



Ordinary Council Meeting Minutes  
Wednesday, 29 November 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 6:15pm and adjourned the meeting for 30 minutes to 6:45pm, the Minute Taker was in attendance, no Councillors or members of the gallery were in attendance at the time of adjournment.

**\* Note:**

There was an emergency evacuation at 6:00pm from the Shire of Capel Administration building for a period of 30 minutes. Once the Administration building was deemed safe following an inspection, staff deactivated the alarm to allow for the Ordinary Council meeting to continue.

The Presiding Member opened the meeting at 6:30pm and made the following Acknowledgement of Country and statement:

*'We wish to acknowledge the traditional custodians of the land we are meeting on, 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)

Cr Christine Terrantroy has a previously approved leave of absence for the 29 November 2023 Ordinary Meeting of Council, approved at the 26 April 2023 Ordinary Meeting of Council (OC/2023/62).

**PRESENT:**

Councillor - Shire President	D Kitchen
Councillor - Deputy President	S Schiano
Councillor	A Dillon
Councillor	J Fergusson
Councillor	P McCleery
Councillor	R Mogg
Councillor	K Noonan
Councillor	T Sharp
Chief Executive Officer	G MacMile
A/Director Infrastructure and Development	S Price
A/Director Community and Corporate	J Meakes
Strategic Governance and Risk Coordinator	T Shipley

**LEAVE OF ABSENCE:**

Councillor	C Terrantroy
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**APOLOGIES:**

Nil

MEMBERS OF PUBLIC - Gallery: 10



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

Nil

### 4. Public Question Time

*Public Question Time began at 6:31pm.*

#### **P & D Costello – Dalyellup**

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

Our question is why the Shire would even contemplate putting a Family Day Care in a Residential that's not a business area with mostly pensioners, Retired Couples, Older families that built homes for their retirement and because the area is very quiet peaceful, plus majority are at home all day.

Opposite the houses in Eclipse bend is a POSSUM RUN it is a FIRE HAZARD with trees and lots of undergrowth, if there was a fire, we would have to jump over our back fences. Plus, with quite a few goannas and snakes which do come over to our houses. Who is responsible if one of the children gets bitten.

Parking will be limited as the street is very narrow and there is a FIRE HYDRANT in front of House No.5. which is clearly mark with H which should be no parking on it.

The houses are built very close to each other, the noise of little toddlers all day will be very irritating, we don't want to be shut up in the house all day. Plus, morning times be woken up with banging car doors and mothers yelling at kids.

Living in Eclipse Bend we are all friends we look after each other. But the street is not happy in having a FAMILY DAY CARE amongst us.

We sincerely hope that you consider our concerns as this whole thing is very upsetting.

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

Thank you for the question Mr. and Mrs. Costello.

The Shire does not have the ability to control what applications are lodged by any applicant, so any proposal lodged by a landowner or applicant must be considered and assessed.

A Family Day Care use is able to be considered in the Residential Zone, as per the Shire's Local Planning Scheme No. 8 Zoning Table.

The risks associated with wildlife would be no different to that of a typical family living in that location. The assessment completed by Shire officers is that the proposal would not pose any greater impact to the residential amenity to that of a young family living permanently at the site.

Furthermore, the use is only proposed on Mondays to Wednesdays, and at times not expected to impact on neighbours. Any change to this arrangement must seek further approval from Council.



Lastly, parking is strictly limited to the driveway as per the applicant's business management plan. This would also be the same if a family were living at the residence.

Should Council approve the Family Day Care operation tonight, the operator would be required to comply with the business management plan. Failure to do so would be subject to future compliance action by the Shire.

Please note that the application has not yet been determined and will be subject to Council's consideration at tonight's meeting.

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

### **Question 1:**

Earlier this year the Shire extended the fire break entering of Lang Cove in Peppermint Grove Beach and installed a loose limestone base.

For some inexplicable reason and with contractors on site the track stopped 30 meters short of a safe exit onto Hardey Terrace.

The Chief Fire Officer has inspected the works and expressed concern for the safety of firefighters and firefighting equipment utilizing the facility.

I have been informed that the facility cannot be completed due to lack of funds and that additional grants will be sought from FESA to complete the project prior to years' end

With the fire season now with us, has additional grant funding been sought to complete the project. and when can we expect a completion date.

### **CEO Response:**

Thank you for the question. The installation of a fire access track between the end of Lang Cove and Hardy Terrace was originally funded through the Shire's State Mitigation Activity Fund (MAF) grant allocation in 2021/22.

The funding and the associated works were carried over to 2023 to finalise the identified treatments, which were to firstly provide asset (house) separation from the coastal heath vegetation, and secondly improve access in the event of a fire.

In the scoping of the work, it was found to be preferable to 'wrap' access around A3634 (93 Hardy Terrace) in the Shire reserve to avoid the track being clearly visible and encouraging off road activity. There is however a tree that impedes the finalisation of this work that the Shire is working toward this outcome – but it was outside the scope of the contract for the fire access track. The planning for this outcome can be noted by the clearing of the fire access turning circle.

The track would not be used in active firefighting as there is no separation between the coastal heath and the track. The track however does provide access for machinery for preventative action and mop-up.

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The Shire's Chief Bush Fire Control Officer has also commented that for years very limited fire mitigation has occurred in the area and was supportive of the current approach of progressing improved fire mitigation in the area, in accordance with the identified treatments in our current Bushfire Risk Management Plan.

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### **Dr A Khan - Dalyellup**

#### **Question:**

Relating to the proposed home child-care application, the neighbours near-by have medical conditions that require them to rest at different times, there needs to be consideration for them around noise and the additional vehicle movements.

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

We will take that as a comment.

*Public Question Time concluded at 6:39pm.*

## **5. Application for Leave of Absence**

Nil

## **6. Declarations of Interest**

Cr Kitchen declared a Financial Interest in item 14.4 Advertisement of Draft Local Planning Policy 6.16 - Holiday Houses, the nature of the interest is that he operates short-stay accommodation.

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

The item/s to be discussed behind closed doors are:

- 20.1 Proposed Disposal of Asset – Lot 36 Ilmenite Crescent, Capel (Late Item – To be Distributed outside of the Agenda)





## 8. Confirmation of Minutes

### 8.1. Ordinary Council Meeting - 25 October 2023

#### Voting Requirements

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Simple Majority

#### **OC//2023/195 - Officer's Recommendation / Council Decision - 8.1**

*Moved Cr McCleery, Seconded Cr Dillon.*

**That the Minutes of the Ordinary Council Meeting - 25 October 2023 be confirmed as a true and correct record.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

## 9. Announcements by Person Presiding Without Discussion

Item 13.1 Shire of Capel Place Plan has been withdrawn from the Agenda this evening.

On behalf of Council and the Shire, we would like to congratulate Bec McLevie on winning the Mission Australia Youth Worker Award 2023. The award presented through Youth Work WA, which is the professional association for Youth Workers in this state, is a testament to the fantastic work Bec has done in just over 18 months of being with the Shire.

Congratulations to Ranger Ted (Moore) on 30 years of dedicated service as a Ranger including for the Shire of Capel, a massive achievement. We thank Ted for his thirty years of service to his community and congratulate him on becoming a finalist for WA Ranger of the Year 2023.

## 10. Petitions/Deputations/Presentations

Nil



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

### 11.1. Notice of Motion - Councillor Rosina Mogg - Public Toilet Upgrade Program

#### Notice of Motion

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Cr Rosina Mogg has given notice that they intend to move the following Motion:

That Council as part of the 2024-25 Draft Annual Budget process, request the Chief Executive Officer to provide a District-wide Public Toilets Program of Works that includes:

1. Current condition assessment and provision standard of existing Public Toilet facilities, in accordance with Council Service Level Specifications.
2. Potential Public Toilet upgrade and improvement program based on a prioritisation system of patronage, economic contribution and tourism contribution.
3. The proposed Program be presented for consideration by the OCM of April 2024.

#### Background

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Recently Cr Mogg requested a motion be created to install drop toilets due to no mains water connection at Capel Cemetery and Sheoak Park in Gelorup.

After experiencing attendance at events at both locations and being informed many times by the committee and its residents of their concerns of no such facilities available at both highly utilised POS venues.

The Shire President replied notifying Council of his discussions at the Elgin Hall sundowner with the committee informing of their current toilet issue and no disabled toilet being available when there is ACROD parking. Also works required to other current public toilet venues in the district e.g. with Boyanup Lions Park and Bandi walk at Peppi beach.

The President suggested and overall audit on Public toilets in the district and a program for upgrades and installations be developed similar of that to our Shire Shade sail program.

This was welcomed and accepted by Cr Mogg as a way to proceed.



## Motion

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*Moved Cr Mogg, Seconded Cr Kitchen.*

**That Council as part of the 2024-25 Draft Annual Budget process, request the Chief Executive Officer to provide a District-wide Public Toilets Program of Works that includes:**

- 1. Current condition assessment and provision standard of existing Public Toilet facilities, in accordance with Council Service Level Specifications.**
- 2. Potential Public Toilet upgrade and improvement program based on a prioritisation system of patronage, economic contribution and tourism contribution.**
- 3. The proposed Program be presented for consideration by the OCM of April 2024.**

### **OC/2023/196 - Amendment / Council Decision - 11.1**

*Moved Cr McCleery, Seconded Cr Fergusson.*

**To replace the first sentence in the motion with the following 'That Council as part of the future budget process request the Chief Executive Officer to provide a District-wide Public Toilets Program of Works that includes:'.**

**Carried 8 / 0**

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

*Against - Cr Mogg and Cr Sharp.*

### **OC/2023/197 – Amended Motion / Council Decision - 11.1**

*Moved Cr Mogg, Seconded Kitchen.*

**That Council as part of the future budget process request the Chief Executive Officer to provide a District-wide Public Toilets Program of Works that includes:**

- 1. Current condition assessment and provision standard of existing Public Toilet facilities, in accordance with Council Service Level Specifications.**
- 2. Potential Public Toilet upgrade and improvement program based on a prioritisation system of patronage, economic contribution and tourism contribution.**
- 3. The proposed Program be presented for consideration by the OCM of April 2024.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*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>	<ol style="list-style-type: none"><li>1. 23-092 Capel Place Plan Engagement Strategy and Outcomes [13.1.1 - 79 pages]</li><li>2. 23-092 Capel Place Plan D 3 231010_ (1) - DRAFT FINAL [13.1.2 - 78 pages]</li><li>3. 23-092 Capel Place Plan - Appendix 1 - Place Strategy Matrix (Place Plan 2023 to 2027) [13.1.3 - 2 pages]</li></ol>
<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. Corporate Business Plan 2023 to 2027 - Quarter 1 Reporting (July to September 2023)

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**Author** Chief Executive Officer, Gordon MacMile

**Authorising Officer** Chief Executive Officer, Gordon MacMile

**Nature of the Decision** Executive/Strategic

**Attachments**

**Confidential Status** *This item is not a confidential matter.*

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### Proposal

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Note the quarterly progress report for the Shire of Capel's Corporate Business Plan 2023 to 2027 – Quarter 1 (1 July to 30 September 2023).

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### Officer's Recommendation

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That Council notes the quarterly progress report (Quarter 1 – 1 July to 30 September 2023) of the Shire of Capel's Corporate Business Plan 2023 – 2027.

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### Background

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#### Previous Council Decisions

June 2018 – Council endorsed an updated four (4) year Corporate Business Plan 2018-2022 for the Shire of Capel, incorporating information from the Long-Term Financial Plan, Workforce Plan, Asset Management Plans and various informing Services Strategies and Plans.

August 2021 – Council adopted (OC172/2021) the Shire of Capel Strategic Community Plan (SCP) 2021 – 2031. The SCP is the cornerstone of Capel's long-term planning, articulates the community's vision for the Shire and enables the development of key delivery plans including the Corporate Business Plan.

October 2021 – Council adopted the Shire of Capel's Corporate Business Plan 2021 – 2025.

Council endorsed (OC237/2021) the Corporate Business Plan and further:

- Approved the immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2021 – 2025; and
- Noted that the final published version of the Corporate Business Plan 2021 – 2025 will be graphically designed and illustrated to a standard suitable for public presentation.

August 2022 – Council adopted the Shire of Capel's Corporate Business Plan 2022 to 2026.

Council endorsed (OC/2022/153) in part:

1. Endorses the Shire of Capel Corporate Business Plan 2022 – 2026 – Service Area Action Plan.
2. Approves immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2022 to 2026.
3. Notes that quarterly reporting will continue throughout 2022/23 to monitor progress and achievement.



August 2023 – Council accepted (OC/2023/145) the proposed modifications and endorses the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions.

Council further approved the immediate commencement and / or continuation of all necessary initiatives and actions for implementation of the Corporate Business Plan 2023 to 2027 and noted that quarterly reporting will continue throughout 2023/24 to monitor progress and achievement.

September 2023 – Council endorsed (OC/2023/161) 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'.

Council further noted 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.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

The six Future Directions outlined in the Shire of Capel Strategic Community Plan 2023 – 2033 are all relevant to the Corporate Business Plan 2023 – 2027.

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

Direction 2: Manage and protect our environment.

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

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

Direction 5: Provide and maintain suitable infrastructure and facilities.

Direction 6: Effective communication, engagement, and relationship development.

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

CEO 9 - Ensure Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan, Asset Management Plan, Risk Management Plan, Workforce Plan 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*

### 6.56 Planning for the Future

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

*Local Government (Administration) Regulations 1996 apply. Specifically:*

#### Division 3 –Planning for the future

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

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

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to –
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

## Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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Policy 2.7 – Preparation of Integrated Financial Plan and Budget applied.





## Implications

### Risk Implications

Adoption of a Corporate Business Plan is mandated in the Integrated Planning and Reporting Framework (IPRF).

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Possible	Moderate	The Corporate Business Plan details anticipated cost impacts which the Council considers ongoing as part of a sustainable approach to future financial planning.
<b>Risk 2</b> Service Delivery  <b>Rating: Medium</b>	Likely	Moderate	Regular monitoring and reporting against the Corporate Business Plan actions allows for a continued focus on service delivery deemed important by the community.
<b>Risk 3</b> Reputation  <b>Rating: Medium</b>	Possible	Moderate	Regular monitoring and reporting against the Corporate Business Plan actions allows for: <ul style="list-style-type: none"> <li>• A continued focus on strategies and actions deemed important by the community through the Strategic Community Plan development process.</li> <li>• Confidence within the Council and transparency within the community of progress against priority strategies and actions.</li> <li>• Ability to identify any areas of achievement risk and appropriate remedial action taken to ensure the achievement of outcomes.</li> </ul>
<b>Risk Description:</b> Failure to plan adequately and systematically for the delivery of services expected by the community.			

### Financial Implications

#### Budget

The Corporate Business Plan 2023 – 2027 has been prepared ensuring that the 2023/24 cost of all proposed Actions are accommodated within the current adopted budget.

There are no financial implications relevant to this proposal.

#### Long Term

The Corporate Business Plan 2023 – 2027 details growth in specific areas of expenditure over and above the current adopted Long Term Financial Plan (LTFP) in all future years (2023, 2024 and 2025).



Future annual reviews of the Corporate Business Plan, in line with the LTFP and Annual Budget will need to take these potential future costs into account.

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

### **Whole of Life**

Whole of life considerations for any assets delivered as part of implementing the Corporate Business Plan are addressed separately.

### **Sustainability Implications**

The IPRF is designed to improve the sustainability of local governments, through stronger engagement with the community and integrated forward planning.

The Corporate Business Plan 2023 – 2027 was prepared to align closely with the Future Directions outlined in the adopted Strategic Community Plan 2023 – 2033 being:

1. Strengthen and enhance the well-being 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; and
6. Effective communication, engagement and relationship development.

### **Consultation/Engagement**

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Consultation carried out during the preparation of the Corporate Business Plan 2023 – 2027 included:

- Management briefings and 'Bottom up' input of Action Plans for each Service Area;
- Strategic Community Plan review and gap analysis;
- Presentations to all staff to encourage 'Buy In' and ownership of the Plan;
- Challenge Reviews to critique proposed Actions and revise priorities;
- Internal review and cost estimation with Director of Community and Corporate to align Draft Plan to LTFP; and
- Workshop with Councillors to present findings and receive feedback on proposed Actions.

Following adoption of the Plan, Shire departments and work areas responsible generated a series of comprehensive, time-dependent / officer allocated sub-actions that enable the delivery and achievement of actions and outcomes. These sub-actions are tracked, status updated and reported monthly via a 'bottom up' approach, whereby work teams and Managers, update progress on actions within their specific area of responsibility and accountability.

### **Officer Comment**

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#### CBP Summary of Completion – Quarter 1 2023/24 (1 July to 30 September 2023)

The current Shire of Capel Corporate Business Plan 2023 – 2027 contains 353 individual actions / outcomes, detailed across the 4-year period.



These actions were allocated a priority ranking based on the significance of implications to the community, the Shire and the overall importance of achievement compared against others.

Each action and sub-action are tracked and reported monthly with a status update to the Shire's Executive and quarterly to the Council.

Status descriptions of Corporate Business Plan actions are as follows:

- Not Started – Noting that the CBP is a 4-year plan, some actions are scheduled to commence at a future time.
- Complete – Action has been achieved within with identified parameters (time, budget, resources etc).
- On Track – Action is progressing towards achievement within with identified parameters (time, budget, resources etc).
- Overdue – Action is behind time, with all other controllable and non-controllable factors in hand. Reasonable level of confidence exists that the time can be recovered, and action / outcome still achieved within identified parameters (time, budget, resources etc).
- At Risk - Controllable and non-controllable factors (including time / deadlines) of the Action may not be in hand, and / or there is a likelihood and potential that the action / outcome may not be achieved without intervention.

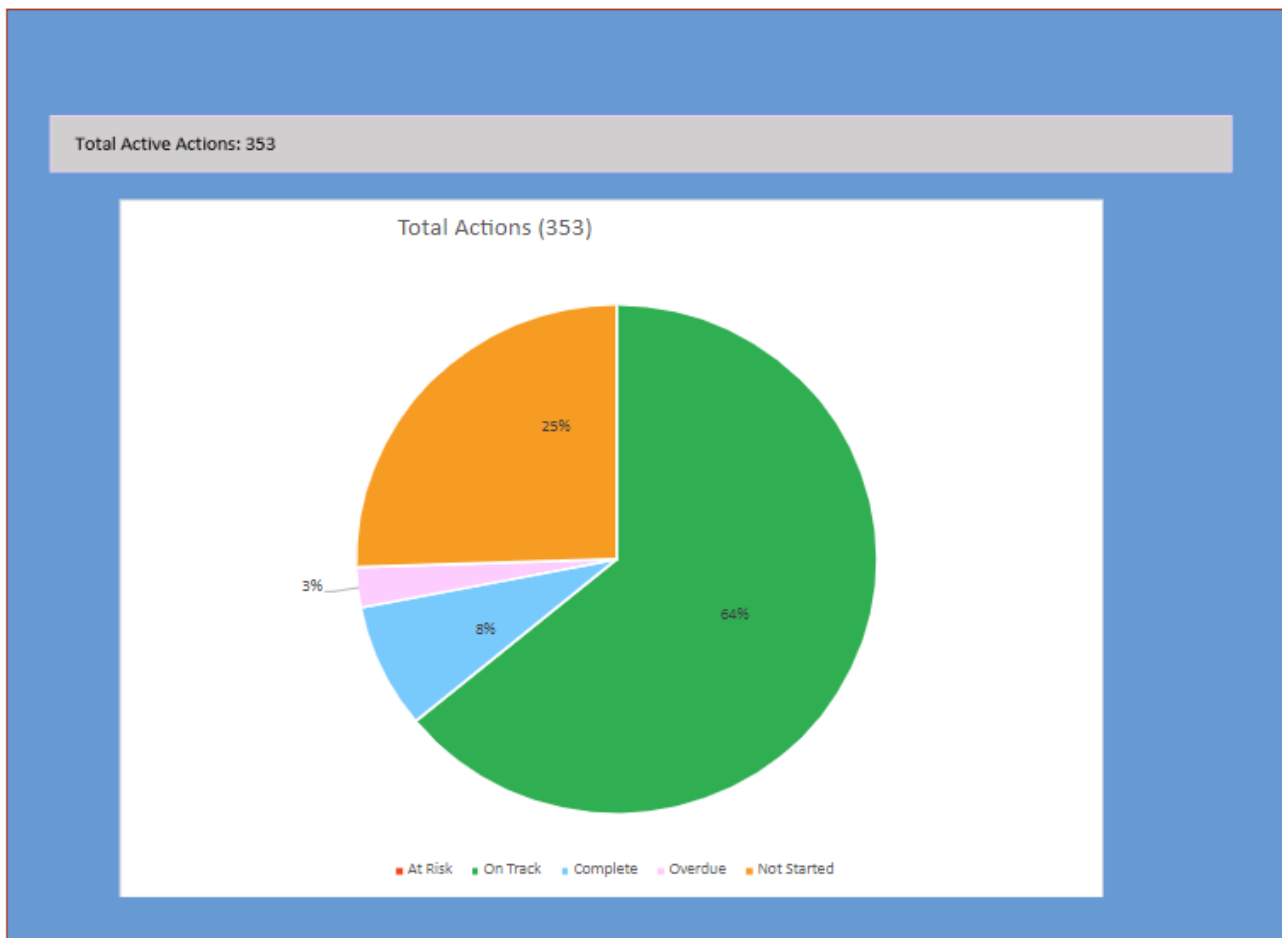
Regular (quarterly) reporting on the Corporate Business Plan is intended to provide transparency to the community on progress toward the achievement of the Strategic Community Plan 2023 – 2033, an outcome-focused overview of the Shire's operations and an update on progress and areas of risk to the Council.

The status of actions at the end of Quarter 1 2023/24 (for the period 1 July to 30 September 2023) is summarised in the Tables below as:

Status	Number of Actions				Percentage (%)			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Completed	28				8%			
On Track	226				64%			
Overdue	9				3%			
At Risk	0				0%			
Not Started	90				25%			
<b>Total</b>	<b>353</b>				<b>100%</b>			



The status of the 353 CBP actions as at 30 September 2023 is presented in the graph below.



Noting the 4-year period of the Plan in that 25% of actions have either not started (until later years) or are being delivered across multi-years.

### Summary

The Q1 2023/24 report demonstrates expected progress towards achievement.

Key factors to date with Overdue actions (9 in total) (See Attachment 13.2.1) for more detail.

Attachment 13.2.1 also provides a snapshot summary of completed Actions to date (noting that only completed high-level actions are reported, not sub-actions or sub-tasks).

Recruiting, resourcing and retention remains particularly challenging especially in the Infrastructure area with shortages being experienced in key specialised areas (Technical, Asset, Engineering), as well as general trades (Parks and Gardens, Works).

Teams in these areas are experiencing significant periods at below desired levels of resourcing, impacting on the delivery of CBP initiatives, and potentially capital maintenance activities.

### Voting Requirements

Simple Majority



**Officer's Recommendation – 13.2.**

**OC/2023/198 - Officer's Recommendation / Council Decision- 13.2**

*Moved Cr Schiano, Seconded Cr Mogg.*

**That Council notes the quarterly progress report (Quarter 1 – 1 July to 30 September 2023) of the Shire of Capel's Corporate Business Plan 2023 – 2027.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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### 13.3. Shire of Capel - Land, Housing and Accommodation Strategy and Business Case

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**Author** CEO, Gordon MacMile

**Authorising Officer** Chief Executive Officer, Gordon MacMile

**Nature of the Decision** Advocacy  
Executive/Strategic

**Attachments**

1. CONFIDENTIAL REDACTED - SWDC Project Brief template - Minister Carey - SW Housing (Shire of Capel - Capel North) - October [13.3.1 - 2 pages]
2. CONFIDENTIAL REDACTED - SWDC Project Brief template - Minister Carey - SW Housing (Shire of Capel - Boyanup East) - October [13.3.2 - 2 pages]
3. CONFIDENTIAL REDACTED - SWDC - Shire of Capel - Land and Housing Supply - Development Cost Detail (October 2023) [13.3.3 - 1 page]

**Confidential Status**

*Note - Confidential Attachments - may result in a contract being entered into, by the local government which relates to a matter which is being discussed at the meeting.*

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### Proposal

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Note the work completed to date on the Shire's Land, Housing and Accommodation Strategy and Business Case and the submission of this information to the WA State Government.

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### Officer's Recommendation

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The Council:

1. Notes the update provided regarding the development and finalisation of the Shire of Capel – Land, Housing and Accommodation Strategy and Business Case, in partnership with the South West Development Commission; and
2. Supports the continuation of efforts to secure funding to deconstrain future residential development land in Capel and Boyanup, in accordance with the adopted Advocacy Prospectus 2023/24.

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### Background

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#### South West Regional Perspective

The South West region of WA and more specifically the Bunbury Geographe (BunGeo) sub-region is making significant progress with the expansion of industry, the initiation of projects and the accompanying creation of jobs opportunities. When coupled with a unique and diverse environment, proximity convenience and varied lifestyle choices, the BunGeo sub-region is in high demand (now and into the future) as a place to live, work and play making the region a sought-after destination of residential choice.



### SW Job Demand Perspectives

Key points from the Labour Market Data Dashboard – South West WA (as of 23 March 2023) noted the following key elements and changes in employment since February 2022:

- Largest employment industries continue to be:
  - Health Care Social Assistance.
  - Mining
  - Construction
  - Accommodation and Food Services
  - Retail Trade.
- Employment growth of 7.6% (SW Region) vs 1.0% statewide and 3% nationally.
- Unemployment decreased by 16.5% (SW Region) vs 3.4% statewide and 9.2% nationally.
- Unemployment rate from 4.6% down to 3.6 % (SW Region) vs 4% down to 3.9% statewide.
- Job Market Participation rate up 2.3% to 70.3% (SW Region) vs down 0.9% statewide to 69.2%, and up 0.1% to 66.6% nationally.
- Youth unemployment down 4.9% (SW Region) vs down 2.1% statewide and down 1.2% nationally.

Source – Australian Government – Jobs and Skills Australia

### Shire of Capel Population Growth Perspective

The Shire of Capel (LG area) population increased by 3,537 people or 24% since 2011 (ABS data), with the overwhelming majority occurring in the suburb of Dalyellup (accounting for 75% of growth).

The Shire's unique lifestyle offering means that a diversity of land and housing choice is sought within commuting distance of the two City employment hubs, from regular density suburbs as Dalyellup, to larger lots in Capel, Gelorup and Stratham, through to larger rural residential lots and agricultural farming areas in outer Boyanup and Elgin.

The Shire supports these lifestyle choices and is endeavouring to provide for this diversity in our new Local Planning Strategy and Draft Local Planning Scheme No.8, however lots over approximately 750sqm do not generate sufficient rate revenue to maintain the expected asset infrastructure and amenity level.

The effect of this is that, while the Shire acknowledges and supports the demand for space and larger lots, our future rate base to sustainably service Capel will not exist without the achievement of a significant proportion of medium or high density lots and housing.

Additionally, land values throughout Capel, including Dalyellup are at a particularly low price point making development in the face of infrastructure costs economically unviable. This is particularly prevalent at the moment with the high cost of development and construction.

During the same period above (2011 to 2021) where the Shire of Capel population grew 24%, the localities of Boyanup increased by 11.9%, and Capel increased by 9.1% overall, albeit coming off a significantly low population base. Both these townsites / localities are faced with significant constraints on the development, economics and resultant release of residential land.

The main constraint on the availability of the future land supply pipeline is the (lack of) availability, capital funding, agency specification level and the development economics relating to reticulated sewer, as well as other challenges of power and access to main roads / highways.



## Capel and Boyanup

Specific challenges that exist in the townsites of Capel and Boyanup as detailed below:

- Capel – numerous Development Areas north of the river in Capel that are identified in the Shire’s Local Planning Strategy have not proceeded due to the requirements and cost of connecting to reticulated sewer (currently located south of the Capel River along with the Waste Water Treatment Plant).

Combined, these undeveloped future residential areas could achieve more than 700 lots in close proximity to the existing Capel town centre, to the benefit of local business and the community.

The Boyanup East Local Structure Plan, as an example, was approved by the WAPC in 2017 and seeks to create a significant residential community consisting of around 1,500 R20 and R30 lots, with some larger lots and standard community amenities (parks, primary school et al). Given the proximity of the Preston River, many potential lots are classed as being in a ‘sewer sensitive area.’

Because of the presence of multiple land owners, the requirement and lack of and cost of sewer and access to the South West Highway, it is anticipated that this area will witness a rollout of larger 1ha lots in an attempt to avoid sewer requirements, that would likely set the pattern for the remainder of the Boyanup East area and reduce the threshold requirement for the community amenities mentioned (primary school and playing fields).

The major landowner amended the Structure Plan and created around 60 one-hectare rural residential lots. This will see a net-loss of nearly 400 residential lots in this sub-area alone.

Given the classification of rural residential, the Shire also expects that future residents will expect that level of infrastructure and amenity, without providing the Shire with the means to pay for it.

Both are ideally placed to service the cities of Bunbury and Busselton and the FIFO servicing Busselton Margaret River airport.

- Boyanup – The three development areas in Boyanup are constrained by the availability of and cost of providing reticulated sewer connection, with a combined future residential yield of more than 2,150 lots.

## Shire of Capel Advocacy Prospectus

Referencing the project detail contained in the recently adopted Long Term (September 2023), several strategic operating and capital priorities are 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).





## Previous Council Decisions

July 2022 – Council resolved (OC/2022/112) to support the Boyanup East Structure Plan Amendment No.1.

The Structure Plan amendment reduced the residential density for a portion of the land from R5, R10, R15, R20 and Special Rural to Special Rural along with associated changes to the road layout, drainage, and Public Open Space. The change in density resulted in a reduction of 396 lots within the amendment area.

September 2023 – Council resolved (OC/2023/174) to:

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 LTFF.
3. Endorses the Chief Executive Officer to submit funding applications for priorities detailed in the Advocacy Prospectus as the opportunities arise.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

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 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

2.7 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

4.2 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

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

- CEO 4 - **Capel Place Plan** - Finalise and implement the adopted Shire of Capel Place Plan 2023 to 2027
- DEVS 3 - **North Capel & Boyanup Land Deconstraining** - Identify currently constrained key land parcels to facilitate key worker accommodation, with capacity to transition into residential development.

### Statutory Framework

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#### Local Framework

Local Planning Scheme No.8 and Local Planning Strategy.

#### 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* 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.



**Federal Framework**

There are no federal frameworks relevant to this item.

**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.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  Rating: <b>Medium</b>	Unlikely	Major	Comprehensive costing and business case development
<b>Risk Description:</b> Failure to comprehensively consider all financial implications.			
<b>Risk 2</b> Infrastructure / Systems / Utilities  Rating: <b>Medium</b>	Possible	Moderate	Detailed understanding of all existing infrastructure provision and a comprehensive understanding a required development infrastructure.
<b>Risk Description:</b> Failure to comprehensively understand the existing infrastructure constraints, as well as the required development infrastructure and costs.			
<b>Risk 3</b> Reputation  Rating: <b>Medium</b>	Likely	Moderate	Development of a comprehensive land and housing development strategy and the realistic capacity to deliver.
<b>Risk Description:</b> Inability to deliver on proposed project.			
<b>Opportunity:</b> Secure required funding to deconstrain the development of future residential areas and associated communities in the Capel and Boyanup townsites.			

**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

Relevant climate change and environmental implications will be addressed if and when development occurs.

#### Social

Relevant social implications will be addressed if and when development occurs.

#### Economic

Relevant economic implications will be addressed if and when development occurs.

#### Asset

No assets are being created at present in relation to this item. Relevant asset implications will be addressed if and when development occurs.

### **Consultation/Engagement**

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#### **External Consultation**

The land and housing development strategy and business case project has been overseen by the following Project Steering Group:

- Chief Executive Officer – Shire of Capel.
- Director Infrastructure and Development – Shire of Capel.
- Director Corporate and Community – Shire of Capel.
- Manager Development Services – Shire of Capel.
- Planning Coordinator – Shire of Capel.
- Director Infrastructure and Lands – South West Development Commission.
- Director Regional Development, Regional Development Australia (South West)
- Planning Director (Land Use Planning) - Department of Planning, Lands and Heritage (DPLH).
- Regional Manager South West - Development WA.

Consultation has occurred with some landowners in the proposed development areas.

#### **Internal Consultation**

An internal working group has coordinated with the engaged consultant and the Project Steering Group.



## Officer Comment

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The South West Development Commission (SWDC) has reviewed publicly available announcements for major projects (currently underway and in the future) in the southwest of Western Australia with a focus on the Greater Bunbury area.

Inclusive of the current BORR project, future mining and processing expansion, major infrastructure projects (medical, water, road, education, waterfront / port, sport and recreation), the SWDC have identified > \$ 3 billion in project value and an estimated increase in employment opportunities in excess of 7,500 jobs between 2022 and 2032.

Significant progress is occurring in the region and sub-region regarding employment, job creation and particularly growth in the areas of health, education, industry, mining, transport logistics, professional services, and combined with private / corporate investment and accessibility to statewide employment opportunities (including FIFO and DIDO), future job demand and opportunity is incredibly strong.

The accommodation needs of this demand, however, cannot be fulfilled now and into the future with the supply of land for housing being in short supply, and having a significant current and future impact on the community including within the Shire of Capel.

Additionally, construction and industry expansion workforces are currently consuming the majority of housing capacity (both purchased and rented), as well as short term accommodation.

Unfortunately, the remaining lots available in Dalyellup, and elsewhere throughout the sub-region and region, are unlikely to be able to cater for the housing demand both in terms of key worker and permanent residential housing.

### Land, Housing and Accommodation Strategy and Business Case – Background and Scope

The Shire of Capel in conjunction with the South West Development Commission is developing a strategy and business case and applying for infrastructure funding which would unlock the development potential of various sites within North Capel and Boyanup. The South West is currently experiencing unprecedented shortages of key worker accommodation, or housing availability (residential, social and affordable). As a result, the inability for local businesses and industries to recruit workers to the region is having detrimental impacts on the viability of key projects with regional significance.

Having recognised this, the State Government announced funding assistance for infrastructure upgrading to assist Local Governments in delivering key worker accommodation projects. It was anticipated that provision of such infrastructure in regional areas would bridge the gap for financial viability to be achieved in the release of further housing stock.

As stated in the State Government release, *the third funding stream has been designed as an infrastructure investment program to address infrastructure constraints in the water, wastewater and electricity network at a precinct or strategic site scale impacting the delivery of regional worker accommodation.*

*Applications under this funding stream will be based on evaluation of a business case, including consideration of co-contribution opportunities. Mining/resource workers accommodation and proposals outside of existing centres, townsites or communities are ineligible for funding.*



Lots identified for potential future growth within North Capel and Boyanup are developmentally constrained due to the lack of adequate infrastructure, specifically sewer connection. Following a Request for Quotation process, the Shire engaged Urbis to complete the scope of work detailed below:

1. Work with the South West Development Commission to understand the projected workforce figures for mining, healthcare, education and other relevant sectors within the South West region over the next 10 years;
2. Utilise the information from 1. above to understand the future job growth, safe work practices and the resultant demand for residential land development, diverse housing options and accommodation.
3. Consider how 2. above may also contribute to the immediate provision of key worker accommodation, but eventually lead to permanent residential development and sustainable local townsites.
4. Consider, detail and recommend key planning actions necessary to facilitate effective development outcomes, should funding become available.
5. Identify collaborative / potential partnership arrangements between local government, Non-Government / Service Organisations and industries that deliver more diversified outcomes with 3. Above.
6. Demonstrate the likely direct economic and social benefits that result from revitalising the townsites of North Capel and Boyanup, and the broader indirect benefits to the Bunbury Geographie sub-region and the South West of WA; and
7. Build a business case for the applicable funding mechanisms made available by both the State and Federal Governments to support the delivery of housing and accommodation.

The Shire's Land, Housing and Accommodation Strategy and Business Case have been developed in draft and has identified the following land and housing development opportunities, should essential infrastructure deconstraining funds be made available:

- Capel North - 700 lots (see CONFIDENTIAL Attachment 13.3.1 for further detail); and
- Boyanup – 2,150 lots (see CONFIDENTIAL Attachment 13.3.2 for further detail).

Note – the above attachments are confidential as detailing funding and / or contractual information that the Shire may enter into in the future.

The total development cost and potentially required external funding is detailed in CONFIDENTIAL Attachment 13.3.3 – SWDC Shire of Capel – Land and Housing Supply Development Cost Detail.

The Shire sees this critical land and housing supply pipeline to be the easiest to realise in the Bun-Geo sub-region and essential to support jobs and economic growth, as well as the development of communities locally and across the South West.

Realisation will however depend on the securing of external funding to break the current market failure and the economically unviable gap between the development value / yield and cost.

The Shire's recently adopted Local Planning Scheme (No.8), Local Planning Strategy and inaugural (Draft) Place Plan 2023 to 2027 are very well structured to guide and ensure that any significant growth in the Capel and Boyanup townsites, can occur while maintaining and preserving the unique local characteristics that are present in each location.

Shire representatives presented a preliminary submission to the Minister of Planning; Lands; Housing; Homelessness - Hon John Carey MLA with the SWDC on 22 November 2023. Following this Ministerial / SWDC presentation, the Shire's finalised Strategy and Business Case will be provided WA Government by the end of November.



Additionally, the Shire will also be seeking potential funding from the various Federal Government infrastructure programs.

## Summary

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The South West region of WA and more specifically the Bunbury Geographe (BunGeo) sub-region is making significant progress with the expansion of industry, the initiation of projects and the accompanying creation of jobs opportunities.

Inclusive of the current BORR project, future mining and processing expansion, major infrastructure projects (medical, water, road, education, waterfront / port, sport and recreation), the SWDC have identified > \$ 3 billion in project value and an estimated increase in employment opportunities in excess of 7,500 jobs between 2022 and 2032.

The Shire of Capel in conjunction with the South West Development Commission is developing a strategy and business case and applying for infrastructure funding which would unlock the development potential of various sites within North Capel and Boyanup.

This advocacy to State and Federal Governments has commenced. Securing funding and deconstraining residential development land has the potential to unlock close to 3,000 lots combined in the Capel and Boyanup townsite areas over the longer term.

Council is requested to note the development of the strategy and business case that has occurred to date and the Government advocacy that has commenced.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 13.3.

#### OC/2023/199 - Officer's Recommendation / Council Decision - 13.3

*Moved Cr Schiano, Seconded Cr McCleery.*

#### The Council:

- 1. Notes the update provided regarding the development and finalisation of the Shire of Capel – Land, Housing and Accommodation Strategy and Business Case, in partnership with the South West Development Commission; and**
- 2. Supports the continuation of efforts to secure funding to deconstrain future residential development land in Capel and Boyanup, in accordance with the adopted Advocacy Prospectus 2023/24.**

**Carried 7 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*





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### 13.4. Appointment of Members - CEO Performance and Remuneration Panel

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
	Contractual
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	1. CEO Performance and Salary Review Policy [13.4.1 - 6 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Consider and appoint the Chief Executive Officer Performance and Remuneration Review Panel membership in accordance with the Council-adopted policy.

#### Officer's Recommendation

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That Council appoints up to five (5) representative Councillors to the Chief Executive Officer Performance and Remuneration Review Panel for a period ending on the ordinary election day in October 2025:

- Shire President, Cr Douglas Kitchen (Chair)
- Cr ...
- Cr ...
- Cr ...
- Cr ...

#### Background

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The Chief Executive Officer commenced employment with the Shire of Capel on the 16 August 2021. The Council and the Chief Executive Officer negotiated, determined and signed Shire of Capel Chief Executive Officer Employment Contract (c3.3 Performance Review) in accordance with the Chief Executive Officer Model Standards including:

- a. any additional performance criteria; and
- b. the process by which the Chief Executive Officer performance will be reviewed.

#### Previous Council Decisions

September 2023 (OC/2023/181) – Council endorsed 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.

Council further endorsed the Chief Executive Officer's 2023/24 Key Performance Indicators as detailed in Attachment 20.1.4 – CEO Performance Agreement 2023/24.





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 Chief Executive Officer Performance and Remuneration Panel met on 15 March 2023 and decided (CE001/2023) to request the Chief Executive Officer, provide a report to the April 2023 Ordinary Council meeting, detailing progress of achievements against the Chief Executive Officer 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 Chief Executive Officer 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 – Chief Executive Officer Performance Agreement 2022/23; and
  3. Approves that the Chief Executive Officer 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 Chief Executive Officer 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:
  - Chief Executive Officer Performance Agreement (OC248/2021).
  - Shire of Capel – Chief Executive Officer Performance and Remuneration Review Policy (OC249/2021); and
  - Chief Executive Officer Performance and Remuneration Review Panel (OC252/2021).

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

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 2023-2027

The CBP 2023 – 2027 contains the following key actions for the Chief Executive Officer.

- **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 - 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 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.

### Statutory Framework

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#### Local Framework

There are no local frameworks relevant to this item.



## State Framework

*Local Government Act 1995*

### 5.41. Functions of Chief Executive Officer

The Chief Executive Officer'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 Chief Executive Officer.

*Local Government Act 1995, Division 4 – Local Government Employees*

### 5.39. Contracts for Chief Executive Officer and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a Chief Executive Officer or a senior employee is to be governed by a written contract in accordance with this section.
- (7) A Chief Executive Officer 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 Chief Executive Officer.

Schedule 2 – Model Standards for Chief Executive Officer Recruitment, Performance and Termination

### 16. Performance review process to be agreed between local government and Chief Executive Officer

- (1) The local government and the Chief Executive Officer must agree on –
  - (a) the process by which the Chief Executive Officer's performance will be reviewed; and
  - (b) any performance criteria to be met by the Chief Executive Officer that are in addition to the contractual performance criteria.

The local government and the Chief Executive Officer 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 Chief Executive Officer by the local government must be carried out in an impartial and transparent manner.

- (1) The local government must –
  - (a) collect evidence regarding the Chief Executive Officer’s performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the Chief Executive Officer’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 Chief Executive Officer, the local government must, by resolution of an absolute majority of the Council, endorse the review.

**Clause 19. Chief Executive Officer to be notified of results of performance review**

After the local government has endorsed a review of the performance of the Chief Executive Officer under clause 18, the local government must inform the Chief Executive Officer in writing of –

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the Chief Executive Officer – 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 Policy applies:

- Chief Executive Officer Performance and Salary Review

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Minor	Effectively following the Chief Executive Officer Performance Review Policy adopted by the Council and the establishment of a panel.
<b>Risk Description:</b> Inability to perform the Chief Executive Officer 6-monthly and Annual reviews.			



Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Reputation Rating: <b>Low</b>	Possible	Minor	
<b>Risk Description:</b> The Shire may risk reputational damage if the Chief Executive Officer KPI setting is not in accordance with contractual obligations, due process and adopted strategic plans that reflect the needs and aspirations of the community. Damage to the reputation of the Shire within the local government sector may also occur 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 Chief Executive Officer Review Panel in the Annual performance and remuneration review process in accordance with the Policy.

Outcomes of the Performance Assessment process has, subject to Council approval, implications for the Chief Executive Officers future remuneration.

The 6-monthly review of the Chief Executive Officer’s performance does not have cost implications. However, the Panel may utilise the Elected Member Professional Development funds for development opportunities in Chief Executive Officer reviews.

#### Long Term

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

### 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**

There was no external consultation undertaken.

### **Internal Consultation**

There was no internal consultation undertaken.

## **Officer Comment**

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In accordance with the Policy the Council may choose to appoint anywhere between 3 to 5 members on the Panel. The Shire President is to be a member and the Chair of the Panel.

The primary functions of the Chief Executive Officer Review Panel are to:

- Support the engagement by the Shire, of an appropriately experienced independent consultant for the purposes facilitating the performance and remuneration review process, in consultation with the Chief Executive Officer.
- Oversee and conducting the performance and remuneration review process in accordance with this Policy.
- Endorse the independent consultant's performance appraisal report and a remuneration review recommendation for consideration by Council.
- Develop the performance agreement and KPIs with the Chief Executive Officer for approval by Council.
- Regular meetings to discuss and provide feedback if performance issues are identified.

The next performance review will be the 6-monthly review to be held in the first quarter of 2024. Followed by the CEO's Annual Performance Review and Implementation of KPI's in August 2024.

## **Summary**

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The Council are required to determine the appointments of the Shire's Performance and Remuneration Review Panel for continuity of reviewing and managing the performance of the CEO.

## **Voting Requirements**

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Absolute Majority



**Officer's Recommendation – 13.4.**

**OC/2023/200 - Procedural Motion / Council Decision - 13.4**

*Moved Cr Kitchen, Seconded Cr Noonan.*

**To suspend standing orders 10.1 to allow for discussion.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

**OC/2023/201 - Procedural Motion / Council Decision - 13.4**

*Moved Cr Kitchen, Seconded Cr Noonan.*

**To return to Standing Orders 10.1.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

**OC/2023/202 - Amended Officer's Recommendation / Council Decision - 13.4**

*Moved Cr Dillon, Seconded Cr Noonan.*

**That Council appoints up to five (5) representative Councillors to the Chief Executive Officer Performance and Remuneration Review Panel for a period ending on the ordinary election day in October 2025:**

- **Shire President, Cr Douglas Kitchen (Chair)**
- **Cr Peter McCleery**
- **Cr John Fergusson**
- **Cr Sebastian Schiano**
- **Cr Christine Terrantroy**

**Carried 8 / 0 with an absolute majority.**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



## 14. Infrastructure and Development Reports

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### 14.1. Local Development Plan -Lifestyle Village - Lot 9036 Atkins Road, Dalyellup

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<b>Location</b>	Lot 9036 Atkins Road, Dalyellup
<b>File Reference</b>	PA162/2023
<b>Applicant</b>	Piara Land Holdings
<b>Owner</b>	Piara Land Holdings
<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. Local Development Plan [14.1.1 - 8 pages]</li><li>2. Landscape Plan [14.1.2 - 6 pages]</li><li>3. Dalyellup East Local Structure Plan [14.1.3 - 1 page]</li><li>4. Landscape modifications [14.1.4 - 1 page]</li><li>5. Approved path Plan [14.1.5 - 1 page]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

### Proposal

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The proposal is for a Local Development Plan (LDP) to guide future development of a “Lifestyle Village” at Lot 9036 Atkins Road, Dalyellup (see **Attachment 14.1.1**). The LDP is for a first stage which will consist of:

- a clubhouse and associated facilities;
- 38 grouped housing sites ranging in size from 222m<sup>2</sup> to 383m<sup>2</sup>; and
- common property access and parks (including main entrance).

A design layout for the balance of the site (future stages) is provided.

### Officer’s Recommendation

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That Council in accordance with Clause 52 (1)(b)(i) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations* grant approval for the Local Development Plan (Attachment 14.1.1) subject to the following modifications and advice:

1. Amend the Landscape plan and standard house design to:
  - a) Amend planting species along Atkins Road Reserve to a density of two trees per three dwelling frontages;
  - b) Modify plant selection to remove *Gledisea tricanthos* Shademaster – *Populus simonii* and *Tristaniopsis laurina* and replace with a Western Australian native species agreed by the Shire of Capel.





2. Modify Provisions (DLV.03) to include additional provisions as follows:

a) insert a new provision as follows:

“16. One tree within a 2m x 2m tree zone shall be provided in the front setback to Lots 22-26, 29-32, 34-37, 41-44, 69-70, 72-73, 76-78, 80-81, 83-85, 96-104, 107-109.

b) Insert new subheadings and provisions as follows:

“STAGING PLAN

24. Development is to occur in accordance with a Staging Plan prepared to the satisfaction of the Shire of Capel.

DRAINAGE AND ACCESS PLAN

25. Development of drainage and internal road networks is to occur in accordance with an approved drainage and access plan prepared to the satisfaction of the Shire of Capel.”

## Background

<b>Land / Title Information:</b>	Lot 9036 Atkins Road, Dalyellup
<b>Development Description:</b>	Local Development Plan
<b>Land Area:</b>	10.77ha
<b>Existing Land Use</b>	Vacant cleared land
<b>Town Planning Scheme zone:</b>	Urban Development
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Yes (northern boundary)
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	17 August 2023
<b>Application Process Days:</b>	104

### Additional separate items being considered

Two related items are being considered on the agenda for the subject land. These are:

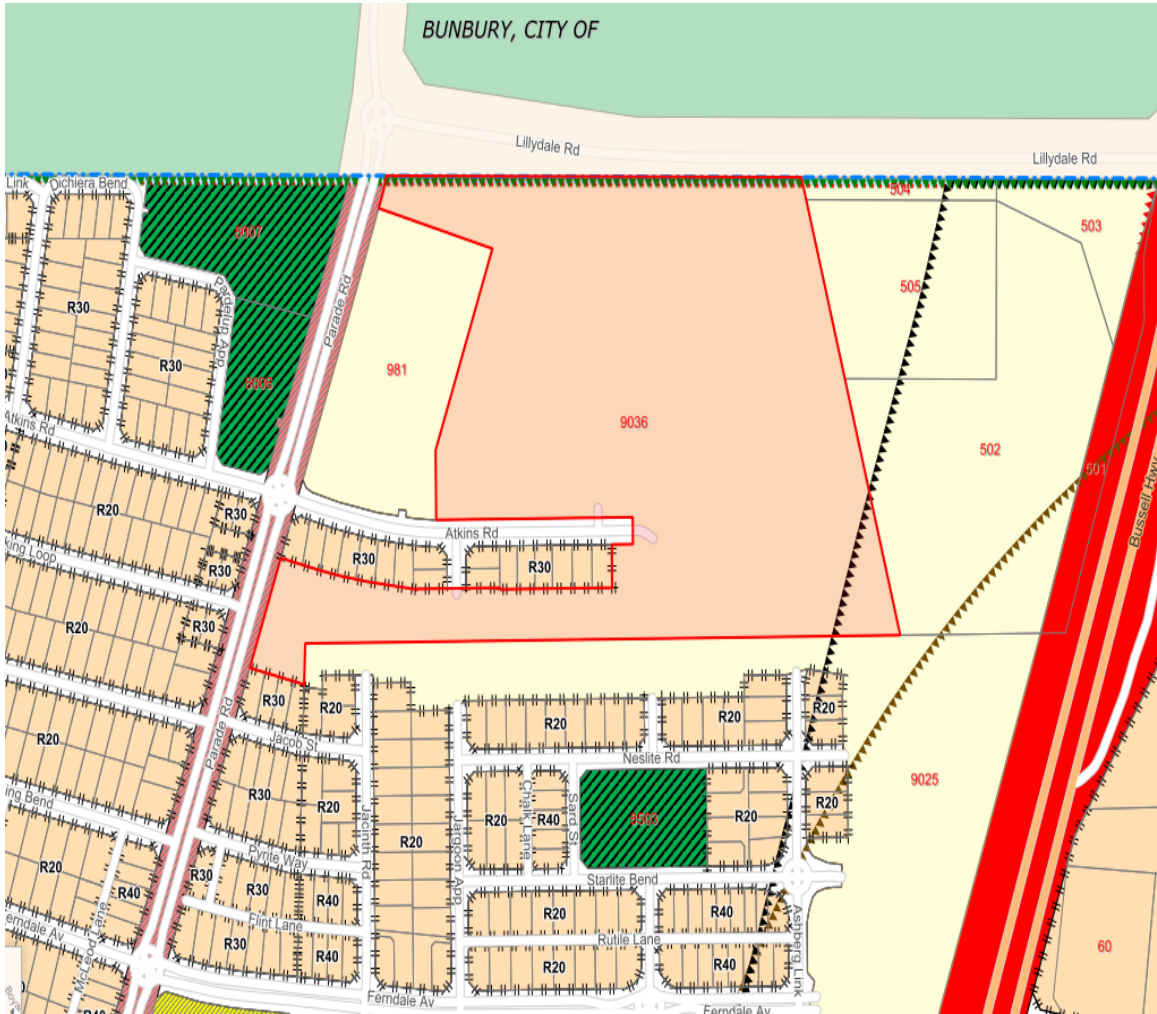
PA166/2023 - Community Purpose - Clubhouse; and  
PA165/2023 - Fencing and Entry Statement.

These proposals are being presented together to allow for a coordinated assessment.

Site Context

The land forms part of the northern extent of the Piara Landholding (see below – landholding). Under the Dalyellup East Local Structure Plan (see **Attachment 14.1.3**), the landholding includes:

- A parcel of future public open space network (northern edge);
- A future residential “Aged Care” site to the west (abutting Parade Road);
- Standard single residential lots south of Atkins Road.



Previous Council Decisions

25 May 2023 – Recommendation to WAPC for subdivision to excise two lots of 301m<sup>2</sup> and 300m<sup>2</sup> from a balance lot located south of Atkins Road – WAPC ref 163449 – issued under delegation.

25 May 2023 – approval for change of use to “Group Dwellings” - PA28/2023 - issued under delegation.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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

2.7 Urban planning that supports sustainable development

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

5.4 Improved beach infrastructure to support a healthy beach lifestyle

### Corporate Business Plan 2023-2027

DEVS 13 - **Local Area Plans** - Process, 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 8 (LPS8)

The site is zoned "Urban Development" under LPS8.

The objectives of the "Urban Development" zone are:

- 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 planning 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.

#### Schedule 4 Additional site and development requirements by zone

Schedule 4 does not specify any specific development requirements for the urban development zone. However, it states:

"Subdivision and development in the Urban Development zone shall be in accordance with a structure plan and/or activity centre plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision maker in accordance with Part 4, clause 27(2) of the Deemed Provisions."



### Dalyellup East Local Structure Plan (DELSP)

The subject land is identified as "Residential - Over 55s" (see Attachment 14.1.3) and no density code applies.

Land use and implementation note 26 provides the following guidance:

*"26) Future development of the Residential – Over 55's' site shall be considered in accordance with the provisions of the Shire of Capel Town Planning Scheme No.7 and other development requirements. In addition, a Local Development Plan covering the lifestyle village and aged care facility is to be prepared and approved to the satisfaction of the Shire of Capel in order to address various urban design issues including proposed built form, streetscape amenity, landscaping and pedestrian access to nearby public open space areas."*

### **State Framework**

#### Greater Bunbury Region Scheme (GBRS)

The GBRS identifies Lot 9036 Atkins Road, Dalyellup as "Urban". The purpose of the Urban zone is:

*"to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities."*

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

#### Part 6 – Local Development Plan (LDP)

Clause 46 of Part 6 defines an LDP as:

"means a plan setting out specific and detailed guidance for a future development including one or more of the following -

- (a) Site and development standards that are to apply to the development;
- (b) Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates."

Part 6 also provides details of:

- when a LDP can be prepared (clause 47);
- the form of an LDP (clause 48);
- Actions required on receipt of an LDP (clause 49);
- Advertising requirements (clause 50);
- Consideration of submissions (clause 51);
- Decision process and approval period (clauses 52 – 57).

Clause 50 (5) specifies a minimum advertising period of 14 days.



Clause 67 - Matters to be considered by local government:

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.

Residential Parks (Long Stay Tenants) Act 2006

The future “Lifestyle Village” is intended to be administered under the Residential Parks (Long Stay Tenants) Act 2006. This Act provides a framework for managing arrangements between the operator and leaseholders.



Residential Design Codes

The Residential Design Codes provides details on the definitions for “aged persons,” “special purpose dwelling” and “grouped dwelling.”

**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 6.7 - Community Engagement (LPP 6.7)

LPP 6.7 sets out advertising requirements. However, in this instance the requirements of the Deemed Provisions (listed above) prevail.

Local Planning Policy 6.8 - Urban Landscaping (LPP 6.8)

LPP 6.8 defines its purpose as follows:

- Provide guidelines for the sustainable landscaping and maintenance of public spaces and development sites
- Provide for the needs of the community by ensuring that public spaces are functional, accessible, healthy and safe for the intended purpose
- Increase canopy cover
- Retain existing native vegetation for its environmental, landscape amenity and cultural heritage values
- Use indigenous species in the landscape to reflect a sense of place and enhance ecological outcomes.

Table 1 of LPP 6.8 details requirements for specific zones. These requirements are assessed in the officer comment section below.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Low</b>	Possible	Minor	Assessment and issuing of building permits at the construction stage
<b>Risk Description:</b> Failure to monitor and enforce future building development will result in a poor built form outcome.			
<b>Opportunity:</b> To provide an alternative residential product in Dalyellup.			



## **Financial Implications**

### Budget

There are no financial implications relevant to this proposal. All future internal roads and facilities will be owned and managed privately.

### 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

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 application has been advertised in accordance with Local Planning Policy 6.7 - Community Engagement. This consisted of a 14-day submission period (starting 5 September and closing 19 September 2023) with letters sent to nearby residents and information being made available on the Shire's website.

No submissions were received.

### **Internal Consultation**

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

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

The proposal is considered acceptable subject to providing conditions and advice.





**Officer Comment**

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The LDP document consists of:

- Stage 1 plan;
- Provisions;
- Standard house designs; and
- Landscape master plan (see **Attachment 14.1.2**).

The LDP is supported by a Bushfire Management Plan for the purposes of State Planning Policy 3.7.

The design consists of:

- Two vehicle access points to Atkins Road. One access to the eastern edge is primarily a service access point. A centrally located access is purposed for the main entry;
- A central corridor that includes the clubhouse and communal open space and sporting facilities that also form part of a drainage system;
- A collection of internal local access networks that extend from the central corridor to service group dwelling sites;
- A linear open space/drainage corridor running east west that forms part of Stage 1;
- A servicing and storage areas for trailers/caravans (future stage on the eastern boundary);
- A portion of the Five Mile Brook Diversion Drain (along the eastern boundary).

The following sections provide comments on key elements of the proposal.

**Density – Residential R40**

A density code of R40 is proposed, which is considered consistent with the dwelling site design.

The R40 Code allows dwellings sites with a minimum area of 180m<sup>2</sup> and an average of 220m<sup>2</sup>. The proposed dwelling sites range in size from 220m<sup>2</sup> to 383m<sup>2</sup>.

The proposed density aligns with other similar “Lifestyle Village” developments within the greater southwest region and is supported.

**Landscaping**

Local Planning Policy 6.8 - Urban Landscaping provides development requirements for landscaping. The table below lists the requirements and provides comments.

Requirements listed for Urban Development	Comments
A landscape master plan will be required to be submitted for the Shire’s approval as part of the structure planning for major ‘green field’ development of urban land. The landscape master plan should be prepared by a suitably qualified person in accordance with the guidance below	A landscape master plan has been submitted and is considered appropriate subject to minor agreed changes.  <b>COMPLIES</b>





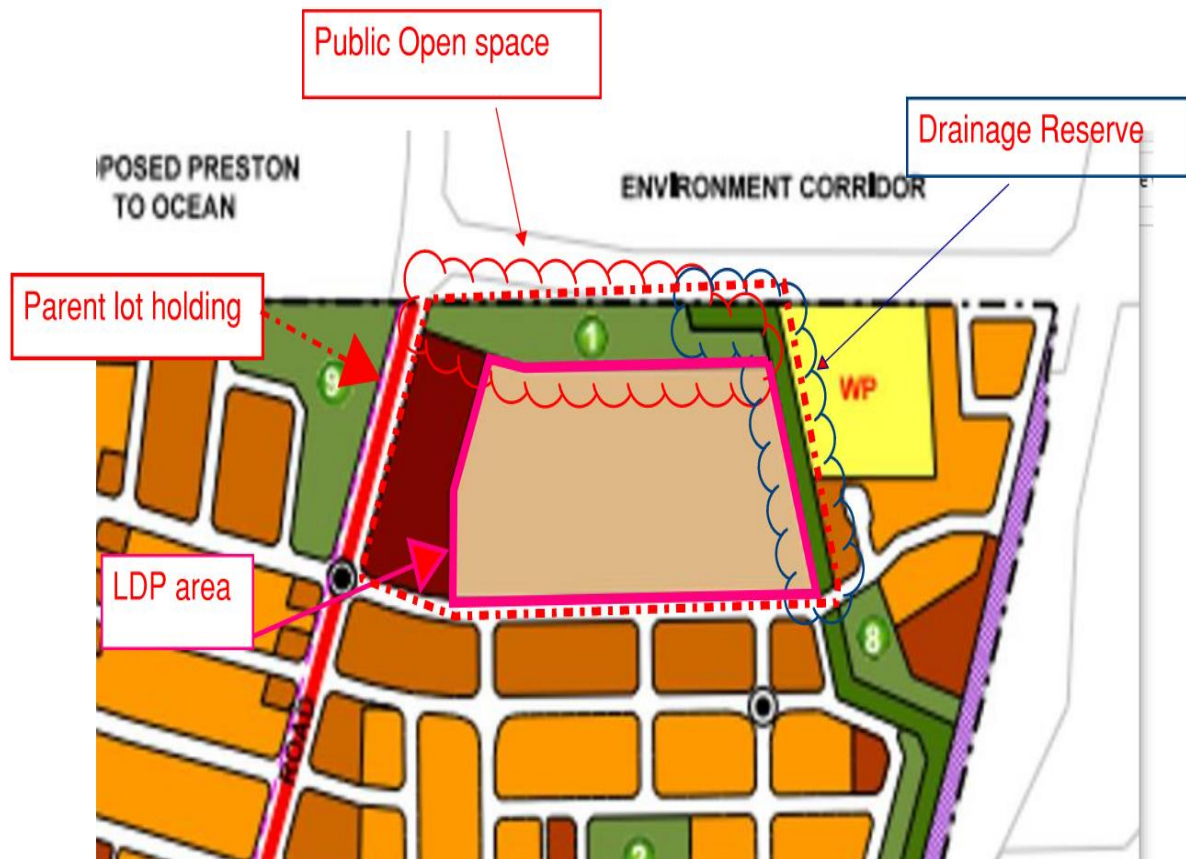
Requirements listed for Urban Development	Comments
A secure water supply must be identified to support the Local Structure Plan for the establishment and ongoing maintenance of Landscaped areas	A secure water supply is available.  <b>COMPLIES</b>
Landscaping consistent with the requirements of the Residential Design Codes Volume 1 and Volume 2	Landscaping is consistent with grouped dwelling requirements as specified in the R Codes.  Specifically, each future grouped dwelling site is provided with a tree and unobstructed area (2m x 2m).  <b>COMPLIES</b>
All new trees on the site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the landowner or developer, to the satisfaction of the Shire of Capel	Street trees will be provided and installed to the satisfaction of the Shire of Capel. Details regarding species selection and density are included in the Landscape Plan supporting the LDP.  <b>COMPLIES</b>

The landscaping plan supporting the LDP is generally acceptable. Several modifications have been discussed with the applicant and agreed. These relate to:

- a) Increasing planting densities along Atkins Road; and
- b) Deleting three species and replacing with local endemic species;
- c) Require lots that do not enjoy frontages to Atkins Road or drainage open space areas to have a tree within the front setback area. These locations are highlighted in **Attachment 14.1.4**.

**Staging**

A staging plan is required to ensure that public open space and drainage reserves are developed and ceded to the Shire at appropriate stages that logically link with adjoining development (see below).



This has been agreed by the applicant and will ensure the orderly development of the locality.

#### **Traffic Assessment**

A Traffic Impact Assessment (TIA) has been provided by the applicant. The TIA confirms that the proposed access arrangements and treatments onto Atkins Road are safe and efficient.

Furthermore, the TIA has been assessed internally by the Shire's Engineering team and has been deemed appropriate.

#### **Path network along Atkins Road**

The main pedestrian access point to the development is via Atkins Road. The Shire approved a footpath plan on 30 May 2022 which provides for a 1.5m wide path on the northern side of Atkins Road and a dual use path 2.1m wide on the southern side (see **Attachment 14.1.5**).

These paths have been constructed between the proposed main entry of the lifestyle village to Parade Road as shown in Attachment 14.1.5 and the below table:

Location	Details
	<p>The existing path network along Atkins Road consists of a 2.1m wide path on the southern boundary and a 1.5m wide path on the northern boundary.</p> <p>The path network east of the proposed main entry point extends for a short distance. This is subject to future extension.</p> <p>The photo shows the view from the proposed main access looking towards Parade Road to the west.</p>
	<p>The existing 1.5m wide path on the northern side of Atkins Road looking towards Parade Road to the west.</p>

On review, it is recommended that the 1.5m path on the northern side of Atkins Road be replaced with a 2.5m wide path. This is on the basis that:

- a) Atkins Road will service 125 grouped dwelling sites from the lifestyle village once all stages are complete. This is significantly more than a traditional residential street;
- b) The lifestyle village will cater predominately to older residents and who will likely rely on walking aids (including mobility scooters) which poses greater difficulties with maneuverability on a 1.5m wide path;
- c) When approved, the detailed design of the Lifestyle Village was not clear, in terms of density and access, and therefore meant the Shire had to commit to a particular design being the 1.5m width; and
- d) The northern side of Atkins Road provides the safest path as it is not broken by crossovers and other obstructions (such as cars and other vehicles being parked on the verge).



When taking these considerations into account, the proposed widening of the path to 2.5m on the northern side of Atkins Road is viewed as reasonable. The Staging plan can confirm the most appropriate time when this path can be constructed.

## Summary

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The proposed LDP provides a suitable level of guidance for future development of the site and addresses matters as identified in the DELSP with respect to density codes, built form, streetscape amenity, landscaping and pedestrian access to Public Open Space.

It is recommended that approval be granted subject to minor modifications.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.1.

#### OC/2023/203 - Officer's Recommendation / Council Decision - 14.1

*Moved Cr McCleery, Seconded Cr Mogg.*

**That Council in accordance with Clause 52 (1)(b)(i) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant approval for the Local Development Plan (Attachment 14.1.1) subject to the following modifications and advice:**

1. **Amend the Landscape plan and standard house design to:**
  - a) **Amend planting species along Atkins Road Reserve to a density of two trees per three dwelling frontages;**
  - b) **Modify plant selection to remove *Gledisea tricanthos* Shademaster – *Populus simonii* and *Tristaniopsis laurina* and replace with a Western Australian native species agreed by the Shire of Capel.**
2. **Modify provisions (DLV.03) to include additional provisions as follows:**
  - a) **insert a new provision as follows:**

**“16. One tree within a 2m x 2m tree zone shall be provided in the front setback to Lots 22-26, 29-32, 34-37, 41-44, 69-70, 72-73, 76-78, 80-81, 83-85, 96-104, 107-109.**
  - b) **Insert new subheadings and provisions as follows:**

**“STAGING PLAN**

**24. Development is to occur in accordance with a Staging Plan prepared to the satisfaction of the Shire of Capel.**



## **DRAINAGE AND ACCESS PLAN**

**25. Development of drainage and internal road networks is to occur in accordance with an approved drainage and access plan prepared to the satisfaction of the Shire of Capel."**

### **Advice Note**

- 1. The applicant is advised that the drainage and access plan shall include detailed drainage and construction drawings and be supported by a traffic impact assessment. In addition, the plan shall include widening of the path in Atkins Road reserve to 2.5m.**
- 2. The applicant is advised that the Staging Plan will need to link development stages within the Lifestyle Village to actions associated with ceding of Public Open Space along the northern edge of the property, works associated with the extension of the Five Mile Brook Division Drain and upgrading of the surrounding path network.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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**14.2. Erect fencing and entry statement for Lifestyle Village - Lot 9036 Atkins Road, Dalyellup**

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<b>Location</b>	Lot 9036 Atkins Road, Dalyellup
<b>File Reference</b>	PA165/2023
<b>Applicant</b>	Piara Landholdings
<b>Owner</b>	Piara Landholdings
<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>	1. Fencing and entry statement plans [ <b>14.2.1</b> - 8 pages] 2. Dalyellup East Local Structure Plan [ <b>14.2.2</b> - 1 page]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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Grant approval to erect an entry statement and fencing along the Atkins Road frontage of Lot 9036 Atkins Road, Dalyellup (**Attachment 14.2.1**). Three styles of fences are identified to be implemented as part of the development and includes the entry statement to the subject site.

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**Officer's 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 PA165/2023 to install fencing and an entrance statement along Atkins Road, Dalyellup subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.2.1 dated 29 November 2023.
2. A 1.5m x 1.5m truncation be provided at the intersection of the service access.
3. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Shire of Capel. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the Shire of Capel.

**Background**

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<b>Land / Title Information:</b>	Lot 9036 Atkins Road, Dalyellup
<b>Development Description:</b>	Installation of entry statement and fencing
<b>Land Area:</b>	10.77ha
<b>Existing Land Use</b>	Vacant
<b>Town Planning Scheme zone:</b>	Urban Development
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Proposed site for entry statement and fencing is outside Bushfire Prone Area
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	18 August 2023
<b>Application Process Days:</b>	103

Additional separate items being considered

Two related items are being considered on the agenda for subject land. These are:

PA162/2023 - Local Development Plan; and  
PA166/2023 - Community Purpose – Clubhouse.

It is proposed is to present these items to Council to enable a comprehensive and coordinated assessment.

Previous Council Decisions

25 May 2023 – change of use to “Grouped Dwelling” approved under delegation – PA28/2023.

25 May 2023 – subdivision to create two residential lots of 301m<sup>2</sup> and 300m<sup>2</sup> on south-eastern corner – recommended approval to WAPC under delegation – PA59/2023.

**Decision Framework**

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**Shire of Capel Strategic Community Plan 2023-2033**

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





## 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

The site is zoned "Urban Development" where clause 18(6) applies and states:

*"If the zoning table does not identify and permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –*

- 1. A structure plan*
- 2. A local development plan"*

Schedule 4 of LPS8 includes the following regarding development standards for the "Urban Development" zone:

*"Subdivision and development in the Urban Development zone shall be in accordance with a structure plan and/or activity centre plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision maker in accordance with Part 4, clause 27(2) of the Deemed Provisions."*

##### Dalyellup East Local Structure Plan

The land is situated at the northern edge of the Dalyellup East Local Structure Plan which identifies the land as "Residential – Over 55's" (see Attachment 14.2.2).

Addendum 1 of the structure plan includes clause 26 which states:

*"Future development of the 'Residential - Over 55's' site shall be considered in accordance with the provisions of the Shire of Capel Town Planning Scheme No.7 and other development requirements. In addition, a Local Development Plan covering the lifestyle village and aged care facility is to be prepared and approved to the satisfaction of the Shire of Capel in order to address various urban design issues including proposed built form, streetscape amenity, landscaping and pedestrian access to nearby public open space area."*

#### State Framework

##### Greater Bunbury Region Scheme (GBRS)

The GBRS identifies Lot 9036 Atkins Road, Dalyellup as "Urban". The purpose of the Urban zone is:

*"to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities"*





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

Clause 67 - Matters to be considered by local government:

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 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.
- k. 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.
- l. The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.

Residential Parks (Long Stay Tenants) Act 2006

The future “Lifestyle Village” is intended to be administered under the Residential Parks (Long Stay Tenants) Act 2006. This Act provides a framework for managing arrangements between the operator and lease-holders.

Residential Design Codes (R Codes)

The R Codes provides guidance on retaining walls, street surveillance and front fencing. A detailed assessment of these requirements is contained in the officer comment section below.

**Federal Framework**

There are no Federal frameworks relevant to this item.

**Policy Framework**

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Local Planning Policy 6.11 Signage and Advertising (LPP 6.11)

This policy establishes the Shire’s position in relation to the development of signs and adverts for a range of businesses.

Table 2 of LPP 6.11 provides details on the type of signs and adverts and requirements.

The signs fall under the category of “Entry statement sign” (see Attachment 14.2.1 for proposed entry sign). The extract below outlines requirements.

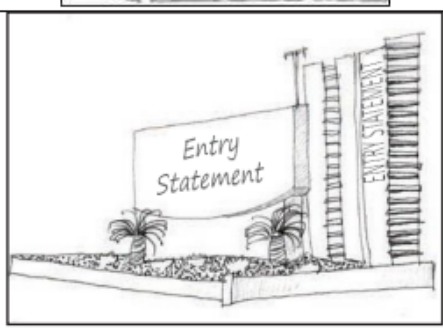
Entry statement sign	<ul style="list-style-type: none"> <li>• Must be fully contained within the boundaries of the lot on which the entry statement is proposed.</li> <li>• Must not be distracting to motorised road users.</li> <li>• The structure or wall shall be located and designed to ensure that vehicular and pedestrian sightlines are not compromised.</li> <li>• Entry statements that extend beyond a height of 1.20m above natural ground level will require engineering certification and/or building approval.</li> <li>• Approval will be subject to a Landscaping Plan to the specification and satisfaction of the local government.</li> </ul>	
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Table 3 of LPP 6.11 details permissibility of signs by zone. An Entry Statement sign is listed as a “D” use in the “Urban Development<sup>1</sup> zone.

“D” means that the sign is not permitted unless the local government has exercised its discretion by granting development approval.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <span style="color: blue;">Low</span>	Possible	Minor	Assessment and issuing of building permits at the construction stage.
<b>Risk Description:</b> Failure to monitor and enforce future building development may result in a poor built form outcome.			
<b>Opportunity:</b> To ensure an attractive interface with the public street environment along Atkins Road, Dalyellup.			



## **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

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**

There was no external consultation undertaken.

### **Internal Consultation**



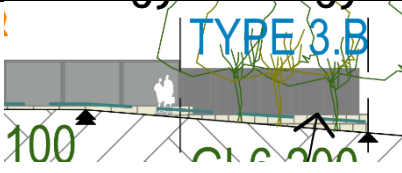
The application was referred to relevant internal branches of the Shire including:

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

The proposal is considered acceptable and relevant comments/feedback from various departments are included in assessment of the development.

**Officer Comment**

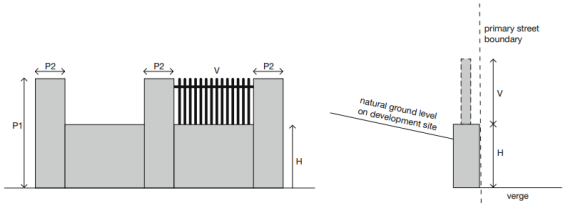
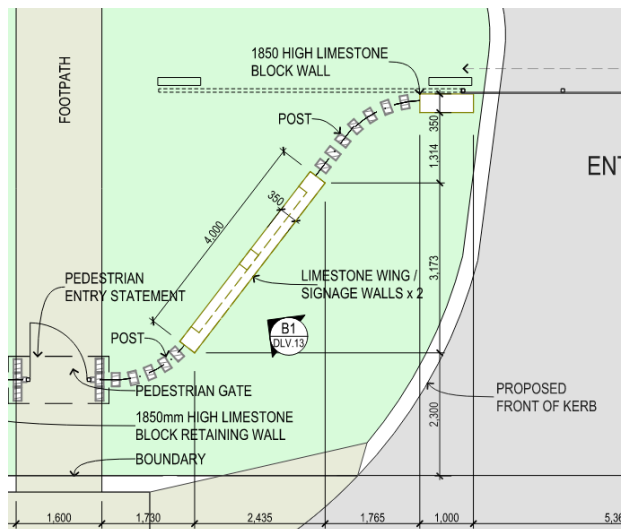
The fencing consists of three distinct sections as detailed below:

Section	Details	Comments
Entry Statement		<p>The entry statement consists of limestone masonry elements with a maximum height of 2.97m that frame the main access point. A visually permeable section of 1.8m high slatted wooden posts frame the entrance masonry feature and a metal picket sliding gate fronts the “road” entrance.</p>
Type 2		<p>This section of fencing is proposed for the majority of the Atkins Road frontage. It consists of low limestone retaining (under 500mm) with 1.85m high solid sections of limestone walls with a width of 4.73m separated by 18.5m wide sections of 1.8m high metal infill slats. There are also sections of narrow width limestone pillars.</p>
Type 3		<p>This section is located on the eastern edge of the property abutting the servicing area. The fencing consists of 500mm limestone retaining blocks topped with 1.8m high colorbond fencing. The section fronting Atkins Road is approximately 35m in length.</p>

**R Codes assessment**

The following sections provide an assessment against the R Codes in relation to siteworks, street walls and fencing.

5.3.7 Siteworks Requirements	Comments
<p>C7.2 (deemed to comply) outlines a minimum setback of 0m for retaining walls 0.5m or less</p>	<p>The retaining walls are less than 0.5m <b>Complies</b></p>
<p>C7.3 (deemed to comply) “Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.”</p>	<p>The retaining walls are less than 0.5m <b>Complies</b></p>

5.3.7 Siteworks Requirements	Comments
<p><b>5.2.4 Street walls and fencing Requirements</b></p>	
<p>C4.1 (deemed to comply)            “Front fencing within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12).</p>	<p>N/A            The future grouped dwelling sites along Atkins Road have dual frontages. The Local Development Plan design intends that grouped dwellings will address the internal road and the rear address Atkins Road. On this basis, there is potential to allow for a measured degree of privacy with short solid sections of wall.             Generally, the fence will provide visually permeable fencing above 1.2m.</p>
<p>C4.2 (deemed to comply)            “Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (refer Figure 12).</p> <p>Figure Series 12 – Fences            Figure 12 – Measuring visually permeable fences above 1.2m (Clause 5.2.4)</p>  <p>Notes            H maximum height of visually impermeable fencing 1.2m*            P1 maximum pillar height of 1.8m*            P2 pillar dimension 400mm x 400mm maximum            V area above 1.2m to be visually permeable*            * measured from natural ground level on the primary street side of the fence</p>	<p>N/A            The future grouped dwelling sites along Atkins Road have dual frontages. The Local Development Plan design intends that grouped dwellings will address the internal road and the rear address Atkins Road. On this basis, there is potential to allow for a measured degree of privacy with short solid sections of wall.             The pillars and solid sections are greater than 400m x 400mm. However, Atkins Road is not intended to be a front fence.</p>
<p>C5 (deemed to comply)            Walls, fencing and other structures truncated or reduced to no higher than .75m within 1.5m of where walls, fences or other structures adjoin:</p> <ol style="list-style-type: none"> <li>A driveway that intersects a street, right of way or communal street;</li> <li>A right of way or communal street that intersects a public street; and</li> <li>Two streets that intersect (refer Figure 9a)</li> </ol>	<p>A truncation of greater than 1.5m is proposed at the main entrance (see below)</p>  <p><b>Complies</b></p>

<p><b>Figure Series 9 – Sight lines</b></p> <p><b>Intent</b> The purpose of Figure Series 9 is to illustrate areas to be kept clear for the purposes of clause 5.2.5 C5.</p> <p><b>Figure 9a – Locations of truncations or reduced fence height</b></p>	<p>No truncation is proposed at the secondary emergency access. (see below)</p> <p>A condition requiring a 1.5m truncation will ensure compliance</p> <p><b>Complies</b> (subject to condition)</p>
<p><b>5.2.3 Street surveillance</b></p>	
<p>P3 (Design Principles) Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.</p>	<p>Future grouped dwellings will address the internal street environment. However, the LDP shows opportunity for passive surveillance with outdoor living areas addressing Atkins Road.</p> <p>The fencing treatments allow for surveillance of the street while balancing the need for privacy.</p> <p><b>Complies</b></p>



**Streetscape amenity**

The design provides a uniform and open fencing style that provides an attractive frame for the future Lifestyle Village. The main section of fencing style provides a mix of materials (limestone), timber, wood posts, and metal pool fence style infill that provides breaks and interest.

It is noted that a section (approximately 36m in length on the eastern edge) consists of 1.8m high colorbond fencing. This section is required to screen infrastructure and servicing areas. This section is equivalent to a standard residential side boundary fence. To help reduce its prominence from street view, it is recommended that additional landscaping be provided along this section of frontage.

**Entry Statement Scale**

The entry statement contains sections above a height of 1.8m (2.97m). This height is considered supportable as:

- a) it is for a limited extent and curved that reduces the bulk of its appearance;
- b) assists in defining a legible main entrance; and
- c) is truncated to reduce the bulk of the form when viewed directly from Atkins Road.

**Entry Statement Sign**

Assessment of the Entry Statement sign against LPP 6.11 is detailed in the table below.

Requirements for Entry Statement Sign	Comments
Must be fully contained within the boundaries of the lot on which the entry statement is proposed	The signage is located within the boundaries of the lot.  <b>Complies</b>
Must not be distracting to motorised road users	The sign will not be distracting to motorised road users. It provides a clear indication of the main entry.  <b>Complies</b>
The structure or wall shall be located and designed to ensure that vehicular and pedestrian sightlines are not compromised	The sign is located on a truncated section of wall that does not compromise sightlines.  <b>Complies</b>
Entry statements that extend beyond a height of 1.20m above natural ground level will require engineering certification and/or a building approval	Note: A building permit will be required for the sign and wall.  <b>Complies</b>
Approval will be subject to a Landscaping Plan to the specification and satisfaction of the Local Government.	A Landscape Master Plan has been prepared as part of the Local Development Plan for the "Lifestyle Village."  <b>Complies</b>



## Summary

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The proposed fencing and entry statement provides a suitable interface treatment along Atkins Road for the future "Lifestyle Village." The materials and style of fencing design provides opportunity for passive surveillance while also providing variation to break the form of the structure.

Approval is recommended subject to conditions.

## Voting Requirements

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Simple Majority

## Officer's Recommendation

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### **OC/2023/204 - Officer's Recommendation /Council Decision - 14.2**

*Moved Cr McCleery, Seconded Cr Fergusson..*

#### **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 PA165/2023 to install fencing and an entrance statement along Atkins Road, Dalzell subject to conditions:**

- 1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.2.1 dated 29 November 2023.**
- 2. A 1.5m x 1.5m truncation be provided at the intersection of the service access.**
- 3. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the Shire of Capel. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the Shire of Capel.**

#### **Advice Notes**

- 1. In relation to condition 3, the applicant is advised that additional planting is required in front of the section of fencing facing the servicing area to assist in screening the fence from the public street environment.**
- 2. Compliance with the Building Act 2011, Building Regulations 2012, and Building Code of Australia.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*





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### 14.3. Proposed Clubhouse for Dalyellup Lifestyle Village - Lot 9036 Atkins Road, Dalyellup

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<b>Location</b>	Lot 9036 Atkins Road, Dalyellup
<b>File Reference</b>	PA166/2023
<b>Applicant</b>	Piara Landholdings Pty Ltd
<b>Owner</b>	Piara Landholdings Pty Ltd
<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. DA plans [<b>14.3.1</b> - 16 pages]</li><li>2. Floor plan [<b>14.3.2</b> - 1 page]</li><li>3. Location plan [<b>14.3.3</b> - 1 page]</li><li>4. Extract of Local Development Plan [<b>14.3.4</b> - 1 page]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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The proposal is to develop a building for a “clubhouse” as part of the “Lifestyle Village” for Lot 9036 Atkins Road, Dalyellup (**Attachment 14.3.1**).

The proposed building has a floor area of 1040m<sup>2</sup> that includes:

- A pool and pool house
- Lounge/bar
- Games room
- Kitchen
- Dining
- Toilet facilities
- Meeting room
- Office
- Reception
- Lounge/theatre
- Yoga/arts area
- Gymnasium
- Shed 13.25m x 6.8m (90.1m<sup>2</sup>)

A floor plan and location plan can be viewed in **Attachment 14.3.2** (Floor Plan) and **Attachment 14.3.3** (location plan).

The proposal is presented to Council as the value of the works is \$4 million. This is above the delegated threshold value of \$1.5million for an Officer to determine the proposal.



## Officer's 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 PA166/2023 for a Clubhouse subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.3.1 dated 29 November 2023.

Prior to Commencement

2. 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.
3. Prior to the commencement of development, a Landscape Plan for the parking, access, treatment of Atkins Road and immediate building surrounds shall be submitted for approval and implemented thereafter as per the approved plan to the specification and satisfaction of the Shire of Capel.
4. Prior to the 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.
5. Prior to the commencement of development, a Traffic Management Plan must be submitted for approval by the Shire of Capel and thereafter implemented for the duration of works.

Prior to Occupation

6. 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.
7. Prior to Occupation, a minimum of 2 car parking bays must be provided for the exclusive use for people with a disability in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the Shire of Capel.
8. Prior to Occupation, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Shire of Capel.
9. Prior to Occupation, a plan shall be submitted for detailing lighting of the access way(s), parking area(s) and turning area(s) and thereafter implemented to the specification and satisfaction of the Shire of Capel.
10. Prior to Occupation, the property shall be connected to reticulated sewerage.

**Background**

<b>Land / Title Information:</b>	Lot 9036 Atkins Road, Dalyellup
<b>Development Description:</b>	Community Purpose - Clubhouse
<b>Land Area:</b>	10.77ha
<b>Existing Land Use</b>	Vacant
<b>Local Planning Scheme No. 8 Zone:</b>	Urban Development
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Proposed site of community purpose club house is outside Bushfire Prone Area
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	18 August 2023
<b>Application Process Days:</b>	104

Additional separate items being considered

Two related items are being considered on the agenda for the subject land. These are:

PA162/2023 - Local Development Plan; and  
PA165/2023 - Fencing and Entry Statement.

These applications are proposed to be considered together to ensure a comprehensive assessment of the development.

Previous Council Decisions

25 May 2023 – change of use to “Grouped Dwelling” approved under delegation – PA28/2023.

25 May 2023 – subdivision to create two residential lots of 301m<sup>2</sup> and 300m<sup>2</sup> on south-eastern corner – recommended approval to WAPC under delegation – PA59/2023.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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

1.5 A healthy and active community

Direction 2 - Manage and protect our 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

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

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

### 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

The site is zoned "Urban Development" where clause 18(6) applies and states:

*"If the zoning table does not identify and permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –*

- 1. A structure plan*
- 2. A local development plan"*

Schedule 4 of LPS8 includes the following regarding development standards for the "Urban Development" zone:

*"Subdivision and development in the Urban Development zone shall be in accordance with a structure plan and/or activity centre plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision maker in accordance with Part 4, clause 27(2) of the Deemed Provisions."*

The proposed use of "clubhouse" falls under the definition of "Community Purpose" which is defined as:

*"means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."*

Table 3 – Zoning Table of LPS8 does not allocate specific permissibility designations for uses for land zoned “Urban Development”. Instead, Table 3 refers to clause 18(6).

Clause 18(6) states:

*“If the zoning table does not identify and permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -*

- (a) structure plan
- (b) a local development plan.”

**Dalyellup East Local Structure Plan**

The land is situated at the northern edge of the Dalyellup East Local Structure Plan (DELSP) which identifies the land as “Residential – Over 55’s” (see below extract of structure plan map).



Addendum 1 of the structure plan includes clause 26 which states:

*“Future development of the ‘Residential - Over 55’s’ site shall be considered in accordance with the provisions of the Shire of Capel Town Planning Scheme No.7 and other development requirements. In addition, a Local Development Plan covering the lifestyle village and aged care facility is to be prepared and approved to the satisfaction of the Shire of Capel in order to address various urban design issues including proposed built form, streetscape amenity, landscaping and pedestrian access to nearby public open space area.”*

**State Framework**

Greater Bunbury Region Scheme (GBRS)

The GBRS identifies Lot 9036 Atkins Road, Dalyellup as “Urban”. The purpose of the Urban zone is:

*“to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities”*



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

Clause 67 - Matters to be considered by local government:

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.

Residential Parks (Long Stay Tenants) Act 2006

The future “Lifestyle Village” is intended to be administered under the Residential Parks (Long Stay Tenants) Act 2006. This Act provides a framework for managing arrangements between the operator and leaseholders.

**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 6.1 - Vehicle Parking

Car parking requirements for a 'Community Purpose' in LPP 6.1 is not specified and is to be determined by Local Government. An assessment of carparking provision is provided in the officer comment section below.

### Local Planning Policy 6.8 Urban Landscaping (LPP 6.8)

The objectives of LPP 6.8 are listed as follows:

- Provide guidelines for the sustainable landscaping and maintenance of public spaces and development sites.
- Provide for the needs of the community by ensuring that public spaces are functional, accessible, healthy and safe for the intended purpose.
- Increase canopy cover.
- Retain existing native vegetation for its environmental, landscape amenity and cultural heritage values.
- Use endemic species in the landscape to reflect a sense of place and enhance ecological outcomes.

Table 1 of LPP6.8 provides specific development requirements for landscaping for specific zones. Details of assessment is provided in the officer comment section below.

### Local Planning Policy 6.7 Community Engagement (LPP 6.7)

LPP 6.7 states the purpose of the policy is:

- To involve the community in the production of strategies and plans for the use and development of land in the Shire.
- To enable community members to have their say on proposals for the use and development of land in the Shire.
- To enable Council to understand the issues that matter to the community; and
- To ensure accountability in decisions on strategic plans and development proposals.

A 14-day consultation period applies for standard development applications.



## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <b>Low</b>	Possible	Minor	Assessment and issuing of building permits at the construction stage.
<b>Risk Description:</b>  Failure to monitor and enforce future building development may result in poor built form outcomes.			
<b>Opportunity:</b>  To provide community facilities for future residents.			

### Financial Implications

#### Budget

The assessment fee received for the application is \$10,251.00. There are no other long term financial implications as the development will be located on private land.

#### 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

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 proposal has been advertised for a period of 14 days, closing on 19 September 2023. Advertising included letters sent to nearby properties.

No submissions were received.

### Internal Consultation

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

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

The proposal is considered acceptable subject to conditions and advice.

## Officer Comment

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### Local Development Plan (LDP)

A LDP has been prepared (being assessed separately on this agenda). The LDP provides a framework for the overall development of the site (see **Attachment 14.3.4** – extract). The design philosophy of the LDP is to have a central corridor of open space and community facilities running north south. The clubhouse and associated infrastructure are proposed to be located within this central corridor and are intended to be a focal point for the “Lifestyle Village”.

The proposed development aligns with the LDP.

### Land Use

The proposed use “club room” falls under the use class definition of “Community Purpose”. Clause 18(6) of LPS8 requires land uses to be assessed against a LDP. The proposed use aligns with the Dalyellup East Local Structure Plan.

### Design considerations

There are no specific design requirements that provide direction on built form outcomes for the proposed development. In general terms, the development will have no impacts on the broader locality due to setback distances (65m to southern boundary, 148m to western boundary, 89m to northern boundary and 149m to eastern boundary).

The clubhouse has been designed to form a centre piece for the “Lifestyle Village” with the building facades on the southern, western, and northern elevations including various architectural features to provide interest including use of various materials, articulations, glazing, colour palette selection, roof form design, vertical and horizontal stepping (see Attachment 14.3.1 – illustrations). All these elements ensure that the built form satisfies its intended role as a focal point for the “Lifestyle Village”.



The built form is complemented by landscaping treatments that encourage integration with internal and outdoor spaces.

**Landscaping**

Local Planning Policy 6.8 - Urban Landscaping provides development requirements for landscaping. The table below lists the requirements and provides comments.

Requirements listed for Urban Development	Comments
A landscape master plan will be required to be submitted for the Shire’s approval as part of the structure planning for major ‘green field’ development of urban land. The landscape master plan should be prepared by a suitably qualified person in accordance with the guidance below	A landscape master plan has been submitted and is considered appropriate subject to minor agreed changes. <b>COMPLIES</b>
A secure water supply must be identified to support the Local Structure Plan for the establishment and ongoing maintenance of Landscaped areas	A secure water supply is available <b>COMPLIES</b>
Landscaping consistent with the requirements of the Residential Design Codes Volume 1 and Volume 2	N/A This proposal is not directly related to residential development (club house). Future residential grouped dwelling development surrounding the club house will comply with the landscaping requirements of the Residential Design Codes, as required through the LDP.
All new trees on the site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner or developer, to the satisfaction of the Shire of Capel	Street trees will be provided and installed to the satisfaction of the Shire of Capel. <b>COMPLIES</b>

**Carparking provision**

In determining car parking provision, the nearest equivalent use is considered “Civic Use”. The table below provides details of car parking required using civic use as an analogue.

Use	requirement required	proposed
Civic Use	5 bays + 1 bay per 30m <sup>2</sup> of net lettable area (nla) NLA = 595m <sup>2</sup> (20 bays)	<b>Total 23 bays</b> <b>Shortfall of 2 bays</b>
<b>Total</b>	<b>25 bays</b>	



The shortfall is reasonable in this case, when acknowledging the unique circumstances as follows:

- a) the clubrooms primarily service residents of the lifestyle village (not a wider general public);  
The residents of the lifestyle village can easily leave their cars at home and walk or use a mobility scooter;
- b) the clubrooms are centrally located and within 150m of all future grouped dwelling sites; and
- c) the parking is adequate to accommodate staff and potential external visitors.

## Summary

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The proposed use and development are consistent with the established planning framework for the locality. The design and location are consistent with the Local Development Plan that is being considered separately on this agenda.

The community purpose – clubhouse use will provide a centrally focused hub for the future “Lifestyle Village”. The building design includes quality architectural features that encourage active interaction on three frontages and is supported by a range of landscaping and recreational amenity features that encourage activity.

Approval is recommended subject to conditions.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.3.

#### OC/2023/205 - Officer's Recommendation / Council Decision - 14.3

*Moved Cr Noonan, Seconded Cr Dillon.*

#### **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 PA166/2023 for a Clubhouse subject to conditions:**

- 1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.3.1 dated 29 November 2023.**

#### **Prior to Commencement**

- 1. 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.**



2. Prior to commencement of development, a Landscape Plan for the parking, access, treatment of Atkins Road and immediate building surrounds shall be submitted for approval and implemented thereafter as per the approved plan to the specification and satisfaction of the Shire of Capel.
3. 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.
4. Prior to Commencement, a Traffic Management Plan must be submitted for approval by the Shire of Capel and thereafter implemented for the duration of works.

#### **Prior to Occupation**

5. 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.
6. Prior to Occupation a minimum of 2 car parking bays must be provided for the exclusive use for people with a disability in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the Shire of Capel.
7. Prior to Occupation, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Shire of Capel.
8. Prior to Occupation, a plan shall be submitted for detailing lighting of the access way(s), parking area(s) and turning area(s) and thereafter implemented to the specification and satisfaction of the Shire of Capel.
9. Prior to Occupation, the property shall be connected to reticulated sewerage.

#### **Advice Note**

1. If the development the subject of this approval is not substantially commenced within 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.
2. 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.
3. 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.
4. Advise the applicant of the need to comply with the following requirements of other legislation:
  - (i) The issue of a Building Permit and compliance with the Building Code of Australia.
  - (ii) Environmental Health requirements; and
  - (iii) Water Corporation requirements for effluent disposal and reticulated water supply.



5. **Compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia. Advice should be sought from a registered building surveying contractor in order to obtain the appropriate certificates for building permit and occupancy permit applications.**
6. **Compliance with the Health (Aquatic Facilities) Regulations 2007 is required. Construction of the aquatic facility is not permitted to commence until a written approval of the Chief Health Officer, Public Health has been obtained.**
7. **Sale of alcohol from the proposed bar shall be in accordance with the Liquor Control Act 1988.**
8. **Should the intention of food service from the kitchen come under the definition of the term "sell" as per the Food Act 2008, then the kitchen facilities will be termed as a "food business" and the following will be applicable.**

**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 and will require registration in terms of the Food Act 2008.**

**Regardless of whether a building permit is required, application shall be made to the Shire of Capel 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) 97270222.**



**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



Cr Kitchen declared a Financial Interest in item 14.4 Advertisement of Draft Local Planning Policy 6.16 - Holiday Houses, the nature of the interest is that he operates short-stay accommodation.

Cr Kitchen left the room at 7:21pm and the Deputy Shire President assumed the Chair.

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#### **14.4. Advertisement of Draft Local Planning Policy 6.16 - Holiday Houses**

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<b>Author</b>	Manager Development Services, Scott Price
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. LPP6 X Holiday Houses DRAFT [14.4.1 - 5 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### **Proposal**

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Endorse the draft Local Planning Policy 6.16 - Holiday Houses (Attachment 14.4.1) for community consultation, which seeks to provide guidance on the suitability of Holiday House land uses within specific settings, and requests further documentation to justify the acceptability of such developments.

The policy is intended to assist applicants and Shire Officers in the assessment of Holiday Houses and provide clear guidance on when such uses would and would not be considered for approval.

The policy includes provisions that require a management plan be provided to mitigate against amenity impacts when considering such activities within close proximity to sensitive land uses (residential properties). Furthermore, the policy guides Shire Officers on when to consider the proposal as appropriate to approve on a temporary basis, and what factors should be contemplated when assessing an application for a renewal.

#### **Officer's Recommendation**

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That Council:

1. In accordance with the provisions of Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to advertise draft Local Planning Policy 6.16 - Holiday Houses as set out in Attachments 14.4.1 for public comment for a period of not less than twenty-one (21) days; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising, including any submissions received, for consideration.

#### **Background**

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The State Government released a draft Position Statement for 'Planning for Tourism and Guidelines' in December 2021, which is to inform decision making at Local Government level for holiday homes and associated uses. The State intends to release a State Planning Policy to govern the assessment of such uses.



However, the State has chosen to release a Planning Bulletin (Planning Bulletin 99) as an interim position with the intention of guiding local governments when dealing with issues associated with holiday homes under the local government planning framework. As such, the Shire has decided to pursue the implementation of a local planning policy until such time that overarching framework be released.

The purpose of initiating the Holiday Houses policy is to ensure a greater level of guidance is available for the Shire's Development Service when undertaking the assessment of the discretionary land use.

Holiday Houses and associated providers (Airbnb, Stayz) are considered particularly contentious due to the proximity in which site's share with nearby residential functions, the 'unhosted' nature of the premise, and the associated conflicts that arise from the use of sites as a 'party house.'

The Shire recognises the increasing market demand for Holiday Houses, and the importance of Holiday Houses as a component of the overall mix of tourism accommodation. However, in recent years there has been an increasing trend to purchase or build homes specifically for Holiday House use. Existing dwelling stock have also come under pressure for conversion to Holiday Houses.

Consequently, a range of issues and concerns have emerged in relation to this form of accommodation. Some of these issues are broadly outlined as follows:

- A growing number of listed properties without Development Approval.
- Amenity impacts and reduced liveability in residential areas (e.g., noise, antisocial behaviour, privacy, safety, and security).
- Disruption to sense of community.
- Increased levels of on-street parking, and traffic movements.
- Distressed animals in unfamiliar environments.
- Inadequate property management in responding to complaints and disputes.
- Lack of long-term rentals and impacts on housing affordability.
- Non-compliance with building standards (e.g., universal access requirements).
- Fire safety hazards.
- Conflicts between land uses.

With the introduction of the Holiday House land use within the Zoning Table of LPS8, the introduction of a local planning policy is beneficial to the assessment of such applications, as supplemental provisions to that of the Zone Objectives ('A' use) and Clause 67 of the *Planning & Development Regulations 2015* can then further inform appropriateness when exercising discretion.

#### Previous Council Decisions

- At its meeting held 31 May 2023, Council supported a motion from the Annual Meeting of Electors (OC/2023/87) to investigate and prepare a draft Local Planning Policy that outlines discretionary criteria for the use of properties as short-term rental accommodation (STRA). The topic of STRA's has becoming increasingly controversial with the popularity of Airbnb increasing, and as such, the need for parameters around the preservation of residential amenity is becoming increasingly important.





## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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

### Corporate Business Plan 2023-2027

DEVS 10 - **Local Planning Policy review** - Review and prepare new local planning policies to support implementation of Local Planning Scheme No.8.

## Statutory Framework

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### Local Framework

- Local Planning Policy 6.7 - Community Engagement;
- Draft Local Planning Policy 6.16 - Holiday Houses; and
- Local Planning Scheme No. 8 (LPS8).

### State Framework

- Clauses 4(1) and 4(2) of *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 – Deemed provisions for local planning schemes (P&D Regs); and
- Planning Bulletin 99 - Holiday Homes Guidelines.

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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A planning policy does not form part of a Scheme and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making.

The Shire can adopt local planning policies relating to matters of local development under Part 2, Division 2 of the Deemed Provisions. This Policy has been made pursuant to this legislation.

Furthermore, provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* require advertising to occur, and a period for making submissions to be no less than a period of twenty-one days after the day on which the notice is first published.



**Implications**

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**Risk Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Mitigation</b>
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Moderate	Endorsing the policy for consultation will enable the Shire Officers to have due regard to draft framework for decision making.
<b>Risk Description:</b>  Failure to endorse the policy for advertising will mean that Council will continue to have a significant lack of relevant and existing planning framework to guide discretionary decision making for such land use proposals.			
<b>Opportunity:</b> Application of policy which could contain clearer and more comprehensive provisions to achieve the intent and objectives of the local planning framework more effectively.			

**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

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

Social

The policy will facilitate a controlled environment in which the Shire can foster seasonal tourism whilst mitigating the potential impacts to residential amenity.

Economic

The introduction of the policy will support the tourism industry by the promotion of voluntary accreditation of holiday homes.

Asset

There are no relevant asset implications relevant to this item.



## Consultation/Engagement

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### External Consultation

Should the Council resolve to adopt the policy for the purposes of public advertising, it will be advertised for public comment for a period of at least twenty-one (21) days in accordance with clauses 4(1) and 4(2) of the Deemed Provisions.

A further report will be referred to Council at the completion of the public advertising period, with recommendations incorporating any comments received during the advertising period. The report put to Council to consider formal adoption of the local planning policy will be accompanied by a schedule of submissions.

It is noted that there is no minimum timeframe for which a Local Planning Policy can be advertised for. A recent letter from the Department of Mines, Industry Regulation and Safety sent to the Chief Executive Officers of local governments within Western Australia flagged imminent legislation for short-term rental accommodation (STRA). The current government is progressing initiatives to better manage short-term rental accommodation and looks to introduce planning reform and state-wide registration of STRA.

A copy of the draft bill is available to obtain and is expected to be introduced into Parliament in early 2024, with mandatory registration to be introduced in January 2025.

Given these timeframes associated with the bill, the Shire intends to retain the LPP6.16 in draft form until the time in which the legislation is finalised by the State Government. From there, the Shire can then make the necessary changes so that the policy reflects the objectives and requirements of the STRA legislation.

Furthermore, the Shire will intend to reflect upon the consultation received from State Government agencies and consider applying the policy in a broadened sense to encompass other short-term rental accommodation uses, such as 'Short-Stay Dwellings' and 'Holiday Accommodation.'

### Officer Comment

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The intent of draft Local Planning Policy 6.16 - Holiday Houses is to provide Shire Officers guidance in addition to the provisions of LPS8 and the *Planning and Development Regulations 2015* when exercising discretion.

The acceptability of such a use is largely dependent upon the variables in which the use encapsulates, such as visitor numbers, behaviour of occupants, number of vehicles present at any one point in time, and proximity to neighbouring dwellings. The policy is therefore intended to establish provisions which assist in consideration of a Holiday House and allows for the Shire to consider the previous history of adherence to management plans when assessing renewal applications.

Given the proposed policy remains in draft form until its final adoption by Council, there is further opportunity to refine and consolidate provisions in LPP6.16 through the consultation process. As part of this refinement process, there may be further opportunities to broaden the scope of the policy to capture similar land uses such as Holiday Accommodation, Short Stay Dwellings, and Bed & Breakfasts. Should this be the case, the report to Council to endorse the policy for final adoption would be presented with a schedule of modifications.



## Summary

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The draft local planning policy (LPP6.16) presented to the Council has been subject to internal review and refinement, and it is recommended it proceed to public advertising.

A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether to adopt the draft policy, with or without modifications.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.4.

#### OC/2023/206 - Officer's Recommendation / Council Decision - 14.4

*Moved Cr McCleery, Seconded Cr Fergusson.*

#### That Council:

1. In accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to advertise draft Local Planning Policy 6.16 - Holiday Houses as set out in Attachments 14.4.1 for public comment for a period of not less than twenty-one (21) days; and
2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising, including any submissions received, for consideration.

**Carried 7 / 0**

*For - Cr Dillon, Cr Fergusson, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

*Cr Kitchen returned to the room at 7:41pm and assumed the Chair.*

*4 Members of the public left the room at 7:42pm.*



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#### 14.5. Family Day Care - Lot 2835 (No. 3) Eclipse Bend, Dalyellup

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<b>Location</b>	Lot 2835 (No. 3) Eclipse Bend, Dalyellup
<b>File Reference</b>	PA143/2023
<b>Applicant</b>	Mr Joel Cox and Ms Jasmine Mawdsley
<b>Owner</b>	Mr Joel Cox and Ms Jasmine Mawdsley
<b>Author</b>	Manager Development Services, Scott Price
<b>Authorising Officer</b>	Director Infrastructure and Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Development plans and accompanying material [14.5.1 - 4 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Consider and approve a Family Day Care use within an existing Single House at No. 3 Eclipse Bend, Dalyellup. The application's covering letter states that the nature of the business will adhere strictly to the childcare regulations and will only accommodate up to four children under four years of age during the day, with one of the four being the occupant's own child.

The business will operate between 7:30am and 5:30pm Mondays to Wednesdays and is likely to see staggered pick up and drop off times due to the varied hours in which the associated children's parents work.

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#### Officer's Recommendation

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That Council in accordance with Clause 68(2)(c) in Schedule 2 Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves development application for a Family Day Care at Lot 2835 (No. 3) Eclipse Bend, Dalyellup, subject to compliance with the following condition(s):

1. The development is to be carried out in accordance with the plans, drawings and documentation included with the application for development approval. The development shall be substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.
2. No more than four (4) children, including the operators own children, may be cared for within the premises used for the purposes of Family Day Care at any one time.
3. Except with the prior written consent of the Shire of Capel, the approved use must only operate between the hours of 7:30am and 5:30pm Monday to Wednesday.
4. A minimum of 1 car parking bay (in addition to the existing two residential car bays) must be provided on the land, subject to this planning approval and to the satisfaction of the Shire of Capel.
5. Prior to commencement of development, an Operational Management Plan must be submitted for review, to the satisfaction of the Shire.



## Background

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<b>Land / Title Information:</b>	Lot 2835 (No. 3) Eclipse Bend, Dalyellup
<b>Development Description:</b>	Family Day Care
<b>Land Area:</b>	623m <sup>2</sup>
<b>Existing Land Use</b>	Single House
<b>Town Planning Scheme zone:</b>	Residential
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	1 August 2023
<b>Application Process Days:</b>	116

## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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

### 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 No. 8 (LPS8);
- Local Planning Policy 6.6 - Home-Based Businesses; and
- Local Planning Policy 6.7 - Community Engagement.

### State Framework

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas; *and*
- *Education and Care Services National Law (Western Australia) Act 2012.*

### Federal Framework

There are no federal frameworks relevant to this item.

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**Policy Framework**

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- There are no Council policies relevant to this item.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <b>Medium</b>	Unlikely	Moderate	Refusal of application for development approval on valid planning grounds or imposition of reasonable conditions on an approval would improve prospects of successful dismissal of any appeal to the State Administrative Tribunal.
<b>Risk Description:</b> An unreasonable decision not based on valid planning grounds would adversely impact the Council's ability to successfully uphold its decision at the State Administrative Tribunal.			
<b>Risk 2</b> Reputation  Rating: <b>Medium</b>	Possible	Moderate	Council makes a clear and reasonable decision on the development application.
<b>Risk Description:</b> An unreasonable decision not based on valid planning grounds would adversely impact the Council's reputation.			
<b>Opportunity:</b> The application will assist with diversifying the offering of child care opportunities within the Dalyellup region.			

**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

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 is considered to assist the diversification of existing childcare services throughout the region and enable a cost-effective alternative to child day care centres.

Asset

There are no relevant asset implications relevant to this item.

**Consultation/Engagement**

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**External Consultation**

The proposal was advertised in accordance with Clause 64 of the Planning and Development Regulations 2015 and LPP6.7, which included letters being sent to adjoining landowners and occupiers. In total, three submissions were received of which all have objected to the proposal.

A summary of each objection and Officer response is contained in **Table 1** below.

<b>Table 1: Summary of Submissions</b>		
<b>Submission No.</b>	<b>Summary</b>	<b>Officer Response</b>
1	The proposal is considered totally unacceptable due to the location of the enclosed play area that situates adjacent to the neighbour's office and bedroom. The daily drop off and pick up will be accompanied by excessive traffic noise and is a major disturbance of peace and privacy.	The play areas identified in the site plan include both outdoor and indoor environments. It is considered that outdoor play areas will generate a greater level of noise to adjoining lots.  The duration of outdoor play time will be conditioned to ensure that noise impacts to the neighbouring properties are reduced. It is however deemed that noise from the indoor play areas are generally acceptable and will not be significantly greater to that of a residential home with young children.
2	The Family Day Care will be situated in the middle of three homes that occupy aged and retired people. The noise generated from children (voices etc) will be excessive.  There is no street parking, meaning that drop off and pick up will take place in the driveway. The driveway is alongside the neighbouring bedroom and will generate excessive noise (car doors closing etc) in morning periods and likely to wake up neighbours.	Refer to Officer Response for Submission No. 1.  The pickup and drop off times fall within generally accepted timeframes for which noise is expected within residential settings. For example, the <i>Environmental Protection (Noise) Regulations 1997</i> consider a period between 7am and 7pm to be a reasonable time of day in which to expect noise from various sources (construction, power tools, sporting equipment, musical instruments).  Noise associated with pick up and drop off times would be considered no less reasonable to some of the circumstances listed above, of which would demonstrate a longer duration of constant noise to that of a car door opening and shutting.





Submission No.	Summary	Officer Response
3	Concern about associated noise from the use and its compatibility with being in a residential setting.	Refer to Officer Response for Submission No. 2.

### Internal Consultation

The application was referred internally to the Shire's Sustainability and Environment Department for comment. From a noise perspective, it was deemed supportable because the children would be predominantly inside, and that only four children were being accommodated onsite, rather than seven.

In terms of the Food Act 2008, the premise will need to be registered so that it can be routinely inspected based on a risk rating. It is however noted that such risks are reduced as children would be bringing their own food to the site, and that the operator has conducted some basic food safety training.

### Officer Comment

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### Land Use

#### Local Planning Scheme No. 8

The use of a 'Family Day Care' within a Residential Zone is classified as an 'A' use, which requires the Shire to conduct community consultation prior to considering the discretionary use for support. Prior to supporting discretionary use, the assessment of the land use's suitability in the location will need to be conducted, which is contained within the Zone Objectives of LPS8, and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations.

A Family Day Care offers education and care for up to seven children aged from birth to 13 years, including the educators' own children, in the educator's own home. Only four of the children can be below pre-primary school age.

The covering letter provided by the applicant states that four children would be cared for at the premises, and all be below the age of a typical pre-primary school student. It is considered that through assessment of the accompanying material, the proposal meets the relevant definitions of a Family Day Care.



**Zone Objectives**

Zone Objective	Assessment	Satisfied?
To provide a range of housing and residential densities to meet the community's needs.	The proposal is not considered to impact the range of housing diversity within the locality. The objective is not relevant to this type of application.	n/a
To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	The proposal is not considered to impact the design of the existing dwelling. The objective is not relevant to this type of application.	n/a

Zone Objective	Assessment	Satisfied?
To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	<p>The proposal would be considered compatible with residential development by nature because the applicant adhered to the accompanying management plan. Variables such as operating hours, number of children, and associated drop off and pick up numbers are considered relatively respectful to maintaining the residential amenity of the area, and is demonstrated through the following assessment:</p> <ul style="list-style-type: none"> <li>• A maximum of 4 children will be present onsite at any one point in time. The noise impacts from children's voices would be negligible in comparison to a family with 4 small children residing at the site. It is recognised through the operational plan that outdoor playing time would be minimised to ensure noise impacts to neighbours are reduced.</li> <li>• The operational hours proposed are also conducive to ensuring residential amenity remains largely unimpacted, as children would mostly be on site during traditional working hours. Objections have been received stating that the locality contains a high portion of aged and retired residents who reside at home during the day. As such, the amenity and limitation of noise impacts may be controlled through the imposition of a condition that limits the time spent in the outdoor play areas.</li> <li>• Given one child being cared for already resides at the property, the application would see a maximum of 3 pick-up and drop offs. Vehicle movement within a driveway area at these times of the day would not be considered outside the norm of a household with a family composition of two parents and two adult children travelling daily to and from work.</li> <li>• Lastly, this proposal only seeks such operations between Mondays and Wednesdays. This is an activity that will only generate noise from vehicles and children for 3 days of a week. On balance, the proposal would be considered acceptable because such noises will be present for less than half of a week.</li> </ul>	Yes



**Local Planning Policy 6.6 - Home-Based Businesses (LPP6.6)**

This Policy establishes the Shire’s position in relation to the use of homes for a range of business or commercial purposes, ancillary to the main use of those dwellings as somewhere to live.

The Policy details the Shire’s approach to the assessment of development applications and the operation of home-based business activities in association with the primary residential use in accordance with the policy objectives.

As part of the policy, additional development criteria have been formulated to provide the Shire Officers further guidance on the acceptability of such development.

The following assessment against Table 1 of LPP6.6 demonstrates the proposal’s suitability in the Residential Zone.

Additional Development Requirements	Assessment	Complies?
The business is located and conducted within a single detached dwelling on lots with a minimum area of 500m2;	The proposal seeks permission to operate a Family Day Care at a Single House on a 623m2 lot.	Yes
Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control. Operating hours limited to Monday to Saturday, 7am to 7pm;	No signage has been proposed as part of the application.  The operation hours have been listed as 7:30am to 5:30pm Mondays to Wednesdays.	Yes
The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;	The use is likely to have two points of contention that are likely to impact the residential amenity being noise generated from children, and vehicles.  It is deemed that through a considered business management plan, nuisance and impacts to the residential amenity of the area can be significantly managed. The proposal only seeks such activities for three days of a week, of which are largely contained to hours that coincide with traditional working hours (9am to 5pm).  Whilst human voices are not captured under the noise regulations, the nuisance impacts have been assessed and can be further managed through imposing restrictions on the hours of outdoor play time. Hours of the day which would be generally less sensitive would include times around the middle of the day, rather than early morning or late evening periods. It has also been noted in the management plan that outdoor play times are likely to be after 9am and before 5pm to manage impacts to neighbours.	



Additional Development Requirements	Assessment	Complies?
Solid fencing should be installed to a height of 1.8m behind the front building façade to any outdoor living area associated with the use to provide a safe, screened, and secure site;	<p>The proposal contains a site plan indicating a solid 1.8m high fence around the site's perimeter and section of fencing that separates the outdoor play area to the primary street setback area.</p> <p>Additional landscaping has been proposed against the boundary fence to provide an additional noise buffer.</p>	Yes
1 vehicle parking bay in addition to the residential requirements outlined under the Residential Design Codes.	The hardstand driveway area has been marked as the designated spaces for drop off and pick up. It is considered that two additional bays to the 2 garage bays are sufficient to comply with this provision.	Yes

**Planning & Development Regulations - Clause 67 Matters to be considered**

Matter to be considered	Assessment	Satisfied?
The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal has been assessed against the Zoning Table and Zone Objectives and considered a suitable land use for the site.	Yes
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;	The relevant planning framework that has applied to the assessment of this application has been fully endorsed/adopted. There have not been any advertised documents that remain in draft being applied to this assessment.	n/a



Matter to be considered	Assessment	Satisfied?
<p>Any approved State planning policy;</p>	<p>The site is in a Bushfire Prone Area (SPP3.7). Whilst a Single House on a lot less than 1,100m<sup>2</sup> is exempt from requiring a BAL assessment and accompanying Bushfire Management Plan (BMP), the Guidelines for Planning in Bushfire Prone Areas state that vulnerable land uses should ideally contain a BMP regardless.</p> <p>The identification of a proposal as vulnerable is at the discretion of the decision-maker. The decision is based upon whether the use is designed to accommodate people who are less physically or mentally able and are likely to present evacuation challenges, and whether the number of people accommodated are likely to present evacuation challenges.</p> <p>It is considered that whilst the Guidelines refer to 'Child Care Centres,' the application only seeks three additional children to be cared for onsite (in addition to the child of the applicant). 4 children on site are not deemed to present a challenge for the evacuation of the site, and that the dwelling contains legible evacuation points (front door) compared to that of a building on a commercial size and scale.</p> <p>For this reason, the proposal is not considered to require a BMP.</p>	<p>Yes</p>

Matter to be considered	Assessment	Satisfied?
<p>The compatibility of the development with its setting, including –</p> <ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) 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;</li> </ul>	<p>The development is considered consistent from a built form perspective, as the land use utilised the existing Single House at the site.</p> <p>In terms of the relationship of the development with the adjoining land, the impacts outlined in the neighbouring submissions are not relating to such physical impacts from the built form (excessive height or shadow etc.).</p>	<p>Yes</p>



Matter to be considered	Assessment	Satisfied?
<p>The amenity of the locality including the following –</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>	<p>Environmental impacts from the Family Day Care are negligible. It is noted in the application that waste generation is not considered to be any greater to that of what the existing household generates at present.</p> <p>It is considered that the support of a Family Day Care at the site will have little-to-no influence on the predominant residential character of the area, due to the small scale and nature of the care provided, which would otherwise replicate similar conditions to that of a larger family composition.</p> <p>Social impacts (noise) will be apparent but can be managed and limited through the imposition of planning conditions to ensure they become manageable. Because the applicant complies with the operational plan and some additional condition of planning approval, the social impacts can be supported by the Shire.</p>	<p>Yes</p>
<p>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;</p>	<p>The traffic generated by the use and the proposed number of children at the site is negligible, and as outlined above, would be considered relatively consistent with several other properties within the Dalyellup area which accommodate parents with older children/young adults.</p> <p>Traffic generation is supported because the proposal allows for a maximum of four children.</p>	<p>Yes</p>

### Summary

The above assessment was conducted because an application for four children was made. It would be considered appropriate to condition the maximum number of children on site to four, given the acceptability of the noise and associated traffic impacts have been supported on this basis.

Whilst the applicant has stated that the maximum number of children may increase in the future, it would be appropriate for the applicant to lodge for a variation to any existing approval for the additional impacts of such patronage to be assessed and considered in its suitability.

Notwithstanding the above, the Family Day Care use has been deemed appropriate in the proposed location of No. 3 Eclipse Bend, subject to conditions.

### Voting Requirements

Simple Majority



**Officer's Recommendation 14.5**

**OC/2023/207 - Officer's Recommendation / Council Decision - 14.5**

*Moved Cr Dillon, Seconded Cr McCleery.*

**That Council in accordance with Clause 68(2)(c) in Schedule 2 Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves development approval for a Family Day Care at Lot 2835 (No. 3) Eclipse Bend, Dalyellup, subject to compliance with the following condition(s):**

- 1. The development is to be carried out in accordance with the plans, drawings and documentation included with the application for development approval. The development shall be substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.**
- 2. No more than four (4) children, including the operators own children, may be cared for within the premises used for the purposes of Family Day Care at any one time.**
- 3. Except with the prior written consent of the Shire of Capel, the approved use must only operate between the hours of 7:30am and 5:30pm Monday to Wednesday.**
- 4. A minimum of 1 car parking bay (in addition to the existing two residential car bays) must be provided on the land, subject of this planning approval and to the satisfaction of the Shire of Capel.**
- 5. Prior to commencement of development, an Operational Management Plan must be submitted for review, to the satisfaction of the Shire.**

**Advice Notes:**

- i. This planning approval does not remove or affect any statutory responsibility the owner may have under the Child Care Services (Family Day Care) Regulations 2006 as amended. The owner is advised to contact the Department for Communities before commencing the development to ensure statutory responsibilities are met. Further information can be obtained from Department for Communities, which is responsible for licensing and monitoring child care services through its Child Care Licensing and Standards Unit, on (08) 6210 3333 or at [www.communities.wa.gov.au](http://www.communities.wa.gov.au).**
- ii. Any premises that involves the services of food to vulnerable persons as defined under 3.3.3 of the Food Standards Code must submit a food safety plan to the satisfaction of the Shire of Capel. Further information can be obtained from the Shire of Capel's Environmental Health Services on (08) 9727 0222.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



*1 Members of the public left the room 7:47pm.*





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## 14.6. RFT23-11 Supply and Lay of Bituminous Products

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<b>Author</b>	Stephen Forrester – Manager Operations
<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 23-11 Supply and Lay of Bituminous Products [<b>14.6.1</b> - 59 pages]</li><li>2. CONFIDENTIAL REDACTED - RFT 23-11 Evaluation Summary &amp; Schedule of Rates Comparison [<b>14.6.2</b> - 8 pages]</li></ol>
<b>Confidential Status</b>	<i>This report is not a confidential matter.</i>

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### Proposal

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Award RFT 23-11 Supply and Lay of Bituminous Products to the preferred Tender Respondent.

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### Officer's Recommendation

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That Council awards RFT 23-11 Supply and Lay of Bituminous Products to Malatesta Investments Pty Ltd for the provision of bituminous products as detailed in RFT 23-11, from the date of contract execution to 30 June 2025, with an option to extend for one (1) additional year.

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### Background

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After the initial period of the previous tender 20/02, the Shire extended the contract for a further period of twelve months based on the Contractor's acceptable performance under the initial contract which expired on 30 June 2023. The Shire's requirement for access to bituminous products in the provision of the Capital Works and Routine Road Maintenance program is ongoing.

#### Previous Council Decisions

- September 2019 – Council accepted the tender from Malatesta Road Paving and Hot Mix (156/2019) for the provision of bituminous products as detailed in Tender 20/02, for an initial period of 2 ½ years from 6<sup>th</sup> December 2019 to 30 June 2022, with a further twelve-month extension.

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### Decision Framework

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#### **Shire of Capel Strategic Community Plan 2023-2033**

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

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Direction 5 - Provide and maintain suitable infrastructure and facilities  
5.3 Better and safer roads

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

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.

FIN 17 - **Procurement** - Provide oversight of procurement practice to ensure compliance with regulations and Policy.

GOV 19 - **Procurement and Contracting support** - Manage Tenders to Let contracts in accordance with Local Government Act, Shire Policy and Contract Law

OPS 16 - **Infrastructure Maintenance** - -Sealed road Maintenance, -Unsealed road Maintenance, - Drainage Maintenance Footpath Maintenance, Bridge Maintenance, -Public Open Space Maintenance, -Street Tree Pruning CBD and Western Power, Annual Removal, Repair, and reinstatement of SOC Shade sails.

OPS 19 - **Road Construction** - Road Construction as identified in Annual Capital Works Program

### **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:

- Purchasing
- Work Health and Safety
- Asset Management
- Internal Controls



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Possible	Moderate	The tender endorsed will see a Schedule of Rates for different services required. These line items provide clarity in costs against measurable scope of works to adhere to the Shire’s Purchasing Policy.
<b>Risk Description:</b> Expenditure over the contract period is anticipated to be over \$250,000 and requires a public tender for the supply and delivery of these services.			
<b>Risk 2</b> Service Delivery  <b>Rating: High</b>	Possible	Major	The specific schedule of rates in the contract gives firm accountability for the contractor to deliver required works and outcomes of levels of service required and expected for the Shire.
<b>Risk Description:</b> No tender in place creates risk of delaying service delivery in responding to reactionary works such as repairs due to the requirement to adhere to the Shire’s Purchasing Policy.			
<b>Opportunity:</b> Providing a contract for the supply and lay of bituminous products supports reduction in service delivery risks through promotion of certainty of supply of product and services. The proposed contract is structured as a Schedule of Rates Contract, with no guarantee of any volume of works ensuring.			

**Financial Implications**

Budget

The Tenders received were within the anticipated price ranges. The 2023/24 Council Budget includes provisions for supply and lay of bituminous products in Schedule 12 – Transport, Maintenance of Streets, Roads, Bridges and Depots – Expenditure and within the Capital Works Program for roads.

Long Term

Full and complete Whole of Life costs for this form of contract have not been assessed due to the on-demand nature of some of the services (e.g. routine maintenance items such as pothole repairs). Analysis of historical expenditure on routine maintenance items under the previous contractual arrangements does provide some guidance and indicates a moderate volume of historical activity.

Financial Year	2019/20	2020/21	2021/22	2022/23
<b>Total Costs</b>	\$286,616	\$203,489	\$179,717	\$132,432

**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

Community expectations are managed by improving the physical presentation, maintenance and usability of the road network, improved road safety outcomes and improved access to communities.

### Economic

The economy benefits by procurement of local goods and services.

### Asset

Delivery of bituminous products is a key service in the delivery of a sustainable road network. The proposed contract is integral to the Shire's delivery of the Road Maintenance program and the Capital Works Program for roads.

## **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 23-11 Supply and Lay of Bituminous Products 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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A three-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 three 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 three companies who submitted for the Tender. The assessment was undertaken, the scores were then tallied across the predetermined criteria outlined.

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 as well as the application of the Local Purchasing Preference where permitted. 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 Malatesta Investments Pty Ltd scoring the highest value for the four qualitative criteria scoring section. Although Malatesta Investments Pty Ltd 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, Malatesta Investments Pty Ltd.

## 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 23-11 Supply and Lay of Bituminous Products evaluation recommendation.
- This report also highlights the outcome of this process with the successful award recommending Malatesta Investments Pty Ltd.

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 – 14.6**

**OC/2023/208 - Officer's Recommendation / Council Decision - 14.6**

*Moved Cr McCleery, Seconded Cr Fergusson.*

**That Council awards RFT 23-11 Supply and Lay of Bituminous Products to Malatesta Investments Pty Ltd for the provision of bituminous products as detailed in RFT 23-11, from the date of contract execution to 30 June 2025, with an option to extend for one (1) additional year.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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## 14.7 Support for Dedication - Bussell Highway duplication lot 230 Bussell Highway, Capel

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<b>Author</b>	Manager Projects, Engineering & Assets – Shawn Lombard
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Letter Shire of Capel Bussell Highway concurrence road dedication [14.7.1 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Main Roads Western Australia seeks support from the Shire of Capel to consider the matter at its next meeting and provide the following statement of road dedication support in a letter to Main Roads, this being:

*“Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plan 202002-0681 as a road pursuant to Section 56 of the Land Administration Act 1997”.*

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### Officer’s Recommendation

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That Council:

1. Supports the endorsement of the road dedication *Main Roads Land Dealing Plan 202002-0681 as a road pursuant to Section 56 of the Land Administration Act 1997*”.
2. Supports the outcome be communicated to Main Roads WA via a copy of the Ordinary Council Meeting (OCM) minutes.

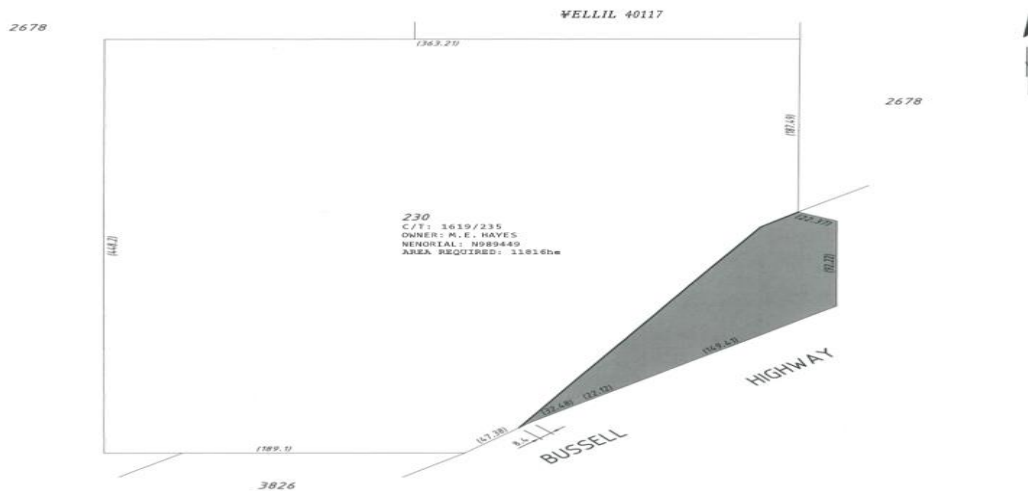
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### Background

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Main Roads WA has acquired land from Mr. M.E Hayes from Lot 230 Bussell Highway, Capel for road improvements for the duplication of Bussell Highway.

The following plan shows this parcel of land that is being dedicated under the Land Administration Act 1997.



A letter seeking Council support was received on 12 September 2023 from Main Roads WA, this letter clarifying what Mains Roads WA required for formalisation of this dedication process.

Shire Officers have now progressed this matter through to a formal Council report seeking Council support and endorsement of said land parcel pursuant under the *Section 56 of the Land Administration Act 1997*”.

#### Previous Council Decisions

September 2017 - Council endorsed a similar road dedication (OC0909) Support for Dedication - Intersection of Bussell Highway and Tuart Drive.

#### **Decision Framework**

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##### **Shire of Capel Strategic Community Plan 2023 -2033**

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

1.4 A safe and prepared community

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

##### **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.

GOV 22 - **Land Management** - Provide oversight and coordinate the execution of legal instruments including leases, licenses and deeds relating to the management of land.





**Statutory Framework**

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**Local Framework**

There are no local frameworks relevant to this item.

**State Framework**

*Land Administration Act 1997*  
*Land Information Authority (Landgate) Act 2006.*

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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- There are no Council policies relevant to this item.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: Low	Unlikely	Minor	To mitigate these compliance risks, it's essential to engage legal counsel or consult with relevant government authorities that oversee land dedications, such as the Western Australian Department of Planning, Lands, and Heritage. They can provide guidance on the specific requirements and processes for road dedications in your local government area. Additionally, local government authorities may have their own specific regulations and requirements that need to be followed.

**Risk Description:** One of the key legislative compliance risks in road dedications within a West Australian local government is likely related to the Land Administration Act 1997 and the Land Information Authority (Landgate) Act 2006. These laws govern the process of dedicating land for road purposes and can involve a range of compliance issues. Here are some potential risks:

1. Procedural Compliance: Failing to follow the prescribed legal procedures for road dedications, which may include public notifications, consultations, and approvals from relevant authorities.
2. Land Acquisition: Ensuring that landowners are adequately compensated when their land is acquired for road dedication, as required by law.
3. Environmental and Planning Regulations: Complying with environmental and land use planning regulations when dedicating land for road purposes, especially if it involves sensitive or protected areas.



4. Local Government Act 1995: Adhering to the provisions of the Local Government Act, which may have specific requirements related to road dedications, including financing, community consultation, and other relevant matters.
5. Land Title and Registry Compliance: Ensuring that the dedicated road is properly registered and recorded in the land title records, including updating the Landgate records.
6. Easements and Encumbrances: Identifying and addressing any existing easements or encumbrances on the land that could affect the road dedication process.
7. Public Liability and Safety: Implementing appropriate safety measures and precautions to mitigate any potential public liability risks associated with the road.

**Opportunity:**

Infrastructure Improvement: Road dedications can present an opportunity to enhance and expand the local infrastructure network. This can lead to improved transportation routes, reduced congestion, and increased connectivity within the community.

**Financial Implications**

Budget

There are no financial implications relevant to this proposal.

Main Roads will indemnify Council against all costs and charges arising from the dedication.

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

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**

There has been no external consultation for this item, as it has been deemed a viable request to support a regional project that has high value and outcomes for all road users

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## Internal Consultation

This item has been discussed with the following internal stakeholders:

- Shire of Capel Governance Team
- Shire of Capel Planning Department

## Officer Comment

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Main Roads' request for support for dedication of the affected portion of privately owned land at Lot 230 Bussell Highway, Capel arises as a consequence of historical upgrade and realignment of the Bussell Highway.

The Bussell Highway is a strategic route of State significance, connecting the City of Bunbury to the City of Busselton, bypassing the townsites of Dalyellup, Gelorup, and Capel along its route and providing access to the tourism and agricultural centres of Margaret River and generally, the South West.

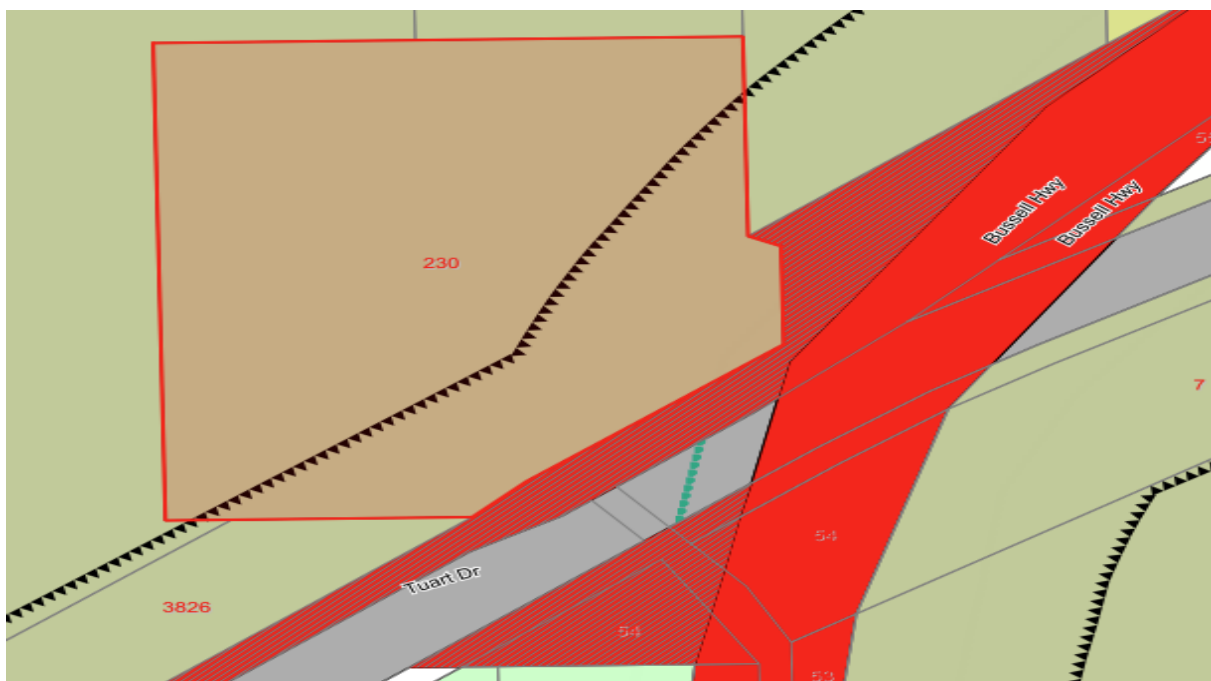
This link is considered vital to the social and economic development of the Shire of Capel, particularly given the projected future increases in road traffic expected to arise from regional developments such as the Busselton Margaret River Regional Airport.

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

This dedication will require Main Roads WA to do a Region Scheme and Local Scheme amendment once the land is acquired to regularise the designation of the land as this land parcel is identified as Priority Agriculture zone in LPS8.

They would need to address the loss of priority agriculture land through that scheme amendment.

The image below shows this land parcel as listed on the Shire's system:





## Summary

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Main Roads Western Australia seeks support from the Shire of Capel to consider at its next Ordinary Council meeting the road dedication of a private parcel of land, this being Lot 230 Bussell Highway, Capel.

This dedication is done under the "*Section 56 of the Land Administration Act 1997*".

This is a low-risk consideration noting that Main Roads will indemnify Council against all costs and charges that may arise as a result of the dedication.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.7

#### OC/2023/209 - Officer's Recommendation / Council Decision - 14.7

*Moved Cr McCleery, Seconded Cr Mogg.*

#### **That Council:**

- 1. Support the endorsement of the road dedication *Main Roads Land Dealing Plan 202002-0681 as a road pursuant to Section 56 of the Land Administration Act 1997*".**
- 2. Supports this outcome be communicated to Main Roads WA via a copy of the Ordinary Council Meeting (OCM) minutes.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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## 14.8. Corporate Sustainability Action Plan - 2023 - 2027

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<b>Author</b>	Manager Sustainability and Environment, Matt Beahan
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. Shire of Capel Corporate Sustainability Action Plan 2023 2027 (1) [14.8.1 - 18 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Endorse the Shire of Capel Corporate Sustainability Action Plan 2023 – 2027 (Action Plan) that outlines the proposed actions the Shire will take internally at our facilities to adapt to and mitigate for climate change over the next four years.

This Action Plan is informed by the strategic directions in the Sustainability Framework adopted by Council in June 2023.

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### Officer's Recommendation

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That Council:

1. Endorses the Shire of Capel - Corporate Sustainability Action Plan 2023 – 2027 as per Attachment 14.6.1.
2. Notes that Year 1 Sustainability Actions will be included in the proposed Corporate Business Plan and Annual Budget 2024/25; and
3. Notes that the final published version of the Action Plan will be graphically designed and illustrated to a standard suitable for public presentation.

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### Background

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Environmental sustainability is a key strategic value and direction for the Shire of Capel and considered a key principle of responsible decision making at all levels.

The Shire's Climate Change Adaptation and Sustainability Committee (CCAS) was formed in 2009 to respond to these impacts by developing adaptation and mitigation strategies that align with the Strategic Community Plan, Corporate Business Plan and Councils strategic direction.

The CCAS Committee will manage the delivery of the Sustainability Framework and provide ongoing recommendations to Council to embed climate change adaptation actions and sustainability principles in Council decision making and operational activities.



Council endorsed a Climate Change Declaration in July 2021 to formalise the Shire's commitment to tackling climate change, with a commitment to:

- Develop and implement a Climate Change Action Framework of policies, projects, and other initiatives.
- Assess the locally specific risks associated with climate change and implications for our services and identify areas where appropriate mitigation and/or adaptation strategies should be developed and implemented.
- Set an appropriate corporate emissions reduction target and work towards its achievement.
- Encourage and empower the local community and local businesses to reduce their greenhouse gas emissions and to adapt to the impacts of climate change.
- Monitor the progress of our adaptation and mitigation actions and communicate our achievements to the neighbouring councils, state, and federal governments and to the community.

The Australian Government released its Long-Term Emissions Reduction Plan in October 2021 to achieve net zero emissions by 2050.

The WA State Government announced in June 2022 a commitment to reduce whole-of-government emissions by 80 per cent below 2020 levels by 2030. The interim target of 80 per cent below 2020 levels applies to emissions from all Government agencies, including local governments.

WA's State Government released in July 2023 its first Climate Adaptation Strategy, prioritising actions to ensure our communities and economy are resilient to risks posed by climate change. The Strategy sets out the requirement for all government agencies to develop their own climate change adaptation action plans outlining how they will reduce or avoid emissions across their operations, consistent with Government's focus on energy efficiency and renewable energy.

Council adopted (June 2023) the Shire's inaugural Sustainability Framework 2023 – 2027 that outlines the proposed approach to address climate change over the next four years. This Framework defines the Shire's vision and commitments on sustainability and embeds them in a broader reporting framework.

Following the endorsement of the Framework, the attached Action Plan has been developed and workshopped with the CCAS Committee. The purpose of the Action Plan is to establish corporate climate change adaptation and mitigation actions for the Shire of Capel.

Annually, actions from the Corporate Sustainability Action Plan will be incorporated into the Shire's Corporate Business Plan and where appropriate, into Annual Budgets.

Separate to this plan, the Shire will also develop a 'Community' Sustainability Action Plan specifically focused on identifying actions that the local community/businesses/industry can take at an individual and whole of community level to adapt to climate change.

#### Previous Council Decisions

June 2021, Council endorsed a Climate Change Declaration (OC134/2021) to formalise the Shire of Capel's commitment to tackling climate change.

June 2023, Council adopted the Shire's inaugural Sustainability Framework 2023 – 2027 (OC/2023/107) that outlines the proposed approach to address climate change over the next four years.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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 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
- 5.2 Improved transport options

### Corporate Business Plan 2023-2027

CEO 9 - **Sustainability Framework** - Implement the adopted Sustainability Framework for the Shire, via annual actions in the CBP (Corporate Business Plan)

SENV 10 - **Sustainability** - Development and implementation of a Corporate Adaptation Action Plan to drive the strategic priorities of the Shire

## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

The following Western Australian Government strategies, policies and guidelines are relevant:

- Western Australian Climate Change Policy – November 2020
- State Planning Strategy 2050;
- WA Coastal Zone Strategy (August 2017);
- State Planning Policy No.2 (SPP2.0) – Environment and Natural Resources (2003);
- State Planning Policy No.2.6 (SPP2.6) – State Coastal Planning (July 2013);
- Coastal Hazard Risk Management and Adaptation Planning Guidelines (July 2019);
- Greater Bunbury Strategy (2013).

### Federal Framework

The [National Climate Resilience and Adaptation Strategy 2021-2025](#), released on 29 October 2021, aims to position Australia to better manage and adapt to our changing climate. The Strategy sets out what the Australian Government will do to support efforts across all levels of government, businesses, and the community, to better anticipate, manage and adapt to the impacts of climate change.



**Policy Framework**

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The following Shire Policies apply:

- Asset Management
- Climate Change Adaptation and Sustainability
- Fleet and Plant - Procurement
- Local Planning Policy 6.8 - Urban Landscaping

**Implications**

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Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environmental  <b>Rating: Low</b>	Unlikely	Moderate	Events to be managed as part of our business as usual, and use the lessons learned to improve our climate resilience into the future.
<b>Risk Description:</b> Climate change events could have negative impacts on the Shire prior to any mitigation strategies or actions being implemented.			
<b>Risk 2</b> Reputation  <b>Rating: Low</b>	Unlikely	Minor	This risk can be mitigated by referring to the state and federal government mandates and our previously adopted declarations for the Shire to tackle climate change with specific measures to reduce emissions.
<b>Risk Description:</b> Shire reputational damage if seen not to be taking sufficient action to tackle climate change; and/or if seen to be spending too much funding on actions to tackle climate change.			
<b>Risk 3</b> Service Delivery  <b>Rating: Low</b>	Likely	Minor	Interruptions will be mitigated by works outside of operating hours, and effective communication with staff and the community to ensure everyone is aware of when and what works are in progress.
<b>Risk Description:</b> Risk that any facility upgrades required as part of the action plan interrupt the services at that facility.			

**Financial Implications**

Budget

\$10,000 is already set aside in the 2023/24 budget to deliver the first action in the Action Plan – an Energy Audit. However, the Sustainability and Environment team’s initial investigation into Energy Auditing was focused on delivering the Energy Audit project in-house. After further investigation it has become apparent, the Shire will not have the resourcing in-house to achieve this and will require outside expertise and a more detailed and robust audit (e.g., to AS/NZS 3598.1:2014 Energy Audits standards) to achieve the full benefits and energy savings. As such, the \$10,000 set aside for this action will not be sufficient to deliver this action, and an estimated \$40,000 will be required.





An Energy Management Software package to ensure we can track, monitor and report on our emissions will cost \$10,000 - \$15,000 PA. A Statement of Requirements has been lodged with the Business & Technology Services team who can investigate funding this item from the operations budget during the mid-year budget review process.

Council may be requested to consider the allocation of budget during the 2023/24 mid-year review process.

### Long Term

There will be future financial implications for the Shire, however these cannot be quantified until the Action Plan (with specific projects and resource requirements) has been adopted by Council. Following this, we will be able to identify annual projects, resourcing, and costs for the four-year period of the Framework.

The Sustainability and Environment Team are actively investigating State and Federal Government grant funding that can assist in funding climate change adaptation/mitigation actions going forward. Due to the government mandates mentioned in the background section, there are several grants becoming available – and more are expected in the next financial year.

The team, in consultation with CCAS, will seek external grant funding wherever it looks relevant to an action item we wish to deliver. For example, the Team has already secured a federal grant from the Australian Renewable Energy Agency (ARENA) to have three Electric Vehicle charging stations installed across the Shire; and another grant will be opening in December that could provide funding to upgrade our energy efficiency at sporting facilities in the Shire.

### **Sustainability Implications**

#### Climate Change and Environmental

The Shire of Capel defines sustainability as: *'Governance excellence to meet the needs of current generations without compromising the needs of future generations, while ensuring a balance between economic growth, environmental care, and social well-being.'*

The Action Plan will have direct impacts for our environment – including on energy usage, water usage, and transportation. Following endorsement of the Action Plan, developed with the CCAS Committee, the Shire will work towards managing risks and adapting to the impacts of climate change on Shire operations and facilities.

#### Social

Undertaking actions to adapt the Shire's facilities, buildings, processes, and practices will lead to social benefits through having an impact on the community's climate resilience and helping to ensure our natural and built resources are maintained for future generations.

#### Economic

Implementation of adaptation and mitigation actions will be subject to budget availability, including grants and endorsement of the CCAS Committee and Council.

An initial review of our energy procurement / energy contracts is likely to result in immediate savings in energy costs across the Shire, while further actions to produce efficiencies will see cost savings over the next few years (depending on what savings opportunities are uncovered in the audit).



## Asset

Many of the proposed priority actions will lead to direct reductions in energy or water consumption, waste production or greenhouse gas emissions from shire assets and facilities.

Following an energy audit of the Shire's infrastructure and built form, a number of climate change adaptation projects may be recommended to ensure the Shire has the most efficient technology to reduce our corporate emissions.

## **Consultation/Engagement**

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### **External Consultation**

Obtaining stakeholder input and understanding stakeholder views on our Corporate Climate Change response will assist us to design and embed actions within our Shire and ensure actions are tailored appropriately. We will also use stakeholder engagement as part of our monitoring process to assess the effectiveness of our actions.

To develop the Action Plan, a significant amount of external consultation has taken place with sustainability and environment teams in other local government areas including Shire of Augusta Margaret River, City of Busselton, City of Bunbury; with Regional Development Australia; and with private consultants with expertise in energy management, asset audits, and emissions tracking software.

As the Action Plan is focused only on the Shire's own corporate carbon emissions and energy and water inefficiencies, no community consultation has taken place.

### **Internal Consultation**

Following the endorsement of the Sustainability Framework, the Action Plan has been developed and workshopped with the CCAS Committee in August 2023. The Committee provided comments and suggestions on actions the Shire can implement as part of the plan and provided in-principal support for the plan.

In addition, the Committee provided in-principle support for the Shire to submit a midyear budget variation request to Council to draw down additional funds from the Climate Change Adaptation and Sustainability Reserve Fund in order to engage a consultant to undertake an Energy Audit of Shire facilities; and to investigate funding options during the 2023/24 midyear budget review process to purchase an Energy Management Software package in order to deliver on CBP Item SENV 10.1.2 – Develop baseline data for corporate carbon emissions, and develop reduction targets for all sources of emissions.

Other internal consultation has taken place with the Business & Technology Services team, and a Statement of Requirements form for the Energy Management Software has been submitted during this process. Further consultation has taken place with team Managers within the Shire in relation to sustainable energy actions, particularly in relation to our Shire buildings, assets, and facilities.

If the Action Plan is endorsed, the Sustainability and Environment Team will establish an internal working group to coordinate, plan and implement the actions with synergies across teams.



## Officer Comment

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The Shire of Capel recognises that climate change will continue to have a significant effect on the Western Australian environment, society, and economy. We have committed to addressing climate change within our Local Government area to minimise these impacts.

Local Governments are on the frontline in addressing climate change impacts and we have a critical role to play in ensuring that mitigation and adaptation responses are suitably tailored to the specific risks in our area, and that our local communities and stakeholders are consulted and involved in our efforts.

This Action Plan has been developed as the next step in implementing our climate change and sustainability program following the endorsement of our Climate Change Declaration and the Sustainability Framework 2023 – 2027.

The purpose of this document is to establish corporate climate change adaptation and mitigation actions for the Shire of Capel – specifically focusing on identifying actions to manage the risks and adapt to the impacts of climate change on our own operations, facilities, and internal work culture.

Through the implementation of these actions, we can improve the resilience of our operations to climate change.

### Adaptation and Mitigation Objectives

Climate change will impact the Shire in a variety of ways. These impacts are predicted to increase in severity and frequency in the future, which will pose increasing risks to our community, environment, assets, and infrastructure. To respond to these impacts there are two main categories of climate change response: adaptation and mitigation, both of which are essential, often overlap and are equally as important in addressing climate change.

Adaptation and mitigation are key components of the long-term response to climate change, and critical to ensuring communities, livelihoods and ecosystems are protected. The Action Plan specifically focuses on identifying actions that the Shire can take to manage the risks and adapt to the impacts of climate change on our operations:

- 1) Climate change mitigation involves actions that are intended to reduce our greenhouse gas emissions to minimise the severity of climate change. For example, mitigation actions may include switching to renewable forms of energy such as solar, and implementing energy efficiency initiatives, and supporting emission reductions to remove carbon from the atmosphere by investing in revegetation and/or modified landscape management (e.g., fire management).
- 2) Climate change adaptation consists of actions undertaken to reduce the consequences of the physical impacts of climate change, as well as to harness any opportunities as a result of these actions. Through adaptation actions we will become more prepared and able to adapt to the impacts of climate change, reducing our vulnerability.



## Approach to Action Planning

We use the following principles to assist our climate change action planning:

- Ambitious – Our goals and actions work towards an ambitious vision.
- Inclusive – We involve multiple departments, stakeholders and communities in planning and implementation.
- Fair – We seek solutions that equitably address the risks of climate change and share the costs and benefits of action across the Shire.
- Relevant – Our actions seek to deliver local benefits and support local development priorities.
- Actionable – We propose cost-effective actions that can be realistically implemented.
- Evidence-based – Our action planning reflects scientific knowledge and local understanding and uses assessments of vulnerability and emissions and other empirical inputs to inform decision-making.
- Transparent and verifiable – We follow an open decision-making process, and set actions that can be measured, reported, verified, and evaluated.

When developing our actions, we also seek to adopt the following practices:

- Opportunity – Actions provide benefits to the Shire's broader objectives.
- Resourcing – We have the appropriate level of resourcing.
- Implementation – Actions are integrated into the Shire's existing activities.
- Flexibility and adaptability – Actions are adaptable and flexible.
- Evaluation and monitoring – Implementation of actions can be effectively evaluated and monitored.

## Evaluation and Prioritisation of Actions

The process for the evaluation, prioritisation and selection of actions is important to ensure that selected actions are realistic and will contribute to achieving the greatest improvements in the resilience of our operations to climate change. These criteria may include:

- Ability to manage climate risks.
- Scale of investment needed.
- Scale of cost per tonne of CO<sub>2</sub> equivalent abated.
- Scale of potential emission reductions.
- Ability to leverage grant funding/project investment.
- Equity implications (benefits and costs to various stakeholders).
- Implications, if any, regarding climate change risks that various stakeholders might be exposed to as a consequence of the action.
- Complexity.
- Human resources are available to implement the action.
- Level of funding required.

It is recommended that the Shire assesses each of the proposed actions in this document against these selected criteria and where it has been identified that we have the resources available to execute a particular action, and that the action will result in our desired outcomes, these will be selected for inclusion in our Corporate Business Plan and budget process.



## Summary

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The WA Government committed in 2021 to reducing whole-of-government emissions by 80 per cent below 2020 levels by 2030 as a key step towards achieving the whole-of-economy target of net zero by 2050. As part of this commitment all local governments are required to develop their own net zero transition plans outlining how they will reduce or avoid emissions across their operations.

The Shire of Capel has committed to managing the risks and adapting to the impacts of climate change on Shire operations and facilities. The Action Plan was workshopped with the CCAS Committee in August 2023 and outlines a suite of actions aimed at delivering on this commitment. These actions include:

- Ensuring all appliances, fittings and fixtures in existing and new facilities have the highest energy and water efficiency star rating to reduce our bills and improve the environmental performance of Shire buildings.
- Reviewing our existing energy procurement / energy contracts with the aim to negotiate better value for money.
- Investigating funding opportunities through the Federal and State Governments' renewable energy funding programs.
- Improve efficiency and integration of the Shire's irrigation infrastructure.
- Ensure Shire Fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
- Improve software efficiencies, reduce software duplication and reduce overheads – creating a balance between energy efficiency and technical capability.
- Educate staff about emissions reduction and sustainability initiatives.
- Work with our neighbouring Cities/Shires to create synergies on sustainability initiatives.

A first step in delivering these actions is the requirement for a robust, clear understanding of our energy consumption, electrical distribution systems, and corporate knowledge of best practice energy reduction techniques and technology.

The Shire has also committed to tracking and monitoring our corporate emissions, actions taken to reduce these emissions and to communicate our achievements to the community, neighbouring councils and state and federal governments.

Our overall objective is for the Shire to demonstrate sustainability leadership for our region by reducing corporate emissions and building the resilience of the Shire to climate change impacts. Acting on and responding to climate change is an ongoing process, and this Action Plan will be reviewed and updated regularly to reflect changing circumstances and emerging information.

To achieve these above commitments, it is recommended the Council endorse the attached Action Plan.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 14.8**

**OC/2023/210 - Officer's Recommendation / Council Decision - 14.8**

*Moved Cr Mogg, Seconded Cr Fergusson.*

**That Council:**

- 1. Endorses the Shire of Capel - Corporate Sustainability Action Plan 2023 – 2027 as per Attachment 14.8.1**
- 2. Notes that Year 1 Sustainability Actions will be included in the proposed Corporate Business Plan and Annual Budget 2024/25; and**
- 3. Notes that the final published version of the Action Plan will be graphically designed and illustrated to a standard suitable for public presentation.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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## 14.9. Tender 23-17 Roberts Road Stratham - Road Upgrade

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<b>Author</b>	Manager Projects, Engineering & Assets
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Contractual
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. RFT 23-17 Roberts Road Stratham - Road Upgrade [<b>14.9.1</b> - 37 pages]</li><li>2. RFT 23-17 Roberts Road Stratham - Tech Spec - Attachment 1 [<b>14.9.2</b> - 32 pages]</li><li>3. RFT 23-17 Roberts Road Stratham - Design - Attachment 2 [<b>14.9.3</b> - 4 pages]</li><li>4. CONFIDENTIAL REDACTED - RFT 23-17 Evaluation Summary [<b>14.9.4</b> - 5 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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The Council is requested to consider the tender submissions for the widening and road upgrade of Roberts Road, Stratham from SLK (Straight Line Kilometre) 0.08 to SLK 0.38km.

The tender submission from Carbone Bros Pty Ltd for \$310,964.75 (excluding GST) is considered to represent the best value for money.

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### Officer's Recommendation

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That Council:

1. Accepts the tender from Carbone Bros Pty Ltd for \$310,964.75 (excluding GST) as detailed in Tender Number 23/17 Roberts Road, Stratham Upgrade for (SLK 0.08 to SLK 0.38km); and
2. To fund the increase to the cost of works by approving the reallocation of 2023-24 budgeted funds from the Roads to Recovery (R2R) funding pool to this project, these funds originally being assigned to:
  - (R2R012) Queelup Road North Boyanup (SLK 1.45 to SLK 3.08km) Reseal (Bitumen) made up of \$45,500 R2R (Roads to Recovery) funding and \$28,750 Council one third matching funds equalling a total of \$74,250 (excluding GST).
3. To endorse the project budget to a newly adjusted value of \$333,670 (excluding GST), this including a contingency value of \$22,705.25 (excluding GST) spent at the absolute discretion of the Principal (The Shire Projects Teams).





## Background

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Each Financial Year (FY) Council nominates projects for either renewal or upgrade for their Capital Works Programs works based on the following criteria:

- Asset Inspections and findings.
- Long Term Financial Planning.
- Road Funding availability.
- Road Safety.
- Strategic Planning initiatives and plans.
- Best Practise for the maintenance and renewal/upgrade of its major assets.

Roberts Road, Stratham was listed from this process and adopted as a road requiring upgrade works due to its significance and usage, not to mention the current condition rating of the road that triggered the need for remedial works to ensure user safety and retention of remaining useful life.

Noting this, the following is of significance:

- Roberts Road is described as a 6m wide sealed single carriageway road with 1m wide gravel shoulders.
- Roberts Road is classified as a local distributor and category 3 RAV route that services approximately nine hundred vehicles per day (900 VPD).
- The existing pavement and seal along this section of Roberts Road is in poor condition due to inadequate roadside drainage.
- The design makes improvements to the width of the road and pavement with the seal being widened to 7m and the pavement lifted to improve roadside drainage.

This project was a carryover from the Council adopted 22-23 Annual Budget, and taking into consideration the current condition rating it has been advertised under Tender to the market with the intention of having this road upgraded as soon as possible as part of the 23-24 Financial Year.

### Previous Council Decisions

- March 2023 (OC/2023/45) – Council endorsed \$4,518,529 for the Program of Works – Roads 2023-24 that included provision of \$1,071,115 for Road projects carried forward from FY 2022-23 and also endorsed transferring of \$500,000 to a reserve within the 2023-24 Draft Annual Budget for further allocation to the Road's program.
- July 2023 (OC/2023/130) - Council adopted the Annual Budget for year ending 30 June 2024, acknowledging changes (if any) will alter some of the Annual Budget content and authorised the CEO to effect changes to the budget document before distribution.

## Decision Framework

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### **Shire of Capel Strategic Community Plan 2023-2033**

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

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





Direction 4 - Deliver good leadership, governance and decision-making  
4.1 Effective and compliant governance

Direction 5 - Provide and maintain suitable infrastructure and facilities  
5.2 Improved transport options  
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

AST 1 - **Develop Building Asset Management Plans - Facilities Portfolio** - Develop AMP plans for all relevant assets to inform the strategies and works plans. (These require Council endorsement)

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

ETS 1 - **Technical Services Capital Works Program** - Annual Capital works from LTFP, Officer recommendations and other (Council, Community etc.) sources of input.

ETS 12 - **Contract Superintendency** - Superintend contracted services to ensure delivery against the specification

FIN 3 - **Financial Sustainability** - Design and present a detailed long-term financial sustainability plan to the Council, ensuring linkage to other strategic documents.

FIN 17 - **Procurement** - Provide oversight of procurement practice to ensure compliance with regulations and Policy.

OPS 16 - **Infrastructure Maintenance** - Sealed Road Maintenance, - Unsealed Road Maintenance, - Drainage Maintenance Footpath Maintenance, Bridge Maintenance, - Public Open Space Maintenance, - Street Tree Pruning CBD and Western Power, Annual Removal, Repair, and reinstatement of SOC Shade sails.

## 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 state frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- Asset Management
- Purchasing
- Risk Management Framework
- Roads - Extra Mass Permits
- Roads - Seal Width
- Local Planning Policy 6.2 - Extractive Industries

**Implications**

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Risk	Likelihood	Consequence	Mitigation
<p><b>Risk 1</b> Health and Safety  <b>Rating: High</b></p>	Possible	Major	<p>The proposed upgrades are designed to improve road safety and thereby mitigate Council's future risk with respect to accidents through improvements to the road geometry and correction of deteriorated pavement and drainage conditions.</p> <p>During construction, Traffic Management Controls will be enacted in accordance with an approved Traffic Management Plan.</p>
<p><b>Risk Description:</b></p> <ul style="list-style-type: none"> <li>• The existing pavement and seal along this section of Roberts Road is in poor condition because of inadequate roadside drainage.</li> <li>• This affects the road condition rating that if left could result in issues or incidents that could have major consequence if left unattended.</li> </ul>			
<p><b>Risk 2</b> Infrastructure / Systems / Utilities  <b>Rating: Medium</b></p>	Possible	Moderate	<p>Reconstruction of the road pavement and drainage is intended to return it and improve the current asset to an 'as new' condition, enabling long term management and use at reduced operational cost and risk.</p>
<p><b>Risk Description:</b></p> <ul style="list-style-type: none"> <li>• This section of Roberts Road has deteriorated and reconstruction before major failure of the roadway occurs is necessary.</li> <li>• Major failure will lead to escalating maintenance costs and significant cost escalation due to the possible need for emergency repairs.</li> </ul>			



Risk	Likelihood	Consequence	Mitigation
<b>Risk 3</b> Financial  <b>Rating: Medium</b>	Possible	Moderate	Strict adherence to the contractual terms as laid out in the tender document in Item 5.3.1 (Lump Sum Price) that 'The Tenderer shall price all tasks in the Price Schedule. The prices entered shall fully cover all the obligations of the Contractor under the Contract.'  By reference to the above Clause, only those items which come about because of a direct request from the Principal will qualify as a Variation.
<b>Risk Description:</b> <ul style="list-style-type: none"> <li>It is common for latent conditions (items unidentified during initial site investigations) or changes in scope of the works to result in Variations to the Contract Price.</li> <li>Management of such Variations is the duty of the Principal's Representative.</li> </ul>			
<b>Opportunity:</b> This project is an ongoing, pre-approved project delivered under the Roads to Recovery (R2R) funding allocation through Mains Roads WA, and by spending this allocation within this funding round ensure continued support of road funding upgrades/renewal for future campaigns. This is done on two thirds (Grant) and one third (Council) supporting arrangement, making this value for money expenditure for Regional Councils maintaining major road networks.			

**Financial Implications**

Budget

The financial implications relevant to this proposal are outlined below:

- (R2R280) Roberts Road Stirling Estate (SLK 0.00 to SLK 1.13km) Rehabilitation (Bitumen) - This project is listed as a carryover from 22-23 in the Annual adopted budget, noting the following (excluding GST) allocations:

Roberts Road R2R funding	\$238,000	
Council Reserve funding	\$21,420	
Total Project:		\$259,420

- Tender 23-17 Roberts Road Stratham (SLK 0.08 to SLK 0.38km) has been advertised for expression of interest and returned a single response to the value of **\$310,964.75** (excluding GST) from Carbone Brothers Pty Ltd.
- This has resulted in a shortfall of \$51,544.75 (excluding GST) to the original 22-23 funding allocation of \$259,420.00 (excluding GST).

The Engineering Technical Services Team have conducted a thorough review of the adopted Capital Roads budget listings for the 23-24 Financial Year and propose to reallocate Roads to Recovery (R2R) funding from the following listing to support the successful award of this Tender:

- (R2R012) Queelup Road North Boyanup (SLK 1.45 to SLK 3.08km) Reseal (Bitumen) comprised of \$45,500 Roads to Recovery (R2R) funding and \$28,750 Council; one third matching funds equalling a total of \$74,250 (excluding GST).



Reallocation of these funds will subsequently amend the budget allocation for (R2R280) Roberts Road as follows; whilst ensuring a complete and seamless delivery of this project as intended in the design brief:

ROBERTS Rd - R2R Funding	\$238,000	
Carry Over - Council Reserve funding	\$21,420	
QUEELUP Rd – Reallocation R2R Funding	\$45,500	
QUEELUP Rd – Reallocation Council funding (reserve)	\$28,750	
Total Project:		\$333,670 (excluding GST)

The new budget allocation (as above) has exceeded the Tender value by \$22,705.25 (excluding GST) and as such the Engineering Technical Services Team are seeking this value be kept in situ against this project as project contingency for the following rationale:

- Road projects are prone to latent conditions (unknown or unidentified issues) which inherently require immediate resolutions through minor variation risk mitigation decisions having to be made.
  - o Having this available as part of the project budget allowance ensures expedient resolution.
  - o Expedient resolution reduces the Contractors ability to claim “Notice of Delay” fees, which in this instance would far outweigh this allowance.
- This value is under the norm of 10% for projects of this nature.
- This money is spent at the absolute discretion of the Principal (the Shire).

### Long Term

The future financial implications of this proposal are outlined below:

### **Whole of Life**

Road upgrades can have several long-term financial benefits for a local government:

1. Improved Infrastructure Value: Upgrading roads can enhance the overall infrastructure value of the region.
  - Well-maintained roads contribute to the attractiveness of an area for residents, businesses, and investors.
  - This is specifically relevant to this road as it serves as one of the main entry roads to the Peppermint Beach community and neighbouring rural businesses.
  - Furthermore, this road forms part of the greater cycle path strategy that considers route linkages to the neighbouring region, business, and local community.
2. Economic Development: Better roads can stimulate economic development by improving transportation efficiency. This can attract new businesses, create jobs, and boost local economic activity.
3. Increased Property Values: Improved infrastructure often leads to increased property values. Properties with easy access to well-maintained roads are generally more desirable, potentially leading to higher property values and increased revenue from property taxes.



4. **Reduced Maintenance Costs:** While the initial cost of the road upgrade might be significant, the long-term maintenance costs could be lower. Well-constructed roads typically require less frequent and less expensive maintenance, saving money over time.
5. **Enhanced Safety:** Upgraded roads can contribute to improved road safety, reducing the number of accidents and associated costs such as emergency services, medical care, and legal expenses.
6. **Tourism and Recreation:** Better roads can make a region more accessible and attractive to tourists. This could lead to increased tourism-related revenue and enhance the local recreational opportunities, benefiting local businesses.
7. **Environmental Benefits:** Modern road upgrades may include environmentally friendly features, such as better stormwater management, which can contribute to long-term environmental sustainability and potentially reduce costs associated with environmental issues.

It's important to note that the specific financial benefits will depend on various factors, including the scope of the road upgrade, local economic conditions, and effective project management.

### **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 other than the safety and improved use and appearance of this road parcel due to widening and improved drainage.

#### Economic

There are no relevant economic implications relevant to this item.

#### Asset

The only asset implication of this project is that this portion of the greater road network is now upgraded to include road widening and improved drainage that will inadvertently reduce ongoing maintenance cost and most likely extend the useful life of this portion of high use road.

### **Consultation/Engagement**

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#### **External Consultation**

This project forms part of the Roads to Recovery (R2R) funding program managed via Main Roads WA (MRWA). This process has continual, and ongoing consultation through scheduled and frequent meetings whereby these projects and budget allocations are deliberated and approved.



## Internal Consultation

This project and the budget assigned to it forms part of the overall Shire of Capel budget process, seeing this being discussed and consulted on at the following levels:

- Engineering Technical Services.
- Assets.
- Executive Managers
- Council

## Officer Comment

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### Project Scope Amendment

The Engineering Technical Officer has reviewed this project through visual inspection and made minor amendments to the scope specification and project location, these being:

- The adopted budget has this project listed as **Roberts Road Stirling Estate 0.00-1.13 Rehabilitation (Bitumen)-Carryover from 22/23**.
- The project that has been advertised for Tender is now listed as **RFT 23-17 Roberts Road Stratham Upgrade (SLK 0.08 to SLK 0.38km)**.
- The project had bitumen listed as the coating surface specification, however the Engineering Coordinator has advised and amended this to an Asphalt coating as this is a more resilient finish that will yield a better finish and longer whole of life durability for a portion of road that has high traffic volume.

The above changes have resulted in the Tender coming in at a higher value than budgeted, however it is believed that this increase of Tender value is a far more economical outcome over time (whole of life maintenance expenditure) than the bitumen option.

- Asphalt is far more resilient to wear and tear than bitumen which inadvertently reduces maintenance cost due to repair and call outs when the road surface starts to degrade.
- The Engineering Team are also more in favour of Capital works being done to a higher standard over short term remedies, this on the provision that there is funding to be allocated and that this is done with little or no effect to the remaining listings other than timing.

### Regional Road Funding Reallocation (R2R)

R2R funding is allocated in capped annual amounts to Local Governments to be spent on road infrastructure that meets their funding criteria. This funding can be amended throughout the funding cycle period to support listed projects achieve their desired outcomes as well as adjust to market changes. It is in this context that:

- The Engineering Technical Services Team have conducted a thorough review of the adopted Capital Roads budget listings for the 23-24 Financial Year and propose to reallocate Roads to Recovery (R2R) funding from the following listing to support the successful award of this Tender:
  - (R2R012) Queelup Road North Boyanup (SLK 1.45 to SLK 3.08km) Reseal (Bitumen) is the nominated project to be redirected to support the Roberts Road Tender award, this comprised of \$45,500 Roads to Recovery (R2R) funding and \$28,750 Council; one third matching funds equalling a total of \$74,250 (excluding GST).



- Queelup Road will be relisted in the next R2R funding round for budget, and this done with a revised programming methodology that will see this delivered over multiple years, these being:
  - Year 1 – Detail design and full project scoping and approvals being done in this year.
  - Year 2 – Carry over any surplus funding from year 1 and add this to the 2<sup>nd</sup> years allocation to support a much larger campaign that sees this heavily deteriorated road achieve renewal status, and this supported by sufficient funding due to the carryover methodology suggestion.
  
- The Engineering Technical Services Team area also moving to a reduced annual roads program as discussed at the latest Regional Road Group meeting for the following reasons:
  - Contractor resource is at an all-time low and this then limits the ability of previous campaigns comprised of multiple projects being delivered on time or at all.
  - In regional localities the same Contractor resource pool is being used by multiple agencies to deliver the annual program, this now causing massive scheduling issues and pricing blow outs, and in some instances one or no submissions being received for works advertised.
  - Project raw materials is also a constantly changing area, and this therefore causing pricing blow outs on previous cost estimation of projects. It is now advised to have safe and sufficient contingency in budget estimations to combat these eventuation's.
  - Additionally, there is increased regulatory compliance being introduced to the project planning and design phase, these being, but not limited to, the new Bush Fire regulations and the Aboriginal Heritage Act, these all adding additional cost and time to the current portfolio.
  - Reducing project listing per annum and ensuring budget sufficiency is now a requirement of consideration for all road maintenance agencies/project managers. This consideration is also having to be done with very little clarity on timing and cost assumption, hence the provision of additional contingency and timing allowances to combat these as they become apparent.
  - It was also noted at the meeting that if you did not have all your approvals done at least 12 months prior to the delivery (construction phase) of the works, that in the current resource and compliance environment it is most likely you were not going to be able to achieve successful delivery of your project in the prescribed timing assumption.
    - Main Roads asked all attendee's to be vigilant in this area and to flag any carryover and return of funding earlier in their financial cycle to enable them to reallocate these funds to other agencies seeking additional funding.
    - This also improved their reporting to the Minister on the management and distribution of funding.
  - Therefore, for all the above reasons, the current road program is being reviewed and amended to suit the current market conditions, with direct correlation to the Tender award for Roberts Road.

## Project Evaluation

This Tender has been evaluated as a single submission Tender, noting that there was a late submission that could not be considered due to the rules and regulations around Tender submissions.

The value of this submission has been compared to other like or similar projects to establish fair value, and it is confirmed that this is deemed to be fair value.



Project timing has also been confirmed through additional clarification, and this campaign is within project allowances for delivery with sufficient consideration for safety and road user inconvenience.

The project schedule is however linked to a successful award being achieved at the November 2023 Ordinary Council meeting.

Should this not occur, the project will suffer significant delay and possibly fall outside of the remaining funding allocation for both timing and budget allowances, noting:

- The remaining R2R funding is to be spent on or before June 2024 and fully acquitted by no later than December 2024 for this tranche of funding.

## Summary

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The Council is requested to consider the successful award of the Tender 23-17 Roberts Road Stratham Upgrade for the widening and road upgrade from SLK (Straight Line Kilometre) 0.08 to SLK 0.38km, this funded from Roads to Recovery (R2R) and Shire (carryover and reserve) funding.

The successful award of this Tender to Carbone Bros Pty Ltd for \$310,964.75 (excluding GST) is considered to represent the best value for money.

Shire Officers are also seeking Council endorsement to include as part of this award the adjustment of the adopted budget for (R2R2080) Roberts Road to \$333,670 (excluding GST); this including a contingency allowance of \$22,705.25 (excluding GST) to be spent at the absolute discretion of the Principal (Shire Project Team).

## Voting Requirements

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Simple Majority





**Officer's Recommendation – 14.9**

**OC/2023/211 - Officer's Recommendation / Council Decision - 14.9**

*Moved Cr Mogg, Seconded Cr McCleery.*

**That Council:**

- 1. Accepts the tender from Carbone Bros Pty Ltd for \$310,964.75 (excluding GST) as detailed in Tender Number 23-17 Roberts Road, Stratham Upgrade for (SLK 0.08 to SLK 0.38km); and**
- 2. To fund the increase to the cost of works by approving the reallocation of 23-24 budgeted funds from the Roads to Recovery (R2R) funding pool to this project; these funds originally being assigned to:**
  - (R2R012) Queelup Road North Boyanup (SLK 1.45 to SLK 3.08km) Reseal (Bitumen) made up of \$45,500 R2R (Roads to Recovery) funding and \$28,750 Council one third matching funds equalling a total of \$74,250 (excluding GST).**
- 3. To endorse the project budget to a newly adjusted value of \$333,670 (excluding GST), this including a contingency value of \$22,705.25 (excluding GST) spent at the absolute discretion of the Principal (The Shire Projects Teams).**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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**14.10. Tourist Development consisting of 22 short stay chalets and tavern at Lots 806, 4292 and 10 Forrest Beach Road, Forrest Beach**

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<b>Location</b>	Lots 806, 4292 and 10 Forrest Beach Road, Forrest Beach
<b>File Reference</b>	PA229/2023
<b>Applicant</b>	Dynamic Planning and Development
<b>Owner</b>	Seaview Farms
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure and Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Application [<b>14.10.1</b> - 308 pages]</li><li>2. Location plan [<b>14.10.2</b> - 1 page]</li><li>3. Site plan [<b>14.10.3</b> - 1 page]</li><li>4. Floor plans and elevations [<b>14.10.4</b> - 4 pages]</li><li>5. Zoning plan [<b>14.10.5</b> - 1 page]</li><li>6. Extract of LPS map [<b>14.10.6</b> - 1 page]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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The applicant is seeking development approval for 22 individual chalets for 'Short-Stay Accommodation', 22 "beach tents", a tavern/function centre and associated car parking and services at Lots 806, 4292 and 10 Forest Beach Road, Forrest Beach (**Attachment 14.10.1** – Application Report). **Attachment 14.10.2** provides a location plan.

That the portion of Forrest Beach Road fronting the chalets (running parallel to the coast) is a gazetted road held in private ownership.

**Attachment 14.10.3** provides a site plan that shows the intended layout of the development. The design proposes a linear row of chalets along the eastern side of Forrest Beach Road with "beach tents" aligned along the western side.

The submitted project value is \$1 million. On preliminary assessment, this value is unlikely to reflect true development costs given the current pricing, scale, construction environment and the type of buildings proposed.

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**Officer's Recommendation**

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That Council:

In accordance with Clause 36 (3) of the Greater Bunbury Region Scheme recommend to the Western Australian Planning Commission that the application at Lots 806, 4292 and 10 Forest Beach Road, Forrest Beach be refused for the following reasons:



**Reasons:**

1. The proposed development is not compatible with the aims and purpose of the Regional Open Space reserve under the Greater Bunbury Region Scheme.
2. The proposed development is not compatible with the policy objectives and policy measures of State Planning Policy 2.6 State Coastal Planning Policy as it will introduce new development in an area identified as being at risk from coastal hazards.
3. The proposal is not compatible with the Government Sewerage Policy (September 2019) as the proposal is located within a “sewage sensitive area”.
4. The proposal is not compatible with policy objectives and policy measures of DC Policy 5.3 use of Land Reserved for Parks and Recreation and regional Open Space as it will restrict public access to the coast, foreshore and adversely impact on local environmental conditions.
5. The proposal is of a scale that will adversely impact established landscape values in terms of built form outcomes in respect to bulk and scale.
6. The proposed development does not satisfactorily address the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* Clause 67(2) sub clauses (a), (b), (c), (e), (fa), (g), (k), (m) (n), (o), (p), (q), (r), (s), (t), (u), (v), (x).

**Background**

<b>Land / Title Information:</b>	Lot 806, 4292 and 10 Forrest Beach Road, Forrest Beach
<b>Development Description:</b>	Tourist development including 22 chalets, tavern/reception centre and beach tents
<b>Land Area:</b>	16.8ha
<b>Existing Land Use</b>	vacant
<b>Town Planning Scheme zone:</b>	Regional Open Space Reserve/Rural
<b>Greater Bunbury Region Scheme zone:</b>	Regional Open Space Reserve/Rural
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	2 November 2023
<b>Application Process Days:</b>	27 days

The majority of the development (excluding carparking area) is located within a “Regional Open Space” reserve under the Greater Bunbury Region Scheme. The carparking area is located on land zoned “Rural” (see **Attachment 14.10.5**)

A main building consisting of a tavern/function room and restaurant is located at the northeastern side abutting an existing beach access and parking area. It is intended to accommodate up to 140 patrons at any one time.



The development consists of 3 main elements, consisting of:

- a) tavern/restaurant and function room that has a combined floor area of 1250m<sup>2</sup>, outdoor dining/servicing areas and 129 carparking bays
- b) 22 chalets consisting of three designs (two consisting of single bedroom design and a two bedroom design). Parking for the chalets is restricted to the tavern parking area and access to the chalets is proposed via golf carts or similar.
- c) 22 beach tents to be provided on the beach for use during the day by patrons staying at the chalets and can be removed after use.

The development layout and design are detailed in **Attachment 14.10.4**.

The majority of the site is located on land reserved "Regional Open Space" under the Greater Bunbury Region Scheme (GBRS). As such, this application for development approval is made solely under the GBRS and not under the Shire's Local Planning Scheme No.8.

In accordance with the GBRS, the local government is required to make a recommendation to the Western Australian Planning Commission (WAPC) within 42 days. The WAPC is the decision-making body for this development application.

#### Previous Council Decisions

Nil

#### **Decision Framework**

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##### **Shire of Capel Strategic Community Plan 2023-2033**

Direction 2 – Manage and protect our environment.

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

2.7 Urban planning that supports sustainable development.

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

4.1 Effective and compliant governance

4.3 Contemporary planning and local development

##### **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**

##### Shire of Capel Local Planning Scheme No.8 (Scheme 8)

The majority of the land is reserved "Regional Open Space". Clause 13 (2) states:

*"The lands marked as regional reserves are lands reserved for a public purpose under the Greater Bunbury Region Scheme."*



A portion of the development (car parking area to service proposed tavern/function room/restaurant) is located on land zoned "Rural".

The Rural zone has the following objectives:

- *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.*

### Land Use

The proposed development contains several land use elements. These land uses are defined in Part 6 as follows:

The 22 chalets and beach tents fall under the definition of "Tourist Development". Tourist Development is defined as:

*"means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -*

- short-term accommodation for guests and*
- onsite facilities for the use of guests and*
- facilities for the management of the development.*

The "Tavern" includes land use elements of function room and restaurant. These uses are defined as follows:

**Tavern** means premises the subject of a tavern license granted under the Liquor Control Act 1988.

**Restaurant/cafe** 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 licensed under the Liquor Control Act 1988.

The carpark located on Rural zoned land is ancillary to the tavern/restaurant/cafe.

### Local Planning Strategy

The Shire's Local Planning Strategy identifies the subject site as being identified as:

- Regional open space
- Regional ecological linkages

Further, the site abuts land identified as existing priority agricultural land and a site identified as having European Heritage status (see **Attachment 14.10.6** – extract of LPS map).



Draft Coastal Hazard Risk Management Adaptation Plan (CHRMAP)

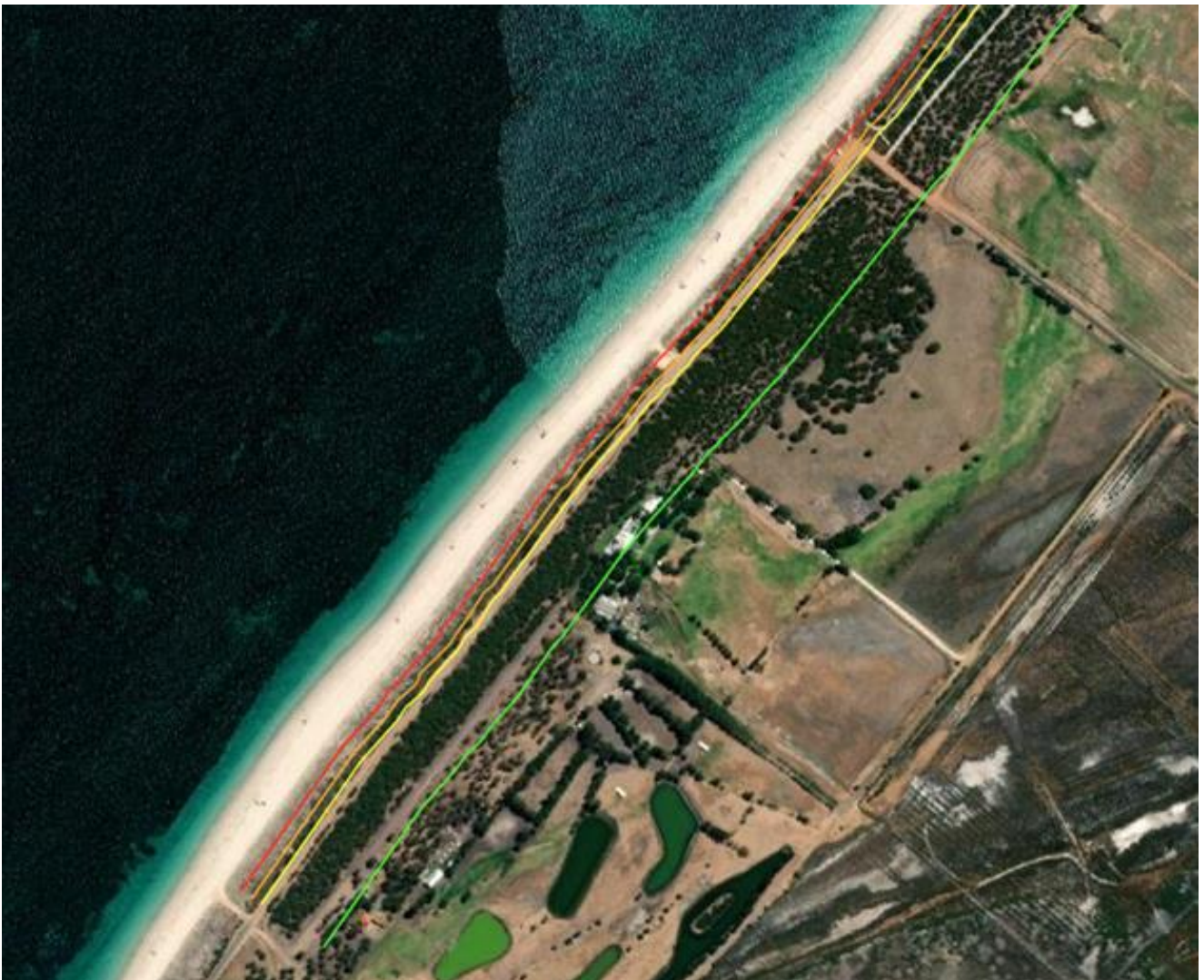
The draft CHRMAP has been publicly advertised and provides strategic guidance for the management of coastal areas.

The draft report states that:

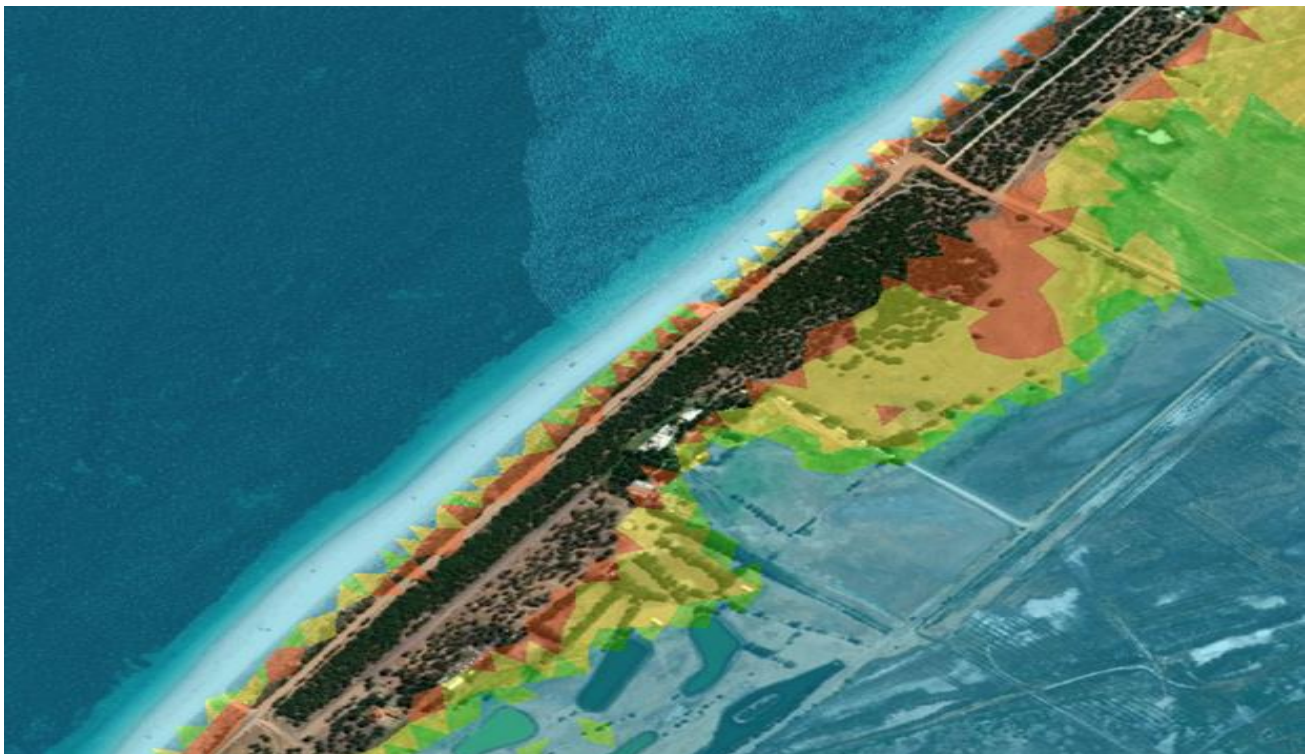
“The low-lying land west of Bussell Highway is often connected to the ocean through river openings such as Wonnerup inlet at Forrest Beach and Capel River at Peppermint Grove Beach. Weirs, culverts, and drainage paths have been implemented to mitigate inland flooding and to reduce the impact of surge water from the ocean entering the lowlands behind the dune. The CHRMAP desktop review indicates coastal flooding has been an infrequent hazard. More frequent inundation hazards are often associated with river flood events e.g., the flood at Capel River in August 2013. Nonetheless, inundation risk remains high, particularly under the impact of sea level rise (SLR).”

The extent of the risk areas is shown below:

**Erosion Hazard lines 2020 (red) 2035 (orange) 2050 (yellow) 2120 (green).**



## Inundation Extent 2120



### State Framework

#### Greater Bunbury Region Scheme (GBRS)

The subject land is reserved "Regional Open Space" and a portion of development site (car parking area) is zoned "Rural".

The aims of the Scheme include clause 6 (c) which states:

*"protect as regional open space the region's coastal foreshores, the foreshores of the Harvey, Brunswick, Collie, Preston and Capel Rivers, and the Leschenault Estuary and Inlet, as well as other areas of regional conservation significance and areas for regional recreational facilities."*

The purpose of Regional Open Space reserves is to:

*"protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access."*

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 24 – Requirement for approval to commence development

... a person must not commence or carry out -

- (a) development on reserved land; or
- (b) development of a kind or class specified in a resolution made by the Commission under clause 27,

Unless that person has first applied for and obtained the planning approval of the Commission under Part 7.

Part 7 outlines applications for planning approval processes with clause 36 stating:

- (1) An application for planning approval is to be lodged with the local government in whose district the land that is the subject of the application is situated.
- (2) A local government which received an application under subclause (1) is to forward it to the commission within 7 days of receiving it.
- (3) A local government may make recommendation to the Commission regarding an application it has forwarded to the Commission within 42 days, or such longer period as the Commission allows of the receipt of the application by the local government.

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

Clause 67 - Matters to be considered by local government:

Clause 67 - Matters to be considered by local government:

In considering an application for development approval the local government is to have due regard to the following matters, amongst other things, 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;
- e. Any policy of the Commission;
- fa. Any local planning strategy for this Scheme endorsed by the Commission.
- g. Any local planning policy for the Scheme area;
- k. The built heritage conservation of any place that is of cultural significance;
- m. The compatibility of the development with its setting, including:
  - i. The compatibility of the development with the desired future character of its setting; and
  - ii. The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.





- n. The amenity of the locality including the following –
  - iii. Environmental impacts of the development;
  - iv. The character of the locality;
  - v. Social impacts of the development.
- o. The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p. Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- r. The suitability of the land for the development taking into account the possible risk to human health or safety;
- s. The adequacy of –
  - i. The proposed means of access to and egress from the site; and
  - ii. Arrangements for the loading, unloading, maneuvering and parking of vehicles.
- t. The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
- u. The availability and adequacy for the development of the following -
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) Storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability.
- v. 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.
- x. The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.

State Planning Policy No.2.6 State Coastal Planning Policy

Policy Objectives are:

1. Ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
2. Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
3. Provide for public coastal foreshore reserves and access to them on the coast; and
4. Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.



Relevant policy measures are detailed below:

## 5.2 Policy Measures

5.2 (i) encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled, Proposed major urban development outside existing settlements will only be supported where a genuine community need has been demonstrated and the environmental capability has been properly assessed.

5.2(ii) Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure by upgraded and improved.

5.2 (iv) Ensure that use of the coast, including the marine environment, for recreation, conservation, tourist, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.

## 5.5 Coastal hazard risk management and adaption planning

5.5 (i) Adequate coastal hazard risk management and adaption planning should be undertaken by the responsible management authority and or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that established the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review, and communication and consult.

5.5 (iii) Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:

(1) Avoid the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with guidelines provided in Schedule One.

## 5.10 Coastal strategies and management plans

(i) Ensure that at rezoning, structure planning, subdivision, strata subdivision or development – whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.

(ii) Any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).

5.11 Precautionary principle

- (i) Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation.
- (ii) The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment.
- (iii) If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed.

Government Sewerage Policy (September 2019)

Policy objects include:

1. To generally require connection of new subdivision and development to reticulated sewerage;
2. To protect public health and amenity;
3. To protect the environment and the State’s water and land resources;
4. To promote the efficient use of infrastructure and land
5. To minimise costs to the broader community including by ensuring an appropriate level and form of sewage servicing is provided; and
6. To adopt the precautionary principle to on-site sewage disposal.

Section 5 provides policy measures require planning proposal to connect to or provide for reticulated sewerage in the following instances:

5.1.1. 6 Where the responsible authority determines that the absence of reticulated sewerage will pose an unacceptable risk to public health, the environment or water resources. This includes instances where:

.... b. The impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. Where approval of any future or proposed application without connection to reticulated sewerage is likely to set a precedent for similar proposal in the local water catchment, the cumulative impact will be considered....

The Policy includes a definition of “Sewage sensitive areas” which includes areas within one kilometre of a significant wetland.

The subject site is located within a “Sewerage sensitive area (see extract of mapping below).





DC Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space

Policy objectives are:

- To provide guidance on development which may be permitted on land reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS) and Regional Open Space under the GBRS & Peel Region Scheme (PRS).
- To set out procedures for obtaining approval for the use and development of land reserved for Parks and Recreation or Regional Open Space.
- To provide specific guidance where the land is owned by the Western Australian Planning Commission.

Policy measures include:

- The use and development of land reserved for Parks and Recreation under the MRS or Regional Open Space under the GBRS or PRS shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.
- The use and development of land reserved for Parks and Recreation or Regional Open Space for purposes inconsistent with the purpose of the reserve will not be supported.
- The use and development of land reserved for Parks and Recreation or Regional Open Space for commercial purposes ancillary and or compatible to the purpose of the reserve and likely to enhance the public access to the enjoyment of the reserve may be supported.
- The use and development of land reserved for Parks and Recreation or regional space which would result in restrictions to public access, notwithstanding the possible benefit which could be derived from the use and development to the general community or to a specific educational or religious group within the community, will not be supported.

Land reserved for Parks and Recreation or Regional Open Space may be used for:

- Passive recreation;
- Active sporting pursuits;
- Cultural and or community activities;
- Activities promoting community education or the environment; and/or
- Uses that are compatible with and or support the amenity of the reservation (i.e. café, restaurant) where specific facilities for such purposes have been approved by the WAPC.

Implementation procedures state applications may be referred to any relevant agency by the WAPC for its comment and recommendation(s) and that the WAPC makes a decision based on a planning assessment and the comments of the local government and other referral agencies.

State Planning Policy 2.5 - Rural Planning

Policy objectives include:

- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision making;
- (e) avoid and minimise land use conflicts;



- (f) promote sustainable settlement in, and adjacent to, existing urban areas;
- (g) protect and sustainably manage environmental, landscape and water resource assets.

Policy measures include:

5.1 Protection of rural land and land uses

- (a) Requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;
- (c) protecting land, resources and/or primary production activities through the State's land use planning framework;
- (g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural 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 6.1 - Vehicle Parking

Car parking requirements for "Tavern", "Restaurant/Cafe" and "Tourist Development" in LPP 6.1 are provided in the table below. An assessment of carparking provision is provided in the officer comment section below.

Land Use class	Cars	Bicycles	Service Vehicles
Tavern	1 bay per 4 square metres of public drinking area; plus, a car queuing area sufficient to accommodate 5 cars where drive through facilities is included	1 space per 100 square metres net lettable area (nla)	1 bay for visiting service vehicles
Restaurant /cafe	1 bay per 15 square metres of nla	1 space per 100 square metres nla	1 bay for visiting service vehicles
Tourist Development	In accordance with the relevant dwelling type under the Residential Design Codes, and/or 1 bay per bedroom or accommodation unit; plus 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes.	No minimum requirement	



## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environment	Possible	Moderate	Conditions be imposed to restrict access to the coast and removal of vegetation
<b>Risk Description:</b> Erosion of coastal dune system by uncontrolled access and clearing of vegetation			
<b>Opportunity:</b> The development of a tourist business within a coastal setting.			

### Financial Implications

#### Budget

There are no financial implications relevant to this proposal.

### Sustainability Implications

#### Climate Change and Environmental

The proposal is to develop land identified in an area identified as being at risk of changing coastal conditions and will be vulnerable to sea level change. Further, the development will need to be serviced by on-site effluent disposal systems in an area identified as a "sewage sensitive area". There is potential for nutrient leaching to impact nearby internationally recognised wetlands.

#### Social

The proposal will restrict public accessibility to the coastal area contrary to the intent of the Regional Open Space reserve.

#### Economic

The proposed development will result in job creation and additional investment in local businesses. The Shire receives no fees associated with the application assessment.

#### Asset

There are no relevant asset implications relevant to this item. However, long term, if supported, there may be pressure to maintain road access during flood events and assist with protecting private development from coastal processes associated with sea level changes.



## Consultation/Engagement

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### External Consultation

Under the Greater Bunbury Region Scheme text, the WAPC can advise the local authority as to whether the proposal should be advertised for the purpose of public consultation. The Shire has been advised to conduct public consultation for a period of 14 days. As such, letters have been sent to nearby landowners.

Given the time constraints with the referral to the WAPC, the public consultation period will run throughout the period of mid-November. A schedule of submissions will not be prepared in time to be presented as part of this report but will be presented to the WAPC as part of the referral process.

### Internal Consultation

Internal advice received is summarised as follows:

- Building permits will be required for various parts of the proposal;
- Minor suggested modifications to address fire management (firebreak construction);
- Potential to change rating of property due to commercial development;
- Potential for adverse impacts on local vegetation and erosion of vegetation during storm events;
- Potential for land use conflicts with existing fishing and horse training that occurs in the locality.

### Officer Comment

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The following table provides assessment against the deemed provisions (clause 67) matters to have due regard when assessing an application.

Clause	Comments
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed development is inconsistent with the objectives and purpose of the Regional Open Space reservation. This is addressed in more detail in the sections below.  <b>Not consistent</b>
Clause	Comments
(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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposal is not supported by relevant and necessary technical reports to ensure orderly and proper planning principles are addressed. It is noted that the site presents several significant environmental and servicing constraints that have not been addressed (including impacts from coastal processes and sensitive environments for effluent disposal).  <b>Not consistent</b>





Clause	Comments
(c) Any approved State planning policy;	The proposal has not addressed SPP 2.6 State Coastal Planning Policy.  <b>Not consistent</b>
(e) Any policy of the Commission;	The proposal has not addressed Government Sewerage Policy or DC 5.3. Both these policies present significant barriers to supporting the proposal due to inconsistencies with use and need to address environmental constraints highlighted in the planning framework.  <b>Not consistent</b>
(fa) Any local planning strategy for this Scheme endorsed by the Commission	The proposal is not located within an area identified for intensification or Tourist Development in the endorsed Local Planning Strategy.  <b>Not consistent</b>
(g) Any local planning policy for the Scheme area;	The proposal complies with car parking requirements of LPP 6.1.  <b>Complies</b>
(k) The built heritage conservation of any place that is of cultural significance.	The site abuts a site listed on the Shires' Heritage list. No details on how heritage values are considered as part of the design.  <b>Not consistent</b>

Clause	Comments
(m) The compatibility of the development with its setting, including: <ol style="list-style-type: none"> <li>1. The compatibility of the development with the desired future character of its setting; and</li> <li>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.</li> </ol>	The proposal has not demonstrated an assessment of impacts on landscape character or review of the relationships with nearby heritage listed buildings.  <b>Not consistent</b>





Clause	Comments
<p>(n) The amenity of the locality including the following –</p> <ol style="list-style-type: none"> <li>3. Environmental impacts of the development;</li> <li>4. The character of the locality;</li> <li>5. Social impacts of the development.</li> </ol>	<p>The proposal is identified as being within an environmentally sensitive location (subject to coastal processes), near significant (RAMSAR) wetlands. No details have been provided to demonstrate how or if these constraints can be addressed.</p> <p>In addition, the proposal was not supported by an operational plan to demonstrate with Noise Regulations or general amenity considerations (i.e.: operation hours of the tavern).</p> <p><b>Not consistent</b></p>
<p>(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.</p>	<p>The locality is identified as being subject to coastal processes and within a sensitive environmental area (proximity to RAMSAR wetlands. No details have been provided to detail risk or measures to address environmental consideration.</p> <p><b>Not consistent</b></p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</p>	<p>A report on existing flora and fauna has been undertaken. The proposal does not indicate how the Fire Management risks, including clearing to create Asset Protection Zones will impacts on vegetation.</p> <p><b>Not consistent</b></p>
<p>(q) the suitability of the land for the Development taking into account the possible risk of flooding, tidal inundation, subsidence, landskip, bush fire, soil erosion, land degradation or any other risk.</p>	<p>The subject land is subject to coastal processes and close to a RAMSAR wetland.</p> <p>No details have been provided demonstrating how these factors will and can be addressed.</p> <p><b>Not consistent</b></p>
<p>(r) The suitability of the land for the development taking into account the possible risk to human health or safety;</p>	<p>The land is subject to coastal processes and no assessment has been provided relating to water supply and effluent disposal, noting that the land is located within an environmentally sensitive area. No detail is provided on groundwater conditions and for potential to leach and contaminate the local water environment that could present a risk to human health.</p> <p><b>Not consistent</b></p>
<p>(s) The adequacy of –</p> <ol style="list-style-type: none"> <li>6. The proposed means of access to and egress from the site; and</li> <li>7. Arrangements for the loading, unloading, maneuvering and parking of vehicles.</li> </ol>	<p>The proposal will likely generate a significant increase in local traffic. No traffic impact assessment has been undertaken to quantify if the design and layout of the development is appropriate and that traffic movement is efficient and safe.</p> <p><b>Not consistent</b></p>



Clause	Comments
(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.	See above.  <b>Not consistent</b>
(u) The availability and adequacy for the development of the following - (i) public transport services; (ii) public utility services; (iii) Storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability.	No details have been provided on the adequacy of public utility services or details on accessibility.  <b>Not consistent</b>
(v) 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.	The proposal will result in a loss of public access to the foreshore and coastal environment along the length of the development (approximately 850m). It is noted that the area will not fence or physically separated, however, the style of development and use will create a perception of private exclusivity through the location of chalets and tents along the coastal frontage.  <b>Not compliant</b>

Clause	Comments
(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.	The development will provide potential for a new tavern and restaurant in a coastal location that may benefit locals and tourists alike. However, the proposal will also remove long term coastal access to the public. Overall, the proposal will have a negative impact on the community due to loss of access to the coast.  <b>Not compliant</b>



The following sections provide details on key elements/issues of the proposal, addressing:

**Regional Open Space Reserve**

The proposed uses do not align with uses identified in DC Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space as detailed in the table below.

Requirements	Proposal	Comment
<b>Policy Measures</b>		
The use and development of land reserved for Parks and Recreation under the MRS or Regional Open Space under the GBRS or PRS shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes.	<p>The proposal is for the development of a private Tourism Development (chalet accommodation and beach tents) and a tavern/restaurant/cafe.</p> <p>The proposal will require removal of vegetation for development of structures, carparking area, effluent disposal and fire risk reduction.</p>	<p>The proposal may complement the use of recreational values of the reserve by adding facilities (private paid use). However, this potential benefit is offset requiring removal of shrubbery and dune eco-systems to facilitate the build.</p> <p><b>Not consistent</b></p>
The use and development of land reserved for Parks and Recreation or Regional Open Space for purposes inconsistent with the purpose of the reserve will not be supported.	See above	<p>The proposed use and development have not demonstrated how it will be consistent with the intent of the reservation, noting that the site is at risk of coastal processes, flooding, will create impacts on nearby wetlands sensitive to nutrient loads, will result in clearing, will create potential for uncontrolled access/erosion from patrons seeking direct access to the foreshore environment.</p> <p><b>Not consistent</b></p>
The use and development of land reserved for Parks and Recreation or Regional Open Space for commercial purposes ancillary and or compatible to the purpose of the reserve and likely to enhance the public access to the enjoyment of the reserve may be supported.	See above	<p>The proposal would be considered to have a balanced approach between preserving a level of public recreation and utilising the land for commercial gain. However, it would not be adequately demonstrated to this point that the development would be considered ancillary to the overall use of the reserve, as it facilitates an inferred 'exclusivity' for guests to the use of the beach. Further the development will restrict public access to the foreshore and beach area.</p> <p><b>Not consistent</b></p>



Requirements	Proposal	Comment
<b>Policy Measures</b>		
The use and development of land reserved for Parks and Recreation or regional space which would result in restrictions to public access, notwithstanding the possible benefit which could be derived from the use and development to the general community or to a specific educational or religious group within the community, will not be supported.	See above	The land use and development will result in an inferred exclusivity for guests to use the beach.  <b>Not consistent</b>
<b>Land Use</b>		
<ul style="list-style-type: none"> <li>• Passive recreation</li> <li>• Active sporting pursuits</li> <li>• Cultural and or community activities</li> <li>• Activities promoting community education or the environment.</li> <li>• uses that are compatible with and or support the amenity of the reservation (i.e.: café, restaurant) where special facilities for such purposes have been approved by the WAPC.</li> </ul>	Tourist Development (22 chalets and beach tents) Tavern/Restaurant	<p>The proposed Tourist Development use is not consistent with land uses compatible with the reserve.</p> <p>The proposed Tavern/restaurant has not demonstrated how it will be compatible with or support the amenity of the reservation.</p> <p>The application has not addressed any elements of DC 5.3.</p> <p><b>Not consistent</b></p>
<b>Land Use</b>		
Use of reserved land is restricted to.... (b) private businesses, which: (1) Are in accordance with a management plan endorsed by the WAPC (2) Are open to and provide services the public; and (3) Have a purpose which is ancillary and incidental to the primary purposes of the reservation.	As above	<p>The proposal does not satisfy the criteria for a private business as follows:</p> <p>No management plan has been prepared or endorsed by WAPC.</p> <p>The Tourist Development (chalets and beach tents) are for private use (not public) and will restrict public accessibility. The Tavern/restaurant/cafe is not incidental to the primary purpose of the reservation.</p> <p><b>Not consistent</b></p>



**Coastal planning and risk management**

The documentation accompanying the proposed development is silent on coastal planning considerations. The subject site presents several coastal planning matters that present significant constraints to development including risk of coastal processes in the Shire’s draft CHRMAP (see above).

The proposal does not address any policy objectives or requirements outlined in State Planning Policy No.2.6 State Coastal Planning Policy. The table below highlights requirements.

Requirements	Assessment
<b>Policy Objectives</b>	
1. Ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;	The proposal is identified in the Shires Draft CHRMAP as having a high risk of being subject to coastal erosion and inundation, particularly under the impact of sea level rise. No documentation has been provided regarding coastal impacts.  <b>Not consistent</b>
2. Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;	The proposal is not identified as a location for land use intensification in the Shire’s Local Planning Strategy or as a future tourist node.  <b>Not Consistent</b>
3. Provide for public coastal foreshore reserves and access to them on the coast; and	The proposal will discourage public access to the coast through a tourist development that seeks to privatise access and use of the coastal environment.  <b>Not Consistent</b>
4. Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.	The proposal does not demonstrate how it will protect, conserve and enhance coastal zone values, noting that it will require clearance of vegetation, encourage ad-hoc access to the coast, control nutrient impacts on adjoining wetlands and impact on the local landscape.  <b>Not Consistent</b>



<p><b>Policy Measures</b> Relevant policy measures are detailed below:</p>	
<p>5.2 Policy Measures 5.2 (i) Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled. Proposed major urban development outside existing settlements will only be supported where a genuine community need has been demonstrated and the environmental capability has been properly assessed.</p>	<p>The proposal is not identified for intensification or located near existing settlements, services and infrastructure.</p> <p><b>Not consistent</b></p>
<p>5.2(ii) Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure by upgraded and improved.</p>	<p>No details are provided regarding infrastructure capacity and servicing in terms of effluent disposal and water supply.</p> <p><b>Not consistent</b></p>
<p>5.2 (iv) Ensure that use of the coast, including the marine environment, for recreation, conservation, tourist, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.</p>	<p>The proposal is located within an environmentally sensitive location and is subject to coastal processes. No details have been provided to demonstrate how development and use is suitable for the location.</p> <p><b>Not consistent</b></p>
<p>5.5 Coastal hazard risk management and adaption planning 5.5 (i) Adequate coastal hazard risk management and adaption planning should be undertaken by the responsible management authority and or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that established the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review, and communication and consult.</p>	<p>No coastal hazard risk management and adaptation plan has been provided to support the proposal.</p> <p><b>Not consistent</b></p>



<p><b>Policy Measures</b> Relevant policy measures are detailed below:</p>	
<p>5.5 (iii) Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:</p> <p>(1) Avoid the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with guidelines provided in Schedule One.</p>	<p>No assessment or risk has been undertaken.</p> <p><b>Not consistent</b></p> <p>The area is identified as affected by coastal hazards.</p> <p><b>Not consistent</b></p>
<p>5.10 Coastal strategies and management plans</p> <p>(i) Ensure that at rezoning, structure planning, subdivision, strata subdivision or development – whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.</p> <p>(ii) Any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).</p>	<p>The proposal is not supported by a foreshore management plan.</p> <p><b>Not consistent</b></p> <p>The draft CHRMAP and adopted Local Planning Strategy do not identify the site as being suitable for intensification as proposed. The proposal is not supported by any detailed environmental assessment (except flora and fauna)</p> <p><b>Not consistent</b></p>





<b>Policy Measures</b> Relevant policy measures are detailed below:	
<p>5.11 Precautionary principle</p> <p>(i) Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation.</p> <p>(ii) The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment.</p> <p>(iii) If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed.</p>	<p>Note.</p> <p>No documentation has been provided in respect to foreshore management. Further, the Bushfire Management Plan will require removal of vegetation to achieve Asset Protection Zones around chalets.</p> <p><b>Not consistent</b></p> <p>See above.</p> <p><b>Not consistent</b></p>

### Effluent Disposal

The subject land is in a Sewerage Sensitive Area. The proposed development is within 150m of the Vasse-Wonnerup Wetlands at its closest point and 650m at its furthest point. The Vasse-Wonnerup Wetlands area internationally recognised wetland with RAMSAR status (see extract below).

### Ramsar status

The Vasse-Wonnerup wetlands were recognised as a wetland of international importance under the Ramsar Convention in 1990. The Convention was established in 1971 as the first modern international treaty designed to conserve internationally important wetlands through wise use and effective management.

The Vasse-Wonnerup wetlands meet two of the possible nine Ramsar criteria:

**Criterion 5:** A wetland should be considered internationally important if it regularly supports 20 000 or more waterbirds.

**Criterion 6:** A wetland should be considered internationally important if it regularly supports one per cent of the individuals in a population of one species or subspecies of waterbird.





In addition, key risks to the wetland relate to reducing nutrient input as a priority.

No information has been provided regarding groundwater conditions, soil conditions or design, location and scale of treatment facilities.

Based on the lack of information provided and combined with the sensitive nature of the site, the proposal has not demonstrated how it can or comply with the requirements of the Government Sewerage Policy.

**Access and Parking**

The table below provides an assessment of carparking provision in accordance with LPP6.1.

Land Use class	Cars	Bicycles	Service Vehicles	Proposed
Tavern	1 bay per 4 square metres of public drinking area; plus, a car queuing area sufficient to accommodate 5 cars where drive through facilities is included	1 space per 100 square metres n/a	1 bay for visiting service vehicles	91m2 of public drinking area (21 bays required)
Restaurant /cafe	1 bay per 15 square metres of n/a	1 space per 100 square metres n/a	1 bay for visiting service vehicles	801m2 of restaurant/cafe (54 bays required)
Tourist Development	In accordance with the relevant dwelling type under the Residential Desing Codes, and/or 1 bay per bedroom or accommodation unit; plus 1 bay per 15 square metres n/a of floorspace other than that used for accommodation purposes.	No minimum requirement		22 chalets (44 bay required)
<b>Total</b>		<b>Required 121 bays</b> (includes servicing vehicle spaces) Bicycle requirements can be conditioned (if necessary)		<b>Provided 129</b> <b>Complies</b>

**Traffic Impact Assessment**

The development and land use are of a scale and intensity that will have an impact on the local road network. It is noted that it is intended that parking for the chalets is intended to be accommodated in a centralised location (tavern carparking area). Access to individual chalets is intended to be via golf carts or similar.



The proposal has potential to generate traffic conflicts between holiday makers and general road users. This is due to the road functioning for through traffic while holiday makers are crossing to the beach frontage with no access controls proposed and potentially limited sightlines.

The proposal is not supported by a traffic impact assessment so no technical analysis of the suitability of access and parking design can be undertaken.

## Summary

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The Shire is open to considering innovative and properly planned developments that promote tourism concepts that add diversity to the economy and interesting experiences for visitors and local residents.

In this instance, the proposal is not supported by relevant information to ensure that environmental and servicing infrastructure can be reasonably addressed.

On this basis, advice should be provided to the WAPC to refuse the application.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.10

#### OC/2023/212 - Officer's Recommendation / Council Decision - 14.10

*Moved Cr Fergusson, Seconded Cr Mogg.*

#### That Council:

**In accordance with Clause 36 (3) of the Greater Bunbury Region Scheme recommend to the Western Australian Planning Commission that the application at Lots 806, 4292 and 10 Forrest Beach Road, Forrest Beach be refused for the following reasons:**

#### Reasons:

- 1. The proposed development is not compatible with the aims and purpose of the Regional Open Space reserve under the Greater Bunbury Region Scheme.**
- 2. The proposed development is not compatible with the policy objectives and policy measures of State Planning Policy 2.6 State Coastal Planning Policy as it will introduce new development in an area identified as being at risk from coastal hazards.**
- 3. The proposal is not compatible with the Government Sewerage Policy (September 2019) as the proposal is located within a "sewage sensitive area".**



4. **The proposal is not compatible with policy objectives and policy measures of DC Policy 5.3 use of Land Reserved for Parks and Recreation and regional Open Space as it will restrict public access to the coast, foreshore and adversely impact on local environmental conditions.**
5. **The proposal is of a scale that will adversely impact established landscape values in terms of built form outcomes in respect to bulk and scale.**
6. **The proposed development does not satisfactorily address the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* Clause 67(2) sub clauses (a), (b), (c), (e), (fa), (g), (k), (m) (n), (o), (p), (q), (r), (s), (t), (u), (v), (x).**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

*2 Members of the public left the room 8:01pm.*



## 15. Community and Corporate Reports

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### 15.1. RFT 23-16 - Construction of Capel Regional Equestrian Park Clubrooms and Ablutions

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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>	Contractual
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. RFT 23-16 Construction of Capel Regional Equestrian Park Clubrooms and Ablutions [15.1.1 - 49 pages]</li><li>2. CONFIDENTIAL REDACTED - RFT 23-16 Evaluation Summary &amp; Price Schedule Comparison [15.1.2 - 5 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Review and accept the Request for Tender (RFT) submission provided by AE Hoskins Building Services for RFT 23-16 – Construction of the Capel Regional Equestrian Park (CREP) Clubroom and Ablutions for \$1,160,790.10 (exc. GST).

#### Officer's Recommendation

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That Council:

1. Accepts the tender submission from AE Hoskins Building Services for the construction of the Capel Regional Equestrian Park Clubroom and Ablutions for \$1,160,790.10 (exc. GST).
2. Endorses a Self-Supporting Loan Agreement (post build) with the Capel Regional Equestrian Park, covering a projected funding gap of \$248,199.00, (inclusive of contingency), with a recoup calculation being included in the 2024-25 Draft Annual Budget.

#### Background

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The Capel Regional Equestrian Park (CREP) Inc. has leased Lot 5602 – (No. 28) Capel-Tutunup Road, Capel from the Shire since 2003. The leased land area measures 38.4452 hectares and houses a clubroom facility with external ablution block.

The CREP committee are currently responsible for ongoing capital repairs and maintenance to the clubroom and ablutions as a condition of the lease, albeit the current state of both facilities do require considerable capital investment which exceeds CREP's financial investment capacity.

The CREP committee approached the Shire in 2020 to gain support and assistance in building a new facility with adjoining ablutions, conscious that the current clubroom and ablutions would require similar capital investment to make the facilities fit for purpose and compliant with building regulations.



The Capel Regional Equestrian Centre was successful in applying for a Shire Community Development Grant in March 2021 for \$35,000.00, to support the design and feasibility study of a new clubhouse and ablution facility on the site.

Since this time, Shire Officers have been supporting CREP with the planning, design, and external grant funding components of the projects.

In June 2023, it was evident that sufficient grant funding could be sourced to complete the build, seeing final designs and pretender cost estimates completed by MCG Architects in September 2023.

The Request for Tender went live on Tender Link on 27 October 2023, closing for submissions on 26 October 2023.

A total of six submissions were received by the close date, with five being compliant and one non-compliant submission due to the lack of requested documents and detailed evidence provided.

The tender submissions were independently evaluated by a panel of Shire Officers with a meeting held on 3 November 2023, resulting in AE Hoskins Building Services being the recommended tenderer.

Further site specifics and historical planning detail as follows:

<b>Land / Title Information:</b>	Lot 5602 (No. 28) Capel-Tutunup Road, Capel
<b>Development Description:</b>	Equestrian Club Premises
<b>Land Area:</b>	38.4452 hectares
<b>Existing Land Use</b>	Equestrian Club Premises
<b>Town Planning Scheme zone:</b>	Rural Zone (LPS7) / Recreational Reserve (LPS8)
<b>Greater Bunbury Region Scheme zone:</b>	Rural
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	No

2002 - Council was granted a management order for Reserve R5036 for the purpose of recreation, with power to on lease for 21 years. In 2003 Council leased the Capel Equestrian Centre Grounds at Reserve R5036 to the Capel Equestrian Centre Inc.

2012 - The Capel Equestrian Centre Inc. changed their name to Capel Regional Equestrian Park Inc. (CREP).

#### Previous Council Decisions

OC1007 - October 2016 – Ordinary Council Meeting resolved to grant Development Approval for a transportable building for the Riding for the Disabled Capel Inc.

OC0406 – April 2017 – Development Approval granted for construction of a storage shelter for use by the Horse and Pony Club Capel.



OC1207 – December 2017 – Development Approval granted for construction of transportable storage building.

OC174 – August 2021 – CREP nominated to receive a proportion of the Local Roads and Community Infrastructure Project (LRCIP) funding (round 3) for the value of \$350,000.00, supporting capital costs, with an additional \$35,000.00 to fund initial planning and professional services fees.

OC202 – September 2021 - Endorse a forward planning grant application from CREP seeking one third of eligible project costs under the Community Sport & Recreation Facilities Fund (CSRFF) for the construction of a clubhouse inclusive of meeting, kitchen, and ablution facilities.

OC2023/68 - April 2023 – Development Approval granted for the construction of a clubhouse, kitchen, and ablution facilities.

OC2023/130 - August 2023 – Adoption of the 2023–24 Annual Budget and Differential Rates. Through the Capital Works Program, endorsing the allocation of Local Roads and Community Infrastructure Project (LRCIP) funding (round 4) for the value of \$429,394.00 for the capital build component of the CREP project.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

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

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 2023-2027**

CDVS 12 - Capel Regional Equestrian Park (CREP) Building Redevelopment Project.



## Statutory Framework

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### Local Framework

Shire of Capel Procurement Framework.

### 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:

- Procurement Policy.
- Asset Management.
- Budget Management - Capital Acquisitions and Works.
- Compliance.
- Legislative Compliance.
- Risk Management Framework.
- Self-supporting Loans.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation <b>Rating:</b> Medium	Likely	Moderate	Acknowledging the Shire is committed to supporting local community groups in the management of community/club-based projects. Ensuring Shire facilities are compliant with Building Regulations and fit for the club's recreational pursuits.
<b>Risk Description:</b> Failing to support community groups with large, complex projects may impact the club's ability to manage the project successfully or deter the club from proceeding with the project.			



Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Financial  <b>Rating:</b> Medium	Likely	Moderate	Support the club in seeking appropriate funding and financing arrangements to secure the project. Assist with the tender and contract award process, ensuring tender submissions are compliant and financially realistic.
<b>Risk Description:</b> Failure to identify sufficient project funds through grants and a self-supporting loan mechanism jeopardies the continuation of the project.			
<b>Risk 3</b> Service Delivery  <b>Rating:</b> Medium	Likely	Moderate	The project is to be managed by Shire staff, supported by the CREP Team to ensure the build quality and project budget are maintained.
<b>Risk Description:</b> Lack of professional expertise in project management could result in cost escalations and delayed build schedules.			
<b>Opportunity:</b> The new CREP clubroom and ablutions will provide the newest equestrian facility in the region. Equestrian participants, both local and national, attend state events at this site, with the new facilities affirming to the equestrian community that the Shire is fully committed to supporting their sporting events.			

## Financial Implications

### Budget

The 2023-24 Annual Budget has a project allocation of \$970,591.00. This amount is derived from 100% grant funding through Community Sport & Recreation Facilities Fund (CSRFF) and Local Roads and Community Infrastructure Program (LRCIP) grant facilities.

Costs incurred to date and not included in the above budget allocation relate to professional services fees which equated to \$75,207.50 and were paid directly by CREP, showing the club's financial commitment to this project.

The recommended tenderer's submission stated a fixed price project cost of \$1,160,790.10 (exc. GST), which is \$190,199.00 higher than the budgeted figure.

A further cost consideration is to include a minimum budget contingency of \$58,000.00, which is 5.00% of the fixed price contractor cost, accounting for project variations through the course of the build.

The combined total of the unbudgeted figure \$190,199.00 and contingency allocation of \$58,000.00 equates to \$248,199.00 as a possible Self Supporting Loan (SSL) amount. However, the actual cost of the SSL will not be realised until the build has finalised, and all contractor payments have been accounted for.

Having discussed this outcome with CREP and considered various options, the Shire's SSL facility is favourable in ensuring the project can commence, negating the risk of losing all grant funding allocated to this project.

Given the financial burden of a SSL on a community group, Officers will endeavour to minimise project cost escalation above the awarded contract figure.





The Shire operates a policy position on SSL facilities to local community groups and the following information is an extract from this policy.

“The purpose of a Self Supporting Loan:

1. *Facilitate the construction of facilities for use by the community on land controlled by Council.*
2. *Provide security for Council over a facility in the event of the demise of the community organisation.*
3. *Council will only make self-supporting loans available to registered community groups that have a demonstrated capacity/capability to meet the loan commitments and maintain the asset to be acquired.*
4. *In the event of Council agreeing to make available loan funds on a self-supporting basis to any district organisation, Council reserves the right to control and/or to carry out any of the following:*
  - a. *The preparation of the plans and specifications of the proposed works;*
  - b. *The calling of tenders for the proposed works;*
  - c. *The letting of the Contract;*
  - d. *The preparation and signing of the contract documents;*
  - e. *Sole supervision of the proposed works;*
  - f. *Sole authorisation of the expenditure of funds for the proposed works whether it be to the contractor or sub-contractor; or*
  - g. *Any other condition that Council sees necessary to apply to the proposed works because of some curious circumstance which may exist.*
5. *Council shall require a Deed of Agreement be prepared containing the following:*
  - a. *Repayment schedule;*
  - b. *The obligation of the community association to meet the repayments;*
  - c. *Details of security of the loan; and*
  - d. *Provisions covering the risk that the community association defaults in meeting its obligations to Council.*
  - e. *Circumstances under which management of the facility would default back to Council.*
6. *Self-Supporting Loans will only be made available for assets to be constructed on Council owned or controlled land.*
7. *The community association must enter a lease with Council for the care control and management of the land upon which the asset is to be constructed.”*

On review of CREP’s eligibility and suitability in applying for a SSL, Officers are confident the club’s circumstances will satisfy the above criteria.

It is also worth noting, that this will be second SSL the Shire has awarded CREP, with the first Deed of Agreement successfully agreed, repaid, and settled as per the contract terms negotiated at that time.



## Long Term

The Shire currently operates a Lease Agreement with CREP, which will be renegotiated during the project term (as per point 7 above) to include considerations such as the SSL agreement, ongoing maintenance responsibilities, site usage arrangements and further facility usage options by way of income generation opportunities for the club.

Once the project is finalised, Officers will calculate the annual depreciation value and derive an amount for annual maintenance costs within the Building Program of Work schedule and captured within the Shire's Long Term Financial Plan.

## **Sustainability Implications**

### Social

The new site facilities will enhance the club's opportunity to provide a quality service /experience to club members and event participants. Further social opportunities exist in the broader usage of the new facilities to service other community based events with income generation possibilities.

### Economic

The club's hosting of local, regional, and national events brings people into the Shire who visit local shops and businesses whilst participating in the sport.

### Asset

The construction of the new clubroom and ablutions will replace the existing site facilities which are no longer fit for purpose. Ongoing maintenance and depreciation costs will be captured in the Shire's annual budget and Long Term Financial Plan.

## **Consultation/Engagement**

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### **External Consultation**

Consultation has occurred with:

- Capel Regional Equestrian Park Committee.
- Professional Service Providers managed through MCG Architects.
- Other local Equestrian Centres.

### **Internal Consultation**

Internal consultation has occurred between the CEO, Directors, Manager of Projects, Assets and Technical Services, Manager of Community Development and Safety, Environmental Health Coordinator and Procurement Officer.

## **Officer's Comment**

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A 'Request for Tender' for the construction of the Capel Regional Equestrian Park Clubrooms and Ablutions was advertised on 27 September 2023 through to 26 October 2023 and resulted in six submissions being received. The tender submissions were independently evaluated by a panel of Shire Officers with a meeting held on 3 November 2023 resulting in AE Hoskins Building Services being the recommended tenderer.



The tender process included a comprehensive evaluation process based on the review of submitted compliance criteria and weighted qualitative criteria that included the respondents Relevant Experience, Key Personnel Skills and Experience, Tenderer's Resources and Demonstrated Understanding in relation to the project.

Of the six submissions received, five were deemed compliant and one non-compliant due to the lack of requested documents and detailed evidence provided. The results of the weighted qualitative scoring for the compliant submissions were combined with the application of the weighted price method and local purchasing preference (where applicable) for the tendered lump sums with a total ranking for tenderers achieved.

It was agreed that the quality of the compliant tenders was extremely high but after completing the evaluation of submissions, AE Hoskins Building Services has been unanimously recommended by the panel for acceptance by the Council.

### Summary

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The Council is presented with the outcomes of a tender process for the construction of the new Capel Regional Equestrian Park Clubroom and Ablution facilities. The tender process resulted in five compliant submissions received, with AE Hoskins Building Services being recommended by the tender panel to complete the project.

### Voting Requirements

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Absolute Majority.

#### Officer's Recommendation – 15.1

#### OC/2023/213 - Officer's Recommendation / Council Decision - 15.1

*Moved Cr Fergusson, Seconded Cr Mogg.*

#### That Council:

- 1. Accepts the tender submission from AE Hoskins Building Services for the construction of the Capel Regional Equestrian Park Clubroom and Ablutions for \$1,160,790.10 (exc. GST).**
- 2. Endorses a Self-Supporting Loan Agreement (post build) with the Capel Regional Equestrian Park, covering the projected funding gap of \$248,199.00, (inclusive of contingency), with a recoup calculation being included in the 2024-25 Draft Annual Budget.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



## MINUTES - Ordinary Council Meeting - 29 November 2023

*The Presiding Member Adjourned the meeting for 10 minutes at 8:09pm.*

*The Meeting resumed at 8:19pm with no members of the public in attendance.*



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## 15.2. Accounts paid during the Month of September 2023

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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 September 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 September 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 EFT43628 to EFT43861, CHQ50743 to CHQ50744 equated to \$2,345,453.24 during the month of September 2023.
- 2 Payroll payments for the month September 2023, equated to \$484,053.02.
- 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 2023-2033

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

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial Rating: <a href="#">Low</a>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description:</b> Additional checks and balances of accounts paid by the Shire.			
<b>Risk 2</b> Legislative Compliance Rating: <a href="#">Low</a>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description:</b> Meeting legislative requirement of financial reporting to the Council			
<b>Opportunity:</b> Compliant and accountable procurement in the Shire of Capel's accounting practices.			

### 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 September 2023 are as follows:

EFT43628	04/09/2023	DE LAGE LANDEN PTY LIMITED	SHIRE PRINTER LEASE	155.21
EFT43629	01/09/2023	DE LAGE LANDEN PTY LIMITED	SHIRE PRINTER LEASES	1,051.27
EFT43630	01/09/2023	IINET	DALYELLUP LIBRARY MONTHLY INTERNET	119.94
EFT43631	01/09/2023	WESTNET PTY LTD	SHIRE AND CAPEL LIBRARY MONTHLY INTERNET	280.48
EFT43632	06/09/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	AUGUST SUPERANNUATION	88,625.82
EFT43633	07/09/2023	ALINTA ENERGY	GAS SUPPLY	25.70
EFT43634	07/09/2023	ASTRAL SIGNS	SIGNAGE FOR FETTLERS PARK	1,940.95
EFT43635	07/09/2023	AMITY SIGNS	VARIOUS STREET SIGNS	9,815.30
EFT43636	07/09/2023	ARBORGUY	PRUNING, REMOVAL AND WESTERN POWER PRUNING LIST AT VARIOUS LOCATIONS	8,149.90
EFT43637	07/09/2023	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS/CONTRIBUTI ONS	112.00
EFT43638	07/09/2023	BIG W	BOOK STOCK PURCHASES	1,005.00
EFT43639	07/09/2023	BUNBURY MACHINERY	MACHINERY HIRE	600.00
EFT43640	07/09/2023	CONSTRUCTION TRAINING FUND	AUGUST BCITF REMITTANCE	176.50
EFT43641	07/09/2023	CITY OF BUSSELTON	CONTRIBUTION TO CITY OF BUSSELTON'S BUSINESS CASE FOR BUSSELTON MARGARET RIVER AIRPORT TERMINAL UPGRADE	2,000.00
EFT43642	07/09/2023	BUNBURY GEOGRAPHE ECONOMIC ALLIANCE	BGEA MEMBERSHIP - MEDIUM LOCAL GOVERNMENT PARTNER	15,367.00
EFT43643	07/09/2023	BUDGET CAR & TRUCK RENTALS	VEHICLE HIRE	2,433.20





EFT43644	07/09/2023	BENDIGO BANK BUSINESS CREDIT CARD	<b>AUGUST CREDIT CARD TRANSACTIONS:</b> 6.9.2023 - OK ALONE - \$307.16 - LONE WORKER APP - <b>CARD 442 DCC</b> 6.8.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$9.21 12.8.2023 - WOTIF - \$194.37- ACCOMMODATION FOR CONFERENCE - <b>CARD 261 MFIN</b> 12.8.2023 - TRYBOOKING - \$199.00 - CONFERENCE - <b>CARD 261 MFIN</b> 18.8.2023 - ATLISSIAN - \$114.17 - HELPDESK REQUIREMENTS - <b>CARD 442 DCC</b> 18.8.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE \$3.43 18.8.2023 CHARGE.PREZI - \$61.62 - LIBRARY PRESENTATION APP - <b>CARD 442 DCC</b> 18.8.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$1.85 30.8.2023 - <b>CARD 442 DCC</b> FEE X 3 \$12.00 31.8.2023 - CROWN PROMENADE - \$1774.96 - ACCOMMODATION FOR WALGA CONFERENCE - <b>CARD 442 DCC</b>	2,677.77
EFT43645	07/09/2023	WA PCYC	DALYELLUP YOUTH DISCO CATERING	400.00
EFT43646	07/09/2023	BAY SIGNS	BFB STICKERS	192.50
EFT43647	07/09/2023	SA BRAVERY	RATES REFUND	799.00
EFT43648	07/09/2023	COATES CIVIL CONSULTING PTY LTD	DESIGN SERVICES FOR ROBERTS ROAD	9,350.00
EFT43649	07/09/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTI ONS	599.94



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EFT43650	07/09/2023	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BSL AUGUST REMITTANCE	6,308.50
EFT43651	07/09/2023	EASIFLEET MANAGEMENT	VEHICLE PAYROLL DEDUCTION	1,105.23
EFT43652	07/09/2023	ELLIOTTS FILTRATION	IRON FILTRATION SERVICES -	602.80
EFT43653	07/09/2023	ECLIPSE SOILS PTY LTD	MULCH FOR WICKLOW BOULEVARDE	3,542.00
EFT43654	07/09/2023	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR SEWER PIPE AT DALYELLUP SKATEPARK	386.10
EFT43655	07/09/2023	GISSA INTERNATIONAL PTY LTD	B-SPEC - BUILDING METADATA	3,729.00
EFT43656	07/09/2023	LM GRUITERS	RATES REFUND	80.00
EFT43657	07/09/2023	HANSON CONSTRUCTION MATERIALS PTY LTD	AGGREGATE	580.58
EFT43658	07/09/2023	H + H ARCHITECTURE PTY LTD	FINAL DESIGN AND CONSTRUCTION SUPERVISION - GELORUP BUSH FIRE BRIGADE FACILITY	2,145.00
EFT43659	07/09/2023	HI VOLTAGE ENTERTAINMENT	GO KART AND MINI GOLF INZONE EXCURSION	792.00
EFT43660	07/09/2023	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE	321.75
EFT43661	07/09/2023	LANDGATE	LAND VALUATIONS	1,224.30
EFT43662	07/09/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	CONFERENCE REGISTRATION	1,130.00
EFT43663	07/09/2023	LGRCEU	PAYROLL DEDUCTIONS/CONTRIBUTIONS	66.00
EFT43664	07/09/2023	MATTHEW MULLANY	REFUND OF BP	61.65
EFT43665	07/09/2023	MCDONALD FENCING	REPLACE DAMAGED FENCE	165.00
EFT43666	07/09/2023	MIRACLE RECREATION EQUIPMENT	PLAYGROUND EQUIPMENT	2,282.50
EFT43667	07/09/2023	REBECCA MCLEVIE	PICKLEBALL PURCHASE YOUTH ROOM	10.00
EFT43668	07/09/2023	NEO CIVIL PTY LTD	DRAINAGE WORKS AT RIVERVIEW PLACE	29,453.19



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EFT43669	07/09/2023	OFFICEWORKS SUPERSTORES PTY LTD	WHITEBOARD	561.95
EFT43670	07/09/2023	JEREMY O'NEILL	VOLUNTEER ACKNOWLEDGEMENT VOUCHER	50.00
EFT43671	07/09/2023	PRIME INDUSTRIAL PRODUCTS	CLOTH PAPER TOWELS	374.00
EFT43672	07/09/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	79,872.00
EFT43673	07/09/2023	ROSE & CROWN	ACCOMMODATION FOR TRAINING	600.00
EFT43674	07/09/2023	SOUTHERN LOCK & SECURITY	KEYS CUT FOR EVENTS TRAILER	65.01
EFT43675	07/09/2023	SOS OFFICE EQUIPMENT	PHOTOCOPIER METER BILLING	1,549.90
EFT43676	07/09/2023	SYNERGY	ELECTRICITY	3,237.33
EFT43677	07/09/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	231.00
EFT43678	07/09/2023	SOUTH REGIONAL TAFE	STAFF TRAINING	330.00
EFT43679	07/09/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTI ONS	1,773.67
EFT43680	07/09/2023	SYRINX ENVIRONMENTAL PTY LTD	CONSULTATION FOR DEVELOPMENT APPLICATION & EIL SKIPPINGS ROAD BOYANUP	1,507.00
EFT43681	07/09/2023	SYKES ENGINEERING PTY LTD T/A SOUTHWEST ELECTRICAL & COMMUNICATION	CABLING RELOCATION	5,354.80
EFT43682	07/09/2023	SOUTHWEST CHAUFFEURED ESCAPES	SPRING INZONE BUS CHARTER	2,915.00
EFT43683	07/09/2023	SLMC PROPERTY AUSTRALIA	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	7,767.45
EFT43684	07/09/2023	TOTALLY WORKWEAR	PPE AND WORK UNIFORMS	934.45
EFT43685	07/09/2023	TECHNOLOGY ONE	INTRAMAPS UPGRADE	3,547.50
EFT43686	07/09/2023	TOTALLY SOUND	SET-UP AND TUTORIAL OF SPEAKER	165.00
EFT43687	07/09/2023	T-QUIP	SERVICE OF T QUIP STAND ON SPREAD E SPRAYER	2,191.55



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EFT43688	07/09/2023	TYREPOWER CAPEL	PUNCTURE REPAIR	45.00
EFT43689	07/09/2023	UNITING GLOBAL	MONTHLY CLEANING OF SHIRE PUBLIC TOILETS	13,854.59
EFT43690	07/09/2023	WESTRAC EQUIPMENT	SERVICING & ADDITIONAL MINOR REPAIRS TO GRADER	1,860.57
EFT43691	07/09/2023	THE PRINT SHOP	7100 RATES EXPLAINED BROCHURES	2,423.30
EFT43692	07/09/2023	SHIRE OF WAGIN	PAYROLL DEDUCTIONS/CONTRIBUTIONS	80.00
EFT43693	07/09/2023	WORKPAC GROUP	LABOUR HIRE	2,391.33
EFT43694	07/09/2023	SARSHA WETHERELL	SPORTS PARTICIPATION	400.00
EFT43695	07/09/2023	WESTSIDE TILT TRAY SERVICES	TOWING OF ABANDONED CAR	165.00
EFT43696	07/09/2023	WEST COAST WASTE	DISPOSAL OF RUBBLE ON PEPPERMINT GROVE ROAD	792.00
EFT43697	07/09/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING FOR PROGRAMS AND EVENTS	36.55
EFT43698	07/09/2023	CLEANAWAY	GENERAL WASTE AND RECYCLABLE DISPOSAL INCLUDES COLLECTION AND TRANSPORT, BIN REPAIRS AND REPLACEMENTS AND CUSTOMER SERVICE	154,862.42
EFT43699	07/09/2023	HARCOURTS BUSSELTON	RATES REFUND	537.28
EFT43700	07/09/2023	OPTUS BILLING SERVICES PTY LTD	FIXED LINE PHONE MONTHLY EXPENSE	686.65
EFT43701	07/09/2023	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING AND DRAIN CLEANING	2,496.00
EFT43702	11/09/2023	AUSTRALIA POST	POSTAGE	17,197.62
EFT43703	11/09/2023	ALL WEST BUILDING APPROVALS PTY LTD	CAPEL REGIONAL EQUESTRIAN PARK - STAGE 2 DESIGN COMPLIANCE	1,650.00
EFT43704	11/09/2023	ARBORGUY	WESTERN POWER CUTTING LIST	20,768.00
EFT43705	11/09/2023	JM CHILCOTT & NH LONG	RATES REFUND FOR ASSESSMENT	2,300.00
EFT43706	11/09/2023	BUSSELTON REFRIGERATION & AIR CONDITIONING	DEGAS APPROXIMATELY 60 FRIDGES AT CAPEL WASTE TRANSFER STATION	1,718.20



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EFT43707	11/09/2023	BOYANUP GENERAL STORE & NEWSAGENCY	NEWSPAPER EXPENSES FOR BOYANUP LIBRARY	49.20
EFT43708	11/09/2023	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE EXPENSES	1,305.65
EFT43709	11/09/2023	CAPEL FRESH IGA	STATIONERY AND REFRESHMENTS	374.51
EFT43710	11/09/2023	CENTRAL REGIONAL TAFE	STAFF TRAINING	865.65
EFT43711	11/09/2023	CARRINGTON ASSOCIATES	HYDRAULIC CONSULTANCY - CAPEL REGIONAL EQUESTRIAN CENTRE	1,650.00
EFT43712	11/09/2023	COLROYS COUNTRY KITCHEN	CATERING	180.00
EFT43713	11/09/2023	DUCHESS OUT PTY LTD	ACCOMMODATION AND MEALS FOR SENIORS' PROGRAMS	3,499.00
EFT43714	11/09/2023	ECOFORM CONSULTING	ECO REVIEW OF DESIGN DRAWINGS - CAPEL REGIONAL EQUESTRIAN PARK	2,046.00
EFT43715	11/09/2023	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR OF THE SEWER LINE AT BASKETBALL COURTS, PUMP OUT AND REPLACEMENT OF PUMP	3,114.10
EFT43716	11/09/2023	Dept of Fire and Emergency Services (DFES).	ESL QTR 1	348,852.14
EFT43717	11/09/2023	AE HOSKINS BUILDING SERVICES	CLEANING OUT GUTTERS, WORKS AT CAPEL SENIOR CITIZENS BUILDING AND INSTAL SHEETING AT SHIRE DEPOT	6,176.15
EFT43718	11/09/2023	KOMBI KEG SOUTHWEST WA	CAPEL RIVER CLASSIC - LABOUR AND BOND	2,236.80
EFT43719	11/09/2023	LANDGATE	LAND VALUATIONS	137.40
EFT43720	11/09/2023	A MASTER	RATES REFUND	720.96
EFT43721	11/09/2023	MAINSPRAY	PUBLIC OPEN SPACE MAINTENANCE INCLUDING SHERWOOD AND MOONDAR AND WENTWORTH AND DAABLONE	15,246.00
EFT43722	11/09/2023	MALATESTA ROAD PAVING AND HOTMIX	EMULSION FOR ROAD WORKS	976.00



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EFT43723	11/09/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE	2,176.63
EFT43724	11/09/2023	MARK O'CONNOR	TRAINING ACCOMMODATION	200.00
EFT43725	11/09/2023	THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD	NIGHTLY PATROLS FOR SHIRE BUILDINGS	4,177.73
EFT43726	11/09/2023	OFFICEWORKS SUPERSTORES PTY LTD	LIBRARY EXPENSES	100.07
EFT43727	11/09/2023	OPTUS BILLING SERVICES PTY LTD	MONTHLY MOBILE PHONE ACCOUNT	974.50
EFT43728	11/09/2023	PRIME INDUSTRIAL PRODUCTS	BLOWER VAC PURCHASE	495.00
EFT43729	11/09/2023	HARCHER PRESTIGE BUSSELTON	CLEANING AND TOILETRY PRODUCTS	1,404.25
EFT43730	11/09/2023	READSPEAKER PTY LTD	WEBSITE SERVICES	1,089.00
EFT43731	11/09/2023	REPCO A DIVISION OF GPC ASIA PACIFIC PTY LTD	MACHINERY CONSUMABLES AND PARTS	351.81
EFT43732	11/09/2023	SOS OFFICE EQUIPMENT	PHOTOCOPIER METER BILLING	3,090.11
EFT43733	11/09/2023	SYNERGY	ELECTRICITY	318.04
EFT43734	11/09/2023	SOUTHWEST ACADEMY OF SPORT	2023-24 ANNUAL CONTRIBUTION TO THE ACADEMY OF SPORT	8,800.00
EFT43735	11/09/2023	SDH PAINTING & DECORATING	REPAINT NEW FENCE BOTH SIDES AT CAPEL SENIOR CITIZENS CENTRE AND PAINTING AT PEPPERMINT GROVE BEACH TOILETS	2,032.80
EFT43736	11/09/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	509.30
EFT43737	11/09/2023	SPENCER MOTORS	VEHICLE SERVICING AND WIPER BLADE REPLACEMENT	448.04
EFT43738	11/09/2023	D & K THOMAS ELECTRICAL	REPAIRS TO LIGHTS IN SHIRE MAIN OPEN OFFICE, REPLACE FLUROS IN RECORDS OVERFLOW ROOM, CHEMICAL STORAGE SHED AND DALYELLUP COMMUNITY CENTRE	3,135.56
EFT43739	11/09/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	102.11



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EFT43740	11/09/2023	WORK CLOBBER BUNBURY	PPE	1,224.30
EFT43741	11/09/2023	WORKPAC GROUP	LABOUR HIRE	1,876.40
EFT43742	11/09/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING FOR PROGRAMS AND EVENTS	393.96
EFT43743	12/09/2023	CITY OF BUSSELTON	ONE LIBRARY WA RECOUP	10,856.00
EFT43744	12/09/2023	COMBINED TEAM SERVICES PTY LTD	STAFF TRAINING	1,020.00
EFT43745	12/09/2023	GELORUP COMMUNITY INC	REFUND OF ANNUAL HALL HIRE FEE	609.00
EFT43746	12/09/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTI ONS	120.11
EFT43747	12/09/2023	GRACE RECORDS MANAGEMENT	DATA STORAGE AND HARD COPY RECORDS STORAGE AND DESTRUCTION	985.66
EFT43748	12/09/2023	KEEN'S TRUCK DRIVING TRAINING	STAFF TRAINING	2,600.00
EFT43749	12/09/2023	KMART AUSTRALIA LIMITED	YOUTH RESOURCES	112.25
EFT43750	12/09/2023	GORDON MACMILE	INTERNET COSTS AUGUST 2023	95.00
EFT43751	12/09/2023	NOBLE FALLS TAVERN	CATERING FOR SILO ART TOUR	580.00
EFT43752	12/09/2023	OPTUS BILLING SERVICES PTY LTD	SHIRE MONTHLY INTERNET	200.00
EFT43753	12/09/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	2,287.00
EFT43754	12/09/2023	WESTSIDE TILT TRAY SERVICES	TOWING OF ABANDONED CAR	165.00
EFT43755	19/09/2023	CR KAARA ANDREW	COUNCILLOR ALLOWANCE SEPT	4,356.75
EFT43756	19/09/2023	CR ASHLEY DILLON	COUNCILLOR ALLOWANCE SEPT	4,356.75
EFT43757	19/09/2023	CR DOUG KITCHEN	PRESIDENT'S ALLOWANCE SEPT	11,567.00
EFT43758	19/09/2023	CR ROSINA MAY MOGG	COUNCILLORS ALLOWANCE SEPT	4,356.75
EFT43759	19/09/2023	CR P McCLEERY	COUNCILLOR ALLOWANCE	4,356.75
EFT43760	19/09/2023	CR KIERAN JAMES NOONAN	COUNCILLOR ALLOWANCE SEPT	4,356.75
EFT43761	19/09/2023	CR SEBASTIAN SCHIANO	DEPUTY ALLOWANCE SEPT	5,546.50
EFT43762	19/09/2023	CR CHRISTINE TERRANTROY	COUNCILLOR ALLOWANCE	4,356.75





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EFT43763	15/09/2023	IINET	IINET INTERNET ACCESS FOR DEPOT - MONTHLY	109.99
EFT43764	15/09/2023	TELSTRA CORPORATION LTD	MONTHLY MOBILE PHONE ACCOUNT	889.88
EFT43765	18/09/2023	TELSTRA CORPORATION LTD	MONTHLY LANDLINE ACCOUNT	344.23
EFT43766	12/09/2023	MINISTRY OF JUSTICE- SHERIFF' OFFICE	FER ONGOING REFERRAL FEES	83.50
EFT43767	20/09/2023	BUNBURY GEOGRAPHE CHAMBER OF COMMERCE AND INDUSTRY	SHOP LOCAL CAMPAIGN	500.00
EFT43768	20/09/2023	BATTERY WORLD BUNBURY	FLEET VEHICLE BATTERIES	880.00
EFT43769	20/09/2023	BP AUSTRALIA	DIESEL FUEL SUPPLY & DELIVERY TO DEPOT	19,671.94
EFT43770	20/09/2023	CARBONE BROS PTY LTD	GRAVEL	23,646.72
EFT43771	20/09/2023	DALYELLUP BEACH PTY LTD C/- SATTERLEY PROPERTY GROUP	T5630 STAGE 19E POS M OUTSTANDING WORKS BOND REFUND	474,396.71
EFT43772	20/09/2023	SC & CI DHUE	RATES REFUND	546.62
EFT43773	20/09/2023	ESRI AUSTRALIA	ONLINE SURVEY SUBSCRIPTION	1,683.00
EFT43774	20/09/2023	FRONTLINE FIRE AND RESCUE EQUIPMENT	MAINTENANCE ON BFB VEHICLE	5,539.47
EFT43775	20/09/2023	GT FABRICATION	FLEET VEHICLE MAINTENANCE	380.00
EFT43776	20/09/2023	LANDGATE	LAND VALUATIONS	1,010.72
EFT43777	20/09/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	251.98
EFT43778	20/09/2023	PERTH MATERIALS BLOWING PTY LTD	DALYELLUP MULCH REPLENISHMENTS, INCLUDING TRAFFIC CONTROL	93,497.14
EFT43779	20/09/2023	PRIME INDUSTRIAL PRODUCTS	MILWAUKEE BLOWER VAC PACKAGE	748.00
EFT43780	20/09/2023	D & K THOMAS ELECTRICAL	REPLACE TIMER AND PE SENSOR FOR SHIRE OFFICE CARPARK LIGHTS AND SENSOR LIGHT AT DOG POUND	1,146.43





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EFT43781	20/09/2023	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	195.80
EFT43782	20/09/2023	TYREPOWER CAPEL	FLEET VEHICLE TYRES AND MAINTENANCE	4,058.00
EFT43783	20/09/2023	THE PRINT SHOP	PRINTING OF TIP PASSES AND SHIRE COMPLIMENT SLIPS	3,039.30
EFT43784	20/09/2023	YOUTHCARE	YOUTHCARE- CONTRIBUTION TO SCHOOL CHAPLAINCY SERVICE	19,800.00
EFT43785	20/09/2023	CHLOE BROWN	COMMUNITY DEVELOPMENT CONFERENCE	739.06
EFT43786	20/09/2023	KYLIE DAY	REIMBURSEMENT: MEAL EXPENSES - TRAINING	190.69
EFT43787	20/09/2023	FARMERS' HOME HOTEL	BREAKFAST EXPENSES FOR ACTIVE AGEING SENIORS TRIP	610.55
EFT43788	20/09/2023	HYDEN HOTEL MOTEL	ACCOMMODATION EXPENSES FOR ACTIVE AGEING SENIORS TRIP	4,927.00
EFT43789	20/09/2023	A INGRAM	BOOK STOCK PURCHASES - 16 ITEMS	222.00
EFT43790	20/09/2023	REBECCA MCLEVIE	CD CONFERENCE BREAKFAST REIMBURSEMENT	54.00
EFT43791	20/09/2023	OTIUM PLANNING GROUP	SPORTS STRATEGIC PLANNING - BUNBURY CATHEDRAL GRAMMAR SCHOOL FEASIBILITY STUDY AND MASTER PLAN REVIEW	8,470.00
EFT43792	20/09/2023	SCOTT PRICE	TRIP TO PERTH FOR SAT (PARKING AND FUEL)	131.27
EFT43793	20/09/2023	WALKERS HILL VINEYARD	CATERING FOR SENIORS TRIP	404.00
EFT43794	20/09/2023	WARD MC	RATES REFUND	1,305.48
EFT43795	20/09/2023	DIMENSIONS CAFE	CATERING FOR SENIORS' SILO ART TRIP	561.00
EFT43796	21/09/2023	AMPOL	FLEET FUEL	9,651.54
EFT43797	22/09/2023	MINISTRY OF JUSTICE- SHERIFF' OFFICE	FER ONGOING REFERRAL FEES	83.50



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EFT43798	20/09/2023	TELSTRA CORPORATION LTD	DALYELLUP SPORTS PAVILION MONTHLY INTERNET	90.00
EFT43799	27/09/2023	AMITY SIGNS	STREET NAME SIGNS POSTS	4,183.30
EFT43800	27/09/2023	ARBORGUY	TREE PRUNING AND REMOVAL AT VARIOUS LOCATIONS	3,381.40
EFT43801	27/09/2023	AMERICAN EXPRESS AUSTRALIA LTD	REFUND OF OVERPAYMENT	310.65
EFT43802	27/09/2023	BUNBURY MACHINERY	MOWER SERVICING AND MACHINERY HIRE	7,336.00
EFT43803	27/09/2023	B & B STREET SWEEPING	WEST AND WELD RD AND GELORUP HALL CAR PARK DRAINAGE CLEAN OUT AND INSPECTION AND CAPEL CIVIC CENTRE STREET CLEANING	4,983.55
EFT43804	27/09/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	437.38
EFT43805	27/09/2023	HEATLEYS SAFETY & INDUSTRIAL	PERSONAL PROTECTIVE EQUIPMENT	1,227.06
EFT43806	27/09/2023	BUNBURY HARVEY REGIONAL COUNCIL	ORGANIC PROCESSING SERVICES	22,197.28
EFT43807	27/09/2023	BCA CONSULTANTS (WA) PTY LTD	CAPEL REGIONAL EQUESTRIAN PARK ELECTRICAL DRAWING	2,970.00
EFT43808	27/09/2023	BENDIGO BANK EMERGENCY SERVICES DEBIT CARD	BFB CONFERENCE MEALS, PARKING AND TYRE DEFLATORS	179.04
EFT43809	27/09/2023	BOYLES PLUMBING & GAS	BOYANUP MEMORIAL PARK WATER FOUNTAIN REPAIRS	144.38
EFT43810	27/09/2023	WINC AUSTRALIA PTY LTD	STATIONERY	93.05
EFT43811	27/09/2023	COATES HIRE SERVICE	HIRE OF LIGHTING TOWERS AT LUTHERAN COLLEGE	4,212.05



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EFT43812	27/09/2023	COUNTRY LANDSCAPING PTY LTD	WORKS TO RECTIFY IRRIGATION INSTALL AND CONVERT OVER TO LAKES SYSTEM AT DALYELLUP SKATEPARK, PREPARE AND ESTIMATE MURTIN POS, WORKS IN DALYELLUP BORE FIELDS AND BUNBURY BAPTISTE COLLEGE	27,876.14
EFT43813	27/09/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL IN VARIOUS SHIRE LOCATIONS	3,426.23
EFT43814	27/09/2023	CARBONE BROS PTY LTD	SUPPLY AND DELIVER GRAVEL TO WELD ROAD LAYDOWN AREA	22,792.96
EFT43815	27/09/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT43816	27/09/2023	DATA #3	ADOBE ACROBAT PRO LICENSES	129.76
EFT43817	27/09/2023	DEVLYN AUSTRALIA PTY LTD	CONSTRUCTION OF GELORUP VOLUNTEER BUSH FIRE BRIGADE BUILDING	312,751.62
EFT43818	27/09/2023	ELEMENT ADVISORY PTY LTD	RFQ 23-6 SHIRE OF CAPEL - PLACE PLAN 2023 TO 2027	14,690.50
EFT43819	27/09/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	1,181.96
EFT43820	27/09/2023	GEOGRAPHE CIVIL	HIRE OF GAS TESTING EQUIPMENT	1,000.00
EFT43821	27/09/2023	GEOGRAPHE FORD	LOGBOOK SERVICE	395.00
EFT43822	27/09/2023	HERSEY'S SAFETY PTY LTD	PPE AND VEHICLE CONSUMABLES	1,665.59
EFT43823	27/09/2023	AE HOSKINS BUILDING SERVICES	SUPPLY AND INSTALL X 2 NEW SKYLIGHTS TO BOYANUP COMMUNITY CENTRE AND REPLACE WINDOW AT BOYANUP FOOTBALL CLUB	4,231.72
EFT43824	27/09/2023	H + H ARCHITECTURE PTY LTD	FINAL DESIGN AND CONSTRUCTION SUPERVISION - GELORUP BUSH FIRE BRIGADE FACILITY	2,365.00



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EFT43825	27/09/2023	INSTANT WINDSCREENS	SHIRE FLEET VEHICLE SMALL WINDSCREEN CHIP REPAIR	145.00
EFT43826	27/09/2023	LANDGATE	MINIMUM CHARGE	43.50
EFT43827	27/09/2023	LGISWA	WORKCARE FORUM	209.00
EFT43828	27/09/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	IGNITE LEADERSHIP PROGRAM	3,335.00
EFT43829	27/09/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	HAND TOWEL AND SOAP DISPENSERS FOR SHIRE LOCATIONS	873.50
EFT43830	27/09/2023	NATURALISTE TURF	TURF MAINTENANCE FOR ALL SHIRE POS AND PARKS	55,098.14
EFT43831	27/09/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	359.69
EFT43832	27/09/2023	ONSITE RENTAL GROUP	MONTHLY RENTAL FOR TOILET BLOCK, 4000L TANK AND STEPS PLUS WEEKLY PUMP OF TANK AT DALYELLUP SKATEPARK	2,533.45
EFT43833	27/09/2023	OMNICOM MEDIA GROUP PTY LTD	ADVERTISING	5,321.72
EFT43834	27/09/2023	PROTECTOR FIRE SERVICES	STAFF TRAINING	593.20
EFT43835	27/09/2023	THE PURPOSEFUL GROUP PTY LTD	FACILITATED CAPEL YOUTH LEADERSHIP SESSIONS	7,260.00
EFT43836	27/09/2023	PRIME INDUSTRIAL PRODUCTS	PERSONAL PROTECTIVE EQUIPMENT	1,317.68
EFT43837	27/09/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	73,360.00
EFT43838	27/09/2023	SOUTHERN LOCK & SECURITY	REPAIR OF ALARM SYSTEM AND REPLACE AT BOYANUP COMMUNITY CENTRE	381.81
EFT43839	27/09/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	315.70
EFT43840	27/09/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,773.67
EFT43841	27/09/2023	SYRINX ENVIRONMENTAL PTY LTD	CALINUP ROAD GELORUP FLORA SURVEY REVIEW TECHNICAL ASSESSMENT SUPPORT	1,380.50



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EFT43842	27/09/2023	STRATEGIC DIRECTIONS	ERP ADVISORY SERVICE	2,090.00
EFT43843	27/09/2023	D & K THOMAS ELECTRICAL	SUPPLY AND INSTALL LIGHTING AT GELORUP COMMUNITY CENTRE CARPARK	11,519.81
EFT43844	27/09/2023	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	265.10
EFT43845	27/09/2023	TRAFFIC FORCE	TRAFFIC MANAGEMENT	955.30
EFT43846	27/09/2023	TENDERLINK	ADVERTISING	1,322.20
EFT43847	27/09/2023	TUTT BRYANT HIRE	MACHINERY HIRE	7,134.45
EFT43848	27/09/2023	TYREPOWER CAPEL	INSTALL NEW SUSPENSION AND SERVICE OF FLEET VEHICLE AND TYRES AND LOGBOOK SERVICE FOR ANOTHER	4,592.00
EFT43849	27/09/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	65.85
EFT43850	27/09/2023	TOPSHORE ENTERPRISES PTY LTD	RATES REFUND	1,746.54
EFT43851	27/09/2023	WESTRAC EQUIPMENT	SERVICING & ADDITIONAL MINOR REPAIRS ON GRADER	3,282.15
EFT43852	27/09/2023	WORKPAC GROUP	LABOUR HIRE	1,876.40
EFT43853	27/09/2023	WA HARDWOOD FLOORS	HUGH KILPATRICK HALL TIMBER FLOOR REFURBISHMENT	2,750.00
EFT43854	27/09/2023	WESTSIDE TILT TRAY SERVICES	TOWING OF ABANDONED CAR	165.00
EFT43855	29/09/2023	COLROYS COUNTRY KITCHEN	CATERING EVENTS	150.00
EFT43856	29/09/2023	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE THREE TOILET CISTERNS AT DALYELLUP COMMUNITY CENTRE AND TOILET PAN AT DALYELLUP BEACH	2,415.05
EFT43857	29/09/2023	LEANNE MERRICK	CROSSOVER CONTRIBUTION	627.25
EFT43858	29/09/2023	SYNERGY	ELECTRICITY	1,256.70
EFT43859	29/09/2023	WORK CLOBBER BUNBURY	PERSONAL PROTECTIVE EQUIPMENT	239.10
EFT43860	29/09/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING FOR PROGRAMS AND EVENTS	48.60



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EFT43861	29/09/2023	DE LAGE LANDEN PTY LIMITED	26 MONTH LEASE OF TORO GROUNDMASTER AND PHOTOCOPIER LEASE PAYMENTS	3,566.35
50743	07/09/2023	SHIRE OF CAPEL	VOUCHERS	94.20
50744	07/09/2023	SHIRE OF CAPEL	BSL AUGUST COMMISSION	226.50
				<b>\$2,345,453.24</b>

**Payroll Transactions:**

05.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$5,349.04
10.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$234,253.38
24.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$3,065.15
24.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$233,901.98
24.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	6,505.43
24.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	607.90
24.09.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	370.14
		<b><u>\$484,053.02</u></b>

**Term Deposit Transactions:**

07.09.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,316.16
		\$1,012,316.16
07.09.2023	NAB TERM DEPOSIT	
07.09.2023	NAB TERM DEPOSIT REDEMPTION	-\$1,588,047.03
07.09.2023	NAB TERM DEPOSIT	\$1,588,047.03
14.09.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,316.16
14.09.2023	NAB TERM DEPOSIT	\$1,012,316.16
14.09.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,316.16
14.09.2023	MACQUARIE TERM DEPOSIT	\$1,000,000.00
14.09.2023	NAB TERM DEPOSIT REDEMPTION	-\$1,600,631.39
14.09.2023	NAB TERM DEPOSIT	\$1,600,631.39
21.09.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,341.10
21.09.2023	MACQUARIE TERM DEPOSIT	\$1,000,000.00
21.09.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,341.10
21.09.2023	MACQUARIE TERM DEPOSIT	\$1,000,000.00
21.09.2023	NAB TERM DEPOSIT REDEMPTION	-\$1,053,240.50
21.09.2023	NAB TERM DEPOSIT	\$1,053,240.50
21.09.2023	NAB TERM DEPOSIT REDEMPTION	-\$2,098,530.93
21.09.2023	NAB TERM DEPOSIT	\$2,098,530.93
21.09.2023	NAB TERM DEPOSIT REDEMPTION	-\$1,049,333.40
21.09.2023	NAB TERM DEPOSIT	<u>\$1,049,333.40</u>
		<b><u>-\$36,998.36</u></b>



## Summary

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### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 11 October 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 – 15.2

#### OC/2023/214- Officer's Recommendation / Council Decision - 15.2

*Moved Cr Mogg, Seconded Sharp.*

**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 September 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 EFT43628 to EFT43861, CHQ50743 to CHQ50744 equated to \$2,345,453.24 during the month of September 2023.**
- 2 Payroll payments for the month of September 2023, equated to \$484,053.02.**
- 3 Transfers to and from investments as listed.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*





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### 15.3. Accounts paid during the Month of October 2023

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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>	1. Ampol tax invoice [15.3.1 - 8 pages]
<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 October 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 October 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 EFT43862 to EF44144, CHQ50745 to CHQ50754 equated to \$1,664,564.30 during the month of October 2023.
- 2 Payroll payments for the month October 2023, equated to \$463,838.71.
- 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.

Decision Framework

#### Shire of Capel Strategic Community Plan 2023-2033

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.



## 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.
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 October 2023 are as follows:

EFT43862	02/10/2023	BENDIGO BANK BUSINESS CREDIT CARD	<p><b>CREDIT CARD TRANSACTION FOR THE MONTH OF SEPTEMBER 2023:</b></p> <p>1.9.2023 - EB - \$50 - WORKSHOP - <b>CARD 253 CEO</b></p> <p>2.9.2023 - LOCAL GOVERNMENT - \$531 - MEMBERSHIP LG PROFESSIONALS <b>CARD 253 CEO</b></p> <p>5.9.2023 - ATLISSIAN - \$179.25 - HELPDISK REQUIREMENT INCREASE - <b>CARD 442 DCC</b></p> <p>5.9.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$5.38</p> <p>6.9.2023 - OK ALONE - \$310.39 - LONE WORKER APP SUBSCRIPTION - <b>CARD 442 DCC</b></p> <p>6.9.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$9.31</p> <p>7.9.2023 - <a href="http://WWW.VISABEL.COM">WWW.VISABEL.COM</a> - \$224.40 - WORKSHOP - <b>CARD 261MFIN</b></p> <p>7.9.2023 - INGOT HOTEL - \$329.23 - ACCOMMODATION FOR TRAINING <b>CARD 261 MFIN</b></p> <p>9.9.2023 - TICKETS INNOVATION - EVENT TICKET - \$48.07 - <b>CARD 442 DCC</b></p> <p>14.9.2023 - CROWN PROMENADE - \$418.00 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>14.9.2023 - CROWN PROMENADE - \$418.00 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>19.9.2023 - CROWN PROMENADE - \$349.14 - TRAINING ACCOMMODATION - <b>CARD 253 CEO</b></p> <p>20.9.2023 - TRANSPERTH TICKET - \$10.30 - CONFERENCE EXPENSES - <b>CARD 253 CEO</b></p>	9,917.37
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			<p>20.9.2023 - YC SONG - \$17.90 - CONFERENCE EXPENSES - <b>CARD 253 CEO</b></p> <p>29.9.2023 - CROWN PROMENADE - \$-200.00 - REFUND - <b>CARD 442 DCC</b></p> <p>20.9.2023 - SIENAS OF LEEDERVILLE - \$98.00 - CONFERENCE EXPENSES - <b>CARD 253 CEO</b></p> <p>20.9.2023 - DDLS - \$6,589.00 - IT TRAINING - <b>CARD 442 DCC</b></p> <p>28.9.2023 - MANDOOK ESTATE - \$438.00 - ACCOMMODATION FOR TRAINING - <b>CARD 261 MFIN</b></p> <p>28.9.2023 - EBANKING TRANSFER - TEMPORARY INCREASE - \$-100.00</p> <p>29.9.2023 - BUNBURY FLOWERS - \$90.00 - STAFF CONDOLENCE FLOWERS - <b>CARD 253 CEO</b></p> <p>29.9.2023 - BUSSELTON FLORIST - CONDOLENCE FLOWERS - <b>CARD 253 CEO</b></p> <p>29.9.2023 - CARD FEE - FEES X 3 CARDS - \$12.00</p>	
EFT43863	02/10/2023	IINET	DALYELLUP LIBRARY INTERNET - MONTHLY BILL	119.94
EFT43864	02/10/2023	WESTNET PTY LTD	CAPEL SHIRE AND LIBRARY INTERNET - MONTHLY BILL	219.98
EFT43865	04/10/2023	AUSTRALIA POST	POSTAGE	914.14
EFT43866	04/10/2023	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS/CONTRIBUTIONS	112.00
EFT43867	04/10/2023	CONSTRUCTION TRAINING FUND	SEPT CTF REMITTANCE	156.70
EFT43868	04/10/2023	CITY OF BUSSELTON	CONTRIBUTION TO CITY OF BUSSELTON'S BUSINESS CASE FOR BUSSELTON MARGARET RIVER AIRPORT TERMINAL UPGRADE	200.00
EFT43869	04/10/2023	B & B STREET SWEEPING	JETTING OF DRAINING PIPES THOMAS ROAD BOYANUP	1,166.00



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EFT43870	04/10/2023	BUNBURY GEOGRAPHE ECONOMIC ALLIANCE	INVESTMENT PROSPECTUS CONTRIBUTION	770.00
EFT43871	04/10/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	TEMP FENCING SHACKLE CLAMPS FOR DALYELLUP SKATE PARK	131.80
EFT43872	04/10/2023	HEATLEYS SAFETY & INDUSTRIAL	PERSONAL PROTECTIVE EQUIPMENT	221.16
EFT43873	04/10/2023	BUNBURY PRINT	COG TEAM SHIRTS	335.00
EFT43874	04/10/2023	BUDGET CAR & TRUCK RENTALS	HIRE OF TOYOTA 4X4 DUAL CAB	2,433.20
EFT43875	04/10/2023	BUNBURY CLASSIC POOLS	REFUND	61.65
EFT43876	04/10/2023	BOYLES PLUMBING & GAS	REPAIRS TO BLOCKED WATER FOUNTAIN ERLE SCOTT PARK	115.50
EFT43877	04/10/2023	ECKART BOSMAN	SPORTS PARTICIPATION SCHEME	200.00
EFT43878	04/10/2023	COATES HIRE SERVICE	HIRE OF LIGHTING TOWER LUTHERAN COLLEGE PLAYING FIELDS	2,139.17
EFT43879	04/10/2023	CAPEL AND DISTRICTS GARDEN CLUB INC	COMMUNITY BUS REIMBURSEMENT	537.62
EFT43880	04/10/2023	GEORGINIA CARTER	MATERIALS FOR STORYTIME SESSIONS LIBRARY	60.40
EFT43881	04/10/2023	ASHLEY COX	REFUND FOR LOST KEY	50.00
EFT43882	04/10/2023	CAPEL NEWSAGENCY	STATIONERY AND NEWSPAPERS	44.30
EFT43883	04/10/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL OFFICERS AND VEHICLE AND MESSAGE BOARDS FOR WELD ROAD	9,859.30
EFT43884	04/10/2023	MISS AMANDA L COMBES & MR MAXWELL S JETTA	CROSSOVER CONTRIBUTION	627.25
EFT43885	04/10/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT43886	04/10/2023	DALYELLUP NEWS & LOTTERIES	NEWSPAPER PURCHASES	69.50
EFT43887	04/10/2023	EASIFLEET MANAGEMENT	VEHICLE PAYROLL DEDUCTION	1,105.23
EFT43888	04/10/2023	GOLDEN WEST PLUMBING & DRAINAGE	MAINTENANCE WORK AT DISABLED TOILETS BOYANUP COMMUNITY CENTRE	355.30



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EFT43889	04/10/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT43890	04/10/2023	GANNAWAYS CHARTERS AND TOURS	BUS CHARTER FOR SENIORS' SILO ART TOUR	3,871.00
EFT43891	04/10/2023	GPS GEO GUARD	MONITORING OF GPS DEVICE - QUARTERLY PAYMENT	132.00
EFT43892	04/10/2023	HI VOLTAGE ENTERTAINMENT	GO KART AND MINI GOLF INZONE EXCURSION	648.00
EFT43893	04/10/2023	A INGRAM	BOOKSTOCK PURCHASES	66.00
EFT43894	04/10/2023	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE	327.47
EFT43895	04/10/2023	INVARION RAPIDPLAN PTY LTD	RAPIDPATH SINGLE-MACHINE LICENSE	819.50
EFT43896	04/10/2023	KIM BUTTFIELD CONSULTING	EVERY CLUB STRATEGIC PLANNING	7,260.00
EFT43897	04/10/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	TREE RETENTION LEGAL ADVICE VIA WALGA	500.00
EFT43898	04/10/2023	TJ & SL LANGLEY	RATES REFUND	673.08
EFT43899	04/10/2023	LGRCEU	PAYROLL DEDUCTIONS/CONTRIBUTIONS	66.00
EFT43900	04/10/2023	MCG ARCHITECTS PTY LTD	ARCHITECT FEES, DESIGN AND DOCUMENTATION FOR TENDER RELEASE	4,606.25
EFT43901	04/10/2023	NETSIGHT CONSULTING PTY LTD	MYOSH SUBSCRIPTION - MONTHLY BILL	1,415.70
EFT43902	04/10/2023	JAMES OSTIN NORTHROP	SPORTS PARTICIPATION SCHEME	200.00
EFT43903	04/10/2023	OFFICEWORKS SUPERSTORES PTY LTD	GELORUP GAZETTE - PRINTING SUPPLIES	566.99
EFT43904	04/10/2023	OPTUS BILLING SERVICES PTY LTD	FIXED LINE MONTHLY BILL	686.65
EFT43905	04/10/2023	PICTON TYRE CENTRE PTY LTD	REPAIRS TO EARTHMOVER ON SITE	375.00
EFT43906	04/10/2023	PROMOTE YOU	FLASH DRIVES AND NAME BADGES	2,139.50
EFT43907	04/10/2023	PENSIONE HOTEL PERTH	ACCOMMODATION FOR TRAINING	161.10



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EFT43908	04/10/2023	MEGAN PICKER	TICK REMOVAL FOR OUTSIDE WORKERS	83.97
EFT43909	04/10/2023	SIMONE PES	LIBRARY PROGRAMS EXPENSES	97.57
EFT43910	04/10/2023	AUSTRALIAN TAXATION OFFICE	PAYG PAYMENTS	74,835.00
EFT43911	04/10/2023	RELATIONSHIPS AUSTRALIA WA	EMPLOYEE ASSISTANCE PROGRAM	176.00
EFT43912	04/10/2023	SYNERGY	ELECTRICITY	5,627.78
EFT43913	04/10/2023	SWAN RIVER HORSE TRIALS CLUB INC	EVENT SPONSORSHIP SCHEME	4,472.00
EFT43914	04/10/2023	SDH PAINTING & DECORATING	REMOVE GRAFFITI DALYELLUP CENTRAL LAKES TOILET BLOCK	423.50
EFT43915	04/10/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,853.17
EFT43916	04/10/2023	SLMC PROPERTY AUSTRALIA	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	9,401.17
EFT43917	04/10/2023	TOTALLY WORKWEAR	PERSONAL PROTECTIVE EQUIPMENT	130.00
EFT43918	04/10/2023	TYREPOWER CAPEL	FLEET VEHICLES TYRES AND REPAIRS	2,253.50
EFT43919	04/10/2023	TABOOZE	CAPEL RIVER CLASSIC - ALCOHOL FREE STALL	350.00
EFT43920	04/10/2023	TINGEY DEVELOPMENT GROUP PTY LTD	REFUND	942.51
EFT43921	04/10/2023	WREN OIL	OIL COLLECTION	16.50
EFT43922	04/10/2023	SHIRE OF WAGIN	PAYROLL DEDUCTIONS/CONTRIBUTIONS	120.00
EFT43923	04/10/2023	WOOLWORTHS LIMITED (WA)	LIBRARY SUPPLIES	69.45
EFT43924	04/10/2023	DE LAGE LANDEN PTY LIMITED	WIDE FORMAT PRINTER LEASE TO	155.21
EFT43925	04/10/2023	MINISTRY OF JUSTICE- SHERIFF' OFFICE	FER ONGOING REFERRAL FEES	83.50
EFT43926	05/10/2023	BUNBURY MACHINERY	3 DAY HIRE OF KANGA FOR THE GROVE POS	687.45
EFT43927	05/10/2023	CEMETERIES & CREMATORIA ASSOC OF WA	ANNUAL ORDINARY MEMBERSHIP	130.00





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EFT43928	05/10/2023	CLEANAWAY	GENERAL WASTE DISPOSAL, RECYCLABLES PROCESSING SERVICES AND RENTAL CLEARANCE AND DISPOSAL OF BINS FROM WTS AND DEPOT	36,505.83
EFT43929	05/10/2023	CLEANWAY XTRA CLEANING SERVICES	MONTHLY CLEANING OF ALL SHIRE BBQ'S	4,118.40
EFT43930	05/10/2023	CAPEL NEWSAGENCY	NEWSPAPER PURCHASES	134.40
EFT43931	05/10/2023	CB TRAFFIC SOLUTIONS	4 TRAFFIC CONTROLLERS AND 1 VEHICLE FOR WELD ROAD	2,508.00
EFT43932	05/10/2023	CLOUDA2K PTY LTD	ANNUAL BLUEBEAM LICENSE REFRESH	6,220.50
EFT43933	05/10/2023	COLROYS COUNTRY KITCHEN	REFRESHMENTS FOR SEPTEMBER OCM	204.00
EFT43934	05/10/2023	DALYELLUP COLLEGE	DONATION	100.00
EFT43935	05/10/2023	TJ DEPIAZZI & SONS	MULCH FOR THE GROVE POS	4,396.59
EFT43936	05/10/2023	DALYELLUP PRIMARY SCHOOL	DONATION	100.00
EFT43937	05/10/2023	DATA #3	EXCHANGE ONLINE PLAN	647.59
EFT43938	05/10/2023	EVENTS WEST	CAPEL RIVER CLASSIC - EQUIPMENT AND SOUND HIRE	4,758.05
EFT43939	05/10/2023	KATHERINE LOUISE HOURN	RATES REFUND	3,500.00
EFT43940	05/10/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE	5,500.00
EFT43941	05/10/2023	REBECCA MCLEVIE	CATERING FOR YOUTH LEADERSHIP SESSION	162.26
EFT43942	05/10/2023	NATURALISTE TURF	RFT TURF MAINTENANCE FOR SHIRE POS	29,133.34
EFT43943	05/10/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	464.48
EFT43944	05/10/2023	SOUTHERN LOCK & SECURITY	REPAIR OF ALARM SYSTEM AT DALYELLUP COMMUNITY CENTRE	145.00
EFT43945	05/10/2023	SYNERGY	ELECTRICITY	37,958.78
EFT43946	05/10/2023	TJS FAMILY BUTCHERS	CATERING	73.03
EFT43947	05/10/2023	TALIS CONSULTANTS PTY LTD	GROUNDWATER MONITORING DALYELLUP ESTATE	6,587.62



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EFT43948	05/10/2023	TIM FRANKLIN ENGINEERING	MECHANICAL ENGINEERING FEES - FOR CAPEL REGIONAL EQUESTRIAN CLUBROOMS AND ABLUTION	4,455.00
EFT43949	05/10/2023	WORK CLOBBER BUNBURY	STAFF UNIFORMS / PPE	231.50
EFT43950	05/10/2023	WORKPAC GROUP	LABOUR HIRE	4,295.74
EFT43951	10/10/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	SEPTEMBER 2023 SUPERANNUATION	87,821.89
EFT43952	11/10/2023	AUSQ TRAINING	STAFF TRAINING	590.00
EFT43953	11/10/2023	ACCESS OFFICE INDUSTRIES	REPLACEMENT WHEELS FOR DALYELLUP SHELVES	177.10
EFT43954	11/10/2023	ARBORGUY	BRIDGE STREET TREE PRUNING	3,344.00
EFT43955	11/10/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	BBQ FOR DEPOT AND PPE	371.24
EFT43956	11/10/2023	HEATLEYS SAFETY & INDUSTRIAL	PERSONAL PROTECTIVE EQUIPMENT	271.37
EFT43957	11/10/2023	BAYCORP (WA) PTY LTD	DEBIT COLLECTION FEES	90.15
EFT43958	11/10/2023	BUNBURY MUFFLER TOWBAR & 4WD BUNBURY	TYRE DEFLATORS	616.00
EFT43959	11/10/2023	BUSSELTON PANEL AND PAINT	FLEET VEHICLE PARTS	321.26
EFT43960	11/10/2023	BETTERCUP	CUPS FOR FESTIVAL	1,083.28
EFT43961	11/10/2023	CAPEL AND DISTRICTS GARDEN CLUB INC	EVENT SPONSORSHIP 23/24	5,000.00
EFT43962	11/10/2023	DANCE STEPS SOUTHWEST	EVENT SPONSORSHIP SCHEME FUNDING 23/24	1,500.00
EFT43963	11/10/2023	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE EXPENSES	760.12
EFT43964	11/10/2023	CAPEL FRESH IGA	REFRESHMENTS	544.89
EFT43965	11/10/2023	CAPEL BOWLS CLUB INCORPORATED	EVENT SPONSORSHIP SCHEME 23/24	5,782.00
EFT43966	11/10/2023	CAPEL CLEANING	CARRY OUT RELIEF CLEANING SHIRE OFFICES, PEPPERMINT BEACH COMMUNITY CENTRE AND CAPEL CHILDRENS CENTRE	1,051.05
EFT43967	11/10/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL FOR WELD ROAD	1,897.50



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EFT43968	11/10/2023	CHLOE BROWN	YOUTH ROOM RESOURCES	577.57
EFT43969	11/10/2023	CAPEL CELLARBRATIONS	AUTHOR TALK CATERING	112.00
EFT43970	11/10/2023	COLROYS COUNTRY KITCHEN	CATERING	320.00
EFT43971	11/10/2023	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	SEPT 23 BSL REMITTANCE	9,848.29
EFT43972	11/10/2023	DALYELLUP NEWS & LOTTERIES	NEWSPAPER PURCHASES DALYELLUP LIBRARY	63.20
EFT43973	11/10/2023	FIT 2 WORK.COM.AU	EMPLOYEE POLICE CHECKS	243.54
EFT43974	11/10/2023	GRACE RECORDS MANAGEMENT	DATA STORAGE AND HARD COPY RECORDS STORAGE AND DESTRUCTION	1,372.20
EFT43975	11/10/2023	AE HOSKINS BUILDING SERVICES	REPAIR OF THE SHELTER AT GELORUP SKATE PARK, CHANGE ROOM DOOR AT DALYELLUP SPORTS PAVILION, GUTTERS IN COURTYARD AT BOYANUP COMMUNITY CENTRE AND CUBICLE DOOR AT DALYELLUP SKATEPARK	8,025.13
EFT43976	11/10/2023	IPWEA Australasia	STAFF TRAINING	2,600.00
EFT43977	11/10/2023	SIOBHAN ELEANOR JOLY	RATES REFUND	3,687.43
EFT43978	11/10/2023	MUIR'S MANJIMUP	EXCESS FOR INSURANCE CLAIM AND FLEET VEHICLE SERVICE	1,664.18
EFT43979	11/10/2023	MODERN TEACHING AIDS PTY LTD	LIBRARY CODING PROGRAM	148.34
EFT43980	11/10/2023	MALATESTA ROAD PAVING AND HOTMIX	EMULSION FOR ROAD WORKS	960.00
EFT43981	11/10/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL EXPENSES	928.35
EFT43982	11/10/2023	MONSTERBALL AMUSEMENTS	HIRE OF MACHINERY, GENERATORS AND ACCOMMODATION AND TRAVEL FOR CAPEL RIVER CLASSIC	5,750.00
EFT43983	11/10/2023	OFFICEWORKS SUPERSTORES PTY LTD	ARCHIVE OFFICE SUPPLIES FOR LIBRARY	156.05



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EFT43984	11/10/2023	OPTUS BILLING SERVICES PTY LTD	MOBILE PHONE MONTHLY BILL	959.50
EFT43985	11/10/2023	PRIME INDUSTRIAL PRODUCTS	CONSUMABLES	1,216.16
EFT43986	11/10/2023	SOUTHERN LOCK & SECURITY	REPAIR FRONT DOOR LOCK BOYANUP COMMUNITY CENTRE AND ALARM SYSTEM, REPAIR ALARM SYSTEM AT DALYELLUP COMMUNITY CENTRE AND PROVIDE ALARM MONITORING SERVICES	2,496.50
EFT43987	11/10/2023	SOS OFFICE EQUIPMENT	COPIER METER BILLING	3,931.97
EFT43988	11/10/2023	SYNERGY	ELECTRICITY	5,067.45
EFT43989	11/10/2023	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	MENTAL HEALTH FIRST AID TRAINING	175.00
EFT43990	11/10/2023	SMARTSALARY	GST OUTSTANDING	546.27
EFT43991	11/10/2023	TOTALLY WORKWEAR	PERSONAL PROTECTIVE EQUIPMENT	39.60
EFT43992	11/10/2023	TECHNOLOGY ONE	INTRAMAPS UPGRADE	2,365.00
EFT43993	11/10/2023	TYREPOWER CAPEL	FLEET VEHICLE TYRES AND VEHICLE SERVICING	1,357.00
EFT43994	11/10/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	16.23
EFT43995	11/10/2023	URBIS PTY LTD	BUSINESS CASE REVIEW AND ANALYSIS	22,704.00
EFT43996	11/10/2023	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING AND DRAIN CLEANING	18,088.53
EFT43997	11/10/2023	WEST OZ LINE MARKING	DALYELLUP COMMUNITY CENTRE BUS ZONE MARKING	594.00
EFT43998	11/10/2023	WESTSIDE TILT TRAY SERVICES	TOWING OF ABANDONED VEHICLE	165.00
EFT43999	12/10/2023	BOYLES PLUMBING & GAS	REPAIR LEAKING TAP AT DALYELLUP BEACH SHOWER	147.13
EFT44000	12/10/2023	COLROYS COUNTRY KITCHEN	CATERING	75.00
EFT44001	12/10/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT44002	12/10/2023	GHD PTY LTD	22-11 CONTAMINATED SITE FURTHER INVESTIGATION	21,406.26



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EFT44003	12/10/2023	HEVINS MOSAICS	MATERIALS AND PRESENTING MOSAIC WORKSHOPS FOR 20 PARTICIPANTS	1,100.00
EFT44004	12/10/2023	REBECCA MCLEVIE	HALLOWEEN DECOR FOR YOUTH PROGRAM	8.25
EFT44005	12/10/2023	NATURALISTE TURF	SHIRE TURF MAINTENANCE	2,477.70
EFT44006	12/10/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,813.42
EFT44007	12/10/2023	WORKPAC GROUP	LABOUR HIRE	1,876.40
EFT44008	16/10/2023	IINET	IINET INTERNET ACCESS FOR DEPOT - MONTHLY	109.99
EFT44009	16/10/2023	TELSTRA CORPORATION LTD	MONTHLY MOBILE CHARGES	562.66
EFT44010	17/10/2023	TELSTRA CORPORATION LTD	MONTHLY LANDLINE CHARGES	345.48
EFT44011	18/10/2023	AMPAC DEBT RECOVERY	DEBT RECOVERY	38.50
EFT44012	18/10/2023	ABBY MURRAY PHOTOGRAPHY	PHOTOGRAPHY FOR CAPEL RIVER CLASSIC	549.45
EFT44013	18/10/2023	ARBORGUY	EMERGENCY WORKS MALLOKUP ROAD TREE REMOVAL	1,232.00
EFT44014	18/10/2023	BUNBURY RETRAVISION	KETTLE FOR THE SHIRE OFFICE	88.00
EFT44015	18/10/2023	GELORUP BUSHFIRE BRIGADE	BRIGADE ASSISTED BURN	143.00
EFT44016	18/10/2023	BUNBURY MACHINERY	PLANT REPAIR AND PARTS	1,744.90
EFT44017	18/10/2023	BUNBURY MOWER SERVICE	PLANT CONSUMABLES	629.50
EFT44018	18/10/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE EXPENSES	296.76
EFT44019	18/10/2023	HEATLEYS SAFETY & INDUSTRIAL	PERSONAL PROTECTIVE EQUIPMENT	168.08
EFT44020	18/10/2023	BUNBURY HORSE & PONY CLUB	MINOR COMMUNITY GRANT ROUND 1	909.00
EFT44021	18/10/2023	BOYLES PLUMBING & GAS	QUARTERLY SERVICING OF URINALS AND REPLACEMENT OF URINAL IN SHIRE OFFICE TOILET	4,089.03
EFT44022	18/10/2023	BP AUSTRALIA	FUEL SUPPLY	17,721.31
EFT44023	18/10/2023	COMBINED TEAM SERVICES PTY LTD	STAFF TRAINING	995.00



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EFT44024	18/10/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROLLERS, SIGN AND VEHICLE FOR WELD ROAD	7,137.90
EFT44025	18/10/2023	COLROYS COUNTRY KITCHEN	CATERING FOR BUSHFIRE INCIDENT	133.00
EFT44026	18/10/2023	GELORUP COMMUNITY INC	EVENT SPONSORSHIP SCHEME	4,000.00
EFT44027	18/10/2023	DEPARTMENT OF PREMIER & CABINET	ADVERTISING APPOINTMENT OF BUSH FIRE CONTROL OFFICERS IN THE GOVERNMENT GAZETTE	124.80
EFT44028	18/10/2023	DALYELLUP PARK RANGERS	MINOR COMMUNITY GRANT ROUND 1	3,333.00
EFT44029	18/10/2023	GOLDEN WEST PLUMBING & DRAINAGE	INSTALLATION OF RMC WATER METRE FOR STIRLING FIRE SHED AND REPAIR AND INSTAL NEW TOILET SEAT AT DALYELLUP CENTRAL PARK TOILETS	3,168.00
EFT44030	18/10/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT44031	18/10/2023	GHD PTY LTD	22-11 CONTAMINATED SITE FURTHER INVESTIGATION	12,696.20
EFT44032	18/10/2023	GEOGRAPHE FORD	FLEET VEHICLE SERVICE	683.00
EFT44033	18/10/2023	HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD	LOADER SERVICING	2,076.75
EFT44034	18/10/2023	AE HOSKINS BUILDING SERVICES	REPLACEMENT OF THREE DOORS AT THE DALYELLUP BEACH (DALYELLUP BVD) TOILETS, REPAIR ROOF LEAK AT SHIRE ADMIN BUILDING, REPAIR DOOR ON DISABLED TOILET AT CAPEL COMMUNITY CENTRE AND REPLACE BOLTS TO TOILETS AT ERLE SCOTT RESERVE	6,134.18
EFT44035	18/10/2023	GAGE HUNTER	TRAINING EXPENSES	53.90
EFT44036	18/10/2023	KLEENIT	CARRY OUT BI-ANNUAL CLEANING OF GUTTERS AT ALL SHIRE BUILDINGS	3,410.00
EFT44037	18/10/2023	DARRYL JOHN KLEIN	REFUND OF BA	6.85



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EFT44038	18/10/2023	LANDGATE	MINIMUM CHARGE AND COPIES OF CERTIFICATE OF TITLE	135.15
EFT44039	18/10/2023	MCDONALD FENCING	INSTALL NEW CLIPS TO FULL PERIMETER OF FENCE AS PER QUOTE IFM78924	1,034.00
EFT44040	18/10/2023	JAMES MEAKES	TRAINING EXPENSES	80.30
EFT44041	18/10/2023	MCLEODS BARRISTERS AND SOLICITORS	FINAL AUDIT COSTS RELATED TO LEGAL REPRESENTATION EXPENSES FOR FY 2022-23	187.00
EFT44042	18/10/2023	GORDON MACMILE	REIMBURSEMENT FOR INTERNET COSTS SEPT 2023	95.00
EFT44043	18/10/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	TOILETRY PRODUCTS	273.00
EFT44044	18/10/2023	Old MacDonald's Travelling Farm's WA SW	CAPEL RIVER CLASSIC WALK-IN EVENT	1,326.16
EFT44045	18/10/2023	CALEB MACMILE	TRAINING EXPENSES	73.85
EFT44046	18/10/2023	NETSIGHT CONSULTING PTY LTD	12 MONTH MYOSH SUBSCRIPTION	1,415.70
EFT44047	18/10/2023	THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD	PROVIDE ALARM RESPONSES FOR SECURITY AT SHIRE LOCATIONS	4,181.05
EFT44048	18/10/2023	OFFICEWORKS SUPERSTORES PTY LTD	ARCHIVE AND LIBRARY SUPPLIES	269.40
EFT44049	18/10/2023	PROTECTOR FIRE SERVICES	CAPEL LIBRARY AND BOYANUP COMMUNITY CENTRE FIRE PANEL MONTHLY INSPECTION AND SERVICE	247.50
EFT44050	18/10/2023	PHOENIX PETROLEUM	BFB FUEL COSTS	158.65
EFT44051	18/10/2023	PRIME INDUSTRIAL PRODUCTS	SMALL PLANT PURCHASE	496.22
EFT44052	18/10/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	69,629.00
EFT44053	18/10/2023	SOUTHERN LOCK & SECURITY	REPAIR ALARM IN THE DALYELLUP SPORTS PAVILION	493.10
EFT44054	18/10/2023	SYNERGY	ELECTRICITY	2,319.76
EFT44055	18/10/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	315.70





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EFT44056	18/10/2023	STRATEGIC DIRECTIONS	ERP ADVISORY SERVICE	1,188.00
EFT44057	18/10/2023	TOTALLY WORKWEAR	STAFF UNIFORMS	1,225.00
EFT44058	18/10/2023	TARVIA	ZEDOR CARPARK STAIRWAY & SHELTER REPAIRS AND MAINTENANCE TO LAKES PARK SHELTER AND BOYANUP BOWLING PAVILION RECOAT ENTRANCE DOORS	8,179.60
EFT44059	18/10/2023	TEAM DIGITAL PTY LTD	TRAINING / WORKSHOP	1,035.00
EFT44060	18/10/2023	UNITING GLOBAL	CLEANING OF SHIRE PUBLIC TOILETS AND RELIEF CLEANING AT SHIRE LOCATIONS	23,292.59
EFT44061	18/10/2023	IT VISION	UNIVERSE DATABASE UPGRADE	623.70
EFT44062	18/10/2023	WORKPAC GROUP	LABOUR HIRE	3,780.81
EFT44063	18/10/2023	WESTSIDE TILT TRAY SERVICES	TOW ABANDONED VEHICLE	165.00
EFT44064	18/10/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING FOR PROGRAMS AND EVENTS	43.81
EFT44065	20/10/2023	TELSTRA CORPORATION LTD	DALYELLUP SPORTS PAVILION MONTHLY INTERNET	90.00
EFT44066	23/10/2023	AMPOL	AMPOL FUEL CARD EXPENSES - <b>REFER TO ATTACHMENT FOR FUEL TRANSACTION DETAILS</b>	8,733.82
EFT44067	25/10/2023	AUSQ TRAINING	TRAINING	579.00
EFT44068	25/10/2023	AUSSIE TELECOM PTY LTD	RENEWAL LICENCES	262.74
EFT44069	25/10/2023	ARBORGUY	WESTERN POWER PRUNING LIST	682.00
EFT44070	25/10/2023	BUNBURY MACHINERY	BOOMSPRAY PUMP AND MOWER REPAIRS	792.40
EFT44071	25/10/2023	CITY OF BUSSELTON	ANNUAL GEOGRAPHE CLAG CONTRIBUTION - CHEMICAL & TRANSPORT COSTS	23,785.86
EFT44072	25/10/2023	B & B STREET SWEEPING	CAPEL CIVIC CENTRE PRECINCT STREET SWEEPING - SEPTEMBER 2023	1,537.80
EFT44073	25/10/2023	BETTER LIFE CENTRE	3 FOLDABLE WHEELCHAIRS FOR SENIORS' OUTINGS AND TOURS	1,056.00





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EFT44074	25/10/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	882.97
EFT44075	25/10/2023	BELINDA FACEY	LAPTOP SLEEVES FOR COUNCILLOR	72.00
EFT44076	25/10/2023	BUNBURY HARVEY REGIONAL COUNCIL	ORGANICS DISPOSAL BANKSIA ROAD	19,332.88
EFT44077	25/10/2023	BENDIGO BANK EMERGENCY SERVICES DEBIT CARD	INCIDENT 643744 WELFARE EXPENSES	159.20
EFT44078	25/10/2023	BALINGUP PROGRESS ASSOCIATION	CONTRIBUTION TO THE FEASIBILITY STUDY ON THE INTRODUCTION OF A PASSENGER SERVICE ON THE BUNBURY-BRIDGETOWN RAIL LINE	5,000.00
EFT44079	25/10/2023	WINC AUSTRALIA PTY LTD	STATIONERY	669.60
EFT44080	25/10/2023	COATES HIRE SERVICE	PORTABLE TOILET HIRE FOR WELD ROAD	957.57
EFT44081	25/10/2023	CLEANAWAY	WASTE RENTAL CLEARANCE AND DISPOSAL FROM WTS AND DEPOT, GENERAL WASTE AND RECYCLING FROM RESIDENTIAL AND COMMERCIAL	326,014.13
EFT44082	25/10/2023	CAPEL CHAMBER OF COMMERCE INC	ANNUAL MEMBERSHIP FEES	60.00
EFT44083	25/10/2023	CLEANWAY XTRA CLEANING SERVICES	SHIRE MONTHLY BBQ CLEANING	4,118.40
EFT44084	25/10/2023	COUNTRY LANDSCAPING PTY LTD	IRRIGATION SPECIFICATION - ASSESS AND REVISE GENERIC IRRIGATION SPECIFICATION AND SERVICING OF ALL PUMPS	9,426.12
EFT44085	25/10/2023	CB TRAFFIC SOLUTIONS	SUPPLY TRAFFIC CONTROLLERS AND VEHICLE - WELD ROAD	3,863.75
EFT44086	25/10/2023	DM & S CURTIN	CARRY OUT QUARTERLY HVAC PM OCTOBER 2023 SHIRE OFFICES	5,394.40
EFT44087	25/10/2023	CHAMELEON TENTS TRUST	CAPEL RIVER CLASSIC MARQUEE HIRE	5,335.00
EFT44088	25/10/2023	CARBONE BROS PTY LTD	SUPPLY AND DELIVER GRAVEL TO WELD ROAD LAYDOWN AREA	63,385.35



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EFT44089	25/10/2023	ELDERS RURAL SERVICES AUSTRALIA LIMITED	DROPPER H/G STEEL FOR WELD ROAD	1,903.00
EFT44090	25/10/2023	ERG ELECTRICS PTY LTD	STREET LIGHTING MAINTENANCE	12,910.70
EFT44091	25/10/2023	ELLIOTTS FILTRATION	IRON FILTRATION SERVICES - ERLE SCOTT RESERVE AND THE GROVE	602.80
EFT44092	25/10/2023	ERGOLINK	OFFICE CHAIRS	2,368.40
EFT44093	25/10/2023	ELEMENT ADVISORY PTY LTD	DEVELOP FINAL PLACE PLAN	10,257.50
EFT44094	25/10/2023	Dept of Fire and Emergency Services (DFES).	REIMBURSE BFM PLANNING LG GRANT AGREEMENT (BRMC)	14,949.00
EFT44095	25/10/2023	FIT 2 WORK.COM.AU	EMPLOYEE POLICE CHECKS	81.18
EFT44096	25/10/2023	GEOGRAPHE CIVIL	HIRE OF GAS TESTING EQUIPMENT	1,000.00
EFT44097	25/10/2023	AE HOSKINS BUILDING SERVICES	REFURBISH CAPEL BUSHFIRE BRIGADE	8,273.37
EFT44098	25/10/2023	H + H ARCHITECTURE PTY LTD	FINAL DESIGN AND CONSTRUCTION SUPERVISION - GELORUP BUSH FIRE BRIGADE FACILITY	2,145.00
EFT44099	25/10/2023	GAGE HUNTER	COUPLERS AND CABLE FOR CS CASH REGISTER	47.85
EFT44100	25/10/2023	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE	468.33
EFT44101	25/10/2023	INSTANT WINDSCREENS	FLEET VEHICLE REPLACEMENT WINDSCREEN	1,300.00
EFT44102	25/10/2023	JAGS PTY LTD	REGISTRATION ANIMAL TAGS	453.20
EFT44103	25/10/2023	LANDGATE	LAND VALUATIONS	3,657.93
EFT44104	25/10/2023	LIVERPOOL AUSTRALIA PTY LTD	KNOWLEDGE MANAGEMENT SYSTEM ANNUAL SUBSCRIPTION	5,500.00
EFT44105	25/10/2023	LGISWA	YEARLY INSURANCES	266,472.48
EFT44106	25/10/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL STATE CONFERENCE ATTENDEES	2,815.00
EFT44107	25/10/2023	MUIR'S MANJIMUP	FLEET VEHICLE SERVICE	362.88



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EFT44108	25/10/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL REPRESENTATION AND ADVICE	7,795.86
EFT44109	25/10/2023	MONADELPHOUS ENGINEERING ASSOCIATES PTY LTD	REPAIR OF THE CAGE DOORS AT THE DALYELLUP MIDDLE LAKES TOILET	1,859.00
EFT44110	25/10/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	2,101.83
EFT44111	25/10/2023	ONSITE RENTAL GROUP	MONTHLY RENTAL TOILET BLOCK AT DALYELLUP SKATEPARK	1,280.77
EFT44112	25/10/2023	OPTUS BILLING SERVICES PTY LTD	MONTHLY SHIRE INTERNET	200.00
EFT44113	25/10/2023	OMNICOM MEDIA GROUP PTY LTD	ADVERTISING	1,015.74
EFT44114	25/10/2023	PROMOTE YOU	EMBROIDERY OF LOG - LAPTOP SLEEVES	60.50
EFT44115	25/10/2023	PROTECTOR FIRE SERVICES	CAPEL LIBRARY FIRE PANEL MONTHLY INSPECTION AND SERVICE FOR CAPEL LIBRARY AND BOYANUP COMMUNITY CENTRE	247.50
EFT44116	25/10/2023	PERTH PLAYGROUND AND RUBBER	SUPPLY & LAY RUBBER SOFTFALL AT DALYELLUP SKATE PARK	6,594.50
EFT44117	25/10/2023	AUSTRALIAN TAXATION OFFICE	PAYG	580.00
EFT44118	25/10/2023	RECORDS AND INFORMATION MANAGEMENT PROFESSIONALS AUSTRALASIA RIMPA	CORPORATE A MEMBERSHIP	656.00
EFT44119	25/10/2023	RECRUITWEST PTY LTD	LABOUR HIRE	1,961.26
EFT44120	25/10/2023	SOUTHERN LOCK & SECURITY	REPAIR ALARM IN THE DALYELLUP SPORTS PAVILION	435.00
EFT44121	25/10/2023	SYNERGY	ELECTRICITY	118.32
EFT44122	25/10/2023	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID FOR MENTAL HEALTH TRAINING	195.00
EFT44123	25/10/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	746.90



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EFT44124	25/10/2023	SYKES ENGINEERING PTY LTD T/A SOUTHWEST ELECTRICAL & COMMUNICATION	MOVE EXISTING MOLEX CABLING TO LOCATION BELOW WINDOWS IN SHIRE OFFICE	1,945.30
EFT44125	25/10/2023	SLMC PROPERTY AUSTRALIA	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	8,504.52
EFT44126	25/10/2023	SOUTHWEST MACHINING CENTRE	FERNDALE PARK - MANUFACTURE BOLLARD BOLTS	385.00
EFT44127	25/10/2023	D & K THOMAS ELECTRICAL	REPLACE 17 WALL LIGHTS WITH LED POLYCARB BUNKER LIGHTS AND ISOLATE 7 DAMAGED BUNKER LIGHTS AT THE DALYELLUP SPORTS PAVILION, REPLACE FLUROS WITH LED'S IN MEETING ROOM AT DALYELLUP COMMUNITY CENTRE, REPLACE PE CELLS AT SHIRE ADMIN AND GELORUP COMMUNITY CENTRE	7,144.50
EFT44128	25/10/2023	TOTALLY WORKWEAR	PERSONAL PROTECTIVE EQUIPMENT	385.00
EFT44129	25/10/2023	TUTT BRYANT HIRE	MACHINE HIRE	14,655.51
EFT44130	25/10/2023	T-QUIP	MOWER REPAIRS AND PARTS	899.20
EFT44131	25/10/2023	TALIS CONSULTANTS PTY LTD	GROUNDWATER MONITORING DALYELLUP ESTATE	1,953.88
EFT44132	25/10/2023	IT VISION USER GROUP INC	IT VISION USER GROUP MEMBERSHIP	770.00
EFT44133	25/10/2023	WESTRAC EQUIPMENT	GRADER PARTS AND CONSUMABLES	4,460.35
EFT44134	25/10/2023	THE PRINT SHOP	CAPEL RIVER CLASSIC 3 VINYL BANNERS	587.40
EFT44135	26/10/2023	BIG W	BOOK STOCK PURCHASES	590.00
EFT44136	26/10/2023	CB TRAFFIC SOLUTIONS	ROADWORKS TRAFFIC MANAGEMENT	1,161.60
EFT44137	26/10/2023	CAPEL DISTRICT CEMETERIES PROJECT INC	EVENT SPONSORSHIP 23/24	951.00
EFT44138	26/10/2023	COUNTRY WATER SOLUTIONS	REMOVAL OF VEGETATION ALONG MAIDMENT PARADE	8,610.80
EFT44139	26/10/2023	GEOVET BUSSELTON	EUTHANASIA AND DISPOSAL OF ANIMAL BODY	340.00



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EFT44140	26/10/2023	HEARTWOOD TIMBER DESIGNS	FREEMAN OF THE SHIRE GIFT	170.00
EFT44141	26/10/2023	DELPHINE HEIGHT	FACILITATION OF SCHOOL HOLIDAY YOGA	300.00
EFT44142	26/10/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL STATE CONFERENCE ATTENDEES	3,630.00
EFT44143	26/10/2023	TUART FOREST TOY LIBRARY	COMMUNITY BUDGET REQUEST	10,914.00
EFT44144	30/10/2023	DE LAGE LANDEN PTY LIMITED	LEASE OF TORO MOWER	2,515.08
50745	04/10/2023	SHIRE OF CAPEL	SEPT BCITF COMMISSION	16.50
50746	04/10/2023	COMMISSIONER OF POLICE	CORPORATE FIREARMS RENEWAL	166.00
50747	04/10/2023	WATER CORPORATION	WATER USAGE	805.52
50748	11/10/2023	BOYANUP PRIMARY SCHOOL	DONATION	50.00
50749	11/10/2023	SHIRE OF CAPEL	SEPT 23 COMMISSION BSL	170.00
50750	18/10/2023	BUNBURY CATHEDRAL GRAMMAR SCHOOL	DONATIONS	100.00
50751	18/10/2023	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	SPECIAL PLATE	200.00
50752	18/10/2023	WATER CORPORATION	WATER USAGE	1,147.03
50753	25/10/2023	SHIRE OF CAPEL	PETTY CASH RECOUP	117.60
50754	25/10/2023	WATER CORPORATION	WATER USAGE	3,687.63
				<b>\$1,664,564.30</b>

**Payroll Transactions:**

08.10.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$229,793.46
22.10.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$2,156.48
22.10.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$231,094.16
22.10.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$794.61

**\$463,838.71**

**Term Deposit Transactions:**

05.10.2023	NAB TERM DEPOSIT REDEMPTION	-\$1,058,132.20
05.10.2023	NAB TERM DEPOSIT	\$1,058,132.20



19.10.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,012,291.23
19.10.2023	MACQUARIE TERM DEPOSIT	\$1,000,000.00
19.10.2023	NAB TERM DEPOSIT REDEMPTION	-\$2,106,759.96
19.10.2023	NAB TERM DEPOSIT	\$2,106,759.96
		<b>-\$12,291.23</b>

**Summary**

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 14 November 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**

Simple Majority.

**Officer's Recommendation – 15.3**

**OC/2023/215 - Officer's Recommendation / Council Decision - 15.3**

*Moved Cr McCleery, Seconded Cr Mogg.*

**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 October 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 EFT43862to EFT44144, CHQ50745 to CHQ50754 equated to \$1,664,564.30 during the month of October 2023.**
- 2 Payroll payments for the month of October 2023, equated to \$463,838.71.**
- 3 Transfers to and from investments as listed.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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## 15.4. Financial Reports 30 September 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 2309 [15.4.1 - 44 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 30 September 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 30 September 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 31 August 2023 (25 October 2023 Ordinary Council Meeting).

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### Decision Framework

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#### **Shire of Capel Strategic Community Plan 2023-2033**

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 September 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 September 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 – includes commentary on capital expenses progress to date.
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.

### September 2023 Financial Analysis Summary

The *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.

The audit process for the 2022/23 financial year is near complete. Officers anticipate the Final Audit Report from the Office of the Auditor General (OAG) will be received in early December 2023.

The issuing of rates for 2023/24 was completed in the August 2023 month. The first rates instalment and due date for a single full payment occurred on 15 September 2023.

The monthly depreciation transaction of Shire assets has been calculated at a general ledger level only, for the purpose of reporting a depreciation figure in the Monthly Financial Statements. A further depreciation transaction will need to be run in the Asset Register, ensuring the calculation aligns to the general ledger, but this will not be actioned until the 2022/23 audit is final, with Auditors confirming the asset fair value calculations are correct.

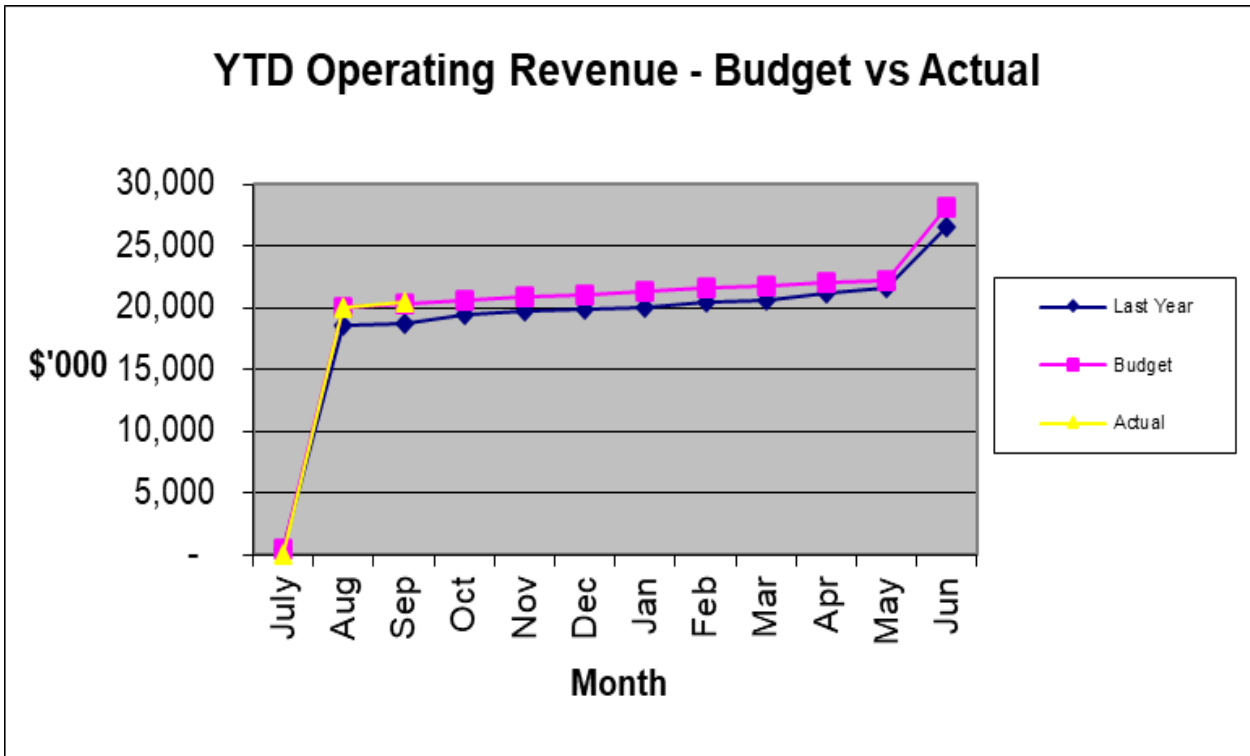
Compared to the 2023/24 Annual Budget, approximately 72.85% of Operating Revenue has been brought to account and 18.67% of the Operating Expenditure has been spent.

The following graphs compare actual Operating Revenue and Operating Expenditure against the 2023/24 Annual Budget on a year-to-date basis.



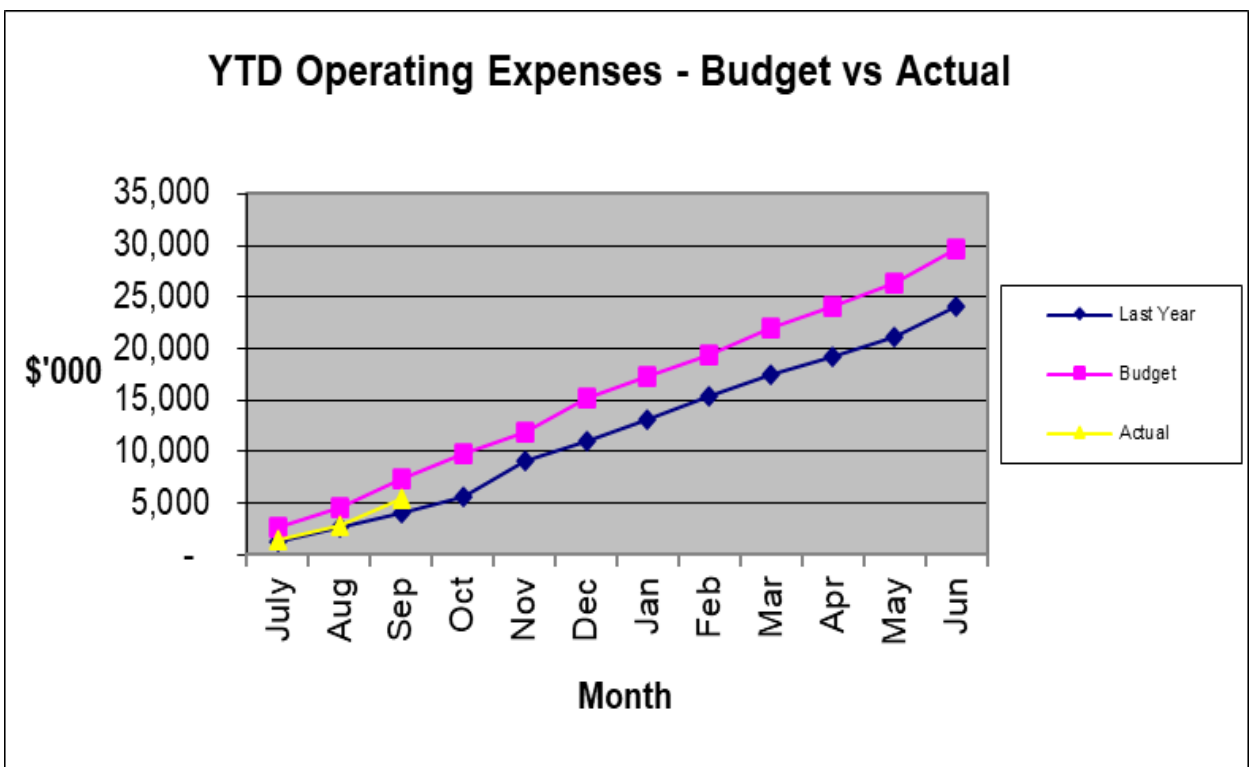
Year to date actual operating revenue compared to budget and last year.

Graph 1.



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

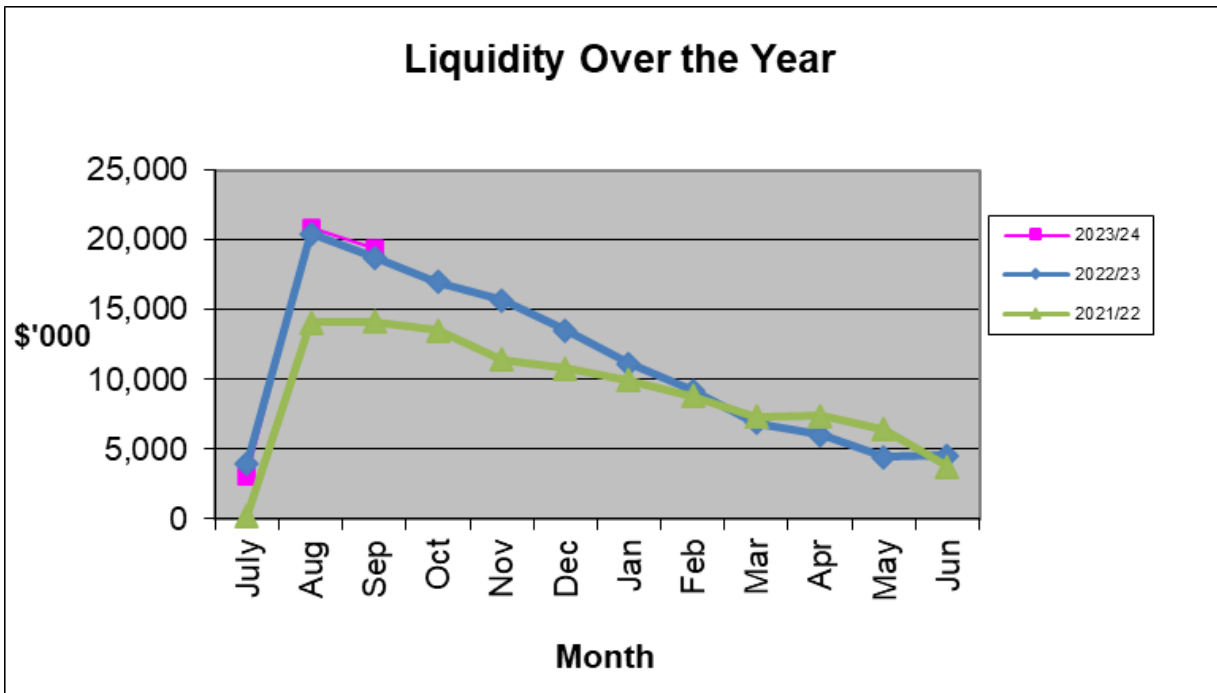
Graph 2.





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 September 2023 has increased by \$4,545,023.00 compared to August 2023.

The municipal cash position is an amount of \$28,645,437.00 of which \$18,548,272.00 is restricted for specific purposes as shown at Note 3 in the attachments.

The increase in the cash position was due to the receipt of rate payments. This was offset by payments for bond returns, Emergency Services Levy and contractor payments.

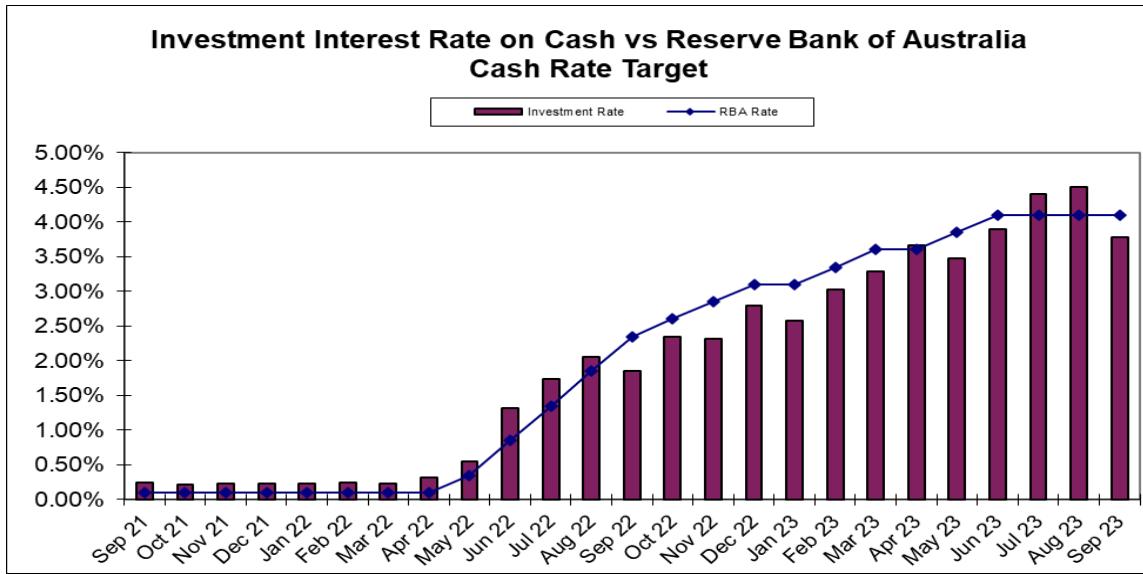
The amount of interest income received is \$165,428.00 which is above the year to date budget.

At present, the average investment rate of return is 3.78%. This is below September 2023 RBA cash rate of 4.10%. This was due to the amounts of cash held at month end in the municipal account. There was no change in the Reserve Bank's cash rate target of 4.10% as of 6 September 2023.



The below analysis charts the movement in investment and applied interest rates.

Graph 4.

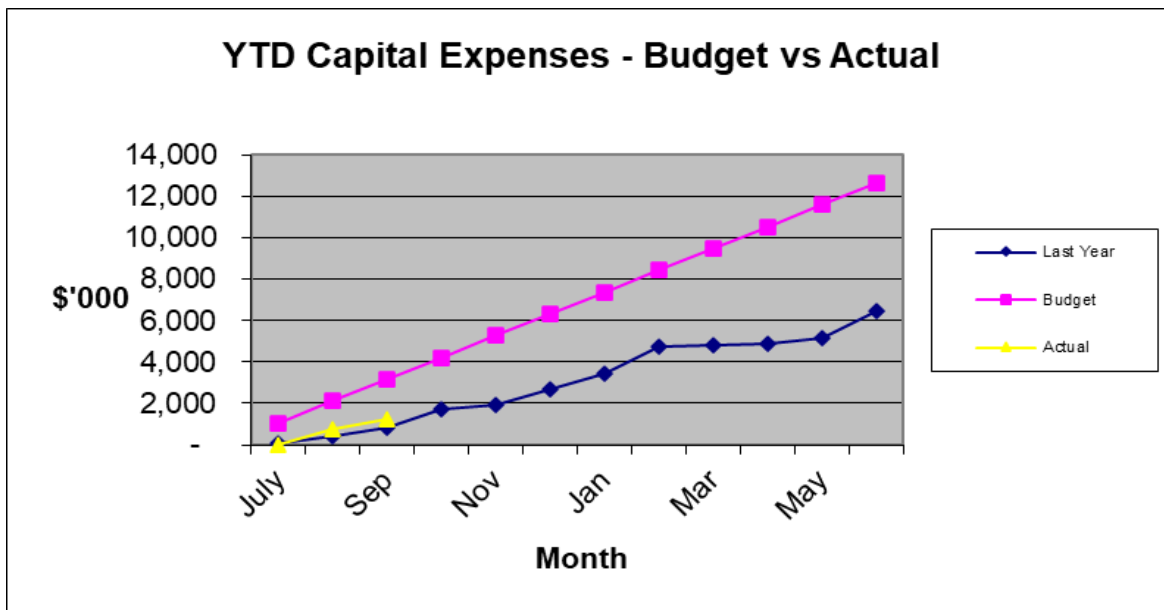


The September review of capital expenditure items totalled \$422,821.00 and was distributed across the following projects/purchases:

- \$ 85,167.00 Roads.
- \$ 26,776.00 Drainage.
- \$ 2,120.00 Paths.
- \$ 10,540.00 Parks Infrastructure.
- \$ 286,470.00 Bush Fire Brigade Building.
- \$ 11,748.00 Capel Regional Equestrian Park (CREP) Redevelopment.

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.

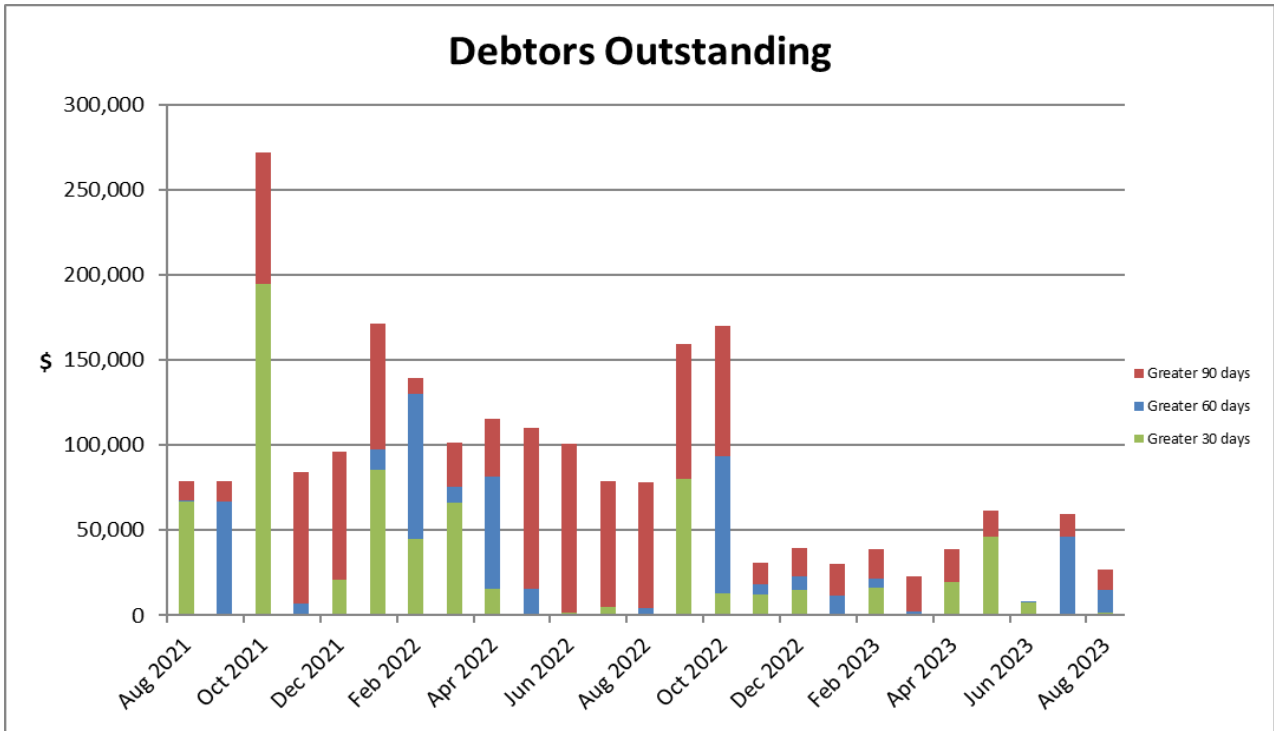
Graph 5.





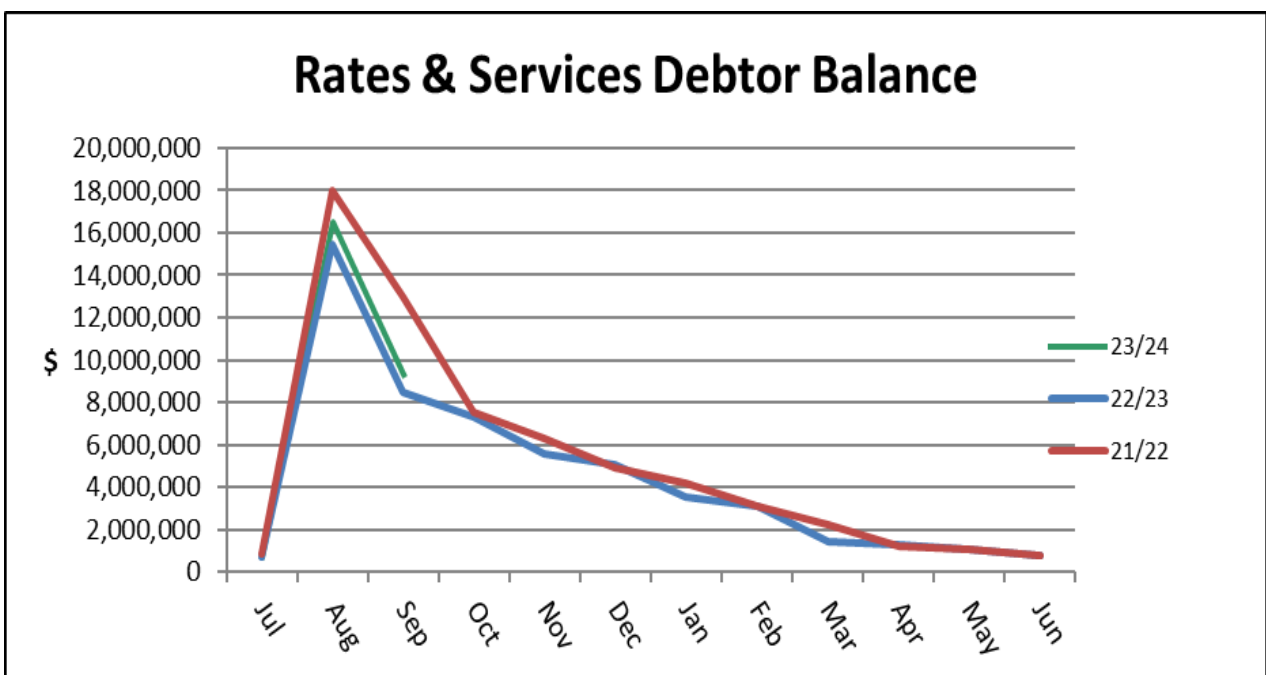
The following graph illustrates the Council’s current level of general debt recovery for 30-60 days, 61-90 days and greater than 90 days.

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.

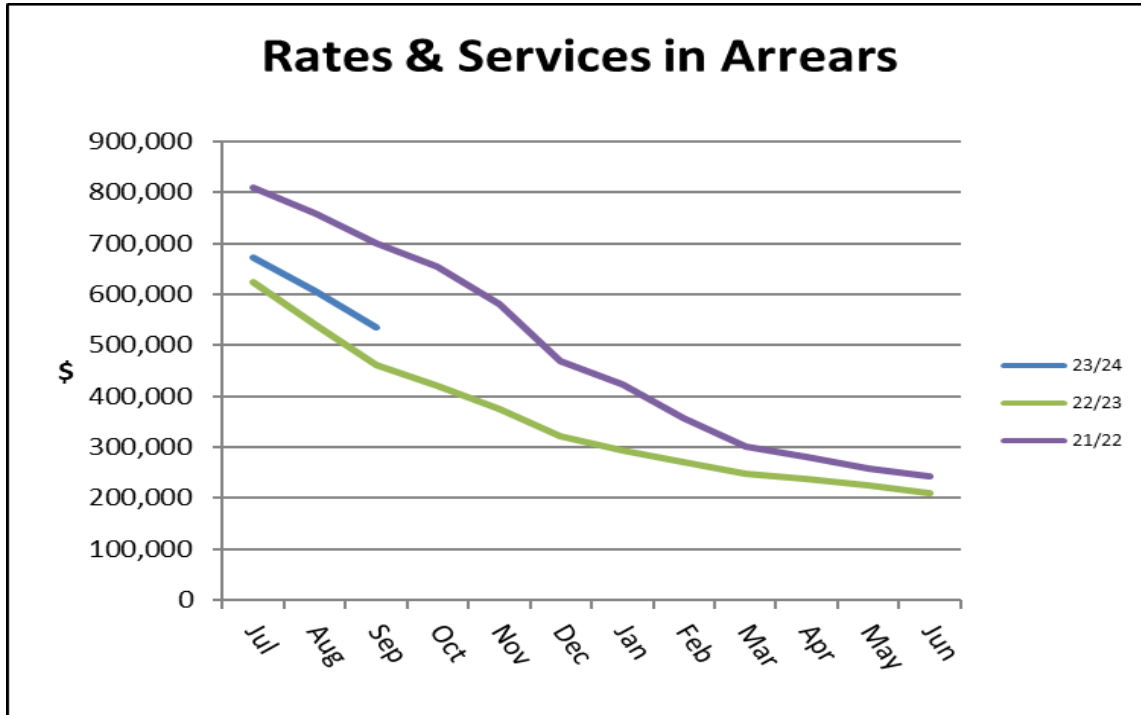
Graph 7.





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: 2023/24 3.68%, 2022/23 3.51% and 2021/22 4.22%.

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 September 2023 and tracks the progress against the budget set at the start of the 2023/24 financial year.

Commentary relating to the progress of capital expenses has been included where work has commenced against individual capital projects. This level of reporting will continue in future financial statements and broadened in detail where required.

A determination of the Shire's September 2023 financial position has been analysed comparing year to date actual and budget, with variances explained as:

- 1) Operating revenue decreases (Rates and Other revenue).
- 2) Operating expenditure decrease (Timing of expenditure on contractors).
- 3) Capital expenditure below budget (Timing of expenditure).
- 4) Asset disposal below budget (Timing of disposals).

The September 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.

Variation to the year-end projected balance will be reported to the Council through the Mid-Year Budget Review process and subsequent report to the Council.



## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.4

#### **OC/2023/216- Officer's Recommendation / Council Decision - 15.4**

*Moved Cr Mogg, Seconded Cr McCleery.*

**That the Council receive the monthly financial statements for the period ending on 30 September 2023.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



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## 15.5. Financial Reports 31 October 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 2310 [15.5.1 - 44 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

---

### Proposal

---

Provide the monthly financial statements for the period ending on 31 October 2023.

---

### Officer's Recommendation

---

That the Council receives the monthly financial statements for the period ending on 31 October 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 31 August 2023 (25 October Ordinary Council Meeting).

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### Decision Framework

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#### **Shire of Capel Strategic Community Plan 2023-2033**

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

---

### 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

---

The financial monitoring for the month of October 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 October 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 - includes commentary on capital expenses progress to date.
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.

### October 2023 Financial Analysis Summary

The *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.

The audit process for the 2022/23 financial year is near complete. Officers anticipate the Final Audit Report from the Office of the Auditor General (OAG) will be received in early December 2023.

The issuing of rates for 2023/24 was completed in the August 2023 month. The first rates instalment and due date for a single full payment occurred on 15 September 2023.

The monthly depreciation transaction of Shire assets has been calculated at a general ledger level only, for the purpose of reporting a depreciation figure in the Monthly Financial Statements. A further depreciation transaction will need to be run in the Asset Register, ensuring the calculation aligns to the general ledger, but this will not be actioned until the 2022/23 audit is final, with Auditors confirming the asset fair value calculations are correct.

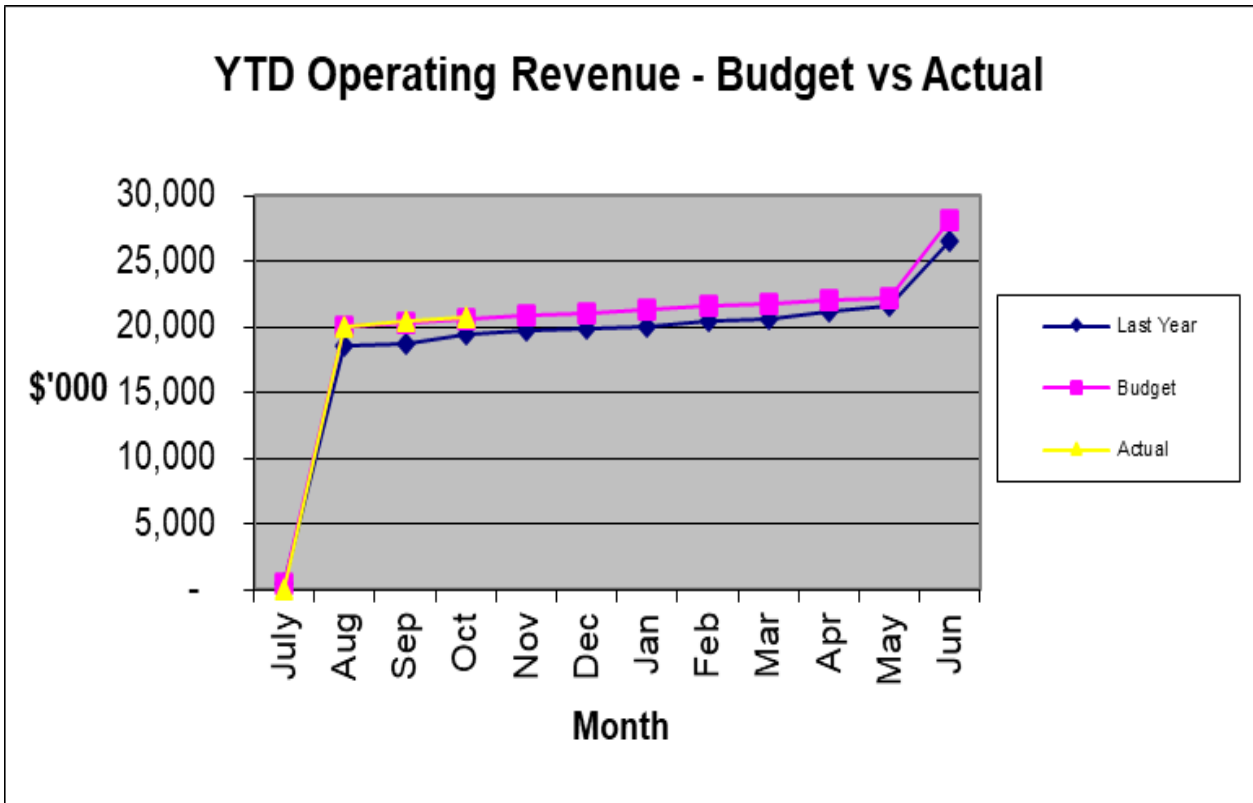
Compared to the 2023/24 Annual Budget, approximately 73.76% of Operating Revenue has been brought to account and 27.11% of the Operating Expenditure has been spent.

The following graphs compare actual Operating Revenue and Operating Expenditure against the 2023/24 Annual Budget on a year-to-date basis.



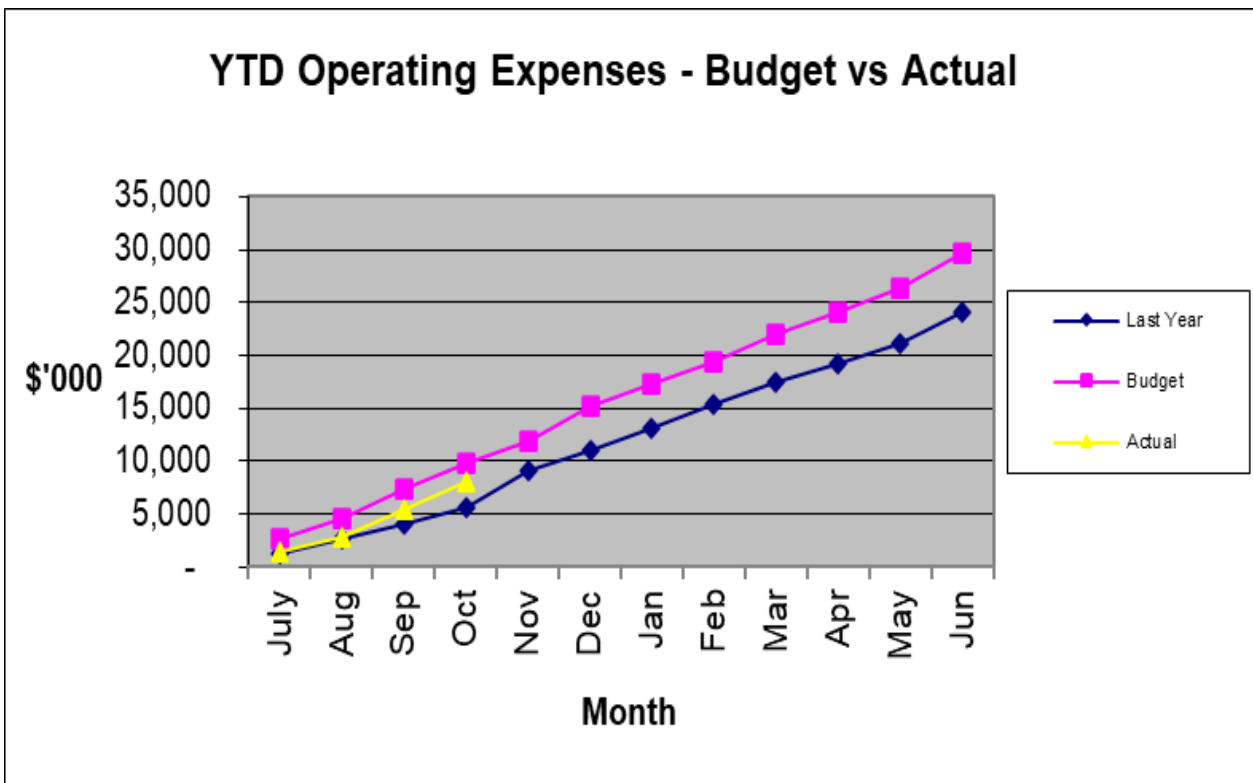
Year to date actual operating revenue compared to budget and last year.

Graph 1.



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

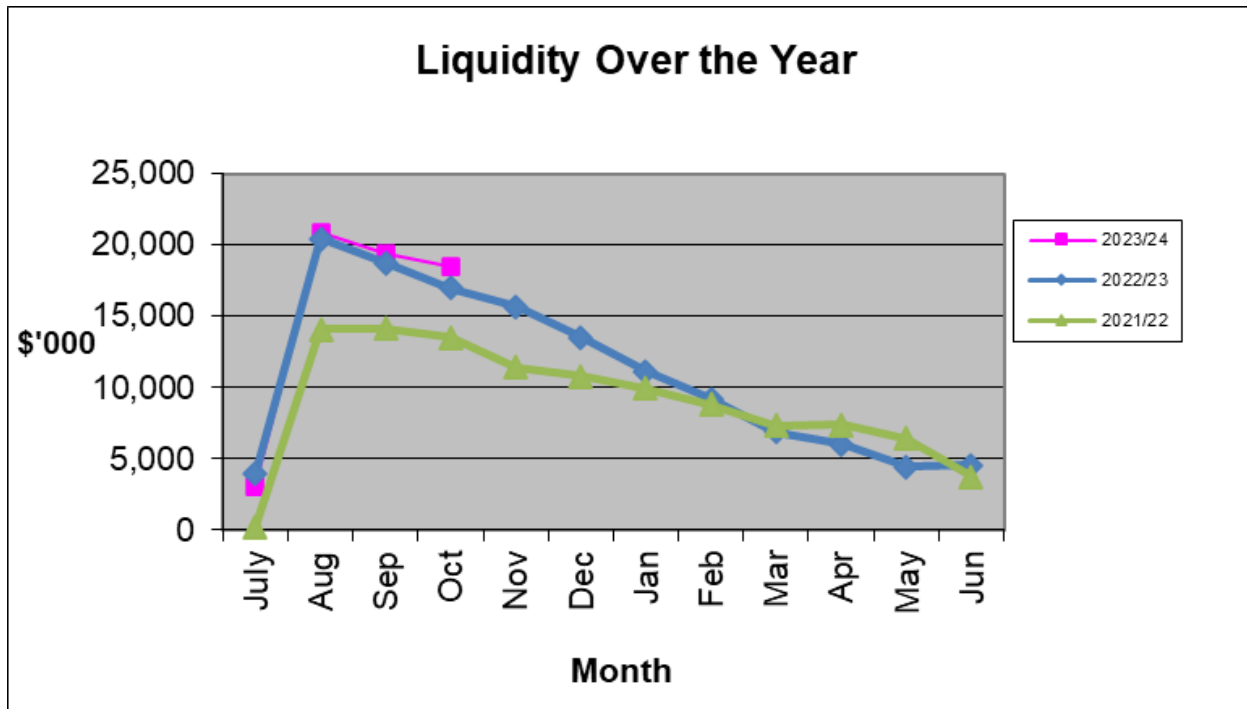
Graph 2.





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 October 2023 has decreased by \$428,950.00 compared to September 2023.

The municipal cash position is an amount of \$28,216,487.00 of which \$17,360,389.00 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 contractors and insurance premiums.

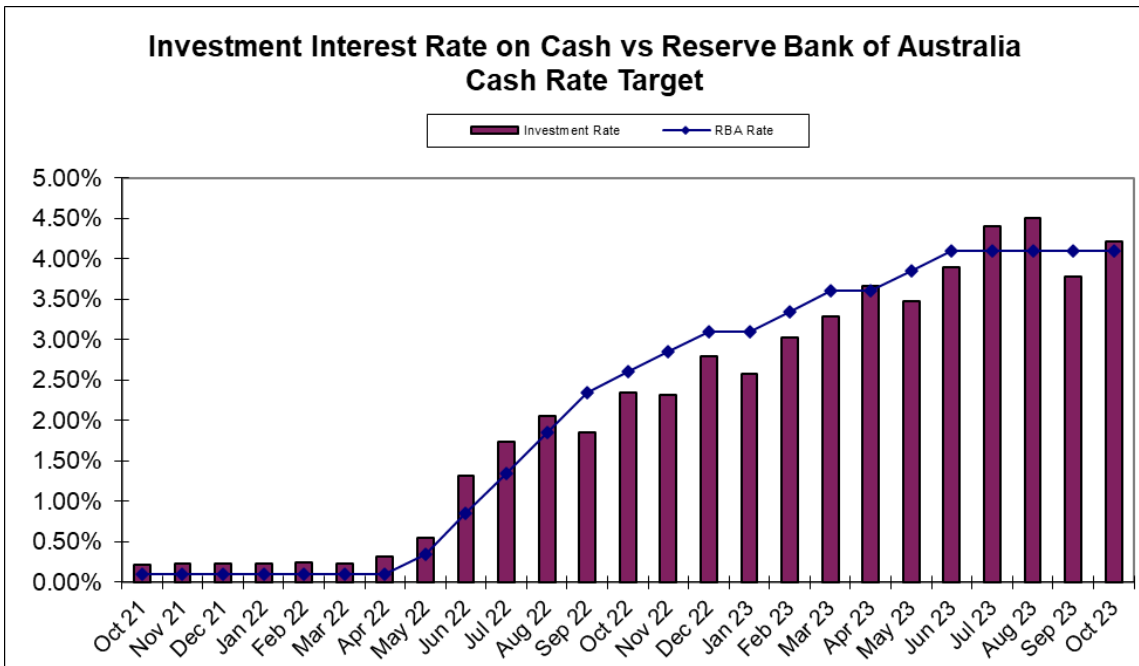
The amount of interest income received is \$281,608.00 which is above the year to date budget due to the timing of term deposit renewals and continued high interest rates.

At present, the average investment rate of return is 4.22%. This is above the October 2023 RBA cash rate of 4.10%. The Reserve Bank's cash rate target increased to 4.35% as of 8 November 2023.

On the following page, Graph 4 details an analysis chart which maps the movement in investment and applied interest rates.



Graph 4.

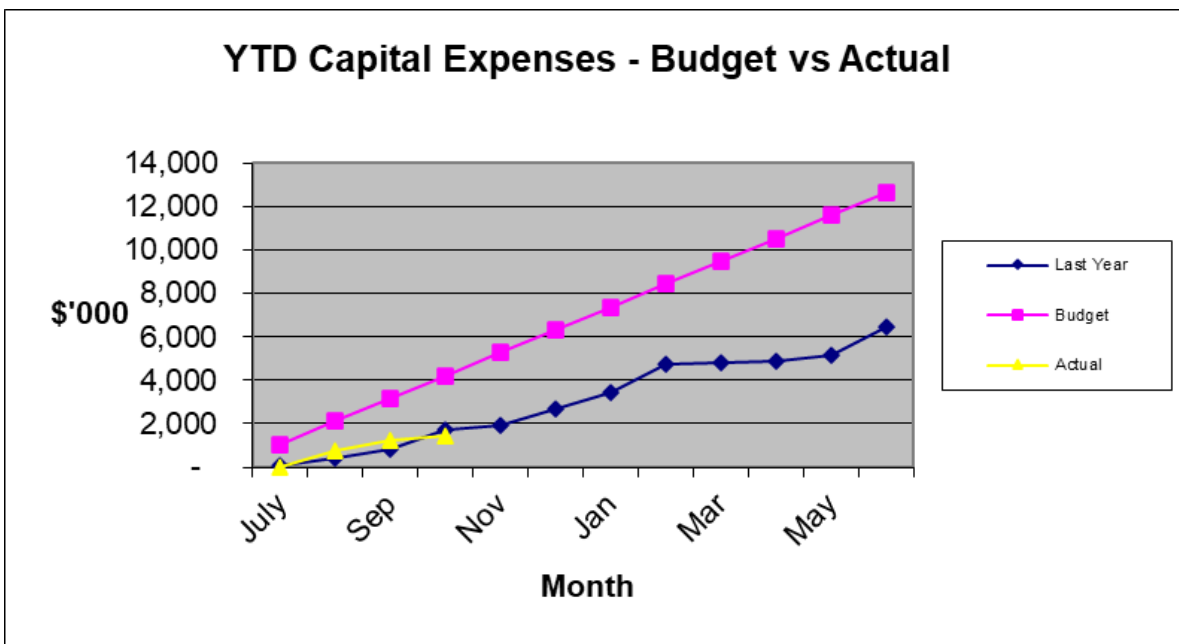


The August review of capital expenditure items totalled \$195,334.00 and was distributed across the following projects/purchases:

- \$ 183,984.00 Roads.
- \$ 4,628.00 Paths.
- \$ 1,950.00 Bush Fire Brigade Building.
- \$ 4,050.00 Capel regional Equestrian Park (CREP) Redevelopment.
- \$ 722.00 Book stocks.

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.

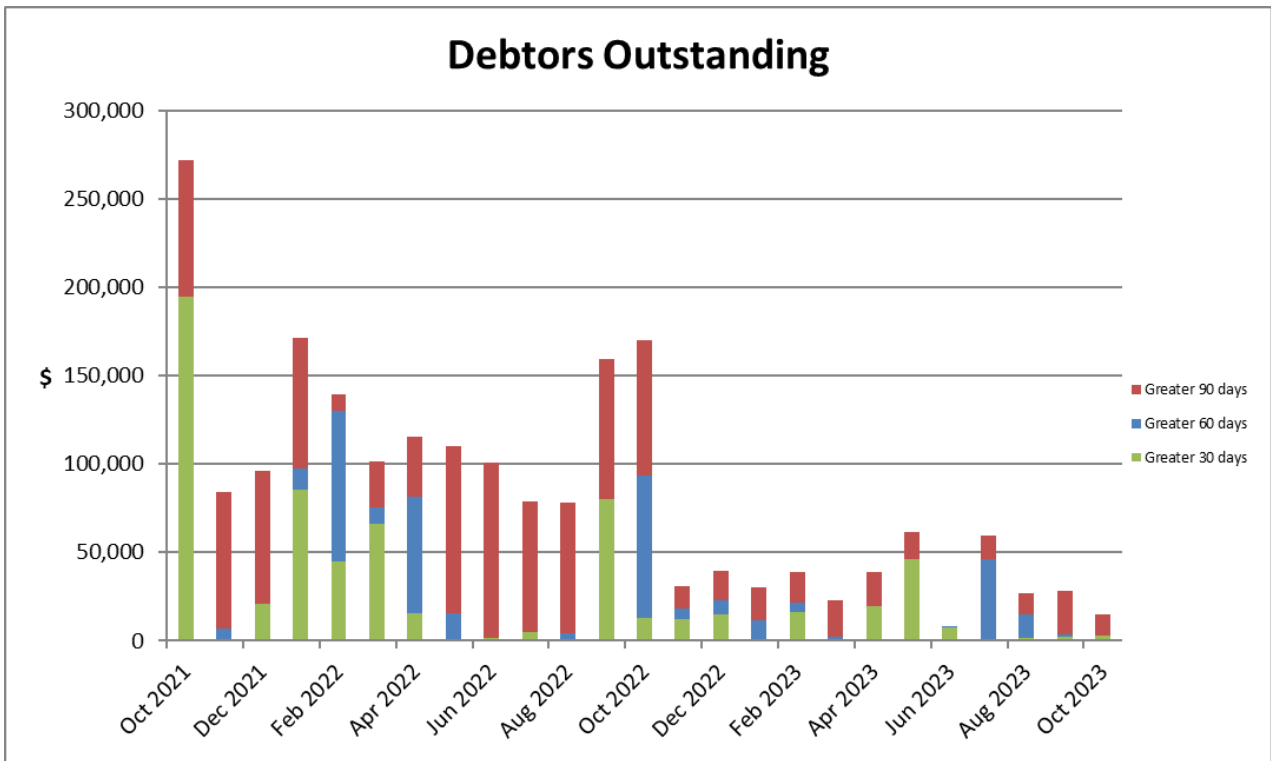
Graph 5.





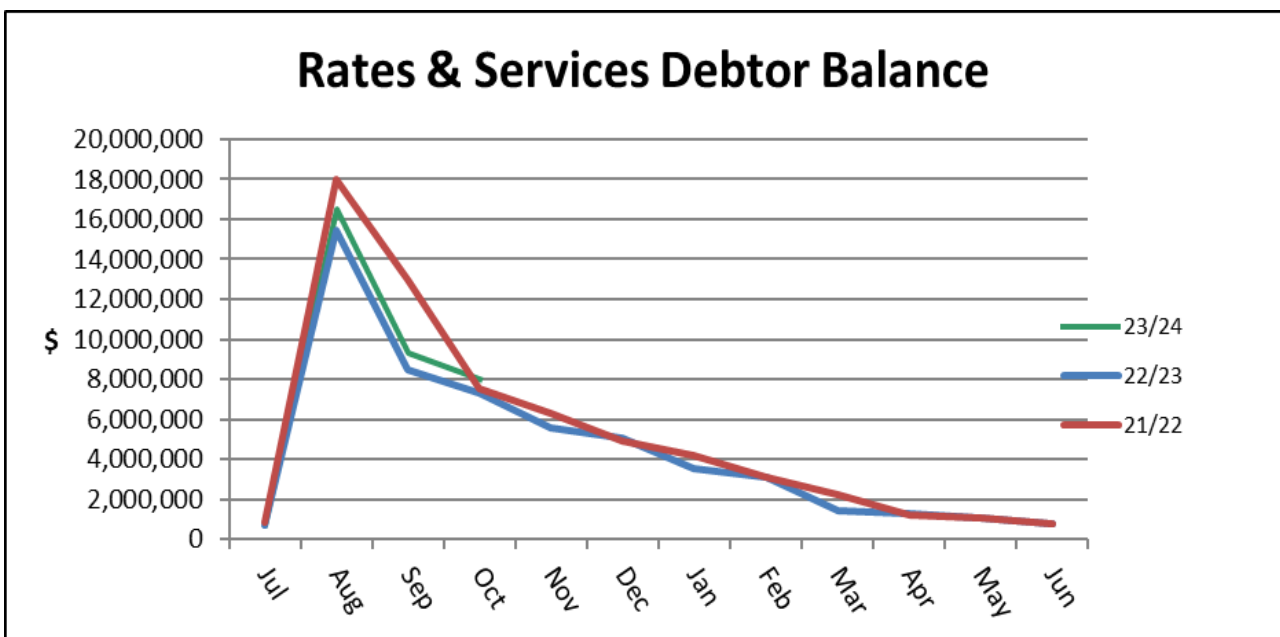
The following graph illustrates the Council’s current level of general debt recovery for 30-60 days, 61-90 days and greater than 90 days.

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.

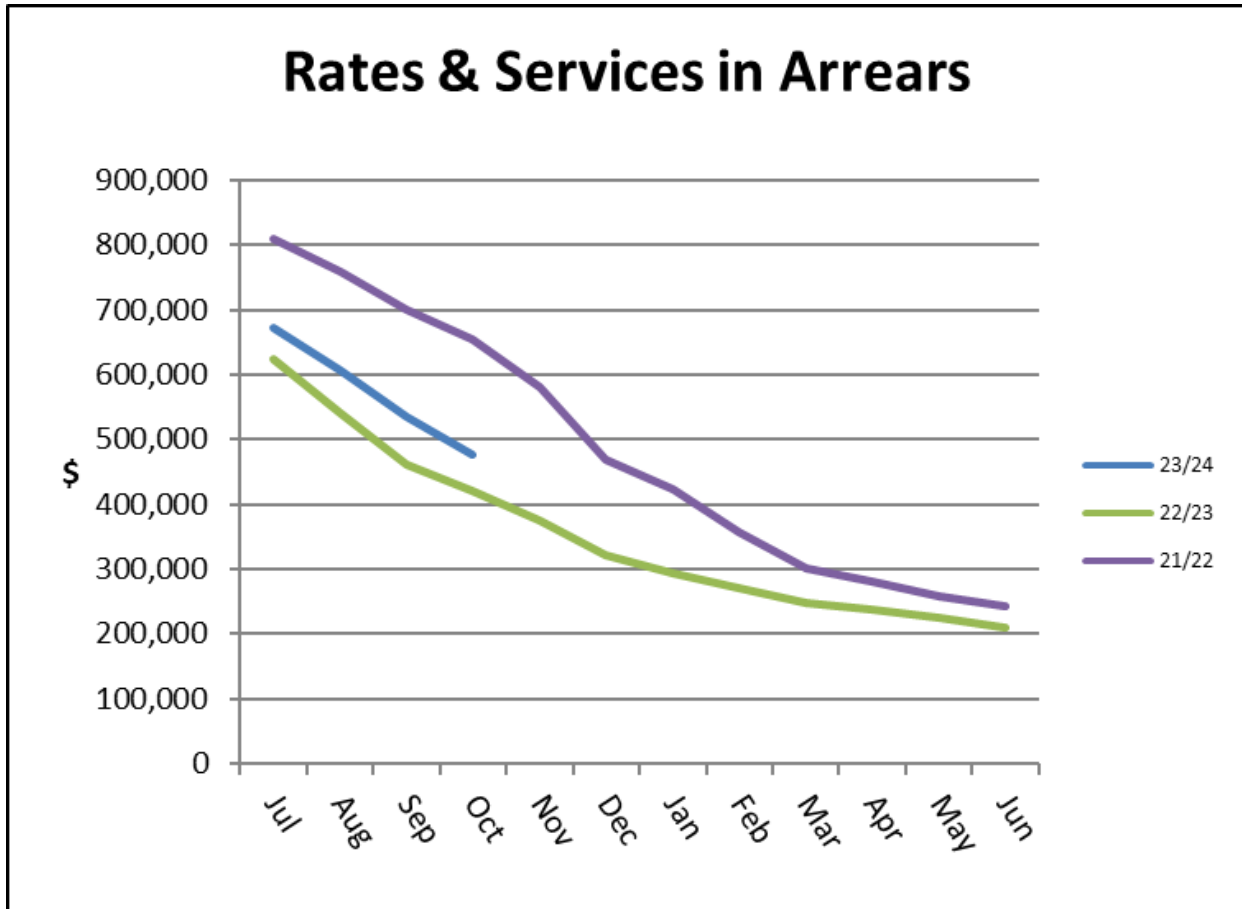
Graph 7.





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: 2023/24 3.68%, 2022/23 3.51% and 2021/22 4.22%.

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 October 2023 and tracks the progress against the budget set at the start of the 2023/24 financial year.

Commentary relating to the progress of capital expenses has been included where work has commenced against individual capital projects. This level of reporting will continue in future financial statements and broadened in detail where required.

A determination of the Shire’s October 2023 financial position has been analysed comparing year to date actual and budget, with variances explained as:

- 1) Operating revenue decreases (Timing of interim rates and service charges).
- 2) Operating expenditure decrease (Employee recruitment and timing of expenditure on contractors).
- 3) Capital expenditure below budget (Timing of expenditure).
- 4) Asset disposal below budget (Timing of disposals).



The October 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.

Variation to the year-end projected balance will be reported to the Council through the Mid-Year Budget Review process and subsequent report to the Council.

### **Voting Requirements**

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Simple Majority.

<b>Officer's Recommendation – 15.5</b>
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<b>OC/2023/217 - Officer's Recommendation / Council Decision - 15.5</b>
---

*Moved Cr McCleery, Seconded Cr Mogg.*

**That the Council receive the monthly financial statements for the period ending on 31 October 2023.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*





## 16. New Business of an Urgent Nature

Item 16.1 - Proposed Disposal of Asset - Lot 36 Ilmenite Crescent, Capel, was provided to the Council as a CONFIDENTIAL late item.

## 17. Public Question Time

Nil

## 18. Motions Without Notice (Absolute Majority by Council)

### OC/2023/217 - Motion / Council Decision - 18.1

*Moved Cr Kitchen, Seconded Cr Noonan.*

**That the Council consider the motion relating to the Lord Mayors Distress Fund.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

### OC/2023/218 - Motion / Council Decision - 18.1

*Moved Cr Kitchen, Seconded Cr Schiano.*

**That the Shire of Capel:**

- 1. Makes a donation to the Lord Mayor's Distress Relief Fund – Mariginiup Bushfires appeal;**
- 2. The donation be to the value of \$1,000.00**
- 3. Authorises the funds to be draw from ACC 0222 – Donations**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - 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/2023/218 - Procedural Motion / Council Decision - 20.1**

*Moved Cr Kitchen, Seconded Cr Dillon.*

**That the meeting be closed to members of the public in accordance with Shire of Capel Standing Orders Local Law 2016, 12.1(g) as the matter relates to a contract entered into, or which may be entered into, by the local government for the following confidential item:**

#### **20.1 Proposed Disposal of Asset - Lot 36 Ilmenite Crescent, Capel**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

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### 20.1. Proposed Disposal of Asset – Lot 26 Ilmenite Crescent, Capel

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. RFT 23-07 Sale of Industrial Lots in Capel LIA [20.1.1 - 18 pages] 2. Expression of Interest (EOI) - Lease of Industrial Lots in Capel Light Industrial Area [20.1.2 - 13 pages] 3. CONFIDENTIAL - Informal Offer of Lot 36 [20.1.3 - 2 pages] 4. CONFIDENTIAL - Delegation Disposal of Property Lot 36 Ilmenite Crescent 002 [20.1.4 - 1 page]
<b>Confidential Status</b>	<i>This item is confidential under the Local Government Act 1995 due to: c. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;</i>

### Proposal

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Approve, provide delegation and allow for the negotiated disposal by sale of Lot 36, (17) Ilmenite Crescent, Capel.

### Officer's Recommendation 1

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That Council adopts Delegation Disposal of Property – Lot 36 (17) Ilmenite Crescent, Capel as per CONFIDENTIAL Attachment 20.1.4.

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## Officer's Recommendation 2

---

That Council:

1. Notes the informal offer contained within CONFIDENTIAL Attachment 20.1.3 for the purchase of Lot 36 (17) Ilmenite Crescent, Capel.
2. Declares that the valuation carried out more than 6 months before the proposed disposition is believed to be a true indication of the value at the time of disposition and the proposed offer reflects market value.
3. Approves the Chief Executive Officer to proceed with the necessary formal sale of property process following the acceptance of offer.
4. Endorses that this matter remain confidential until negotiations, offer and acceptance have concluded.

## Background

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The Shire purchased Lot 1 Ilmenite Crescent, Capel for the purpose of future development. Through the assistance of grant funding, subdivision approval was granted in 1986 for Stage 1 of the site, at this time the Shire commenced disposal of assets through sale of the lots.

Stage 2 commenced in 1993, and then followed Stage 3 in 2006. It was Stage 3 that lot 36 was developed.

All lots relating to the subdivision were disposed through sale, with only lots 36 & 39 Ilmenite Crescent remaining due to no interest.

Recently, the Shire received correspondence from a member of the community enquiring about available land in the Capel light industrial area (LIA).

From this initial enquiry, Officers commenced internal discussions on the appetite and timing to consider disposal of the two vacant blocks of land owned by the Shire in the LIA.

Public advertising for sale by tender of both properties was previously undertaken in 2018 with no submissions received during the advertising period.

Due to the recent enquiry, the valuation of both properties was updated on 6 February 2023 by an external contractor.

Valuations for both properties were received on 13 February 2023 to the Shire.

Following the valuation's, a report was provided to the Council for a proposed disposal via purchase through tender or expressions of interest for a lease of land.

The Shire advertised the local public notice for a period of 6 weeks, closing on 21 June 2023. One tender submission was received for the purchase of Lot 39, (23) Ilmenite Crescent Capel and no expressions of interest for a lease. No submissions were received for Lot 36 (17) Ilmenite Crescent, Capel.



Lot 39 (23) Ilmenite Crescent was approved for disposal through Council at the August 2023 Council Meeting with the continued advertising of Lot 36 (17) Ilmenite Crescent.

In September 2023, a formal enquiry into the purchase of Lot 36 was made to the administration. The public information was provided with an Expression of Interest application.

The Expression was provided back to the administration early November and an evaluation was undertaken.

Under the *Local Government (Functions and General) Regulations 1996 r.11 (2)(c)*, a tender exemption can be used if within the last 6 months;

- i. The Local Government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
- ii. The Local Government has, under regulation 21 (1), sought expressions of interest with respect to the supply of goods or services but no person was, as a result, listed as an acceptable tenderer.

Due to the expression being received within this 6-month period of the original tender advertisement and with no tender or expression of interest being received previously for Lot 36 (17) Ilmenite Crescent, this new submission can be accepted, and tender exemption applied.

#### Previous Council Decisions

August 2023 - (OC/2023/156) - Council accepted the tender submission for the sale of Lot 39 (23) Ilmenite Crescent, Capel for the offer of \$255,000.

March 2023 - (OC/2023/56) - Council approved the disposal of the two properties located at Lot 36 (17) and Lot 39 (23) Ilmenite Crescent, Capel.

#### **Decision Framework**

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##### **Shire of Capel Strategic Community Plan 2023-2033**

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 -

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

4.3 Contemporary planning and local development.

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 42 - Provide oversight and coordinate the execution of legal instruments including leases, licenses and deeds relating to the management of land.



## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government Act 1995*

#### 3.58. Disposing of property

(1) In this section –

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to –

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

(a) it gives local public notice of the proposed disposition –

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include –

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition –

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition



Local Public Notice

*Local Government Act 1995 – s 1.7*

*Local Government Administration Regulations 2016*

3A. Requirements for local public notice (Act s. 1.7)

1. For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for –
  - a. the period specified in or under the Act in relation to the notice; or
  - b. if no period is specified in relation to the notice – a period of not less than 7 days.
  
2. For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed –
  - a. publication in a newspaper circulating generally in the State;
  - b. publication in a newspaper circulating generally in the district;
  - c. publication in 1 or more newsletters circulating generally in the district;
  - d. publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for –
    - i. the period specified in or under the Act in relation to the notice; or
    - ii. if no period is specified in relation to the notice – a period of not less than 7 days;
  - e. circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
  - f. exhibition on a notice board at the local government offices and each local government library in the district for –
    - i. the period specified in or under the Act in relation to the notice; or
    - ii. if no period is specified in relation to the notice – a period of not less than 7 days;
  - g. posting on a social media account administered by the local government for –
    - i. the period specified in or under the Act in relation to the notice; or
    - ii. if no period is specified in relation to the notice – a period of not less than 7 days.

Tender Exemption

*Local Government (Functions and General) Regulations 1996 – r.11(2)(c)*

Division 2 – Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

(2) Tenders do not have to be publicly invited according to the requirements of this Division if

–

(c) within the last 6 months –

- (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or



(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer.

## Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

---

The following Shire Policies apply:

- Asset Management.
- Fair Value of Assets.
- Purchasing

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance <b>Rating: Low</b>	Unlikely	Minor	Manage the process of the disposal in a compliant and accountable process.
<b>Risk Description:</b> Failure to comply with the administrative requirements of a disposal of asset.			
<b>Risk 2</b> Financial <b>Rating: Low</b>	Unlikely	Minor	Disposing of the asset will provide an ongoing income through rate revenue due to the sale of the property.
<b>Risk Description:</b> Failure for the asset to be utilised in a financially sustainable way.			
<b>Opportunity:</b> The disposal of Lot 36 (17) Ilmenite Crescent, Capel for future business and employment opportunities.			

## Financial Implications

### Budget

The valuation for the land parcel was updated on 6 February 2023 as per below:

### 17 Ilmenite Crescent, Capel

- Resultant value of \$271,810.00 (\$110.00 per square metre) with an adopted value of \$270,000.00.
- Market rental value of \$11,120.00 per annum plus GST with outgoings.

The submitted price has been received \$10,000 less than the valuation undertaken in February 2023. The recommendation is to not accept the price and allow for negotiations to proceed in an endeavour to secure a higher sale price that is closer to the valuation.



Additionally, if a formal tender by disposal was to be undertaken again, there would be the costs involved with resourcing and advertising.

Should the Council agree with the disposal by sale of Lot 36, (17) Ilmenite Crescent Capel, the revenue received from the land sale will be managed in accordance with the Australian Accounting Standards (AAS), seeing the initial cash deposit recognised in the Shire's Municipal Fund in the current financial year and included in the Shire's term deposit investment program.

### Long Term

Through the Mid-Year Budget Review process, any revenue received from this sale can be re-distributed to offset a material variation on expenditure or invested into the Strategic Initiatives financial reserve to support with financing projects detailed within the Shire's Long term Financial Plan.

There are no long-term financial implications from the advertising for the disposal of these properties.

### **Sustainability Implications**

#### Climate Change and Environmental

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

#### Social

There are limited light industrial lots available in the Shire, providing more opportunity for businesses has the potential to provide the community with more convenience for resources.

#### Economic

The disposal of the asset could provide an economic opportunity to the community for a new business to reside in the Shire of Capel. This could help boost local growth and benefit the Shire.

New business to the Shire also provides employment opportunities.

#### Asset

The potential owner of the assets would be responsible for the development and maintenance of any asset on the properties.

### **Consultation/Engagement**

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#### **External Consultation**

Engagement with an external consultant was engaged to provide an accredited valuation of the property.





## Internal Consultation

The tender assessment panel included the Chief Executive Officer, Director of Community and Corporate and Strategic Governance and Risk Coordinator. The Procurement Officer assisted throughout the disposal process.

## Officer's Comment

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Recent community interest identified an opportunity for the disposal of the properties located at Lot 36 and Lot 39 Ilmenite Crescent, Capel.

Since the last advertising period of the land in 2018, the property market has gained momentum seeing commercial interest in these Lots. The lack of submissions previously received resembled the property market trend at that time.

The vacant land on Lot 36 is currently underutilised and could provide opportunity for a new business and resident to reside in the Shire, stimulating further activity in the LIA.

Through the recent public tender process, the Council had the opportunity to dispose by sale of Lot 39, (23) Ilmenite Crescent Capel, for the resultant value of \$255,000 which was accepted at the August Ordinary Meeting.

The Council approved further advertising of Lot 26 (17) Ilmenite Crescent, Capel for sale or lease of the land. The property was advertised through the Shire's website for expressions of interest. A submission was received following the continued advertising, which has resulted in this report to the Council.

A temporary delegation is proposed for the sale of the property to allow the CEO authority to negotiate and finalise a sale on behalf of the Council.

The confidentiality will remain on the offer until a formal offer and acceptance is made.

In accordance with section 3.58(4)(ii) of the *Local Government Act 1995*, the Officer's Recommendation includes the provision of the Council to consider the valuation to be a true indication of the value at the time of the disposition. Given that the independent valuation is only 2 months passed the 6 month time period, at the date of the proposed decision, officers believe the valuation would not be subject to a significant increase.

The advertising was undertaken in accordance with the *Local Government Act 1995*, Local Public Notice Requirements.

## Summary

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The disposal will result in Lot 36 (17) Ilmenite Crescent, Capel being utilised for further economic growth in the Capel townsite and surrounding community.

## Voting Requirements

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Both recommendations require an Absolute Majority.



**Officer's Recommendation – 20.1**

**OC/2023/219 - Officer's Recommendation 1 / Council Decision - 20.1**

*Moved Cr McCleery, Seconded Cr Mogg.*

**That Council adopts Delegation Disposal of Property – Lot 36 (17) Ilmenite Crescent, Capel as per CONFIDENTIAL Attachment 20.1.4.**

**Carried 8 / 0 with an Absolute Majority**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

**OC/2023/220 - Officer's Recommendation 2 / Council Decision- 20.1**

*Moved Cr Noonan, Seconded Cr Mogg.*

**That Council:**

- 1. Notes the informal offer contained within CONFIDENTIAL Attachment 20.1.3 for the purchase of Lot 36 (17) Ilmenite Crescent, Capel.**
- 2. Declares that the valuation carried out more than 6 months before the proposed disposition is believed to be a true indication of the value at the time of disposition and the proposed offer reflects market value.**
- 3. Approves the Chief Executive Officer to proceed with the necessary formal sale of property process following the acceptance of offer.**
- 4. Endorses that this matter remain confidential until negotiations, offer and acceptance have concluded.**

**Carried 8 / 0 with an Absolute Majority**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*



**OC/2023/221 - Procedural Motion / Council Decision - 20.1**

*Moved Cr Kitchen, Seconded Cr Mogg.*

**That the meeting return from behind closed doors.**

**Carried 8 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Sharp.*

*Against - Nil*

*The Presiding Member read out the decisions after returning from behind closed doors.*

**21. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 8:37pm.