Swan River Trials Event	<p>Swan River Horse Trials Club hosts an annual equestrian event for junior riders through to international class riders competing at the Capel Regional Equestrian Park.</p> <p>This international-level competition is one of only four held annually in Western Australia and focuses on all current safety standards and allows riders living close to the Capel area the opportunity to compete at this level.</p> <p>The event is promoted via Equestrian WA and is a feature competition for a WA Eventer to improve their qualification and standing within the sport, many using this event as a precursor to compete in the Adelaide International event held early the following year.</p>	\$89,584	\$4,472	Nil	Approve funding for \$4,472



MINUTES - Ordinary Council Meeting - 27 September 2023

Dance Steps	Capel Social	<p>Dance Step intends to host a monthly social event, occurring ten times annually, offering a delightful blend of dining, dancing, and mingling.</p> <p>This all-inclusive event is designed to cater to participants of all skill levels. Additionally, this event will provide an avenue for clubs/associations to fundraise.</p> <p>At three of the events, daytime workshops will be conducted to coincide with the Capel Social before the evening event. Dance Steps intends to include a live musical band during the schedule to draw an additional type of crowd.</p>	\$14,180	\$6,230	<p>This event series requires the use of in-kind Shire facilities and equipment. Including Capel Community Centre Hall hire, staff assistance and Shire PA use. This is considered in the Officer's comments.</p>	<p>Approve funding for \$1,500 (Cash) and \$3,400 (In-kind)</p>
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Organisation	Event	Event Benefits	Total Project Cost	Amount Requested	Officer's Comment / Conditions	Officer's Recommendation
Ironstone Adventure Riding Club	Capel River Classic	<p>On Saturday the 14th of October 2023, a fun, exciting, and new community event comes to Capel. The event has been developed as a four-way partnership between the Ironstone Adventure Riding Club, the Shire of Capel, the Indian Harley Club, and the Bike Shed Times.</p> <p>Key attractions are as follows:</p> <ol style="list-style-type: none"> <li>1. A Vintage Motorcycle Show and Shine</li> <li>2. The 'Rustic Off-Road Rally' for pre-1975 classic and historic bikes on local gravel and unsealed roads</li> <li>3. The 'Capel River Classic' with entertainment, food, refreshments, and other activities that bike enthusiasts and the public can enjoy. Including Country Markets, Food trucks, Live Music, a Bar, and entertainment for the kids.</li> </ol>	\$16,333	\$10,000	<p>Most significant cost is the hire of marquees (\$10,000) to provide a safe and viable venue for the vintage motorcycles to be shown to the public.</p>	<p>Approve funding for \$4,000</p>



Organisation	Event	Event Benefits	Total Project Cost	Amount Requested	Officer's Comment / Conditions	Officer's Recommendation
Capel Bowls Club	Glow Bowls and Major Bowls Events	<p>Events 1, 2, and 3, stand as the preeminent bowling competitions hosted by the Capel Bowls Club within the Southwestern Bowling Calendar, drawing bowlers not just from the local area, but spanning the broader Southwestern region and beyond.</p> <p>The sponsorship contributions will be allocated towards alleviating the expenses entailed in preparing and maintaining the greens, developing promotional materials to publicize these events, catering provisions, administrative efforts, and other related expenditures.</p> <p>Event 4, the Glow Bowls initiative constitutes a burgeoning community affair that experiences growing popularity throughout the summer months, spanning from mid-January to the conclusion of March. This event draws parents, children, friends, and social groups, creating a vibrant atmosphere.</p>	\$18,250	\$4,000	Glow Bowls was invented by the Capel Bowls Club and is a unique and innovative multi-generational activity for the Capel community and surrounds.	Approve funding for \$4,000



MINUTES - Ordinary Council Meeting - 27 September 2023

Organisation	Event	Event Benefits	Total Project Cost	Amount Requested	Officer's Comment / Conditions	Officer's Recommendation
Capel Garden Club	Home Grown Our backyard	<p>"Home Grown - Our Backyards" is poised to be a single-day affair tailored to individuals who tend to their home gardens and harbor an interest in nurturing our surroundings.</p> <p>Esteemed speakers will share their expertise in gardening and environmental sustainability. The event features a prominent keynote address by Neville Passmore.</p> <p>Attendees will gain insights into constructing a wicking bed, the world of native bees, our indigenous bird species, and the nuances of garden and environmental preservation. Local Shire vendors will offer homemade and homegrown products relevant to our backyard domains.</p> <p>Additionally, engaging activities utilising recycled materials will be available for children.</p>	\$18,920	\$6,335	This is a brand-new event for the area. The Capel Garden Club has only just become Incorporated and is using this event as their primary fundraiser.	Approve funding for \$5,000
Capel Districts Cemeteries Project Inc	A Morning Tea to Remember	<p>The Capel and District Cemeteries Project Inc. (CDCP), in collaboration with the Shire of Capel's approval, has paid tribute to 103 unmarked or unidentified graves at the cemetery.</p> <p>This endeavor involves affixing distinctive plaques to post markers, thereby providing identification.</p> <p>In conjunction with the Capel Men's Shed's support in crafting and painting the markers according to specifications, CDCP members have diligently collected the necessary information for the plaques and subsequently affixed them to the markers at the cemetery itself.</p> <p>During a morning event designed for remembrance, families, the local community.</p>	\$3,452	\$951	Nil.	Approve funding for \$951



Organisation	Event	Event Benefits	Total Project Cost	Amount Requested	Officer's Comment / Conditions	Officer's Recommendation
Gelorup Community Inc	Annual Event Calendar	<p>Gelorup Community Inc stands as an officially registered Town Team dedicated to consistently energizing the Gelorup community across various occasions throughout the calendar year.</p> <p>In the current 23/24 financial year, the Town Team is geared towards orchestrating an array of events, which include six lively summer sundowners, an engaging children's disco, an exciting riverboat race, a captivating Op shop ball, and a festive Christmas function.</p> <p>This robust lineup of activities contributes immensely to the social well-being of Gelorup and its neighboring areas by delivering a consistent schedule of events that effectively maintain community involvement and contentment.</p>	\$6,800	\$4,800		Approve funding for \$4,800
<b>TOTAL</b>			<b>\$174,069</b>	<b>\$39,288</b>		<b>\$27,223 Cash \$3,400 In-kind</b>
Boyanup Lions Club	Free Australia Day Community Breakfast	<p>The Boyanup Lions Club Australia 'Free' Community Breakfast is a traditional community event for the Boyanup Community. It is a partnership involving a substantial number of Boyanup Community Groups including the Boyanup Lions Club, Boyanup Bush Fire Brigade, Boyanup St. Johns Ambulance, and the Boyanup Bowling Club. The 2022 event also highlighted an antique car and bike display.</p>	\$6,550	\$2,500	Nil.	Approve funding for \$2,500.

### Summary

Approving the requested amount of \$27,223.00 (cash) and \$3,400.00 (In-kind) for all 8 applications outlined in this report will improve community facilities in the Shire and provide a substantial number of community activations across the Shire, highlighting social, economic, environmental, and promotional benefits.

The remaining funds of \$2,777.00 will be promoted to the community in December 2023.





## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.2.

#### OC/2023/175 - Officer's Recommendation / Council Decision - 15.2

*Moved Cr Mogg, Seconded Cr McCleery.*

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

- 1. Approves cash funding of \$27,223.00 and In-kind funding of \$3,400.00 for the eight (8) Event Sponsorship applications as per Table 1 – Summary of Applications contained in this report.**
- 2. Notes the second round of the Event Sponsorship Scheme for the remaining funds of \$2,777.00 will be promoted to the community in December 2023.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

## Declaration of Interest

*Cr Mogg declared an Impartiality Interest in Item 15.2 Minor Community Grants 2023/24 Round 1, the nature of the interest is that she is a member of the Gelorup Community Incorporated.*



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### 15.3 2023/24 Minor Community Grants Scheme

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<b>Author</b>	Community Development Coordinator, Donna Sims
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Support the delivery of community-based projects as outlined in this report through the first round of the 2023/24 Minor Community Grants Scheme.

#### Officer's Recommendation

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That the Council:

1. Approves funding of \$17,268.00 for the ten (10) Minor Community Grant applications as per Table 1 – Summary of Applications contained in this report.
2. Notes the second round of Minor Community Grants for the remaining funds of \$10,862.00 will be promoted to the community in December 2023.

#### Background

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The Council endorsed Minor Community Grants Scheme Policy 8.3 provides strategic direction to the Council to consider requests for grants from local sporting clubs and community organisations for the purpose of supporting projects, activities, purchases of durable equipment, and/or improved facilities or services which benefit the community.

The Shire's Minor Community Grants Scheme (2023/24) was promoted to local community groups and sporting clubs through the Shire's online news, website, and Facebook pages and via a direct email to a database of recognised community groups and sporting clubs.

Grant applications closed Friday 28 July 2023, with 10 applications for minor community grants being received across the Shire. Liaison was conducted between Shire Officers and applicants to ensure that applications received were compliant.

Each eligible application has been reviewed and assessed, with recommendations for funding outlined in the comments section of this report for the Council's consideration.



### Previous Council Decisions

Council previously (OC/2022/183) approved the funding of \$23,425 for 20 Minor Community Grant applications. Council further noted the second round of Minor Community Grants for the remaining funds of \$4,705 would be promoted to the community in December 202.

### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community -

- 1.1 A more engaged community.
- 1.2 A capable community that drives community activation and participation.
- 1.3 An inclusive community.
- 1.4 A safe and prepared community.
- 1.5 A healthy and active community.

Direction 2 - Manage and protect our environment -

- 2.2 Increased community capacity in supporting positive environmental management.

Direction 5 - Provide and maintain suitable infrastructure and facilities -

- 5.1 Appropriate community facilities that meet the communities' needs.

Direction 6 - Effective communication, engagement, and relationship development -

- 6.1 Greater trust and the development of positive relationships within the Shire and with the community.

#### **Corporate Business Plan 2023-2027**

CDVS 26 – **Event Services** - Create capacity for local community groups to undertake localised initiatives, projects, and programs within each of their localities.

CDVS 28 – **Minor Community Grants Policy Implementation** - Provide both a minor and major community grants scheme mechanism each financial year.

### **Statutory Framework**

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#### **Local Framework**

There are no state frameworks relevant to this item.

#### **State Framework**

There are no state frameworks relevant to this item.

#### **Federal Framework**

There are no federal frameworks relevant to this item.



## Policy Framework

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The following Shire Policies apply:  
- Minor Community Grants Scheme.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial <b>Rating: Low</b>	Rare	Insignificant	The proposal to approve all the applications is considered low. All applications have been discussed in detail with the report's author, risks identified and mitigated prior to application submission.

### Financial Implications

#### Budget

The Council endorsed (OC/2023/129) 2023/24 Annual budget has an allocation of \$28,130.00 for Minor Community Grants. The amount recommended for funding this round of community grants is \$17,268.00 which is \$10,862.00 less than the approved budget.

The remaining balance of funds (\$10,862.00) will be promoted as a second round of Minor Community Grants to the community in December 2023.

#### Long Term

There are no long-term financial implications relevant to this proposal.

### Sustainability Implications

#### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

#### Social

Socially, community groups play a significant role in the wellbeing of our residents. They provide the chance for people to socialise with like-minded members, develop skills, assist in integrating members of the community and are mostly intergenerational.

Community groups do, however, face difficulties accessing funds for development and projects and without assistance are less likely to remain sustainable.



## Economic

Various projects run by community groups can increase visitor numbers to the region, thereby having some value-added economic impact.

## **Consultation/Engagement**

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### **External Consultation**

The first round of the Minor Community Grants Scheme was advertised in July in the Shire's online news, Facebook pages, Shire website and via a direct email to a database of recognised community groups and sporting clubs.

All potential applicants were strongly encouraged to contact the Community Development Team prior to submitting their application to ensure the guidelines were followed and to ensure the applicant provided the required information.

Given the complexity of some community projects, the Infrastructure Development Team were able to provide advice and assistance to applicants in support of their applications.

### **Internal Consultation**

The applications have been discussed internally with relevant Shire Officers as part of an internal review and assessment process.

## **Officer's Comment**


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The Minor Community Grants Scheme offers an opportunity to directly contribute to community-initiated projects, with the ability to highlight the diversity of projects/initiatives which are being delivered by local groups/clubs to our residents and visitors.

The popularity of the scheme increases year on year and the smaller sporting/community associations welcome the opportunity to apply for a grant which can make a significant difference in their ability to deliver great outcomes for the community.

The summary of applications on the following page briefly details each organisation's project requirements, funding amount and community benefit descriptors.

**Table 1 – Summary of Applications**

Organisation	Project	Description & Benefits	Total Project Cost	Amount Request	Officer's Comment	Officer's Recommendation
Bunbury Horse & Pony Club (based in the Shire of Capel)	Purchase breakaway show jumping cups	The club requires to purchase breakaway show jumping cups to meet Equestrian Australia's new regulations. The benefits are that they can continue holding show jumping events and people attending events spend money in the Shire whilst they are here. Other clubs can also borrow the equipment free of charge.	\$1,811	\$909		Approve funding for \$909.  No conditions.
Capel Regional Equestrian Park (CREP)	Purchase new Commercial Dishwasher	Purchasing a new commercial dishwasher so they can continue raising funds by selling meals and running the canteen at horse events.	\$9,406	\$3,135	The dishwasher will be complaint for installation at the new CREP facility.	Approve funding for \$3,135.  No conditions.
Capel Horse & Pony Club	Purchase Cross Country Flags	Purchasing new plastic flags and stands to be used on the cross-country course jumps, which are an essential requirement.	\$2,000	\$1,000		Approve funding for \$1,000.  No conditions.
Ironstone Adventure Riding Club	Install a new fire sprinkler system	On 20 February 2023, the Club had a very narrow escape from a bushfire that started on a neighbouring property on Goodwood Road and spread to the property on which the Club's facilities are located. They are installing a fire sprinkler system to minimise the potential impact of any future bushfires and increase the level of protection to the Club House and equipment.	\$9,232	\$3,077		Approve funding for \$3,077.  No conditions.



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Organisation	Project	Description & Benefits	Total Project Cost	Amount Request	Officer's Comment	Officer's Recommendation
Capel Community Garden Inc	Purchase a Shed	To purchase the shed from the Capel Girl Guides, which is located at the community garden site at 1 Barlee Street, Capel. This is a logical step in developing the site, given the shed is already in place and no longer being used to the extent it was previously used by the Girl Guides. The Girl Guides have requested the community garden put in an offer. The shire advised the value of the shed is \$700.	\$700	\$350	This is a key step in facilitating a new Community Garden in Capel.	Approve for \$350.  Conditional on the Girl Guides accepting the offer of \$700 for the Shed.
Capel Land Conservation District Committee	Install Fencing Michael Tichbon Park	Erecting a fence between the Michael Tichbon Park and the new northern neighbour. This will make it easier to manage the Park and provide a much nicer environment for the locals who use the park.	\$400	\$200		Approve funding for \$200.  No conditions.
Capel Bowls Club	Replace Sweeper Brush Mower	Replacing their existing brush mower, which is used to groom the greens to remove excess sand from the synthetic bowling surface. It is essential that sand is taken off the surface at certain times of the year to provide a smooth-running surface.	\$5,346	\$1,782		Approve funding for \$1,782. No conditions.



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Organisation	Project	Description & Benefits	Total Project Cost	Amount Request	Officer's Comment	Officer's Recommendation
Boyanup Memorial Park Committee	Installation of new Flagpoles for Memorial Park	Installing new flagpoles to incorporate additional flags, including the Aboriginal flag. This will meet social and cultural obligations associated with ANZAC day and other occasions. It promotes inclusivity and respect for past returned service personnel and current serving.	\$2,100	\$1,050	The guidelines state that Council will contribute 50% of the total project cost for projects less than \$2,000 and 1/3 of the total project cost for projects between \$2,000 and \$10,000. Since their total project cost is just over \$2,000, the recommendation is to fund 50% of the total project cost.	Approve funding for \$1,050.  No conditions.
Dalyellup Cricket Club	Purchase of Kitchen equipment	Purchasing kitchen equipment (bain marie, sandwich press, deep fryer & 2 gas heaters & gas bottles) to enable a greater variety of food options to be supplied to players, members, partners, and children. This will hopefully increase attendance at home games and promote club memberships.	\$1,560	\$780		Approve for \$780.  Conditional on all electric equipment being tested and tagged by a qualified electrician.
Dalyellup Park Rangers Football Club	New (durable) Club Kits	Purchasing new club kits as their current kits are no longer 'fit-for-purpose'. Community sport makes a significant contribution to society – it provides positive mental health benefits, social connecting, a sense of identity and a support network.	\$9,999	\$3,333		Approve funding for \$3,333.  No conditions.





## Summary

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All 10 applications have been thoroughly researched and are worthy recipients of the Minor Community Grants Scheme Round 1, 2023/24.

Approving the requested amount of \$17,268.00 as outlined in this report will improve community service and facility provision in the Shire and provide numerous benefits to many residents.

The remaining funds of \$10,862.00 will be promoted in December 2023 as a second Minor Community Grants Scheme round.

## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.3

#### **OC/2023/176 - Officer's Recommendation / Council Decision - 15.3**

*Moved Cr Mogg, Seconded Cr Schiano.*

#### **That Council:**

- 1. Approves funding of \$17,268.00 for the ten (10) Minor Community Grant applications as per Table 1 – Summary of Applications contained in this report.**
- 2. Notes the second round of Minor Community Grants for the remaining funds of \$10,862.00 will be promoted to the community in December 2023.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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#### 15.4. Accounts paid during the Month of August

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<b>Author</b>	Finance Officer, Susan Searle
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Accounts paid during August 2023 are submitted for the endorsement of the Council.

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#### Officer's Recommendation

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That in accordance with Regulation 13(11) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month of August 2023 be received by the Council and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT43371 to EF43627, CHQ50731 to CHQ50741 totalling \$1,801,209.42 during the month of August 2023.
- 2 Payroll payments for the month August 2023, totalling \$726,687.04.
- 3 Transfers to and from investments as listed.

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#### Background

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Accounts paid are required to be submitted each month.

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#### Decision Framework

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#### Shire of Capel Strategic Community Plan 2021-2031

Direction 4 - Deliver good leadership, governance, and decision-making.

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

#### Corporate Business Plan 2023-2027

FIN 9 – **Annual and Monthly Financial Reporting** - Statutory reporting of income and expenditures to the Council and regulatory authorities.

FIN 18 – **Debtor and Creditor Management** - Manage debtors and creditors to maintain optimum cash flow.

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## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government Act 1995*, section 6.10

#### 6.10. Financial management regulations

1. The general management of, and the authorisation of payments out of-  
the municipal fund; and  
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.
  - e.
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-
    1. The payee's name.
    2. The amount of the payment; and
    3. sufficient information to identify the transaction;
    4. and
  - b. the date of the meeting of the council to which the list is to be presented.

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Financial Reports.
- Legislative Compliance.
- Purchasing.



**Implications**

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**Risk Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Mitigation</b>
<b>Risk 1</b> Financial  Rating: <a href="#">Low</a>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description: Additional checks and balances of accounts paid by the Shire.</b>			
<b>Risk 2</b> Legislative Compliance  Rating: <a href="#">Low</a>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description: Meeting legislative requirement of financial reporting to the Council</b>			
<b>Opportunity: Compliant and accountable procurement in the Shire of Capel's accounting practices.</b>			

**Financial Implications**

Budget

Creditor payments are made from the Council's Municipal Fund.

Long Term

As no assets/infrastructure are being created, there are no long term financial implications relevant to this proposal.

**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.

**Consultation/Engagement**

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**External Consultation**

There is no external consultation required.

**Internal Consultation**

Relevant staff have been consulted and authorised the payments. Documented review by Manager Finance and Director Community and Corporate.

**Officer's Comment**

Payments made during the month of August 2023 are as follows:

EFT43371	01/08/2023	IINET	Dalyellup Library Internet - billed monthly	119.94
EFT43372	01/08/2023	DE LAGE LANDEN PTY LIMITED	Photocopier Lease	1,051.27
EFT43373	01/08/2023	WESTNET PTY LTD	Capel Shire and Library monthly internet	219.98
EFT43374	02/08/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	Citizenship Ceremony gifts	85.20
EFT43375	02/08/2023	BUNBURY GEOGRAPHE CHAMBER OF COMMERCE AND INDUSTRY	LGA Partner Annual Subscription	2,200.00
EFT43376	02/08/2023	BUNBURY PLUMBING SERVICES	Pump out grease trap Boyanup Hall and Capel Community Centre	217.00
EFT43377	02/08/2023	BATTERY WORLD BUNBURY	Install new battery into fleet vehicle	269.00
EFT43378	02/08/2023	DM & S CURTIN	Carry out July service of all shire air conditioners	5,214.00
EFT43379	02/08/2023	CENTRAL REGIONAL TAFE	Staff training	825.90
EFT43380	02/08/2023	CATHERINE CLARKE	Catering for ignite training	159.40
EFT43381	02/08/2023	DEBBIE KAY CROCKETT	Refund	123.30
EFT43382	02/08/2023	DATA #3	Laptop and Microsoft 365 licenses	8,989.24
EFT43383	02/08/2023	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BSL JULY 2023 remittance	6,575.79
EFT43384	02/08/2023	ENVIRONMENTAL HEALTH AUSTRALIA	Corporate annual EHA membership	410.00



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EFT43385	02/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Repair of hot water tap in the kitchen at Boyanup Community Centre and maintenance at Boyanup Basketball pavilion	759.00
EFT43386	02/08/2023	FIRST CLASS TRAINING	Staff training	395.00
EFT43387	02/08/2023	AUSTRALIAN TAXATION OFFICE	Fringe Benefits Taxation	17,454.25
EFT43388	02/08/2023	GRANTS EMPIRE	Grants Consultant fees	528.00
EFT43389	02/08/2023	A INGRAM	Book stock purchases	61.96
EFT43390	02/08/2023	KMART AUSTRALIA LIMITED	Supplies Youth	198.25
EFT43391	02/08/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	People and Culture Seminar WALGA	621.00
EFT43392	02/08/2023	ANDREW MATTABONI	LG PRO Membership	265.50
EFT43393	02/08/2023	PAGES MECHANICAL REPAIRS	Repair BFB Elgin 1.4R vehicle	293.60
EFT43394	02/08/2023	RAC BUSINESSWISE	Shire Fleet vehicles roadside assist	1,100.00
EFT43395	02/08/2023	SYNERGY	Electricity	5,421.09
EFT43396	02/08/2023	SONIC HEALTHPLUS PTY LTD	Pre-employment medical checks	237.61
EFT43397	02/08/2023	SLMC PROPERTY AUSTRALIA	Dalyellup Public Library Monthly Lease Fee	7,767.45



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EFT43398	02/08/2023	D & K THOMAS ELECTRICAL	Electrical works for fire damage to Ferndale Pavilion, supply and connect plug leads and socket for Depot, install power outlet in shower at Capel fire shed, replace fire exit light, and install down light, find electrical hazard in Shire admin building and tag and test power supply at depot prior to works	2,033.08
EFT43399	02/08/2023	TOTALLY WORKWEAR	Staff uniform allowance	145.20
EFT43400	02/08/2023	T-QUIP	Parts for ground master mower	541.70
EFT43401	02/08/2023	TYREPOWER CAPEL	Fleet vehicle puncture repair	45.00
EFT43402	02/08/2023	TEAM GLOBAL EXPRESS PTY LTD	Freight	15.69
EFT43403	02/08/2023	STEPHANIE TUCKER	WALGA seminar catering	211.38
EFT43404	02/08/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	Government Guarantee Fees for loans	14,605.49
EFT43405	02/08/2023	WINDOW IMAGERY	Install blinds in Shire Admin building, curtain and blinds at Gelorup Community Centre and install roller blinds at Capel Library	7,719.80
EFT43406	02/08/2023	WORK METRICS PTY LTD	Work Metrics Online Induction Portal Annual Subscription	1,848.00
EFT43407	04/08/2023	DE LAGE LANDEN PTY LIMITED	Photocopier Lease	155.21
EFT43408	09/08/2023	AUSTRALIA POST	Postage	1,879.16
EFT43409	09/08/2023	AMITY SIGNS	Waste Transfer Station Signage	3,899.50



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EFT43410	09/08/2023	ARBORGUY	Western Power tree pruning list in Capel and Boyanup	121,906.40
EFT43411	09/08/2023	ONEMUSIC AUSTRALIA	APRA Licenses for shire buildings/phones	2,776.58
EFT43412	09/08/2023	THE AUSTRALIAN WORKERS UNION	Payroll Deductions/Contributions	168.00
EFT43413	09/08/2023	BOYANUP HALL ADVISORY COMMITTEE	Caretaking of Boyanup Hall	989.00
EFT43414	09/08/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	Various hardware expenses	515.45
EFT43415	09/08/2023	BUDGET CAR & TRUCK RENTALS	Rental of Toyota 4x4 Dual Cab	2,433.20
EFT43416	09/08/2023	BUNBURY HARVEY REGIONAL COUNCIL	Disposal and processing of kerbside food organics and garden organics	6,647.86
EFT43417	09/08/2023	BUSSELTON PANEL AND PAINT	Insurance Claim excess payment	1,000.00
EFT43418	09/08/2023	CROSS SECURITY SERVICES	Provide quarterly alarm monitoring service for Capel Shire admin building, East Dalyellup pavilion and Dalyellup library	618.00
EFT43419	09/08/2023	CAPEL NEWSAGENCY	Newspaper purchases Capel Library	62.80
EFT43420	09/08/2023	COMBINED TEAM SERVICES PTY LTD	Staff training	995.00
EFT43421	09/08/2023	CLOUDA2K PTY LTD	Bluebeam licenses	3,630.00
EFT43422	09/08/2023	GELORUP COMMUNITY INC	Caretaking Gelorup Community Hall	493.00
EFT43423	09/08/2023	CHILD SUPPORT AGENCY	Payroll Deductions/Contributions	599.94
EFT43424	09/08/2023	DEPARTMENT OF PREMIER & CABINET	Publication of Shire of Capel Local Planning Scheme No.8 in Government Gazette	6,218.70





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EFT43425	09/08/2023	DEPARTMENT OF TRANSPORT	Disclosure of Information Fees	13.20
EFT43426	09/08/2023	ERIC PRESTON PTY LTD T/AS LEADER PRESS & TRISET BOSS	Printing of rates notices, final rate notices and instalment notices	4,103.40
EFT43427	09/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Unblocking of two toilets at Capel Sports Pavilion	220.00
EFT43428	09/08/2023	FLEET NETWORK	Vehicle payroll deduction	590.98
EFT43429	09/08/2023	GEOGRAPHE FORD	Fleet vehicle service	684.00
EFT43430	09/08/2023	LM GRUITERS	Rates refund	1,092.74
EFT43431	09/08/2023	AE HOSKINS BUILDING SERVICES	Replacement of blackboard at Capel Playgroup	1,633.83
EFT43432	09/08/2023	KLEENIT	Forrest Road Monthly Gutter Cleaning	2,783.00
EFT43433	09/08/2023	LOGITOUT	Annual subscription	726.00
EFT43434	09/08/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	Meal allowances for Community Development Conference	100.00
EFT43435	09/08/2023	LGRCEU	Payroll Deductions/Contributions	99.00
EFT43436	09/08/2023	MARSH PTY LTD	Emergency evacuation diagrams	3,025.00
EFT43437	09/08/2023	REBECCA MCLEVIE	Youth catering	25.29
EFT43438	09/08/2023	NOVUS AUTO GLASS SOUTHWEST	Replacement of windscreen on fleet vehicle	1,200.00
EFT43439	09/08/2023	NATURALISTE TURF	Turf maintenance for shire sporting fields	1,399.75
EFT43440	09/08/2023	THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD	Shire security patrols	3,987.75
EFT43441	09/08/2023	OFFICEWORKS SUPERSTORES PTY LTD	Stirling BFB - Stationery for training activities	58.50
EFT43442	09/08/2023	JEREMY O'NEILL	Membership fee	265.50
EFT43443	09/08/2023	OPTUS BILLING SERVICES PTY LTD	Fixed Line Phone and mobile monthly accounts	1,646.46



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EFT43444	09/08/2023	PIARA LANDHOLDINGS PTY LTD	Bond refund	145,579.20
EFT43445	09/08/2023	AUSTRALIAN TAXATION OFFICE	PAYG Withholding pay run 131	69,801.50
EFT43446	09/08/2023	QUALITY PRESS	BFB printing of various stationery and signs	2,937.55
EFT43447	09/08/2023	RISK MANAGEMENT TECHNOLOGIES	Chem Alert System License Renewal	5,874.00
EFT43448	09/08/2023	RAC BUSINESSWISE	Fee for roadside assist	105.00
EFT43449	09/08/2023	SOUTHERN LOCK & SECURITY	Replace faulty battery Boyanup Community Centre security system	260.00
EFT43450	09/08/2023	SOS OFFICE EQUIPMENT	Shire photocopier meter billing - monthly	2,141.39
EFT43451	09/08/2023	SYNERGY	Electricity	2,976.41
EFT43452	09/08/2023	SMARTSALARY	Payroll Deductions/Contributions	1,821.53
EFT43453	09/08/2023	TOTALLY WORKWEAR	Staff Uniform Allowance	886.00
EFT43454	09/08/2023	THOMSON'S SMASH REPAIRS	Fleet vehicle excess claim payment	1,000.00
EFT43455	09/08/2023	TEAM GLOBAL EXPRESS PTY LTD	Freight	125.15
EFT43456	09/08/2023	TEAM DIGITAL PTY LTD	Staff training	875.00
EFT43457	09/08/2023	UNITING GLOBAL	Cleaning of all Shire public toilets - billed monthly	13,854.59
EFT43458	09/08/2023	SHIRE OF WAGIN	Payroll Deductions/Contributions	120.00
EFT43459	09/08/2023	WORKPAC GROUP	Labour Hire	2,391.33
EFT43460	09/08/2023	Western Australian Horse Council Inc	Staff training	700.00
EFT43461	09/08/2023	WOOLWORTHS LIMITED (WA)	Youth Catering for Programs and Events	214.93



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EFT43462	10/08/2023	BENDIGO BANK BUSINESS CREDIT CARD	<p>July credit card transactions:</p> <p>6.7.2023 - OK Alone - \$301.42 - mobile application for lone worker - <b>Card 442 DCC</b></p> <p>6.7.2023 - International transaction fee for above - \$9.04</p> <p>6.7.2023 - Cockburn Ice Arena - \$273.00 - Inzone Excursion – <b>Card 261 MFIN</b></p> <p>7.7.2023 - Zoom - \$24.63 - zoom professional studio subscription - <b>Card 442 DCC</b></p> <p>7.7.2023 - International transaction fee for above - \$.74</p> <p>8.7.2023 - Cockatoo Sushi - \$120.00 - catering for youth disco - <b>Card 261 MFIN</b></p> <p>15.7.2023 Quay Perth - \$274.17 - training accommodation - <b>Card 442 DCC</b></p> <p>15.7.2023 - Quay Perth \$349.77 - training accommodation - <b>Card 442 DCC</b></p> <p>15.7.2023 - Capel - \$317.85 - gift vouchers - <b>Card 261 MFIN</b></p> <p>22.7.2023 - Dept of Transport - \$19.40 - events trailer registration transfer - <b>Card 261 MFIN</b></p> <p>22.2.2023 - Dept of Transport - \$25.30 - events trailer registration fee - <b>Card 261 MFIN</b></p> <p>22.7.2023 - Undalup Assoc - \$750.00 - Welcome to country - <b>Card 253 CEO</b></p> <p>23.7.2023 - Curtin University - \$1,495.40 - Health training - <b>Card 261 MFIN</b></p> <p>27.7.2023 - WA Government - \$691.00 - registration of air compressor - <b>Card 442 DCC</b></p> <p>28.7.2023 - TEDX tickets - \$30.00 - youth ticket- <b>Card 261 MFIN</b></p>	5,437.77
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			29.7.2023 - Tribe Perth - \$740.05 - parking and accommodation for training - <b>Card 442 DCC</b> 30.7.2023 - 4 x card fees - \$16.00	
EFT43463	15/08/2023	IINET	Dalyellup Library Internet - billed monthly	109.99
EFT43464	15/08/2023	TELSTRA CORPORATION LTD	Monthly mobile phone account	889.88
EFT43465	16/08/2023	BUNBURY BEARINGS	Consumables for plant	710.60
EFT43466	16/08/2023	BUNBURY MOWER SERVICE	Oil for tool shed	366.30
EFT43467	16/08/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	Various hardware expenses	192.63
EFT43468	16/08/2023	BUNBURY CITY GLASS	Glass doors safety decals for Capel Community Centre	22.00
EFT43469	16/08/2023	BP AUSTRALIA	Diesel Fuel Supply & Delivery	21,186.65
EFT43470	16/08/2023	CAPEL NEWSAGENCY	Newspaper purchases Capel Library	82.80
EFT43471	16/08/2023	CHLOE BROWN	Skatepark opening	31.00
EFT43472	16/08/2023	CAPEL VALE WINES	Catering for Southwest Local Government CEO Meeting	56.00
EFT43473	16/08/2023	CARBONE BROS PTY LTD	Supply of gravel	11,978.75
EFT43474	16/08/2023	COLROYS COUNTRY KITCHEN	Catering for Incident 631454 Welfare for 20 people and planning strategy meeting	239.00



MINUTES - Ordinary Council Meeting - 27 September 2023

EFT43475	16/08/2023	DALYELLUP NEWS & LOTTERIES	Newspaper purchases Dalyellup Library	65.90
EFT43476	16/08/2023	ECLIPSE SOILS PTY LTD	Mulch delivered to Dalyellup Boulevard and Gelorup community garden	14,168.00
EFT43477	16/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Unblocking of male toilet at Dalyellup South Lakes toilets	165.00
EFT43478	16/08/2023	GEOGRAPHE FORD	Service on shire fleet vehicle	588.00
EFT43479	16/08/2023	HARMONIC IT PTY LTD	IT Block hours support renewal	6,897.00
EFT43480	16/08/2023	KLEENIT	Cleaning of gutters along Forrest Road	3,382.50
EFT43481	16/08/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	Workshop	420.00
EFT43482	16/08/2023	GORDON MACMILE	Reimbursement internet charges	95.00
EFT43483	16/08/2023	REBECCA MCLEVIE	Catering for Dalyellup Youth Collective	22.00
EFT43484	16/08/2023	OFFICEWORKS SUPERSTORES PTY LTD	Stationery	1,235.57
EFT43485	16/08/2023	FULTON HOGAN INDUSTRIES PTY LTD	EZ Street pothole repair	3,590.40
EFT43486	16/08/2023	PROTECTOR FIRE SERVICES	Training	475.20
EFT43487	16/08/2023	PAINTBALL PURSUIT	Spring Inzone Paintball Excursion	1,050.00
EFT43488	16/08/2023	PRIME INDUSTRIAL PRODUCTS	4 x metal probes	73.59
EFT43489	16/08/2023	AUSTRALIAN TAXATION OFFICE	PAYG withholding	9,998.00
EFT43490	16/08/2023	ROBERT'S TILT-TRAY & HIAB SERVICE	Moving smooth drum roller from Elgin Road to Plantation Road	605.00
EFT43491	16/08/2023	RETECH RUBBER	Attend site and replace soft fall around trampoline at Erle Scott playground	5,281.10



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EFT43492	16/08/2023	RAC BUSINESSWISE	Callout - fleet vehicle not starting	105.00
EFT43493	16/08/2023	SHIRE OF HARVEY	Local government contribution to the Waste contract stage 3	1,000.00
EFT43494	16/08/2023	SYNERGY	Electricity	37,726.62
EFT43495	16/08/2023	SURVEYING SOUTH	Survey services Forrest Road, Roberts Road, Sleaford Drive and Weld Road	2,860.00
EFT43496	16/08/2023	SHORE WATER MARINE PTY LTD	Pontoon removal	4,543.00
EFT43497	16/08/2023	SOUTHWEST COMPRESSORS	Maintenance on depot compressor	251.13
EFT43498	16/08/2023	TOTALLY WORKWEAR	Staff uniform allowances	530.95
EFT43499	16/08/2023	T-QUIP	Consumables for ground master mowers	1,238.05
EFT43500	16/08/2023	TYREPOWER CAPEL	Fleet vehicle maintenance including globe replacements and labour and consumables and tyres for trailer	1,460.00
EFT43501	16/08/2023	WORK CLOBBER BUNBURY	Staff PPE	697.42
EFT43502	16/08/2023	WORKPAC GROUP	Labour hire	1,876.40
EFT43503	16/08/2023	TELSTRA CORPORATION LTD	Telstra Landlines - monthly bill	340.45
EFT43505	17/08/2023	CHILD SUPPORT AGENCY	Payroll Deductions/Contributions	599.94
EFT43506	17/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Repair of leaking tap and check and repair any damage at Dalyellup Skate Park	693.00
EFT43507	17/08/2023	GRACE RECORDS MANAGEMENT	Monthly Active License for Grace Digital Office Platform	299.67
EFT43508	17/08/2023	LAURA HENDRICK	Training expenses	43.05
EFT43509	17/08/2023	IPWEA Australasia	Annual E-Book Subscription	2,510.20



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EFT43510	17/08/2023	SMARTSALARY	Payroll Deductions/Contributions	1,773.67
EFT43511	17/08/2023	T-QUIP	Freight	36.50
EFT43512	17/08/2023	TRANEN REVEGETATION SOUTHWEST	Fire Access Way Chemical Treatment	1,933.56
EFT43513	18/08/2023	TELSTRA CORPORATION LTD	Dalyellup Sports Pavilion monthly internet	90.00
EFT43514	18/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	2023/24 FER Ongoing Referral Fees	83.50
EFT43515	18/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	2023/24 FER Ongoing Referral Fees	83.50
EFT43516	18/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	2023/24 FER Ongoing Referral Fees	83.50
EFT43517	18/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	2023/24 FER Ongoing Referral Fees	83.50
EFT43518	18/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	2023/24 FER Ongoing Referral Fees	83.50
EFT43519	21/08/2023	AMPOL	Monthly fuel card expenses	6,290.91
EFT43520	22/08/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	JULY 2023 superannuation	133,474.91
EFT43521	23/08/2023	AMPAC DEBT RECOVERY	Debt recovery	125.00
EFT43522	23/08/2023	BCF	Livestock ID & beach monitoring - 4 x binoculars	323.96
EFT43523	23/08/2023	BENDIGO BANK EMERGENCY SERVICES DEBIT CARD	IRS training meals and accommodation	189.71
EFT43524	23/08/2023	BUNBURY MUFFLER TOWBAR & 4WD BUNBURY	New suspension Shire fleet vehicle	3,780.00
EFT43525	23/08/2023	BP AUSTRALIA	Diesel Fuel supply	4,306.30
EFT43526	23/08/2023	CAPEL FRESH IGA	Stationery	535.63
EFT43527	23/08/2023	CAPEL CLEANING	Provide relief cleaning at Capel Shire office, Peppermint Beach Community Centre, and Capel Childrens Centre	2,102.10



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EFT43528	23/08/2023	CAPEL CELLARBRATIONS	Thank You Gifts for hosting Malaysian Delegates	194.95
EFT43529	23/08/2023	COLROYS COUNTRY KITCHEN	Catering July OCM and CDAN Workshop	217.50
EFT43530	23/08/2023	TJ DEPIAZZI & SONS	Provide mulch	4,385.92
EFT43531	23/08/2023	EASIFLEET MANAGEMENT	Vehicle payroll deduction	1,105.23
EFT43532	23/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Repair tank inlet pipe at Dalyellup Sports Pavilion, pressure test fire hose line at shire office and unblock toilets at Capel Sports Pavilion	1,314.50
EFT43533	23/08/2023	FREESTYLE NOW PROMOTIONS	Pump Track Grand Opening Free Community Clinic	1,210.00
EFT43534	23/08/2023	MCG FIRE SERVICES	Carry out service of all shire fire equipment	3,072.31
EFT43535	23/08/2023	FRESH FLORAL STUDIO	Condolence Flowers	180.00
EFT43536	23/08/2023	GEOGRAPHE FORD	Purchase and trade-ins of 3 new shire fleet vehicles	39,105.35
EFT43537	23/08/2023	AE HOSKINS BUILDING SERVICES	Replacement of concrete on the stairs at Zedor Way staircase and window at Dalyellup Beach toilets	588.04
EFT43538	23/08/2023	H + H ARCHITECTURE PTY LTD	Final Design and Construction Supervision - Gelorup Bush Fire Brigade Facility	3,217.50
EFT43539	23/08/2023	KELLY KEATH	Library trolley	89.00
EFT43540	23/08/2023	KLEENHEAT GAS	Equipment services charges	93.50
EFT43541	23/08/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	Annual Association Subscription, website redevelopment RFQ, annual employee relations subscription and annual guide subscriptions	42,531.82





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EFT43542	23/08/2023	MCLEODS BARRISTERS AND SOLICITORS	Legal advice	1,316.72
EFT43543	23/08/2023	REBECCA MCLEVIE	Youth excursion resources	19.95
EFT43544	23/08/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	Toiletry and cleaning products	928.30
EFT43545	23/08/2023	McIntosh & Sons Pty Ltd	New excavator and attachments and new compact track loader and attachments	394,680.00
EFT43546	23/08/2023	NETSIGHT CONSULTING PTY LTD	12 month MyOsh subscription	1,415.70
EFT43547	23/08/2023	OFFICEWORKS SUPERSTORES PTY LTD	Gelorup Gazette - Printing Supplies	595.75
EFT43548	23/08/2023	OPTUS BILLING SERVICES PTY LTD	Monthly shire internet	200.00
EFT43549	23/08/2023	PROTECTOR FIRE SERVICES	Capel library and Boyanup Community Centre fire panel monthly inspection and service	247.50
EFT43550	23/08/2023	MEGAN PICKER	Meals for training	110.00
EFT43551	23/08/2023	AUSTRALIAN TAXATION OFFICE	PAYG withholding pay run # 133	71,613.00
EFT43552	23/08/2023	SATTERLEY PROPERTY GROUP PTY LTD	Bond T5639 refund outstanding works uniform fencing bond	52,813.78
EFT43553	23/08/2023	STEANN PTY LTD	Hard waste verge side collection	81,476.56
EFT43554	23/08/2023	SYNERGY	Electricity	610.35
EFT43555	23/08/2023	SLMC PROPERTY AUSTRALIA	Library electricity fees	596.70
EFT43556	23/08/2023	SOUTHWEST COMPRESSORS	Compressor maintenance	65.10
EFT43557	23/08/2023	TOTALLY WORKWEAR	Staff uniform	617.30
EFT43558	23/08/2023	WORK CLOBBER BUNBURY	PPE	1,366.84
EFT43559	23/08/2023	THE PRINT SHOP	Stationery for shire and bush fire mitigation notices	2,862.20
EFT43560	23/08/2023	WORKPAC GROUP	Labour Hire	2,391.33
EFT43561	23/08/2023	WOOLWORTHS LIMITED (WA)	Youth Catering for Programs and Events	107.12



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EFT43562	25/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	Ongoing Referral Fees	83.50
EFT43563	25/08/2023	MINISTRY OF JUSTICE-SHERIFF' OFFICE	Ongoing Referral Fees	167.00
EFT43564	30/08/2023	4PARK PTY LTD T/A FORPARK AUSTRALIA	Playground equipment for various parks	4,913.70
EFT43565	30/08/2023	AHOY MANAGEMENT	Lost and Found 2023 Funding	11,000.00
EFT43566	30/08/2023	BUNBURY BEARINGS	Consumables	7.70
EFT43567	30/08/2023	BUNBURY MACHINERY	Machinery hire	1,200.00
EFT43568	30/08/2023	CITY OF BUSSELTON	Southern Consortium Recycle Right Membership	1,980.00
EFT43569	30/08/2023	B & B STREET SWEEPING	Capel Civic Centre Precinct sweeping	1,537.80
EFT43570	30/08/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	Various hardware expenses	404.23
EFT43571	30/08/2023	BUNBURY HARVEY REGIONAL COUNCIL	Organic Processing Services at BHRC Banksia Road -	13,448.08
EFT43572	30/08/2023	LISA MARIE BLEE	Sports participation scheme payment	200.00
EFT43573	30/08/2023	WINC AUSTRALIA PTY LTD	Stationery Orders	456.02
EFT43574	30/08/2023	COATES HIRE SERVICE	Lutheran College lighting towers hire	4,056.05
EFT43575	30/08/2023	CLEANAWAY	Hard waste Verge side collection, collection of mattresses, rental and clearance and disposal of bins from WTS and depot	39,100.55
EFT43576	30/08/2023	CLEANWAY XTRA CLEANING SERVICES	Shire BBQ cleaning	4,118.40
EFT43577	30/08/2023	CAPEL HARDWARE & FARM SUPPLIES	Sundry hardware purchases	582.47
EFT43578	30/08/2023	CAPEL BOWLS CLUB INCORPORATED	Capel Bowls Club Community Grant Request	14,068.64
EFT43579	30/08/2023	CAPEL CLEANING	Carry out clean of Dalyellup skatepark toilets	72.60
EFT43580	30/08/2023	CB TRAFFIC SOLUTIONS	1 traffic controller and vehicle Elgin Road	4,080.18



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EFT43581	30/08/2023	COUNTRY WATER SOLUTIONS	Capel Cemetery Maintenance and remedial repairs to irrigation at Dalyellup Skate Park	8,522.82
EFT43582	30/08/2023	CAPEL CELLARBRATIONS	Restock of Council Chambers refreshments	166.00
EFT43583	30/08/2023	COLROYS COUNTRY KITCHEN	Catering	75.00
EFT43584	30/08/2023	TJ DEPIAZZI & SONS	Mulch for The Grove POS	4,385.92
EFT43585	30/08/2023	DEPARTMENT OF PLANNING, LANDS AND HERITAGE	Application FEE DAP	6,003.00
EFT43586	30/08/2023	DEVLYN AUSTRALIA PTY LTD	Construction of Gelorup Volunteer Bush Fire Brigade Building	333,460.22
EFT43587	30/08/2023	EARTH 2 OCEAN COMMUNICATIONS	Maintenance on BFB vehicle	410.40
EFT43588	30/08/2023	ELEMENT ADVISORY PTY LTD	Shire of Capel Place Plan	32,389.50
EFT43589	30/08/2023	GOLDEN WEST PLUMBING & DRAINAGE	Various plumbing maintenance	2,059.75
EFT43590	30/08/2023	FIT 2 WORK.COM.AU	Police checks for employees	40.59
EFT43591	30/08/2023	FLEET NETWORK	Vehicle payroll deduction	590.98
EFT43592	30/08/2023	GISSA INTERNATIONAL PTY LTD	A SPEC Annual Subscription Fee	3,467.20
EFT43593	30/08/2023	GRACE RECORDS MANAGEMENT	Data storage and Hard copy Records storage and destruction	839.66
EFT43594	30/08/2023	IRONSTONE ADVENTURE RIDING CLUB INC	Multi-year agreement payment	5,000.00
EFT43595	30/08/2023	QUEST INNALOO	Training accommodation	186.00
EFT43596	30/08/2023	JETLINE KERBING CONTRACTORS	Remove ACM pit & replace with new plastic pit in footpath - Simmons Street	1,258.40
EFT43597	30/08/2023	STATE LIBRARY OF WESTERN AUSTRALIA	Better Beginnings	1,006.50



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EFT43598	30/08/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	2023 WALGA Conference 17 - 19th September	5,463.90
EFT43599	30/08/2023	MUIR'S MANJIMUP	Fleet vehicle services	1,106.97
EFT43600	30/08/2023	MICHELLE MCGOVERN	Study expenses reimbursed	2,335.00
EFT43601	30/08/2023	MCDONALD FENCING	Replace damaged gate and reset fencing - Boyanup memorial park playing fields	352.00
EFT43602	30/08/2023	MARKET CREATIONS AGENCY	website redevelopment	18,650.50
EFT43603	30/08/2023	MCLEODS BARRISTERS AND SOLICITORS	Legal advice	6,781.69
EFT43604	30/08/2023	ONSITE RENTAL GROUP	Hire of toilet for the Dalyellup Skatepark	1,323.45
EFT43605	30/08/2023	OMNICOM MEDIA GROUP PTY LTD	Advertising	1,145.34
EFT43606	30/08/2023	PICTON TRAILER HIRE	Machinery hire	1,500.00
EFT43607	30/08/2023	PUBLIC HEALTH ASSOCIATION OF AUSTRALIA	Public Health Association of Australia membership	995.00
EFT43608	30/08/2023	PAXON GROUP	Local Planning Scheme No.3 Audit	12,474.00
EFT43609	30/08/2023	ROSE & CROWN	Accommodation and meals for training	400.00
EFT43610	30/08/2023	SYNERGY	Electricity	5,155.31
EFT43611	30/08/2023	STRATAGREEN	Fertilisers	7,458.00
EFT43612	30/08/2023	SONIC HEALTHPLUS PTY LTD	Pre-employment medical checks	708.40
EFT43613	30/08/2023	SYRINX ENVIRONMENTAL PTY LTD	Local Planning Policy 6.2 Extractive Industries Technical Assessment Support	4,620.00
EFT43614	30/08/2023	STRATEGIC DIRECTIONS	ERP Solution Advisory Service	4,400.00
EFT43615	30/08/2023	SETONIX DIGITAL PTY LTD	Full day consulting for scoping and RFQ/RFT establishment of Microsoft Agreement	1,771.00
EFT43616	30/08/2023	KEVIN SMART	Rates refund	185.70
EFT43617	30/08/2023	TENDERLINK	RFQ's	721.60
EFT43618	30/08/2023	TUTT BRYANT HIRE	Machinery hire	13,655.94



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EFT43619	30/08/2023	T-QUIP	Consumables	733.80
EFT43620	30/08/2023	TYREPOWER CAPEL	Fleet vehicle tyres	595.00
EFT43621	30/08/2023	TALIS CONSULTANTS PTY LTD	Groundwater Monitoring Dalyellup Estate	1,927.75
EFT43622	30/08/2023	VERAISON PTY LTD	Manager/Coordinator Individual Coaching	12,012.00
EFT43623	30/08/2023	WORK CLOBBER BUNBURY	PPE	183.60
EFT43624	30/08/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan No. 65 repayment	16,593.81
EFT43625	30/08/2023	WEST COAST SHADE	Dalyellup Community Centre Sandpit Cover	1,050.50
EFT43626	30/08/2023	WORKPAC GROUP	Labour Hire	1,876.40
EFT43627	30/08/2023	DE LAGE LANDEN PTY LIMITED	Hire of Ground master 4000D mower for Dalyellup Parks	2,515.08
50731	02/08/2023	SHIRE OF CAPEL	T5724 JULY BSL COMMISSION	185.00
50732	02/08/2023	WATER CORPORATION	WATER USAGE	704.03
50733	09/08/2023	WATER CORPORATION	WATER USAGE	2,888.14
50734	16/08/2023	SHIRE OF CAPEL	STAFF LEAVING PRESENTATION	150.00
50735	16/08/2023	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	SPECIAL SERIES REGISTRATION	200.00
50736	16/08/2023	WATER CORPORATION	WATER USAGE	1,751.47
50737	23/08/2023	AQWEST	Water	1,704.76
50738	23/08/2023	AUSTRALIAN SOCIETY OF ARCHIVISTS INC	Professional Development Digitisation and Digital Preservation	100.00
50739	23/08/2023	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	SPECIAL PLATE 00CP	213.20
50740	23/08/2023	WATER CORPORATION	WATER USAGE	2,684.21
50741	30/08/2023	SHIRE OF DARDANUP	Annual Contribution - 2023- 24 - Bunbury GEOGRAPHE Group of Councils	550.00



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50742	30/08/2023	WATER CORPORATION	WATER USAGE	1,700.03
				2,174,805.37

30.07.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$214,092.13
30.07.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$17,254.85
13.08.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$234,824.37
27.08.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$260,515.69

**\$726,687.04**

10.08.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,011,568.22
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**-\$1,011,568.22**

**Summary**

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CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 27 September 2023 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.



## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.4.

#### OC/2023/177 - Officer's Recommendation / Council Decision - 15.4

*Moved Cr McCleery, Seconded Cr Dillon.*

**That in accordance with Regulation 13(11) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month of August 2023 be received by the Council and recorded in the minutes of the Council, the summary of which follows:**

- 1 The Schedule of Accounts covering EFT43371 to EFT43627, CHQ50731 to CHQ50741 totaling \$1,801,209.42 during the month of August 2023.**
- 2 Payroll payments for the month of August 2023, totaling \$726,687.04.**
- 3 Transfers to and from investments as listed.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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## 15.5. Financial Reports 31 July 2023

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<b>Author</b>	Manager Finance, Andrew Mataboni
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Financial Report 2307 [15.5.1 - 43 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Provide the monthly financial statements for the period ending on 31 July 2023.

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### Officer's Recommendation

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That the Council receives the monthly financial statements for the period ending on 31 July 2023.

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### Background

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The *Local Government (Financial Management) Regulations 1996* prescribe the requirement to prepare financial reports monthly and prescribe the content and format.

#### Previous Council Decisions

Financial Statement for month ending 30 June 2023 (30 August 2023 Ordinary Council Meeting).

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### Decision Framework

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#### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 4 - Deliver good leadership, governance, and decision-making:

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

Direction 6 - Effective communication, engagement and relationship development:

6.1 Greater trust and the development of positive relationships within the Shire and with the community.

#### **Corporate Business Plan 2023-2027**

FIN 1 – **Annual and Monthly and Financial Reporting** - Statutory reporting of income and expenditures to the Council and regulatory authorities.





## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government (Financial Management) Regulations 1996 r34.*

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Budget Management - Capital Acquisitions and Works.
- Financial Reports.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial <b>Rating: Medium</b>	Unlikely	Moderate	Report financials monthly
<b>Risk Description:</b> Monetary loss that may or may not be managed within existing budget or may not impact a program or service.			

### Financial Implications

#### Budget

There are no financial implications relevant to this proposal.

#### Long Term

As no assets/infrastructure are being created, there are no long term financial implications relevant to this proposal.



## Officer's Comment

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The financial monitoring for the month of July 2023 has been completed, analysing income and expenditure trends through the following financial mechanisms:

1. Assessed Rate Levy and Debtor balances which has been brought to account.
2. The Depreciation calculation year to date.
3. Annual comparison of Operating Revenue
4. Annual comparison of Operating Expenditure.
5. Liquidity year to date.
6. Rate of return-on-investment position.
7. Capital spends year to date.

The attached financial statements provide the granular data for the following analysis on the Shire's financial performance for July 2023. The attachments consist of:

1. Statement of Financial Activity.
2. Statement of Financial Position.
3. Notes to and Forming Part of the Financial Report.
4. Year to Date Variance Analysis.
5. Capital Works Program.
6. Cash on Hand and Investments.

The Statement of Financial Activity shows operating revenue and expenditure by statutory program and by nature and type, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget and the year-to-date revised budget. For trend analysis purposes, the previous year's annual results and current year forecasts are also presented in the graphs.

### July 2023 Financial Analysis Summary

It should be noted that *Local Government (Financial Management) Regulations 1996 34(4)(a)* require a statement of financial activity be presented at an ordinary meeting of the council within 2 months after the end of the relevant month.

Transactions are still being processed into the 2022/23 financial year, with accruals processing, transacting Creditor invoices received which need to be recognised against operations completed in the previous financial year.

The revaluation of infrastructure assets entries is yet to be entered and the issuing of rates occurred in the August 2023 month will be reported in the August Financial Statements. Therefore, depreciation calculation has not been run due to 2022/23 expenditure still to be completed.

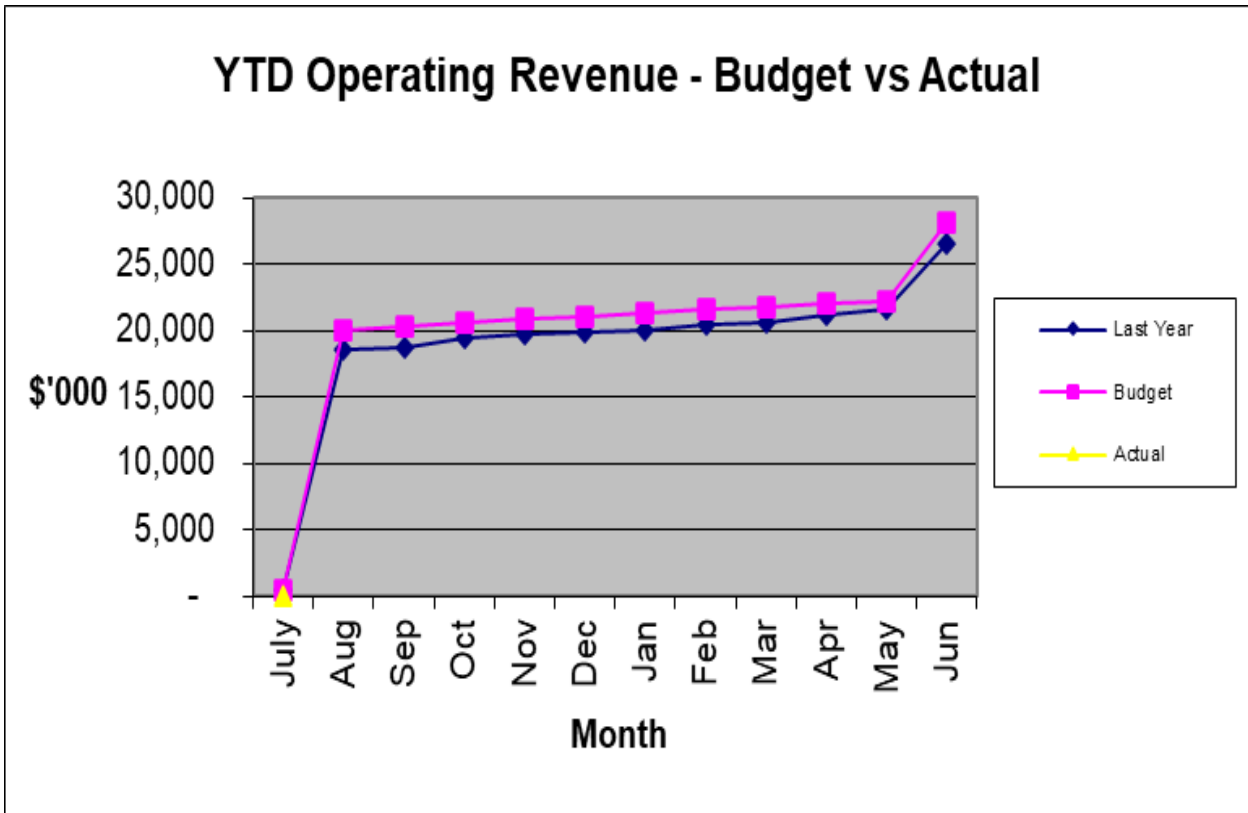
Compared to the 2023/24 Annual Budget, approximately 0.23% of Operating Revenue has been brought to account and 5.22% of the Operating Expenditure has been spent.

The 2023/24 Annual Budget was adopted by the Council on 2 August 2023 with rates levied during the month of August 2023. The following graphs compare actual Operating Revenue and Operating Expenditure against the 2023/24 Annual Budget on a year-to-date basis.



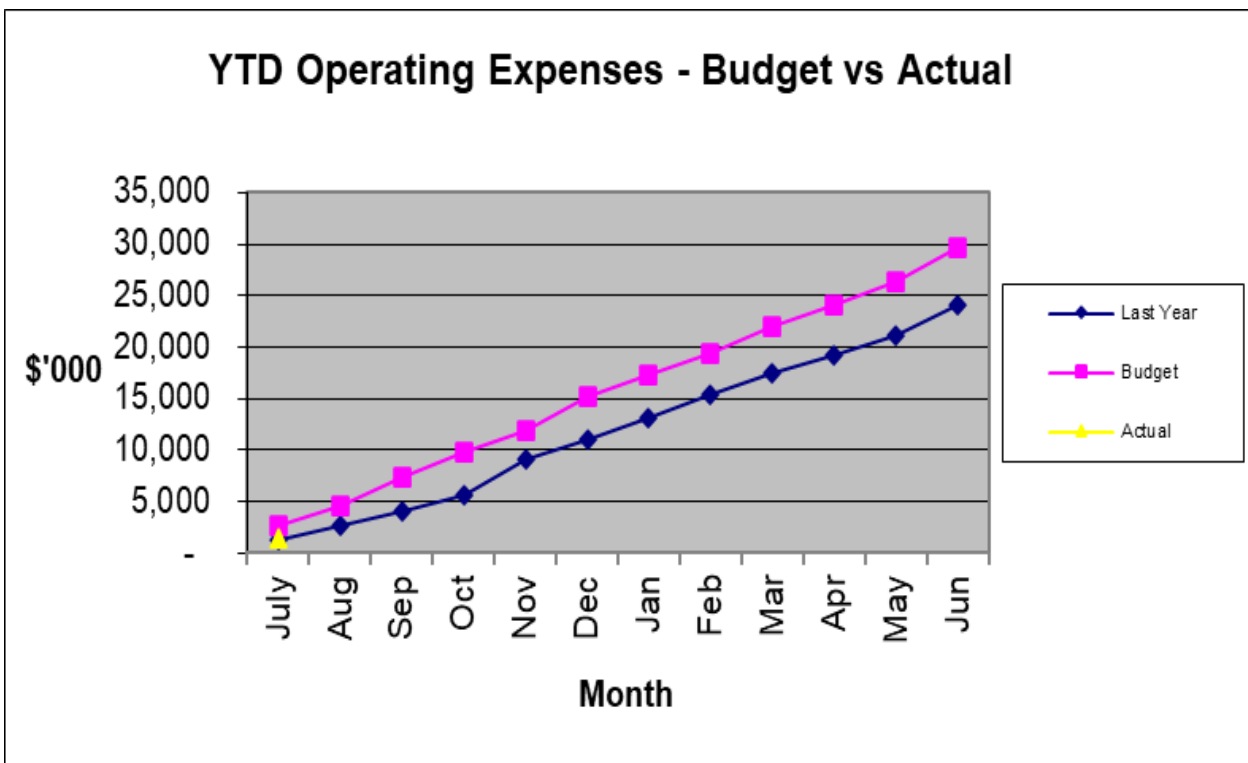
Year to date actual revenue compared to budget and last year.

Graph 1.



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

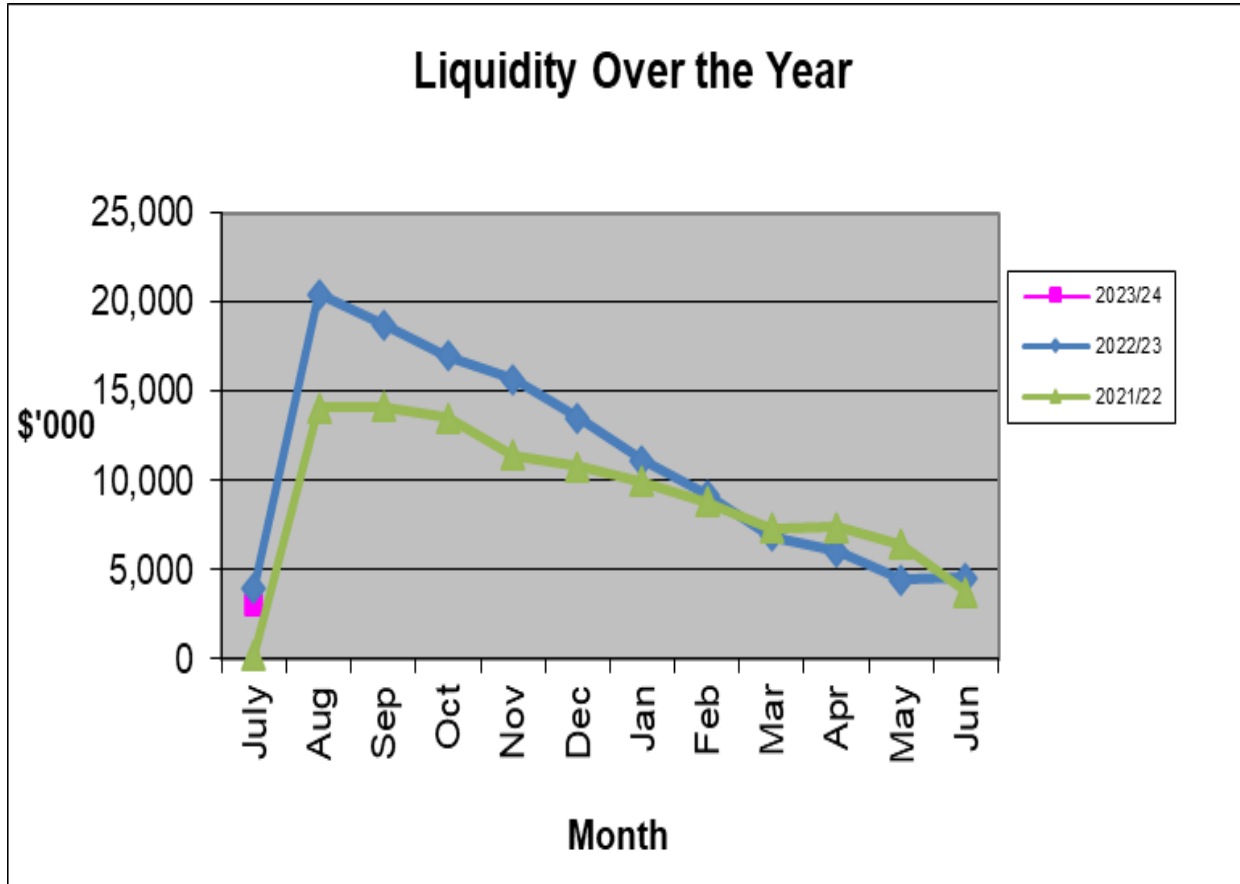
Graph 2.





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

Graph 3.



Overview of above analysis

The Shire's municipal cash and investments position for the month of July 2023 has decreased by \$1,771,873.00 compared to June 2023.

The municipal cash position is an amount of \$21,606,016.00 of which \$19,007,024.00 is restricted for specific purposes as shown at Note 3 in the attachments.

The decrease in the cash position was due to the payment of contractor services, insurance premiums, loans, and the return of bonds.

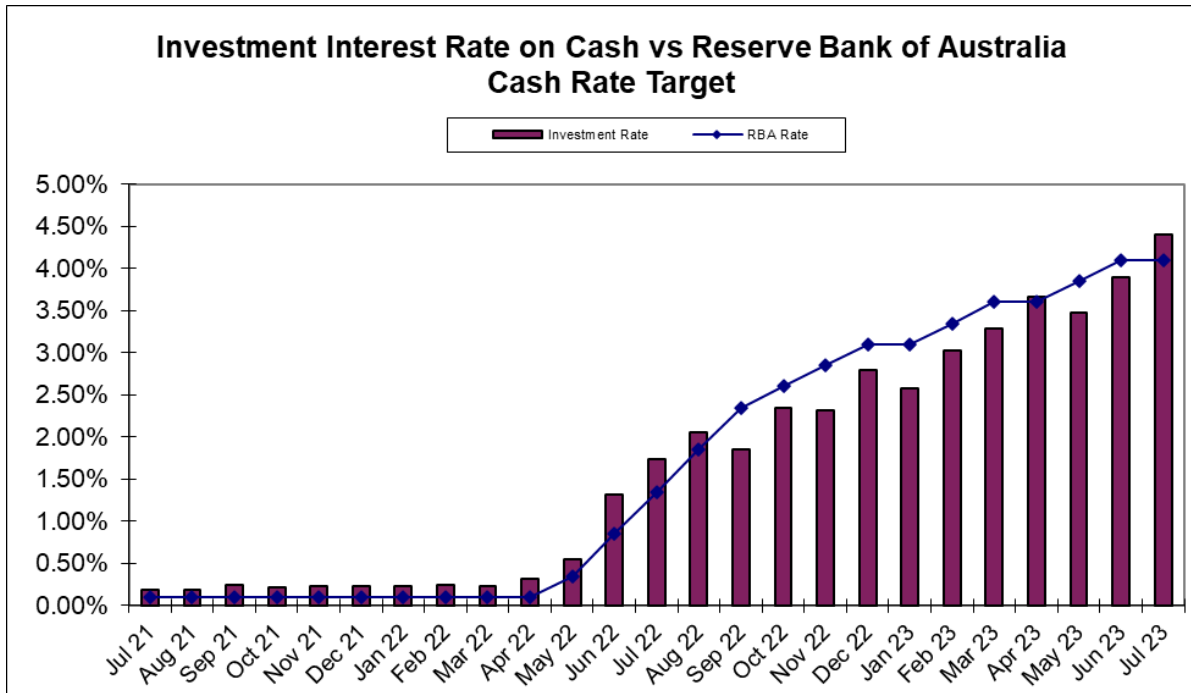
The amount of interest income received is \$44,454.12 but the total interest earned year-to-date is (\$12,556.00) which is due to the reversal of interest accrued to the 2022/23 financial year. The yield return on major bank term deposit investments continues to increase in line with recent Reserve Bank decisions to raise interest rates.

At present, the average investment rate of return is 4.40%. This is slightly above the July 2023 RBA cash rate of 4.10%. There was no change in the Reserve Bank's cash rate target of 4.10% as of 5 July 2023.



The below analysis charts the movement in investment and applied interest rates.

Graph 4.

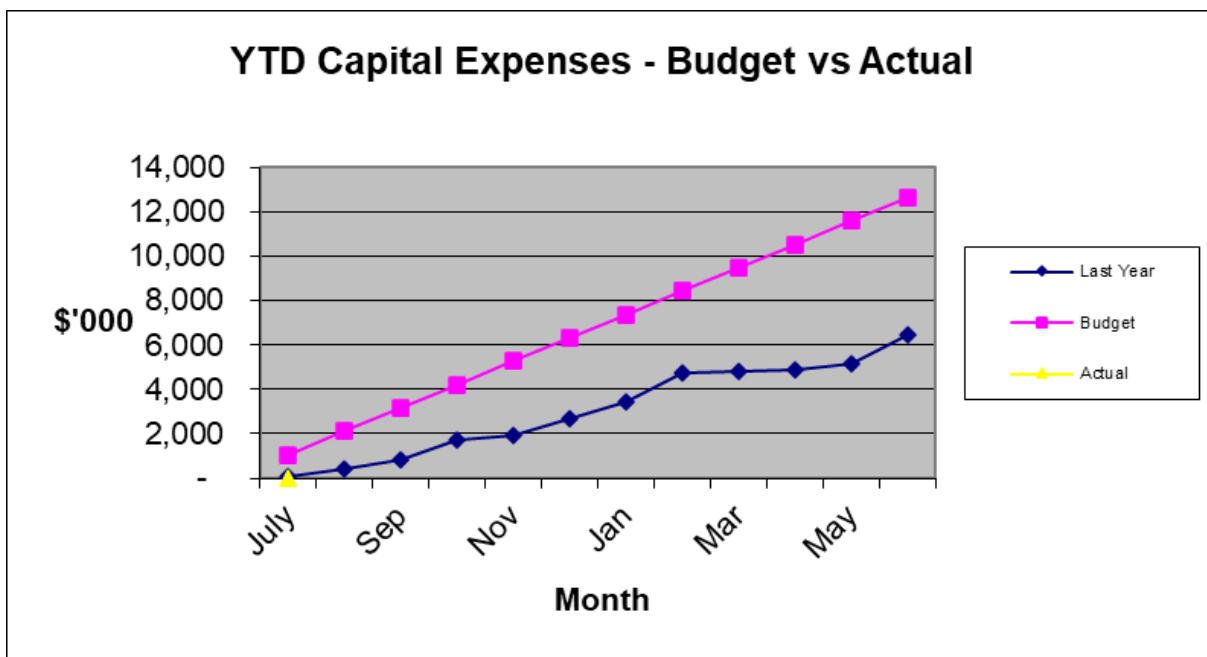


The July review of capital expenditure items totalled \$871.00 and was distributed across the following projects/purchases:

\$ 871.00 Buildings.

The following graph compares the actual capital expenditure against the 2023/24 budget on a year-to-date basis and includes the prior year actual for comparative purposes.

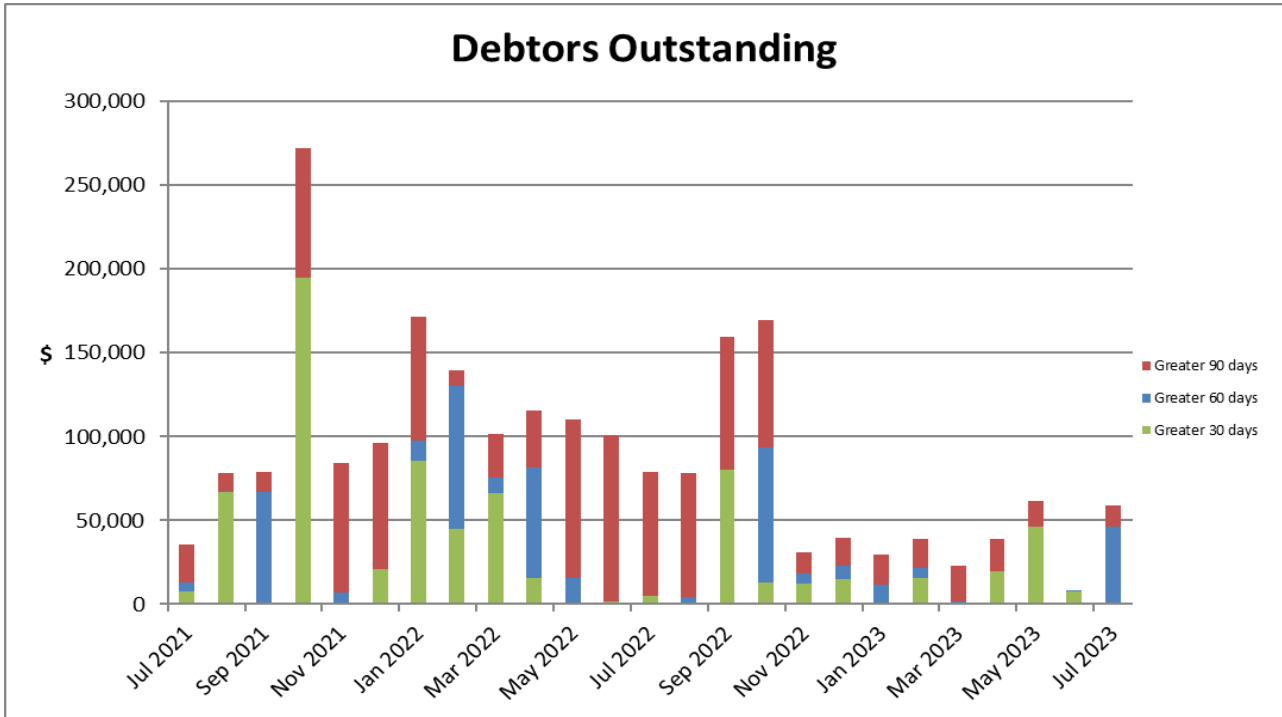
Graph 5.





The following graph illustrates the Council’s current level of general debt recovery for 30-60 days, 61-90 days and greater than 90 days.

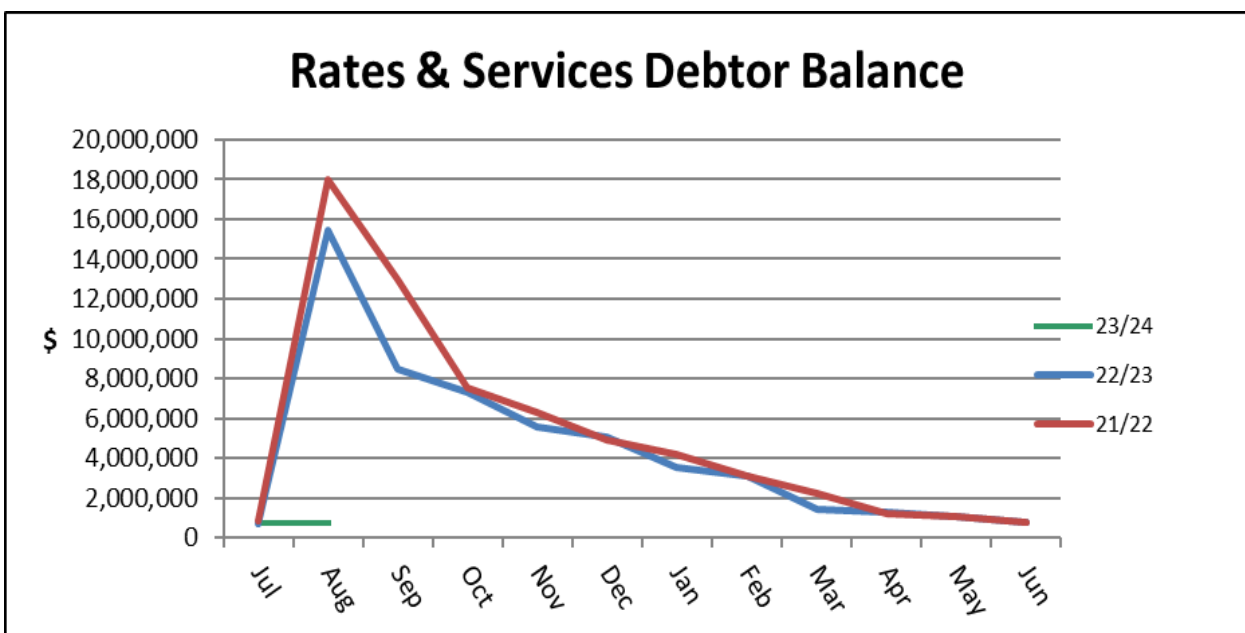
Graph 6.



The following graph illustrates the Council’s current level of rate debtors’ recovery and compares this with previous years. The amount includes both current and in arrears rates and services debtor balance.

Given rates were levied during August 2023, the income derived from this activity will be presented in the August Financial Statements.

Graph 7.

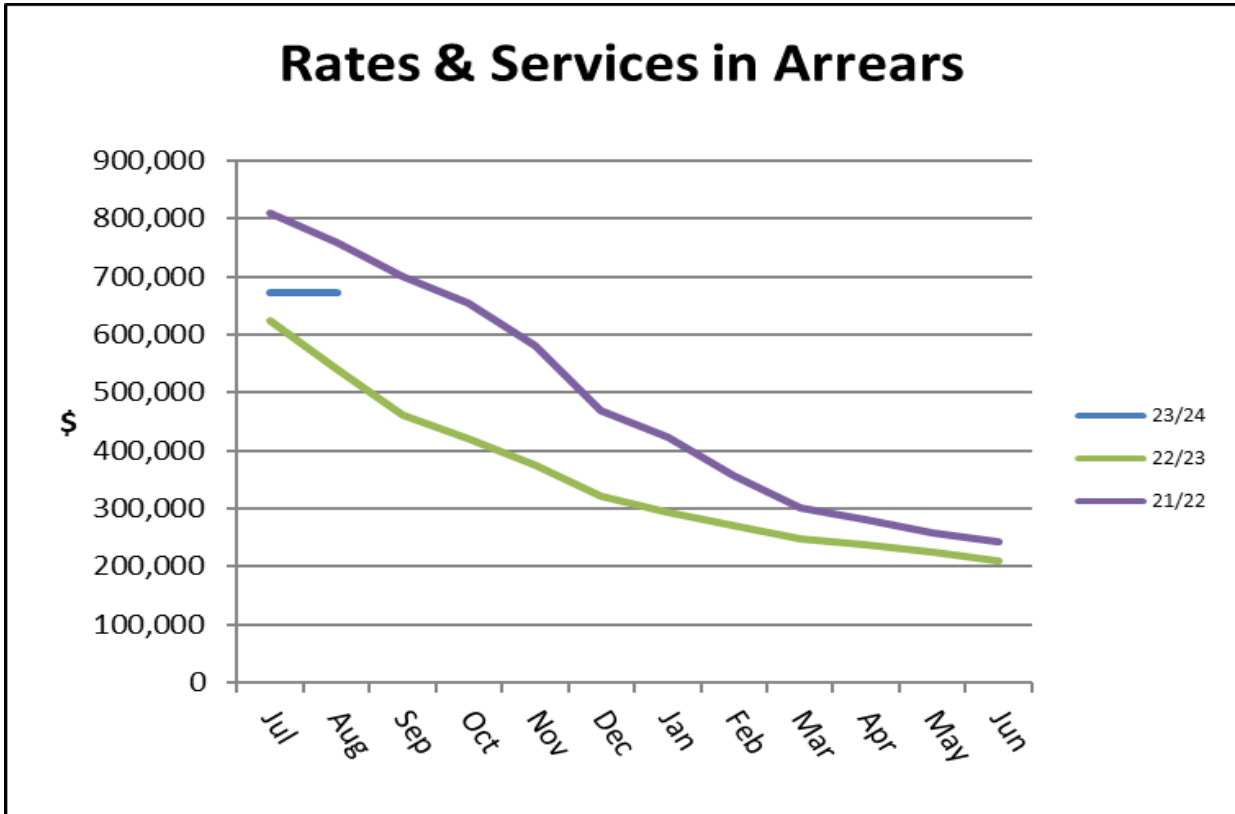




The following graph shows the level of rates and services in arrears for the last three years. Rates and services in arrears at the start of each financial year as a percentage of the rates and services debtor balance has been: 2022/23 3.51%, 2021/22 4.22% and 2020/21 4.71%.

The percentage analysis indicates that rates in arrears balances continues to decrease from financial year 2021/22 onwards and was a direct result of the re-application of interest and instalment fee charges to outstanding rate debtors.

Graph 8.



The Council’s financial ratios are disclosed in Note 19 of the attached Financial Statements.

### Summary

This report monitors the Shire’s financial position for the month of July 2023 and tracks the progress against the budget set at the start of the 2022/23 financial year.

A determination of the Shire’s July 2023 financial position has been analysed comparing year to date actual and budget, with variances explained as:

- 1) Operating revenue increases (Planning application fees and subdivision clearances).
- 2) Operating expenditure decrease (Timing of expenditure on contractors and depreciation).
- 3) Non-cash exclusions (Depreciation).
- 4) Capital expenditure below budget (Timing of expenditure).
- 5) Asset disposal below budget (Timing of disposals).

The July financial statements show the forecast year end 2023/24 Net Current Asset position of \$0.00. This is the balance projected within the 2023/24 Annual Budget.



## Voting Requirements

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Simple Majority.

**Officer's Recommendation – 15.5.**

**OC/2023/178 - Officer's Recommendation / Council Decision - 15.5**

*Moved Cr McCleery, Seconded Cr Dillon.*

**That the Council receive the monthly financial statements for the period ending on 31 July 2023.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*





## 16. New Business of an Urgent Nature

Nil

## 17. Public Question Time

*Public Question Time began at 8:30pm.*

### **N Hornibrook - Capel**

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#### **Question 1:**

I put in the submission about the Marron Farm, I'm not against what they're doing but I'm against the environmental credentials that place has caused probably the worst bit of erosion that ever happened on the Capel River. They've cleaned out ponds there, I've put it into submission, I don't know whether the council is aware of it?

They've dug out a lot of PVC pipe, there's a lot of plastic stuff there that is going to finish up in the river unless the Council get onto them and make them do it before you give them any permission to do any further building, you should make them bring that side up to scratch environmentally.

They've got one of two licenses to draw water out of the river and I don't know of anybody else along the river that does has done more harm to that rather than what they have.

All the scotch thistles to blow off their property onto on to my place and they go on to the other next door neighbours. Next door neighbour phoned up Scott one day about the scotch thistles and he said no he didn't know what they were.

Environmentally it's a disaster it's been a disaster since day one and you need to get onto them. They shouldn't be allowed to get away with it.

#### **Shire President Response:**

Thanks Mr. Hornibrook, all Councillors would have received the submissions.

I suppose with weed species that's really the domain of the Department of Agriculture and Primary Industries we can certainly have a discussion with them about that regarding the pollution entering the river. I suppose we'll take that on notice and have a look into what's actually going on down there.

If you are aware or come across any anything you think might not be compliant with the conditions of their development approval similar to the extractive industries please report it to the Shire.

*Public Question Time concluded at 8:33pm.*

## 18. Motions Without Notice (Absolute Majority by Council)

Nil



## 19. Notices of Motion for Consideration at the Next Ordinary Meeting of the Council

Nil

## 20. Items for Consideration Behind Closed Doors

### Voting Requirements

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Simple Majority

**OC/2023/178 - Officer's Recommendation / Council Decision - 20.0.2 - Time 8:35pm.**

*Moved Cr Kitchen, Seconded Cr McCleery.*

**That the meeting be closed to members of the public in accordance with Shire of Capel Standing Orders Local Law 2016, 12.1(g) to consider the following confidential items:**

**20.1. Chief Executive Officer - Annual 2022/23 Performance and Remuneration Review and 2023/24 Performance Agreement.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*All members of the gallery, Chief Executive Officer, Director of Community and Corporate and Director of Infrastructure and Development left the room at 8:35pm.*



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**20.1. Chief Executive Officer - Annual 2022/23 Performance and Remuneration Review and 2023/24 Performance Agreement**

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic Review
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL REDACTED - CEO Performance Agreement 2022 to 2023 - CEO Response Report [20.1.1 - 10 pages]</li><li>2. CONFIDENTIAL REDACTED - Confidential Performance Review Report 2023 [20.1.2 - 12 pages]</li><li>3. CONFIDENTIAL REDACTED - Report to inform the Annual CEO Remuneration Review Capel 2023 [20.1.3 - 6 pages]</li><li>4. CONFIDENTIAL REDACTED - PROPOSED CEO Performance Agreement 2023 24 Capel Draft Final [20.1.4 - 5 pages]</li><li>5. CONFIDENTIAL REDACTED - CEO Perform and Rem Panel Meeting 23 August MINUTES 2023 [20.1.5 - 10 pages]</li></ol>
<b>Confidential Status</b>	<p><i>This item is confidential under the Local Government Act 1995 due to:</i></p> <ol style="list-style-type: none"><li>a. <i>a matter affecting an employee or employees;</i></li><li>b. <i>the personal affairs of any person;</i></li></ol>
<b>Disclosure of Interest</b>	<p>The author (Manager Human Resources and OD) and senior officer (Chief Executive Officer - CEO) have an Interest under s5.70, in that the Report refers to the CEO Performance and Remuneration Review Process and involves an indirect reporting relationship within the Shire's organisational structure.</p>

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**Proposal**

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This report and CONFIDENTIAL attachments serve to detail the Shire of Capel Chief Executive Officer's (CEO) 2022/23 Annual Performance and Remuneration Review.

The report and the associated attachments, including those contained in the recently adopted Corporate Business Plan 2023 to 2027, also allow for the Council to endorse the Chief Executive Officer's Key Performance Indicators (KPIs) for 2023/24 and the execution of the CEO Performance Agreement for the same period.

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**Officer's Recommendation**

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That the Council:

1. Notes the CONFIDENTIAL CEO Performance Agreement 2022/23 Response Report as Attachment 20.1.1
2. Notes the unconfirmed Minutes of the CEO Performance and Remuneration Review Panel meeting of 23 August 2023 as Attachment 20.1.5



3. Endorses the CEO Performance Review Report in CONFIDENTIAL Attachment 20.1.2 as the completed the annual review of the Shire of Capel's Chief Executive Officer's 2022/23 Performance.
4. Endorses the Review Panel's Base Salary review recommendation in CONFIDENTIAL Attachment 20.1.3 and resultant effect on the CEOs Total Reward Package, effective from 16 August 2023 (Anniversary Date).
5. Endorses the Chief Executive Officer's 2023/24 Key Performance Indicators as detailed in Attachment 20.1.4 – CEO Performance Agreement 2023/24; and
6. Approves that the CEO Performance Agreement 2023/24 as detailed in Attachment 20.1.4 be signed and executed by the Shire President and the Chief Executive Officer.
7. Authorises the publication of the CEO Performance Agreement 2023/24.

## **Background**

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The CEO commenced employment with the Shire of Capel on the 16 August 2021. The Council and the CEO negotiated, determined and signed Shire of Capel CEO Employment Contract that includes c3.3 - Performance Review in accordance with the CEO Model Standards including:

- a) any additional performance criteria; and
- b) the process by which the CEO performance will be reviewed.

The above arrangements are detailed in (a) the CEO's 2022/23 Annual Performance Agreement and (b) the current Performance and Remuneration Review Policy (updated and adopted August 2023).

### Extract from CEO Performance and Remuneration Review Policy

"The Council of the Shire of Capel will review the performance and remuneration of the Chief Executive Officer (CEO) if the CEO is employed for a period of more than 1 year in accordance with section 5.38 of the *Local Government Act 1995* (the Act).

The Council is recommended to engage in regular discussions (twice annually, every six months) with the CEO regarding their performance against the performance criteria, including progress and the ways that the CEO can be supported."

The Policy is a contemporary approach that provides a formal, consistent, and established process for reviewing performance that transcends CEOs and the Council.

### Previous Council Decisions

- August 2023 – Council endorsed the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions.
- August 2023 – Council endorsed (OC/2023/121) a revised and updated Chief Executive Officers Performance and Remuneration Review Policy
- April 2023 - The CEO Performance and Remuneration Panel met on 15 March 2023 and decided (CE001/2023) to request the CEO, provide a report to the April 2023 Ordinary Council



meeting, detailing progress of achievements against the CEO Performance Agreement 2022 to 2023 with SMART KPI's.

Council noted (OC/2023/64) the Chief Executive Officer's Mid-Year Performance Agreement 2022 to 2023 Review as outlined in Attachment 13.1.2, including the amended timelines to a small number of KPIs as detailed.

- September 2022 – Council endorsed (OC/2022/188)
  1. the CEO Performance Review Panel's recommendation in CONFIDENTIAL Attachment 20.1.2 as the review of the Shire of Capel's Chief Executive Officer's 2022/23 Performance.
  2. Endorses the Chief Executive Officer's 2022/23 Key Performance Indicators as detailed in Attachment 20.1.1 – CEO Performance Agreement 2022/23; and
  3. Approves that the CEO Performance Agreement 2022/23 as detailed in Attachment 20.1.1 be signed and executed by the Shire President and the Chief Executive Officer.
- August 2022 – The Ordinary Council Meeting of 31 August 2022 endorsed (OC/2022/153) the Shire of Capel Corporate Business Plan 2022 to 2026 – Service Area Action Plan.
- February 2022 – The Ordinary Council Meeting of 24 February 2022 endorsed (OC036/2022) the -
  1. HR Consultant's report in Attachment 1 as the review undertaken through the CEO Performance Review Panel; and
  2. Endorses the recommendations contained in the Probationary Review of the Chief Executive Officer.
- November 2021 - The Ordinary Council Meeting on 24 November 2021, endorsed the:
  - CEO Performance Agreement (OC248/2021).
  - Shire of Capel – CEO Performance and Remuneration Review Policy (OC249/2021); and
  - CEO Performance and Remuneration Review Panel (OC252/2021).

## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

4.4 Increased attraction and retention of high quality staff to deliver optimal services to the community

Direction 6 - Effective communication, engagement and relationship development

6.1 Greater trust and the development of positive relationships within the Shire and with the community

### Corporate Business Plan 2023 to 2027

- CEO 6 - Organisational Outcomes - Develop a holistic organisational improvement plan through a best practice (efficiency and effectiveness) framework that enhances service results, values, innovation, efficiency and sustainability through implementation of service reviews.



- CEO 10 - Organisational Structure - Continue to implement an organisational structure and resource allocation via the Workforce Plan and Annual Budget that achieves organisational outcomes in the Strategic Community Plan, Corporate Business Plan and relevant informing (LTFP, asset).
- CEO 12 - Strategic Planning - Continue progression of the 'Council Plan' integrating SCP, CBP, LTFP, AMP, RMP, WFP and all supporting sub-plans are adopted in the 2022/23 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework.

## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government Act 1995, section 5.41*

#### **5.41. Functions of CEO**

The CEO's functions are to –

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day-to-day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction, and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

*Local Government Act 1995, Division 4 – Local Government Employees*

#### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.



Schedule 2 – Model Standards for CEO Recruitment, Performance and Termination

**16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on –
  - (a) the process by which the CEO’s performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

The local government and the CEO must agree on –

- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

**Clause 17. Carrying out a performance review**

A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

- (1) The local government must –
  - (a) collect evidence regarding the CEO’s performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO’s performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**Clause 18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the Council, endorse the review.

**Clause 19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of –

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- CEO Performance and Salary Review



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Health and Safety <b>Rating: High</b>	Unlikely	Major	Establishment of policies and procedures, as well as effective allocation of staffing resources to ensure the wellbeing of employees and the broader community.
<b>Risk Description:</b> Failure to effectively ensure the health and safety of employees and the community.			
<b>Risk 2</b> Legislative Compliance <b>Rating: Medium</b>	Possible	Moderate	Effectively following the CEO Performance Review Policy adopted by Council.
<b>Risk Description:</b> If the CEO Performance Review process is not in accordance with Schedule 2 – Model Standards for CEO Recruitment, Performance and Termination, the Shire may risk breaching the Act and the CEO Employment Contract.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 3</b> Reputation <b>Rating: High</b>	Unlikely	Major	Effectively following the CEO Performance Review Policy adopted by Council.
<b>Risk Description:</b> Damage to the reputation of the Shire within the local government sector and community through the poor handling of employment and performance matters.			
<b>Opportunity:</b> The upside risk or opportunity that could have a beneficial effect on achieving Shire objectives.			

**Financial Implications**

Budget

Funds are set aside in the adopted 2023/24 Annual Budget for the engagement of an independent consultant to assist the Council CEO Review Panel in the performance and remuneration review process in accordance with the Policy

Outcomes of the Performance Assessment process has, subject to Council approval, implications for the CEOs future remuneration.

Long Term

As noted above, allowances will need to be considered for future budgets to ensure the CEO performance and remuneration review is undertaken in accordance with Schedule 2 of the *Local Government (Administration) Regulations 1996*, Model Standards for CEO Recruitment, Performance and Termination (the Model Standards).





## **Sustainability Implications**

### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

### Social

There are no relevant social implications relevant to this item.

### Economic

There are no relevant economic implications relevant to this item.

### Asset

There are no relevant asset implications relevant to this item.

## **Consultation/Engagement**

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### **External Consultation**

The CEO Review process was in part informed by a range of external consultation processes including the Community Perceptions Survey 2022.

### **Internal Consultation**

An online feedback questionnaire was developed for Councillors and Key Staff (those reporting to the CEO x 4 staff members and 3 Managers selected randomly by the Consultant), which sought an assessment and feedback for:

- The Functions of the CEO, in accordance with the Local Government Act.
- Delivery of Strategic and Corporate Plan Outcomes.
- Executive leadership behaviours.
- Strengths.
- Potential areas for development; and
- Perception of overall performance.

## **Officer Comment**

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### CEO Key Performance Criteria / Indicators and Agreement

Schedule 1 of the CEO Employment Contract details the Position Description and contains six (6) duties and responsibility areas, with detailed descriptions and performance criteria for each.

These duties and responsibility areas are:

1. Leadership and Planning.
2. Financial, Operational and Service Management.
3. Community Development and Stakeholder Relations.
4. Workforce Capability.
5. Risk and Compliance.
6. Governance and Report to Council.



Additionally, s3.3(b)(i) of the CEO's Employment Contract allows for the negotiation of any additional performance criteria which, in discussions with the Council, are intentionally detailed in the CEO section of the Shire's Corporate Business Plan 2022 – 2026.

The combination of the above criteria and the Council-endorsed KPIs is detailed in the 2022/23 Performance Agreement that formed the basis for this Review process and against which performance is assessed.

#### CEO Annual 2022/23 Performance Assessment and Remuneration Review

The Annual 2022/23 Performance and Remuneration Review process was undertaken by the appointed Review Panel (Panel), with assistance from the engaged independent facilitator from the Price Consulting Group.

The Panel met on three occasions to oversee the 2022/23 Review process and have made recommendations for the consideration of Council contained in the CEO Performance Review Report (CONFIDENTIAL Attachment 20.1.2).

The Review was undertaken through an online questionnaire by the Independent Facilitator involving Councillors and Key Staff (those reporting to the CEO x 4 staff members and 3 Managers selected randomly by the Consultant).

#### CEO Remuneration Review

Annual review of the CEO Remuneration and the Total Reward Package (TRP), and more specifically the base salary is to be undertaken in accordance with c5.5 of the CEO Contract of Employment.

This clause (c5.5) provides for a Remuneration Package review on the annual anniversary that takes into account:

- The outcome of the performance review.
- The Shire's performance.
- Any benefits which have accrued and will accrue under the Agreement; and
- Industry salary movements during the review period.

Council is under no obligation to increase the Remuneration Package following the Review.

The Panel have made a recommendation for Council consideration contained in the Report to Inform the Annual CEO Remuneration Review \_Capel 2023 (CONFIDENTIAL ATTACHMENT 20.1.3).

#### CEO Performance Agreement 2023/24

As previously detailed, the CEOs Performance Agreement is a combination of the 6 key areas of duties and responsibilities contained in the Position Description, as well as any additional KPIs the Council wish to set, usually detailed in the Corporate Business Plan.

The DRAFT 2023/24 Performance Agreement (Attachment 20.1.4) takes a slightly higher level approach that in previous years, with four (4) key areas:

- Criteria 1 – Performance of the Responsibilities of the CEO – with KPIs covering all 6 areas of the Position Description.
- Criteria 2 – Delivery of the Corporate Business Plan outcomes
- Criteria 3 – Key Focus Areas – suggested by the Review Panel for Council consideration.



- Criteria 4 – Leadership of the Shire’s Values.

To the extent possible, all KPIs are expressed as SMART outcomes.

Additionally, the key focus actions in the CEOs section of the Council-adopted Corporate Business Plan 2023 to 2027 includes:

CEO 1	Executive Leadership	Work with Shire President, and Deputy Shire President and Councillors to develop and implement a program of leadership development and technical capability for all Elected Members post the October 2023 election
CEO 2	Local Economy	Implement the adopted Economic Development Framework that supports and advocates for greater local business success, investment and diversity, via annual actions in the CBP
CEO 3	Facilitated Vision	Update the Advocacy Prospectus to attract funding, investment and alternative revenue sources from government, industry and commercial organisations.
CEO 4	Capel Place Plan	Finalise and implement the adopted Shire of Capel Place Plan 2023 to 2027

CEO 5	Organisational Outcomes	Develop and submit application for SAT rebanding for the Shire of Capel
CEO 6		Develop a holistic organisational improvement plan through a best practice (efficiency and effectiveness) framework that enhances service results, values, innovation, efficiency and sustainability through implementation of service reviews.
CEO 7	Kaatijinup Biodiversity Park	Lead the completion of a feasibility study into the (proposed) Kaatijinup Biodiversity Park, in consultation with all relevant stakeholders
CEO 8	Agribusiness Precinct	Lead the development of an Agribusiness Precinct, incorporating a future relocation of the Boyanup Saleyards.
CEO 9	Sustainability Framework	Implement the adopted Sustainability Framework for the Shire, via annual actions in the CBP
CEO 10	Organisational Structure	Continue to implement an organisational structure and resource allocation via the Workforce Plan and Annual Budget that achieves organisational outcomes in the Strategic Community Plan, Corporate Business Plan and relevant informing (LTFP, asset).
CEO 11	Regional Outcomes	Develop and maintain positive regional collaboration with other local authorities, government departments, commercial organisations and businesses to achieve individual Shire and regional outcomes.
CEO 12	Strategic Planning	Continue progression of the 'Council Plan' integrating SCP, CBP, LTFP, AMP, RMP, WFP and all supporting sub-plans are adopted in the 2022/23 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework.



## Summary

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Attachment 20.1.2 is a report from the HR Consultant and recommended to Council by the Review Panel, which details the process undertaken and the collated feedback received via 360-degree surveys which were sent to elected members and staff.

The report provides the final assessment of the CEO Annual Performance for the Council to consider as part of the Officer's recommendations.

Subject to the endorsement of the Chief Executive Officer review, in accordance with the Shire of Capel – CEO Performance and Remuneration Review Policy, the HR Consultant shall notify in writing the Chief Executive Officer of:

- a) The results of the review; and
- b) Any issues identified about the performance of the CEO and how the Shire proposes to address and manage those issues.

For the Shire to meet its obligations as contained within the Act, CEO Employment Contract and Model Standards for CEO Recruitment, Performance and Termination, the Council must by resolution of an absolute majority vote endorse the CEO review.

## Voting Requirements

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Absolute Majority

<b>Officer's Recommendation – 20.1.</b>
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That Council:

1. Notes the CONFIDENTIAL CEO Performance Agreement 2022/23 Response Report as Attachment 20.1.1
2. Notes the unconfirmed Minutes of the CEO Performance and Remuneration Review Panel meeting of 23 August 2023 as Attachment 20.1.5
3. Endorses the CEO Performance Review Report in CONFIDENTIAL Attachment 20.1.2 as the completed the annual review of the Shire of Capel's Chief Executive Officer's 2022/23 Performance.
4. Endorses the Review Panel's Base Salary review recommendation in CONFIDENTIAL Attachment 20.1.3 and resultant effect on the CEOs Total Reward Package, effective from 16 August 2023 (Anniversary Date).
5. Endorses the Chief Executive Officer's 2023/24 Key Performance Indicators as detailed in Attachment 20.1.4 – CEO Performance Agreement 2023/24; and
6. Approves that the CEO Performance Agreement 2023/24 as detailed in Attachment 20.1.4 be signed and executed by the Shire President and the Chief Executive Officer.
7. Authorises the publication of the CEO Performance Agreement 2023/24.



**OC/2023/179 - Procedural Motion / Council Decision - 20.1**

*Moved Cr Kitchen, Seconded Cr Dillon.*

**In accordance with Shire of Capel Standing Orders Local Law part 10.1 debate of motions be suspended to allow discussion.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*The Chief Executive Officer, Director of Community and Corporate and Director of Infrastructure and Development were invited and returned to the room at 8:57pm.*

**OC/2023/180 - Procedural Motion / Council Decision - 20.1**

*Moved Cr Kitchen, Seconded Cr Noonan.*

**That Standing Orders 10.1 be resumed.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



**OC/2023/181 - Officer's Recommendation / Council Decision - 20.1**

*Moved Cr Terrantroy, Seconded Cr Dillon.*

**That Council:**

- 1. Notes the CONFIDENTIAL CEO Performance Agreement 2022/23 Response Report as Attachment 20.1.1**
- 2. Notes the unconfirmed CONFIDENTIAL Minutes of the CEO Performance and Remuneration Review Panel meeting of 23 August 2023 as Attachment 20.1.5**
- 3. Endorses the CEO Performance Review Report in CONFIDENTIAL Attachment 20.1.2 as the completed the annual review of the Shire of Capel's Chief Executive Officer's 2022/23 Performance.**
- 4. Endorses the Review Panel's Base Salary review recommendation in CONFIDENTIAL Attachment 20.1.3 and resultant effect on the CEOs Total Reward Package, effective from 16 August 2023 (Anniversary Date).**
- 5. Endorses the Chief Executive Officer's 2023/24 Key Performance Indicators as detailed in Attachment 20.1.4 – CEO Performance Agreement 2023/24; and**
- 6. Approves that the CEO Performance Agreement 2023/24 as detailed in Attachment 20.1.4 be signed and executed by the Shire President and the Chief Executive Officer.**
- 7. Authorises the publication of the CEO Performance Agreement 2023/24.**

**Carried 7 / 0 with an absolute majority.**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

**OC/2023/182 - Procedural Motion / Council Decision - 20.1 - Time: 9:11pm**

*Moved Cr Kitchen, Seconded Cr Noonan.*

**That the meeting return from behind closed doors.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

*No members of the public returned to the room.*

*The Presiding Member read out the decision made behind closed doors.*



## 21. Meeting Closure

*There being no further business, the Presiding Member declared the meeting closed at 9:14pm.*