

Shire *of* Capel

AGENDA

ORDINARY COUNCIL MEETING

Wednesday 22 February 2017

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

REMINDERS:

11.00pm Timber Industry Hub Site Visit

**3.00pm Briefing – Grant Oldfield, Northstar
Development**

3.30pm Briefing – Ashley Clements, SWDC

4.00pm Audit Committee Meeting



Experience the
Shire of Capel



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FINANCIAL INTEREST

(Effective 1 July 1996)

A financial interest occurs where a Councillor, or a person with whom the Councillor is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) in a written notice given to the CEO before the meeting; or**
- b) at the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

- * preside at the part of the meeting relating to the matter; or
- * participate in, or be present during any discussion or decision making procedure relating to the matter,

unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act (1995).

Ref: Local Government Act 1995 Division 6 - Disclosure of Financial Interest.
Specifically Sections 5.60, 5.61, 5.65 and 5.67.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Capel for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Capel disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions.

Any persons or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Capel during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Capel. The Shire of Capel warns that anyone who has an application lodged with the Shire of Capel must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Capel in respect of the application.

SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 22 FEBRUARY 2017 COMMENCING AT 4.30PM.

PF Sheedy.

PF Sheedy
CHIEF EXECUTIVE OFFICER

16 February, 2017

AGENDA

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IMPORTANT NOTE:

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

OC0101 Leave of Absence – Cr P McCleery

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please phone the Shire Office during office hours on 9727 0222 or visit the Shire's website www.capel.wa.gov.au.

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATION OF INTEREST

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

8 CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting – 25.01.17

9 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

Any person or group wishing to make a 5 minute presentation to Council regarding any matter on this agenda for consideration must request the right to do so in writing to the Chief Executive Officer prior to 12 noon on the day of this Council meeting. For more information about presentations please contact the Executive Assistant on 9727 0222 or email info@capel.wa.gov.au.

Any person or group wishing to make a 5 minute Deputation to Council on any matter is required to apply in writing to the Chief Executive Officer at least 7 days prior to a Council meeting. For more information about making a deputation, please contact the Executive Assistant on 9727 0222 or email info@capel.wa.gov.au.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CHIEF EXECUTIVE OFFICER REPORTS

13.1 Annual Electors' Meeting - Minutes

Location:	Capel
Applicant:	Shire of Capel
File Reference:	CM.CM.1
Disclosure of Interest:	Nil
Date:	02.02.17
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Minutes of Annual Electors' Meeting – 25 January 2017

MATTER FOR CONSIDERATION

Council to receive the minutes of the Annual Electors' Meeting held on 25 January 2017, note the questions raised by the electors and consider the motion passed by the electors at the meeting.

BACKGROUND / PROPOSAL

Background

The Annual Electors' Meeting was held at the Council Chambers in January 2017 following the Ordinary Council meeting and was attended by thirty three (33) community members in addition to Councillors and senior staff.

The Minutes of the Annual Electors' Meeting are included in the next meeting of the Council so that any actions proposed can be endorsed by Council before staff progress the matters further.

As part of the Chief Executive Officer's 2016/17 Annual Performance Review the following Key Result Area (KRA) was included for completion in 2016/17:

KRA4: Financial Management

Objective 1: Capel Rate Models

Action: Research models for the setting of rates, with a focus on Capel and neighbouring regional local governments.

Target Date: March 2017.

Proposal

The Minutes of the Annual Electors' Meeting are being tabled for the Councillors' information so that they are aware of matters that were raised by the community members who attended.

As required by the Local Government Act (s5.33) the motion that was carried at the electors' meeting is required to be considered by Council with Council deciding whether to accept or reject the motion and what action it will take.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 5.32 and 5.33

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in **the minutes of the council meeting**.

POLICY IMPLICATIONS

There are no current policies relevant to this item.

FINANCIAL IMPLICATIONS

Budget

Actions that are of an operational nature arising from questions at the meeting can be accommodated within the existing operating budget.

Long Term

Actions that require further investigation and require signification allocation of funds (i.e. road or lighting upgrades) will be considered as part of the Long Term Financial Plan in future years and an allocation for future maintenance costs will also be required.

A decision to amend the current long term rating strategy of a six (6) percent rate increase for the next two financial years will have an impact on those two year's annual budgets and future annual budgets.

Whole of Life

All of the questions and requests at the Electors' meeting relate to maintenance requests only, so there will not be any additional assets created and hence no 'Whole of Life' costs incurred.

SUSTAINABILITY IMPLICATIONS

The maintenance of roads and drains, road verges and reduction of fire hazards in Council managed reserves would be seen to improve the social environment of the community members.

Consideration and endorsement of the motion passed at the Electors meeting and specifically the introduction of a 'special residential zone' rating category has the potential to have a financial impact on the Shire and may in turn lead to a reduction of services or reduction in expenditure.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

1. The Leadership Experience “Ensure open, transparent, effective good governance and communication within the organisation and community.”
2. The Community Experience “Provide facilities and services which recognise the diverse needs of the community and strive to make the Shire a safe place to live, work and visit.”

Strategic Outcome:

2.2 Encourage community engagement and participation.

CONSULTATION

There may be some requirements for follow up consultation with electors who raised specific issues and the mover and seconder of the motion passed at the meeting will be advised of Council's decision.

COMMENT

A majority of the questions raised at the meeting were adequately responded to the meeting, however those requests that relate to maintenance issues and the requests were noted by staff will be followed up for action. A written response will be provided to those electors who raised these maintenance matters at the meeting, advising what action will/has been taken, once staff has undertaken an investigation.

There was one formal resolution moved and passed by the electors at the meeting which requires consideration by Council, which is outlined below.

That:

1. *The Annual Electors' meeting record its dissatisfaction to the constant and extensive rate increases by the Shire of Capel over the last decade;*
2. *As a consequence of this dissatisfaction, request Council to thoroughly review its Plan for the Future and its Corporate Business Plan with the primary objective being fiscal restraint from 2017/18 onwards; and*
3. *As a further consequence, request Council to thoroughly review its entire rating system forthwith (i.e. for implementation in the 2017/18 rating year), with the aim of achieving –*
 - 3.1 *Application of Principles, being:*
 - *Objectivity*
 - *Fairness and equity*
 - *Consistency*
 - *Transparency*
 - *Administrative efficiency.*
 - 3.2 *Analysis of the differential rating system to at least include:*
 - *The various differential rating categories as currently determined together with future proposals (e.g. – a special residential zone)*
 - *The objects and reasons for each category*
 - *An analysis of how each differential rate is set (calculated)*
 - *The nexus between UV and GRV rating efforts.'*

As indicated in the Statutory section of this report the Local Government Act requires that:

1. All decisions made at an electors' meeting are to be considered at the next ordinary council meeting; and

2. Where Council makes a decision in response to a decision made at an electors' meeting, **the reasons for the decision are to be recorded in the minutes of the council meeting.**

Therefore the following comment is provided in regards to each part of the motion carried at the electors meeting and listed above.

Point 1

No action or decision required on this matter.

Point 2

Council undertakes a review of its Plan for the Future (Long Term Financial Plan) and Corporate Business Plan annually so this review will happen prior to 30 June 2017. However a couple of key words in this point, being, '*with the primary objective being fiscal restraint from 2017/18 onwards*' coupled with comments about past rate increases infers that the electors want Council to consider reducing the level of the annual rate increase from the current 6% from 2017/18 and not wait until 2019/20 as currently detailed in the Long Term Financial Plan.

Council has two options here which are:

1. Confirm that Council will retain the proposed annual rate increase of 6% for the 2017/18 and 2018/19 financial years as detailed in the Long Term Financial Plan after which it will drop to 4%; or
2. Resolve to review the annual rate increase level as part of the overall rating review discussion to be held in March.

Point 3 (3.1)

As indicated in the Background section of this report in the Chief Executive Officer's Annual Performance Review there is a requirement to 'research models for the setting of rates etc.' Secondly a key part of the submission to the Minister for Local Government/Department of Local Government and Communities each year seeking approval for the various differential rating categories, is the addressing of all the principles indicated in point 3.1 of the electors' meeting motion.

Point 3 (3.2)

The current rating groups are aligned to Council's Town Planning Scheme No. 7 zoning areas/categories and so it would not be permissible to introduce a rating group that does not comply with the Town Planning Scheme zones and therefore the suggestion of introducing special residential zone cannot happen. The proposed discussion with Council in March 2017 will also consider future rating category proposals (3.2 first dot point).

Council currently has Rate Group 12: Special Rural which covers most of Gelorup, which was introduced in 2004 when the basis of rates was changed from UV to GRV. The 2016/17 rate in the dollar is 5.9860 cents compared to the Residential rate in the dollar of 6.9255 cents with the reason being (as outlined in 2016/17 Rates – "Objects and Reasons" document sent out with the rate notice):

'This rate group covers developed properties zoned in Special Rural Areas 1, 1A, 2, 3 and 4. The predominant use of these properties is primarily residential and therefore their basis of rates was changed to gross rental value (GRV) from 1 July 2004. This rate group is charged a rate in the dollar that is about 13.5% lower than that of the residential zone groups. The reason for this differential is the level of some local government services available to special rural customers is lower than those available in residential areas. For example, footpaths, kerbing and street lights are not provided in

some areas due to these services either being uneconomic to provide as a result of large block sizes or local geography. Rates are calculated on the basis of the property's GRV valuation. Council is satisfied that GRVs generally form a proper and equitable basis for differentiation amongst these properties.'

Council currently is required to produce an annual 'Rates – Objects and Reasons' document and submit this with the approval from the Minister and sends a copy to all ratepayers with the rate notice (3.2 second dot point).

Each differential rate is set/calculated taking into consideration the total needs of the Shire's annual operations and the costs to meet these needs and the aim of generally seeking to achieve an annual overall total rate income increase in line with that adopted in the Long term Financial Plan (currently 6%), plus the growth in properties factor. This also includes taking into consideration the annual UV and three yearly GRV reviews and adjusting the rate in the dollar up or down, in each rating group, to achieve as close as possible the overall rate income increase endorsed for that year (3.2 third dot point).

Finally there is generally no '*nexus between UV and GRV rating efforts*' other than to achieve the required annual rate income increase as determined each year [i.e. 6% in 2016/17] (3.2 fourth dot point).

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 13.1

That Council:

- 1. Receives the minutes of the Annual Electors' Meeting held on 25 January 2017 and notes the questions raised by the electors attending; and**
- 2. In considering the motion (AE0102) carried at the Annual Electors' Meeting on 25 January 2017, resolves to note the content of the motion but take no action at this time for the following reasons:**
 - The Plan for the Future (Long Term Financial Plan) and Corporate Business Plan will be reviewed prior to the 30 June 2017 as part of the normal annual review process;**
 - The '*primary objective being fiscal restraint from 2017/18 onwards*' will be considered when Council undertakes its annual 'Differential Rating Review' in April 2017;**
 - The '*Application of Principles*' outlined in part 3.1 of the Motion are already required to be taken into consideration and included in the Differential Rating submission provided to the Minister for Local Government each year when seeking approval of the various differential rating groups; and**
 - The various differential rating categories and any future proposals and the objects and reasons for each category will be considered by Council in March 2017 and formally endorsed as part of its 'Differential Rating Review' in April 2017.**

14 ENGINEERING AND DEVELOPMENT SERVICES REPORTS**14.1 Amendment to the Special Rural Zone Area 1B Land Use Management Plan**

Location:	Stratham
Applicant:	Ms V House
File Reference:	C.5.1.N / A8787
Disclosure of Interest:	Nil
Date:	25.01.17
Author	Executive Manager Engineering and Development Services, J Gick
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	1. Special Rural Zone Area 1B Land Use Management Plan 2. Photos Stratham Park August 2014 & June 2015

MATTER FOR CONSIDERATION

Ms Vicki House has requested the Council amend the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013) to allow the installation of a Filtrex effluent disposal system on Lot 228 Bourne Loop, Stratham. The matter was considered by the Council at its December 2016 meeting, where it decided to defer the item to the February 2017 meeting to allow staff to investigate the potential use of the alternative treatment processes to achieve a better than or similar outcome to the specified Aerobic Treatment Units.

This report recommends that Council continue to employ the Special Rural Area 1B Stratham, Land Use and Management Plan (July 2013) as a guide to development in the Stratham Park Estate subdivision, including the requirement to use Aerobic Treatment Units for effluent disposal.

BACKGROUND / PROPOSAL**Planning Background**

1 November 2007 – Thompson McRobert Edgeloe (TME) wrote to the Shire requesting initiation of a Town Planning Scheme amendment to support Special Rural subdivision, in accordance with a Subdivision Guide Plan.

27 March 2008 – The Shire responded to proposal including the Subdivision Guide Plan on a number of issues, including concerns about the suitability of effluent disposal for lots within three different soil types.

16 June 2009 – Thompson McRobert Edgeloe provide updated information including reference to Land Capability and Effluent Disposal Investigation report (Coffee Environments Pty Ltd, October 2007), which includes recommendations for effluent treatment on three different soil types, including the potential for effluent disposal through standard leach drains. It does, however, also recognise the site constraints of these soils, including the need for large lots, insufficient phosphorous retention capacity of the soils, limited infiltration capacity of the soils and seasonal waterlogging. Seasonal water logging is evidenced in photos attached.

12 August 2009 (OC0804) – Council adopted Town Planning Scheme No. 7 – Amendment No. 40, for the purposes of advertising, including Specific Provision 26: “A Land Use Plan and report is to be prepared by the subdivider and adopted by Council prior to commencement of subdivision development. The plan is to include details of land use and management practices that future land owners are required to comply with in the use of any subdivided lots...”.

17 March 2010 – Amendment No. 40 referral letter sent to agencies and stakeholders for comment, including Environmental Protection Authority (EPA) and Capel Land Conservation District Committee (Capel LCDC).

30 April 2010 – Letter dated 19 April 2010 received from the Capel LCDC in response to the Amendment, raising concern about effluent seepage from leach drains, amongst other things.

4 March 2010 – Letter dated 2 March 2010 received from the EPA advising that the proposed scheme amendment should not be assessed under the Environmental Protection Act (1986), but notes three specific environmental issues for attention, including “water quantity and quality”. Specifically, the EPA noted the existing Local Water Management Strategy (October 2009) which has been endorsed by the Department of Water (DoW), and recommended the preparation of an Urban Water Management Plan.

13 May 2010 – Letter dated 6 May 2010 received from the Health Department expressing concerns with separation to the water table and land suitability to accommodate on-site effluent disposal.

7 October 2010 – Letter dated 7 October 2010 from the Health Department advising that it has no objection to the rezoning proposal due to new information from the developer on the varying soil types.

27 October 2010 (OC1015) – Council adopted Town Planning Scheme No. 7 – Amendment No. 40, including Specific Provision 30: “A Land Use Plan and report is to be prepared by the subdivider and adopted by Council prior to commencement of subdivision development. The plan is to include details of land use and management practices that future land owners are required to comply with in the use of any subdivided lots...”.

23 September 2011 – Town Planning Scheme #7 – Amendment No. 40 gazetted, including Specific Provision 23: “At the time of subdivision the subdivider may be required to prepare a Land Use Plan and report to be adopted by Council.

15 December 2011 – WAPC subdivision approval #144666 issued for 43 lots subject to conditions, including Condition 38: “The subdivider making suitable arrangements with the Local Government to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Governments town planning scheme that relate to the use and management of the land”, which is coupled with Advice Note (viii): “In relation to Condition 38, the Shire of Capel advise that a land Use Plan is required to be prepared to the satisfaction of the Shire”.

16 December 2011 – WAPC endorses the Subdivision Guide Plan.

11 January 2012 – The developer’s consultant requested reconsideration of Condition 38 (amongst others) and its removal from the subdivision approval, under appeal. The Condition was supported by the Shire and subsequently retained on the subdivision approval.

30 October 2012 – The developer submits the draft Land Use Plan for consideration, which is a collaboration of outcomes in supporting management plans and studies.

November 2012 – April 2013 – communication exchanges between the developer’s consultant and the Shire on the inclusion of ATU’s in the Land Use and Management Plan. Lot 228 has been identified as a lot (amongst others) that requires an ATU with phosphorous removal capacity, due to its previously recognised soil type. This exchange begins the formulation of the separation of lots into three categories of ATU as documented in the adopted Land Use and Management Plan, and is agreed to by the developer’s consultant.

26 June 2013 (OC0607) – Council adopted the Special Rural Zone Area 1B Stratham Land Use and Management Plan (June 2013), which makes provision for the use of Aerobic Treatment Units for effluent disposal.

August 2013 – October 2013 – communication exchanges between the Shire and the developer on how to clear conditions, including Condition 38, where the developer advised: “I

believe that given we have provided our undertaking to inform all purchasers of the Land Use Plan, we have included it as a condition of the sales contracts and that a Notification will be recorded on titles...".

8 September 2015 – Minor modification to the Special Rural Zone Area 1B Stratham Land Use and Management Plan (Jun 2013), under Delegated Authority No. 207 to reflect minor changes to lot layout and envelopes.

Lot 228 Bourne Loop Background

4 January 2016 – Building application lodged for single dwelling and rainwater tank.

9 March 2016 – Letter received from Ms House requesting the Shire consider allowing the installation of a Filtrex ATU, with supporting documentation from Filtrex and Lanfax Laboratories.

10 March 2016 – Letter of response from the Shire explaining the difference between an Aerobic Treatment Unit (ATU) as described in the Land Use and Management Plan (June 2013) and an "Alternative Treatment Unit" as promoted on the Filtrex documentation. The letter explains that the Filtrex device is in fact licensed by the Department of Health as an Alternative Treatment System (ATS).

March 2016 – Ms House contacted some Councillors expressing concern that her application for a Filtrex ATS would not be supported. Ms House contacted the Executive Manager to discuss the process and an explanation of process given.

1 April 2016 – Ms House was provided email advice outlining her options to pursue the installation of an Alternative Treatment System:

- Submit an effluent disposal application, and if it is refused appeal the decision via the State Administration Tribunal (SAT); or
- Submit a case to amend the Land Use and Management Plan (2013) for Lot 228.

29 April 2016 – Application for Apparatus for the Treatment of Sewerage lodged for Aquarius 02 ATU.

5 May 2016 – Approval to Construct or Install an Apparatus for the Treatment of Sewage (#314) was issued to Mr Simon Norton of Plumbwell Plumbing and Gas Services for a Domestic Aquarius Aerobic Treatment Unit, subject to conditions.

24 May 2016 – Building Permit #14375 was issued to Ms House and her builder, Farnell Constructions Pty Ltd, which included advice on seven Health Act Regulations and Local Laws, including wastewater disposal. The Building Permit includes Engineering Drawings that confirm the soil is Class 'M' (Moderately reactive clay or silt sites) and shows strengthening of the slab to reflect this. The site layout plan shows the effluent disposal system as "Aquarius ATU and irrigation".

5 September 2016 – Letter of response to Ms House reiterating the need to employ an Aerobic Treatment Unit (ATU) in accordance with the adopted Land Use and Management Plan (2013).

23 September 2016 – Letter from Ms House requesting the case be elevated to the Council for consideration, including documentation from Filtrex and Mr Rob Jeffery of Soil Management Consultants.

21 December 2016 (OC1209) – Council decided to defer the item to the February 2017 meeting to allow staff to investigate the potential use of the alternative treatment processes to achieve a better than or similar outcome to the specified Aerobic Treatment Units.

The approval for the installation and operation in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATU's) WA Department of Health 2001. Also, the requirements on page 3, Effluent Disposal, of the Special Rural Zone Area 1B – Stratham Land Use and Management Plan. It is a requirement of the Land Use Management Plan that only ATU's can be installed.

Proposal

The proposal centres around Ms House's request to install a Filtrex Alternative Treatment System, subsequent to the Approval to Construct or Install and Apparatus for the Treatment of Sewage (#314) issued on 5 May 2016.

Ms House has argued in correspondence dated 2 September 2016 that her case should be considered based on:

- An ATU does not meet her needs, as she will reside alone and ATU's are designed for larger household use;
- An ATU will not operate in the event of a power outage;
- An ATU will use approximately 130W of electricity every hour;
- An ATU attracts a monthly servicing fee of \$130;
- Improved technology since the adoption of the Land Use and Management Plan (2013); and
- Request for Council discretion.

Ms House has attached signed, but undated, documentation from Filtrex that is addressed to the Shire and requests a 'revision of the current "exclusion" of the Filtrex Systems by the Shire of Capel with regard to the Stratham Park Estate and in particular Lot 228 Bourne Loop, Stratham'.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7

"5.6 Special Rural Area

5.6.2 In addition to any provisions which are more generally applicable to land zoned Special Rural, Appendix 6 sets out specific provisions for controlling, land uses and development relating to particular Special Rural Zone Areas. No person shall use or develop land zoned Special Rural except in accordance with the provisions set out for the particular Special Rural Zone Area...

5.6.3 On land zoned Special Rural, the following general provisions shall apply:
 (a) Subdivision to be generally in accordance with and adopted subdivision guide plan for a particular Special Rural Zone Area;"

Appendix 6

Special Rural Zone No. 1B (Lots 11, 12 and 70 Fisherman Road, Stratham) – Specific Provision 23: "At the time of subdivision the subdivider may be required to prepare a Land Use Plan and report to be adopted by Council."

Health (Miscellaneous Provisions) Act 1911

“3. Terms Used

apparatus for the treatment of sewage means any apparatus for the bacteriolytic or aerobic treatment of sewage or any other apparatus for the treatment of sewage approved by the Chief Health Officer and includes any buildings, fittings, works, or appliances used or required in connection with the bacteriolytic or aerobic treatment of sewage, and the disposal of effluent or any residue of such treatment;

344A. Incorporation by reference

(1) Any regulations or local laws made under this Act may adopt wholly or partly (or varied as specified in the regulation or local law) a code published under subsection (2) or any of the standards, rules, codes or other provisions of Standards Australia, or other Australian and international bodies of well-established high repute, as in force at the time of adoption or as amended from time to time.”

This section establishes a head of power for provisions under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

“3. Terms Used

aerobic treatment unit means an apparatus for treating sewage either wholly or partially by aerobic means and includes any associated effluent disposal system;

apparatus has the same meaning as is given by section 3 of the Act to the term apparatus for the treatment of sewage;

4. Approval of construction or installation of apparatus by local government

(1) For the purposes of section 107(2)(a) of the Act, an apparatus is to be approved by a local government if it is intended to serve —

- (a) a single dwelling; or
- (b) any other building that produces not more than 540 litres of sewage per day.

(2) A person may apply for an approval under this regulation by —

- (a) completing an application in a form approved by the Chief Health Officer; and
- (b) forwarding the application to the relevant local government together with —
 - (i) any documents required under regulation 5; and
 - (ii) the fee specified in item 1 of Schedule 1.

(3) Upon an application under subregulation (2), a local government shall, as soon as practicable after receiving the application —

- (a) subject to these regulations, grant the approval —
 - (i) in a form approved by the local government; and
 - (ii) subject to such conditions as the local government thinks fit; or
- (b) refuse to grant the approval.

(4) A local government may grant an approval under this regulation only if, under the application, the apparatus is to be constructed or installed in accordance with these regulations.

(5) Where a local government refuses to grant an approval under this regulation, it shall, as soon as practicable, provide to the person applying for the approval a written notice —

- (a) advising the person of the refusal; and
- (b) setting out the reasons for the refusal.

5. Documents to accompany application for approval

(1) An application under regulation 4 or 4A shall be accompanied by —

(a) a copy of plan and specifications of the proposed apparatus, that comply with all relevant provisions of these regulations, showing plan and longitudinal section to a scale of not less than 1:50; and

(b) 2 copies of a site plan of the premises accurately drawn to a scale not less than 1:100, showing —

- (i) the position of all buildings erected or proposed and the position of the proposed apparatus; and
- (ii) the position, type and proposed use of all fixtures intended to discharge into the apparatus; and
- (iii) the position of all drains, pipes, inspection openings, vents, traps and junctions in relation to buildings and boundaries; and
- (iv) the size of pipes and fittings and the fall of the drains; and
- (v) details of the effluent disposal system; and
- (vi) the source of water supply to be used in connection with the apparatus, and except where the plans refer to a building of Class 1a under the Building Code the plans shall be separate from the application form; and

(c) if so requested by the approving body —

- (i) a detailed architectural drawing of the proposed apparatus; and
- (ii) a certificate from an independent technical expert that the apparatus —
 - (I) complies with these regulations or any relevant code or standard; and
 - (II) is capable of performing its proposed functions; and
 - (III) is reliable and durable; and
- (iii) any other information or documents relevant to the application; and

(d) in the case where the proposed apparatus is an aerobic treatment unit, details of arrangements that have been made for the future maintenance of the unit by an authorised person, including a copy of any agreement entered into for that purpose.

6A. Adoption of codes

Under section 344A(1) of the Act, the following codes are adopted —

- (a) “Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs) Serving Single Dwellings”, published by the Chief Health Officer in August 2001, as amended from time to time;

Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATU's)

The Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs) Serving Single Dwellings [the Code] has been primarily developed as a set of minimum standards for the design, manufacture, installation and operation of ATUs, and provides guidance to local government as to how to assess the installation and ongoing operation of ATUs.

The Code is based on the following documents:

- *“Specification for Aerobic Treatment Units (ATUs) Serving Single Dwellings”(1992) published by the Department of Health.*
- *“Standard for the Installation and Operation of Aerobic Treatment Units (ATUs) Serving Single Dwellings” (1992) published by the Department of Health.*
- *“Standard for Dripper Irrigation Effluent Disposal System” (1994) published by the Department of Health.*
- *“Standard for the Installation and Operation of Septic Tank Systems in South Australia, Supplement B - Aerobic Wastewater Treatment Systems” (1990) published by the South Australian Health Commission.*

The Code, which was prepared by the Environmental Health Service of the Department of Health, is published by the Chief Health Officer under the provisions of section 344A(2) of the *Health Act (Miscellaneous Provisions) 1911*, and is to be read in conjunction with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Approved Aerobic Treatment Units (Department of Health publication)

The Department of Health maintains a list of approved Aerobic Treatment Units on its website. The department of Health provides guidance on the selection of ATU's, thus:

Aerobic treatment units (ATUs) are small (package) wastewater treatment plants. Due to the treatment and disinfection process, the treated wastewater from several systems may be used for garden irrigation.

Some ATUs are also approved for Phosphorus removal.

The listed systems have standard approval as domestic models. They may also be used in commercial situations.

They are to be installed and operated in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs) Serving Single Dwellings.

As the conditions of approval can vary between designs, persons interested in installing a particular ATU should confirm it meets their needs and discuss site requirements with the local government.

ATUs have regular service requirements (usually quarterly) and maintenance must be through an authorised person or their staff/subcontractors.

Where nutrient retention is required, the local government should be consulted to determine if the ATU's nutrient removal capacity will meet their requirements.

The website specifies 25 separate approved apparatus, including the approved Aquarius O2.

Approved Alternative Treatment Systems (Department of Health publication)

The Department of Health maintains a list of approved Alternative Treatment Systems on its website. The department of Health provides guidance on the selection of ATS's, thus:

The following table details the approved alternative treatment systems that are approved by the Department of Health WA.

Where nutrient retention is required, the local government should be consulted to determine if the systems' nutrient removal capacity will meet their requirements.

The website specifies eight separate approved systems, including five Filtrex brands.

Filtrex Alternative Treatment Systems – Conditions of Approval

Department of Health publication issued 26 October 2015 certifying approval of five Filtrex Alternative Treatment Systems approved by the Executive Director, Public Health under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 for use in Western Australia in accordance with the conditions specified in Schedule 1 and 2.

Schedule 2: Conditions of Approval

2.2 Filtrex ATS's are approved for use in sand and loam/gravel soils as defined by Regulation 49 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

2.3 A minimum path length of 600mm soil absorption (from the discharge point of the membrane) to any ground or pooled waters at the wettest time of the year must be maintained for all installations.

2.4 A minimum path length of 600mm soil absorption (from the discharge point of the membrane) to heavy soils must be maintained for all installations.

2.12 All necessary measures shall be taken by Filtrex as directed by the Executive Director, Public Health to rectify any Filtrex ATS installation that is not compliant with this approval and any additional requirements of the Local Government within the warranty period for the system.

POLICY IMPLICATIONS

Draft Government Sewerage Policy 2016

The draft Government Sewerage Policy (November 2016) seeks to establish a whole of government policy position of sewerage management across Western Australia. At the time of writing, the policy had closed for public comment.

Although the policy is not retrospective, it provides an overview of the State's intended direction in the management of sewerage and may contribute towards the debate of this item.

The purpose of the Policy is to:

- Require the provision of reticulated sewerage to all new subdivision and development in Western Australia unless the exemptions of the policy apply;
- Provide guidance for the consideration of subdivision and development proposals where the provision of reticulated sewerage cannot be achieved;
- Adopt a best practice approach to the provision of unsewered development in accordance with A/NZ Standard 1547 Onsite domestic wastewater management; and
- Provide guidance on how sewerage servicing is to be addressed in planning and development decisions.

The policy discusses performance of on-site effluent disposal where there is no reticulated system:

6.4 Minimum Requirements For On-Site Sewage Disposal

(1) All proposed lot(s) must be capable of the treatment and disposal of all sewage within a designated land application area within the property boundary of each individual green title lot or survey strata, outside of any applicable public health and environmental setbacks...

(7) The type of on-site sewage disposal system used should be determined in response to the site and soil conditions, vulnerability of the receiving environment and the nature of the proposal.

There are no Council policies applicable to this item.

FINANCIAL IMPLICATIONS

Budget

If Ms House employs her approval dated 5 May 2016, there will be no further fees applicable.

If the Council seek to allow Ms House the use of the Filtrex Alternative Treatment System, another \$118.00 fee will be applicable.

If the Council seek to modify the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013), advertising and staff costs will be attributable.

Long Term

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

Whole of Life

There are no long term financial implications associated with this matter as no assets are created.

SUSTAINABILITY IMPLICATIONS

The subdivision and the subsequent Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013) has already been approved with the development, management and environmental controls which apply to the Stratham Park Estate.

Environmental – The environmental implications of this item relate to the effective management and disposal of domestic effluent and nutrients. The Department of Health list of approved ATU's and ATS's documents a variety of performance measures including % removal of Nitrogen (N) and Phosphorus (P). The soil capability statements of the developer's consultants indicates three soil types with differing nutrient stripping capability.

Economic – The cost of installing and maintaining effluent disposal systems is one of the principle differences between the ATU's and ATS's, for individual land owners. More broadly, there are economic impacts to the industry as the decision to allow or disallow the use of ATS's may open up alternative suppliers.

Social – The proper disposal of effluent on individual lots allows the community to function. The improper disposal of effluent would likely result in social friction and possible health concerns.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Objective:

2.3 Preserve and protect the character of the communities.

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

Strategic Objectives:

3.1 Promote the diverse lifestyle opportunities in the Shire.

3.2 Maintain and enhance the quality of our unique natural environments.

CONSULTATION

This report provides comment on the consultation applicable to Ms House's request, but does not provide commentary on the consultation undertaken during the Town Planning Scheme amendment, subdivision or Land Use and Development Plan work.

Following Ms House's request in March 2016, she made contact with some Councillors seeking advice on her capacity to request the use of the Filtrex system.

Ms House contacted several staff including the Executive Manager Engineering & Development Services to request the elevation of her case to the Council.

Ms House's request was presented to the Council at its December 2016 meeting, which was attended by Ms House and support people.

Filtrex presented information to the Council at the December 2016 meeting, indicating that its system was effective in achieving nutrient stripping as required for the site.

On 19 December 2016, the Department of Health provided a brief comment on the status of the Filtrex, including:

- Confirmation that Conditions of Approval 2.2 does not certify the system for heavy soils;
- Confirmation that system performance test results analysis in regards to BOD, TSS and *E.coli*, which are the main assessment criteria for "secondary treated effluent", has not been initiated and no formal decision has been taken on the revision of the Filtrex approval.

In January 2017, Filtrex extended an invitation to Councillors, the CEO, the Executive Manager Engineering & Development Services and the Manager Health Services to view a demonstration of a model of an alternative treatment system. The demonstration was attended by Cr Hearne and the Executive Manager Engineering & Development Services.

The demonstration provided an opportunity for Filtrex and Shire representatives to discuss the system's performance and some of the on-site constraints. Filtrex provided a small pamphlet of the demonstration set up with some water quality records undertaken over two days in January 2017.

In early February 2017, the Executive Manager Engineering & Development Services contacted the developer's engineering consultant to discuss the findings of the soil investigations undertaken for the subdivision planning. The consultant confirmed that the soil investigations and the management of effluent lead both the developer and the Shire to agree on the employment of ATU's as the only system allowable under the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013).

In the preparation of this report, further internal consultation was undertaken with Planning and Health staff.

COMMENT

This proposal has been generated by the request from Ms House to install a Filtrex Alternative Treatment System, and her request to elevate the case to the Council for consideration.

Substantial effort has been put into the pre-subdivisional planning including several technical reports to demonstrate the suitability of the land for subdivision. With respect to this case, there are two positions that may be taken by the Council:

Support the status quo and maintain the requirements of the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013) to only allow the installation of ATU's in this subdivision. This position can be supported based on the following:

- The soil capability was determined prior to subdivision and demonstrated three soil types, each with limitations and risk. The soil capability investigation recognises the need for large lots, insufficient phosphorous retention capacity of the soils, limited infiltration capacity of the soils and seasonal waterlogging of the area;
- The Scheme Amendment and the subsequent subdivision required the development of a Land Use Plan, which includes details of land use and management practices that future land owners are required to comply with in the use of any subdivided lots;
- The Shire and the developer agreed on the use of ATU's as the only method for effluent disposal, using a graduated system to reflect the soil zones;
- The developer confirmed that future land owners would be advised of the Land Use and Management Plan through its sales contracts. This complimented other Notices on Title, not related to the effluent disposal requirement, and demonstrates that land owners were made aware of obligations applicable to the site.
- Ms House and her building contractor demonstrated awareness of the need to install an ATU as demonstrated on drawings submitted in early January 2017 for the building application.
- Ms House asked for reconsideration of the need to use an ATU and received clear advice recommending refusal. Ms House also received advice on her avenues for appeal including SAT and elevation of the case to the Council.
- Ms House subsequently applied for and received approval to install an ATU.
- Ms House requested the case be elevated to Council. Filtrex has subsequently taken up the baton for the case and has also requested the Stratham Park subdivision be "opened" up to its range of products.
- Council has considered the matter and can make a decision to close the case and maintain the status quo; OR,

Amend the Land Use and Management Plan to require effluent disposal to be managed using performance criteria that achieve the objectives and standards of the Department of Health and associated regulations. This position can be supported based on the following:

- Three years have passed since the Council adopted the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013);
- The ATS range of products achieve measurable Phosphorous and Nitrogen nutrient stripping, and are approved for use under certain criteria;

- It is possible to require the ATS installers to guarantee the performance within the warranty period;
- Section 5(c)(ii) of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 introduces the concept that a local authority could request certification from an independent technical expert that the apparatus complies with the regulations or any relevant code or standard; and is capable of performing its proposed functions; and is reliable and durable. This may require a legal interpretation to ensure it is suitable for use in this context.

The subdivision created 44 Special Rural lots, including one lot with the original farm buildings. There are 18 dwellings approved, several of which have been completed. Of the 17 new approved dwellings, 15 have approved ATU's, including four different brands. There is one ATU approval on a lot that does not yet have a building licence.

This suggests that, subject to sales and occupancy, another 25 dwellings are to be approved, and another 27 effluent disposal systems are to be approved.

With respect to the argument that an ATS will achieve comparable results to an ATU, the decision around the parameters for this argument are not for the Shire of Capel to debate. The deciding authority for effluent disposal systems is the Department for Health, which has articulated its position on the Filtrex system.

Given the efforts undertaken to date, the effort required to initiate and complete an amendment to the Land Use and Management Plan, the pace of land take up in the subdivision, and the potential costs to obtain legal opinions, it is not in the public interest to accede to Ms House's request to amend the Plan, at this time.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 14.1

That Council:

- 1. Not agree to the request from Ms Vicki House to consider the Filtrex Alternative Treatment System as a suitable effluent disposal system for Lot 228 Bourne Loop, Stratham; and**
- 2. Maintains the use of the Special Rural Zone Area 1B Stratham, Land Use and Management Plan (June 2013) as a guide to development of lots in the Stratham Park Estate subdivision.**

14.2 Policy 7.10 – Traffic Management Plans

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	05.01.17
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	1. Western Australian Road Traffic Code 2000 Regulation 297(2) Instrument of Authorisation 2. Draft Policy 7.10 – Traffic Management Plans 3. Draft Procedure E7.10 - Traffic management for works on roads

MATTER FOR CONSIDERATION

That Council adopts new Policy 7.10 – Traffic Management Plans.

BACKGROUND / PROPOSAL

Background

15 February 2005 – Shire of Capel signed the Instrument of Authorisation executed by the Commissioner of Main Roads, as attached.

23 July 2015 – Main Roads WA wrote to local authorities seeking confirmation that the local authority had prepared procedures in accordance with provisions of the Instrument of Authorisation, and provided templates to address the Instrument of Authorisation.

7 September 2015 – The matter was referred to the SW Regional Road Group Technical Committee for consideration. There was some concern by members that the templates provided by Main Roads WA introduced risks to the local authorities and created expectations that in some cases may not be able to be met. The matter was referred to the Traffic Management for Works on Roads Advisory Group.

8 December 2016 – Main Roads WA wrote again to local authorities seeking confirmation that the local authority had prepared procedures in accordance with provisions of the Instrument of Authorisation, and provided improved templates to address the Instrument of Authorisation, which had been prepared in consultation with the City of Nedlands and the City of Perth.

Specifically, the updated templates included an Administrative Protocol and Procedural Manual to be modified to suit individual requirements.

The abovementioned Administrative Protocol and Procedure Manual templates have been reviewed and modified by Shire staff in preparation of the draft Policy 7.10 Traffic Management Plans and the associated Procedure E7.10.

Proposal

Council to consider adopting the draft Policy 7.10 – Traffic Management Plans.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2)(b)

(b) to determine the local government policies.

Road Traffic Code 2000

297. Power to erect traffic-control signals and road signs

297.(2) The Commissioner of Main Roads may allow an authorised body to erect, establish, display, alter or take down any particular road sign, road marking or traffic-control signal, or road signs, road markings or traffic-control signals of a class or type of classes or types, and in the circumstances (if any), specified in the instrument of authorisation.

Road Traffic Code Regulation 297(2) Instrument of Authorisation

Condition (b):

The Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code.

POLICY IMPLICATIONS

The adoption of the proposed Policy will establish a new reference for subsequent policy decisions.

FINANCIAL IMPLICATIONS

Budget

There are no budget implications in the adoption of this Policy.

The training requirement for authorised officers to be the holder of a current Advanced Worksite Traffic Management certificate remains unchanged, and can be captured within current budget allocations.

Long Term

There are no long term financial implications to the adoption of this policy.

Whole of Life

There are no whole of life financial implications to the adoption of this policy.

SUSTAINABILITY IMPLICATIONS

The Instrument of Authorisation allows the Shire to approve the implementation of roadworks on all roads for which the Shire is responsible without having to seek approval from Main Roads WA. This streamlines the approval process and ensures local knowledge is utilised to the benefit of road users. The approval of the Policy 7.10 – ‘Traffic Management Plans’ will ensure compliance with the conditions of the Instrument of Authorisation.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation.

- 1.2 Maintain a safe and rewarding working environment.
- 1.5 Ensure the effective management of Council's resources.

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

Strategic Outcomes:

- 5.1 Provide and maintain a safe and efficient transport, cycle and pedestrian network throughout the Shire.
- 5.2 Maintain and enhance the quality of our built environment.
- 5.3 Improve connectivity throughout our communities and to the region.
- 5.6 Effectively manage the Shire assets and resources.

CONSULTATION

This policy proposal was undertaken as a collaborative exercise with input from Engineering and Operations staff and the Governance Officer.

COMMENT

The proposed policy gives clarity to the Shire's function as an Authorised Body for implementation of traffic management at roadworks. In administering the proposed Policy and procedure, the Shire will be demonstrating compliance with the Instrument of Authorisation issued by Main Roads WA on 21 February 2005.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 14.2

That Council adopts Policy 7.10 – Traffic Management Plans as detailed in the attachments.

14.3 Draft Scheme Amendment No. 65 (Draft Development Contribution Plan)

Location: Dalyellup, Capel, Boyanup
 Applicant: Nil
 File Reference: C5.037.65
 Disclosure of Interest: Nil
 Date: 08.02.17
 Author: Executive Manager Engineering and Development Services, J Gick
 Senior Officer: Chief Executive Officer, P Sheedy
 Attachments: Draft Shire of Capel Development Contribution Plan

MATTER FOR CONSIDERATION

That Council:

1. Adopts the updated draft Shire of Capel Development Contribution Plan (2017), as attached, for the purpose of community consultation and advertises the draft Plan accordingly, including the following rates for the following development contribution areas:

DCA1 Capel	\$3,090;
DCA2 Boyanup	\$6,815; and
DCA3 Dalyellup	\$5,182.

2. Endorses Executive negotiations to secure the following development contributions:
 - i. WAPC Approval Ref No. 148311 (The Grove, Range Road, Capel) - \$2,100 per lot released;
 - ii. WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup) - \$565 per lot for the first 33 lots released and \$3,720 per lot for the subsequent 59 lots, subject to review upon the gazettal of the Developer Contribution Plan; and
 - iii. WAPC Approval Ref No. 149634 (Goodwood Estate, Stage 2, Capel) - \$2,500 per lot subject to review upon the gazettal of the Developer Contribution Plan.
3. Delegates authority to the Chief Executive Officer to negotiate contributions to clear subdivision conditions and strata-subdivision conditions, in accordance with Delegation No. 146, that relate to the determination of a financial contribution, generally in line with the intent of the Developer Contribution Plan and this decision.
4. Requests the Western Australian Planning Commission to modify standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015), to remove reference to "when gazetted" and recognise the status of a "seriously entertained planning proposal" to allow for negotiated contributions prior to gazettal of Amendment No. 65.

BACKGROUND/PROPOSAL

Background

June 2011 (OC0606) – Council adopted Scheme Amendment No. 48 which introduced provisions to the Scheme relating to development contributions toward the provision of community facilities within the Capel, Boyanup and Dalyellup urban areas however this did not include the details of the specific community facilities (which are to be introduced by Amendment No. 65). Amendment No. 48 also identified three development contribution areas on the Scheme map.

September 2013 (OC0905) – Council adopted the ‘Shire of Capel Community Facilities and Services Plan’ as a guide to the future provision and funding of community facilities and services in the Shire; and as the substantial basis for the formulation of a Development Contribution Plan for Boyanup, Capel and Dalyellup.

March 2016 (OC0305) – Council adopted the draft Shire of Capel Development Contribution Plan for the purpose of community consultation and to advertise the draft Plan accordingly. Council initiated Town Planning Scheme Amendment No. 65 which proposes to insert additional provisions into the Scheme to reflect the Development Contribution Plan.

July 2016 – Letter received from the Western Australian Planning Commission (WAPC) (South West Region) requesting clarification on the adopted draft Development Contribution Plan, specifically:

- Clarification of the documented values, their source and the calculations reflecting changes to the values documented in the Community Facilities and Services Plan (2013);
- Request to consider grant contributions as part of the Development Contribution Plan;
- Checking the nexus of projects to the grant contributors;
- Request to check the proposed start date of some projects as the Development Contribution Plan cannot be retrospective;
- Clarification of some calculations in the Plan; and
- Reconsideration of the population projects in the Plan.

September – December 2016 – Ongoing negotiations and meetings with WAPC to address concerns and discuss a way forward.

Location

The DCP will apply to the urban areas of Dalyellup, Capel and Boyanup as identified in the respective development contribution areas (‘DCAs’) on the Scheme map (DCA1, DCA2 and DCA3).

Proposal

The draft DCP is part of a local planning framework that seeks to more equitably fund future community infrastructure and facilities and adequately provide for the future needs of the community.

The draft DCP has been prepared to determine the reasonable requirements for community facilities, services and infrastructure in the Shire. In summary the draft DCP will:

- identify the community facilities and services required to reflect anticipated growth;
- establish a mechanism to achieve the equitable sharing of costs for the provision of the facilities and services required by growth; and
- ensure ongoing access to an appropriate range of community facilities and services for residents and visitors.

It should be noted that the 2005 Dalyellup Community Facilities Development Plan currently requires a contribution from development in Dalyellup, however, it is overdue for review and the draft DCP is anticipated to supersede this Plan.

STATUTORY ENVIRONMENTState Planning Policy 3.6 – Development Contributions for Infrastructure

State Planning Policy 3.6 (SPP3.6) is a government policy which establishes the principles underlying development contributions for community infrastructure and the form, content and process for the preparation of a DCP.

Community infrastructure is defined in the Policy as *‘the structures and facilities which help communities and neighbourhoods to function effectively’* including sporting and recreational facilities; community centres; child care/after school centres; libraries; cultural facilities; and such other services and facilities for which development contributions may reasonably be requested.

SPP 3.6 sets out development contribution provisions for standard infrastructure items applied to the subdivision or development of land; and provides a consistent, accountable and transparent system for local governments to plan and charge for community infrastructure.

The Policy requires that DCPs be supported by:

- a community infrastructure plan e.g. Community Facilities and Services Plan for the area, identifying the services and facilities required;
- a capital expenditure plan which identifies the capital costs of facilities, the revenue sources and programmes for provision;
- projected growth figures including the number of new dwellings to be created at catchment level; and
- a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.

The preparation of DCPs is required to reflect the principles of nexus, transparency, equity, certainty, efficiency, consistency, accountability and the need for consultation and review.

Town Planning Scheme No. 7

The Scheme includes Dalyellup east in ‘Development Precinct 1’ pursuant to Appendix 16 which requires that *“subdividing land owners shall, at the time of creating new lots, contribute to a community facilities development fund such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure development plan.”*

Appendix 16 also requires the Shire to prepare and adopt a community facilities development plan for Dalyellup and make available details of estimated costs of the plan and how it relates to the potential population increase created by the subdivision of Development Precinct 1.

The Scheme map includes the urban areas of Boyanup, Capel and Dalyellup in Development Contribution Areas and Clauses 3.5 and 5.11 of the Scheme introduce the ability for the Shire to prepare DCPs for these areas. The preparation of a DCP for these areas is therefore supported by the local and State planning framework.

Planning and Development Regulations 2015

The Regulations establish the process for adopting and advertising a Scheme amendment. As it proposes to introduce development contribution provisions the Amendment is considered a ‘complex’ amendment pursuant to Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 and must be referred to the WAPC prior to advertising pursuant to Regulation 37.

Amendments are also required to be referred to the EPA pursuant to Section 81 of the Planning and Development Act for determination of whether the amendment requires formal environmental review, prior to advertising.

POLICY IMPLICATIONS

Planning Policies 6.13 and 6.15 (Capel and Boyanup Townsite Strategies) are applicable and their relationship to the draft DCP is described in the Strategic Implications section of this report. Planning Policies 6.14 and 6.16 (Capel and Boyanup Public Open Space Strategies) are generally applicable and their relationship is described in the Strategic Implications section.

FINANCIAL IMPLICATIONS

Budget

There are some minor financial implications in relation to adoption of the draft DCP including the costs of advertising.

If adopted, the DCP is predicted to generate revenue in 2016/17, however, this is based on the assumption that the draft DCP would be approved by the WAPC for advertising, thereby elevating it as a "seriously entertained planning proposal". Given the passage of time, the revenue generated will be lower than anticipated.

There are three subdivisions that have statutory conditions requiring a developer contribution that are likely to have an impact on the budget revenue stream. The details of these will be discussed below. Funds received from developer contributions are allocated to Reserves. Any reduction in funds received will affect the opening balance of the 2017/18 Reserve and downstream project delivery.

Long Term

There are significant long-term financial implications due to the number and scale of the identified projects as summarised in the draft Capital Expenditure Plan, included as Appendix 3 in the draft DCP (Attachment). The draft Capital Expenditure Plan for the specified items of infrastructure is based on the draft Long Term Financial Plan (LTFP) considered by Council at its 24 February 2016 workshop.

In response to queries raised by the WAPC, an updated draft Development Contribution Plan has been prepared, and is attached. The forecast costs of projects have been indexed over the currency of the plan to 2031, which represents a 15 year time line from the original draft DCP of 2016. This figure only includes projects identified through the DCP and does not include additional projects included in the LTFP.

Given the DCP identifies a proportionate contribution towards eligible projects, the balance of projects needs to be funded from a variety of sources. The financial modelling provided within the draft DCP and LTFP proposes a funding strategy that relies on Shire rate revenue, grant funds, loans and contributions from development.

There may, however, be delays in development activity from time to time and this would present DCP cash flow shortfalls, which may cause some projects to be delayed or require some form of bridging finance to be established. It is also possible for developers to forward-fund certain projects thereby eliminating the cash flow lag and avoiding cost escalations, however, this outcome may not be relied on.

Whole of Life

The LTFP assumes ongoing annual operating expenses of 1.5% of the capital cost of significant built assets. The annual operating costs are indexed annually at 1.5% to ensure there is capacity to service new assets in the future. The LTFP does not however, properly consider

the ongoing need to set aside funds for future renewal of the asset or elements of the asset, into reserves. These arrangements are yet to be developed through future asset management plans.

The whole of life costing of new assets are unable to be determined until the assets have been subject to more detailed design and forecast costing. The financial modeling of facilities and services may need to be adjusted over time as more information becomes available e.g. the timing of facility needs and the level of income received from development and grants.

SUSTAINABILITY IMPLICATIONS

It is anticipated that the DCP will contribute significantly to improved sustainability outcomes for the community in terms of the more timely provision of community infrastructure. The Shire's ability to fund the provision and improvement of facilities and services to address population growth from urban development is currently unsustainable unless the Shire accepts lower levels of service, other sources of funding can be identified (e.g. development contributions, grant funding) or projects can be deferred.

The draft DCP provides the basis for equitable contributions from the development industry toward the provision of community infrastructure in Capel, Boyanup and Dalyellup. These contributions, in conjunction with contributions from the Shire and other sources, can enhance the ability of the Shire to sustainably plan for the provision of appropriate facilities and services to meet the expectations of the community over the next 10-15 years.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

The Strategic Community Plan establishes the long-term directions for the Shire in terms of administration and development, focusing on matters which are important to the community. The Strategic Plan 'Vision' is to establish *"a community of diverse lifestyle experiences accommodating progressive growth, sharing in prosperity, and valuing the unique environment"*.

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

Strategic Outcome:

2.1: *"Provide social, recreational and cultural opportunities and facilities for our communities."*

3. Environmental Experience "Preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectations."

4. Economic Experience "Foster and support responsible and progressive economic development opportunities within the Shire."

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

Capel and Boyanup Townsite Strategies

These Strategies were adopted by Council in 2008 and 2010 as Planning Policies to set out the key long-term planning directions for the towns by establishing policies and actions associated with residential, community, environmental, recreation, social and economic outcomes over twenty five years.

Relevant 'actions' included the requirement to prepare Development Contributions Plans for the towns to enable clear and equitable distribution of costs related to urban expansion projects and the timely provision of community facilities and open space.

The Structure Plans associated with these Strategies require a community needs analysis to be prepared by development proponents addressing the requirements of the town planning scheme and the Townsite Strategies, including an audit of the necessary community facilities and infrastructure required, and the developer's responsibility for their provision, including monetary contributions, consistent with local and regional policy.

Capel and Boyanup Public Open Space Strategies

These Strategies were adopted by Council in 2011 as Planning Policies to guide the planning of open space, parks, reserves and associated community and recreation facilities in the towns of Boyanup and Capel.

The Strategies provide a basis for the improvement of the quality and diversity of parks and the delivery of improved recreation services to ensure sustainable use of the Shire's resources. The outcomes provide information and direction to the Council, the community, developers, government agencies and funding bodies over a period of ten years.

Dalyellup Community Facilities Development Plan 2005

The Dalyellup Community Facilities Development Plan was prepared in 2005 in order to meet the needs of the Dalyellup community for specific infrastructure and facilities. It focuses on building and related assets and excludes infrastructure such as walk trails, pathways and public open space as these were to be provided by development as part of the subdivision process. The Plan represents the blueprint that details the type, timing and funding of the facilities required to address the identified community needs.

The Plan requires developers to demonstrate their commitment to funding community facilities by providing contributions to the identified facilities. This funding commitment is outlined in a Memorandum of Agreement that references the Specific Provisions contained in Appendix 16 of Town Planning Scheme No. 7 and as detailed in conditions of subdivision. The Memorandum was prepared to establish a process for funding the development of community facilities within Dalyellup via an agreed contribution rate. The amount to be provided by development was calculated to be \$565 per dwelling site in 2005. This rate has not changed since 2005.

Community Facilities and Services Plan 2013

The Shire of Capel Community Facilities and Services Plan (CFSP) was adopted by Council as a guiding document in September 2013 and provides a framework for the provision of community facilities needed to address demographic change over strategic time frames.

The Plan forecasts the community facilities required to be established in the Shire over the period to 2031 and indicates the services necessary to help stimulate, activate and build a strong, cohesive community. The future requirements have been determined accounting for ongoing development which will see substantial resident population increases over that period.

This schedule of facilities has been developed in consultation with the community and has been influenced by planning guides that include relevant benchmarks and standards and by emerging trends in social participation and community life. The recommendations of the Plan are consistent with existing Shire commitments through other planning processes and embrace the published forward financial plans.

Inherent in this exercise is an apportionment of responsibility for the provision of the facilities and services required by the community. The community demonstrated through the consultation programme that their highest priorities for facilities and services are associated with medical and allied health, education, community safety and justice, and economic viability. These items are primarily the province of the State government, and the Shire's role is one of facilitator and lobbyist to ensure access to these services for Shire residents.

CONSULTATION

The draft DCP was adopted by Council along with Amendment No. 65 for referral to the WAPC. The WAPC has requested clarification of some aspects of the draft DCP before it permits the Amendment to be advertised.

Once WAPC approval to advertise has been received, the draft DCP and Scheme Amendment can be formally advertised to the community and relevant stakeholders for a minimum of forty two (42) days. Any submissions received will be reported to Council for consideration following consultation. The consultation process will include:

- referral to relevant development proponents and planning/property consultants.
- referral to community stakeholders.
- referral to relevant government agencies for comment.
- notices in local print media and Shire newsletters.
- notice and copy of documentation on the Shire's web page.
- notices and copies of documentation at the Shire office and Libraries.

Separate, but derived from the draft DCP, staff have negotiated contributions for three separate subdivisions, which is commented on below.

COMMENT

There are two parts to the commentary on this item:

1. Comment on the updated draft Development Contribution Plan in response to WAPC enquiries; and
2. Comment on Executive negotiations on developer contributions for subdivisions.

Comment 1 - Updated Draft Development Contribution Plan (2017)

The draft DCP was forwarded to the WAPC requesting its permission to advertise the draft DCP and the associated Amendment No. 65. The concerns raised by WAPC are addressed through the commentary below.

- Clarification of the documented values, their source and the calculations reflecting changes to the values documented in the Community Facilities and Services Plan (2013);
- Request to consider grant contributions as part of the Development Contribution Plan;
- Checking the nexus of projects to the grant contributors;
- Request to check the proposed start date of some projects as the Development Contribution Plan cannot be retrospective;
- Clarification of some calculations in the Plan; and
- Reconsideration of the population projects in the Plan.

Population Growth

The WAPC has indicated that the Shire should be mindful of optimistic projections for population growth in its settlements. In the draft DCP adopted by Council at its March 2016 meeting, the projections were forecast using combination of growth trends and WAPC growth projections published in Western Australia Tomorrow (2012).

The updated draft DCP (2017) addresses the WAPC's concerns by:

- Updating the 2015 projections to reflect ABS data on 2015 population projections (a reduction of 534 people across the Shire);
- Adopting Band 'B' as a more conservative growth scenario in *Western Australia Tomorrow* (2015) and using updated data from the 2012 publication (a reduction of 1,600 people across the Shire);
- Levelling out growth projections for Capel to reflect development constraints that need to be addressed (e.g. sewer in North Capel);
- Reduced growth projections for Boyanup to reflect economic downturn and probable lag in time to ready East Boyanup for subdivision; and
- Flattening out of growth projections for Dalyellup to reflect depressed economic conditions, slowing of land releases and maturation of the settlement.

Project Nexus

State Planning Policy 3.6 (SPP3.6) is a government policy which establishes the principles underlying development contributions for community infrastructure and the form, content and process for the preparation of a DCP.

The preparation of DCPs is required to reflect the principles of need and nexus, transparency, equity, certainty, efficiency, consistency, accountability and the need for consultation and review.

The 'need' for the projects included in the draft DCP has been established through the Community Facilities and Services Plan (2013). The nexus of the projects can be simplistically addressed by aligning projects to the communities which they are to benefit. That is, development in Capel will only contribute to projects in Capel, development in Boyanup will only contribute to projects in Boyanup and similarly development in Dalyellup will only contribute to projects in Dalyellup.

The draft DCP already itemises the projects into geographical localities and calculates contributions for each locality based on the unique parameters of that locality, including population base, historical growth trends, projected growth forecasts and subsequent project cost ratios. The nexus of each project is well established.

Start Date Conflicts

The draft DCP adopted in March 2016 was anticipated to be advertised, and therefore implemented within the 2016/17 financial year. With the passage of time, it is unlikely that the draft DCP could be gazetted before 2017/18. As contributions cannot be made retrospectively, the draft DCP will need to be updated to reflect the shift in time, and address funding obtained for projects in 2016/17.

In its correspondence, the WAPC cites three projects that have a start date pre-dating the draft DCP:

- DY1.0 – Surf lifesaving club – This is actually scheduled for delivery in 2023/24 and 2024/25 in the draft DCP.
- DY19.0 – Feasibility and design for MCCB / Library / Youth Space – This is included in 2018/19, coupled with DY2.0 – Multi-purpose Community Resource Centre and DY3.0 – Multi function branch library.
- DY20.0 – Feasibility and design for Surf Lifesaving Club – This has been incorrectly notated as DT20.0 in the draft DCP, and incorrectly included as a project. The LTFP shows the feasibility and design of this facility at 2021/22 pending the provision of land from the developer following structure planning and approvals.

Thus, the projects identified by the WAPC as having start dates earlier than the period of the DCP are either not included or coupled with other projects for a later start date.

However, the adopted draft DCP covers a 15 year period from 2016/17 to 2030/31, and includes one project in 2016/17 (DY17.0 – Trails and pathways development - \$20,000). This project is notated in Community Facilities and Services Plan (2013) as a single project worth an escalated cost of \$845,830 deliverable in 2022.

Through the development of the LTFP, the draft DCP and consideration of community path needs in Dalyellup, this item was broken down into smaller projects that can be delivered annually for the 15 year period of the DCP. To address the WAPC's concerns over retrospectivity, it is recommended that project DY17.0 – trails and pathways development, be shifted along one year, and commence in 2017/18.

Inclusion of Grant Funding

The WAPC has noted that the Shire of Capel is not proposing to charge for all proposed infrastructure, but has indicated that grant funding should form part of the equation for funding infrastructure in the draft DCP.

Whilst the draft DCP does not specifically identify grant funding allocations for projects, it recognises that grant funding, loans and other funding sources need to be considered to deliver the projects within the timeframe of the draft DCP.

The draft DCP also clearly articulates the development contribution ratios attributable to each settlement based on existing population, forecast population, probable land yield over the term of the DCP and project cost estimates.

To address the WAPC's concerns a simplistic approach to grant contributions can be included in the updated draft DCP (2017). Where a facility is of a sporting and active recreation nature, it will be assumed that 1/3 of the project cost may be eligible for future funding through State Government Sport & Recreation programs. Where a facility is of a community development and servicing nature, it will be assumed that 1/3 of the project cost may be eligible for future funding through a State Government community development program, such as Lottery West.

Consistency of Information

The WAPC highlighted an error in the draft DCP documentation that showed inconsistencies between tables. This has been corrected.

Explanation of Figures

The WAPC indicated concern over inconsistencies between the Community Facilities and Services Plan (2013) and the adopted draft DCP Capital Expenditure Plan. Staff met with the WAPC in December 2016 to explain the inconsistencies that appear due to changes in the LTFP in the delivery date of projects.

The Community Facilities and Services Plan (2013) had cost estimated projects at the time of publication, made assumptions about the delivery timeframe of those projects, and indexed the project cost estimates forward to coincide with the assumed delivery date.

During the formulation of the 2016-2026 LTFP, adjustments were made to the previously assumed funding structure of several projects, due to financial and other constraints. Issues that were considered included:

- Deferring projects that were unlikely to be realised;
- Spreading projects over multiple years to reflect the reality of delivering major projects;

- Balancing anticipated expenditure to avoid peaks and troughs; and
- Sequencing projects to ensure sensible progression through the feasibility / design / delivery phases.

The LTFFP was adopted by Council in July 2016 and reflects the draft DCP. In responding to the WAPC enquiry, the EMCorpS has prepared a bridging table to demonstrate the numerical adjustments of the original cost estimates, the escalated cost estimates shown in the Community Facilities and Services Plan (2013) and the adopted draft DCP as reflected in the LTFFP. This has been updated to reflect the necessary changes described above and to be presented to the WAPC to explain the differences in the numbers.

The updated draft Development Contribution Plan (2017) is attached. Council is asked to adopt this updated DCP to progress the Amendment No. 65.

Comment 2 – Executive Negotiations on Contributions for Subdivisions

There are five subdivision cases of developer contributions that require comment and subsequent Council endorsement. These are:

1. WAPC Approval Ref No. 148311 (The Grove, Range Road, Capel)
2. WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup)
3. WAPC Approval Ref No. 149634 (Goodwood Estate, Stage 2, Capel)
4. WAPC Approval Ref No. 152336 (Forest Edge, Stage 7A, Dalyellup)
5. WAPC Approval Ref No. 154107 (Lot 39 Scott Road, Capel)

WAPC Approval Ref No. 148311 – The Grove, Range Road, Capel

Approval for a 48 lot residential subdivision was issued by the WAPC on 13 October 2014, and includes Condition 17:

“The landowner/applicant reaching an agreement with the Shire of Capel to contribute towards community infrastructure pursuant to the Shire of Capel’s Capel Townsite Strategy to the satisfaction of the Western Australian Planning Commission.(Local Government)”.

In late 2015 the applicants’ consultant approached the Shire to query how Condition 17 might be cleared. The developer, the developer’s consultant, Shire staff and the Executive met on 21 December 2015 to discuss a way forward. The Executive Manager Engineering & Development Services (EME&DS) outlined that the provision of a development contribution plan was being seriously entertained by the Council and that a draft document had been prepared in readiness to present to the Council within the foreseeable future.

The developer was advised that the calculated value that was to be presented to the Council would be in the order of \$5,000. The draft DCP adopted by Council adopted a figure of \$5,023 for Capel.

Condition 17 requires the developer to “reach an agreement with the Shire of Capel”, but does not specify a value. The validity of Condition 17 and the absence of a formally approved developer contribution required the parties to enter into negotiation to achieve mutually acceptable outcomes.

The developer argued that \$5,000 per lot (or thereabouts) was a significant impost on the sale of the developed lots and would significantly affect the project costings. The meeting opened up the opportunity for the developer to present a case to the Shire for consideration of an alternative figure, based on sound reasoning and argument.

On 8 January 2016 the developer’s consultant put forward a proposal to make a \$2,100 per lot contribution, based on the following arguments:

- The developer had already sought a contribution value from the WAPC, which was not forthcoming at the time of approval;
- Recognition that the draft DCP was still being developed as an internal document, but that it would be presented to the Council;
- Questions over the validity of the population forecasts in the draft DCP;
- This subdivision being subjected to a development contribution as a first case in Capel;
- Oversupply of POS in the ultimate subdivision structure plan design;
- Financial burden on the developer which may stifle growth of the town; and
- Confirmation that the negotiated outcomes would be applicable to Stage 2, which is also subject to the subdivision approval, once the DCP is gazetted.

On 19 January 2016, the EME&DS approved the negotiated contribution of \$2,100 per lot for the first stage, but advised that the rate “will be reviewed at such time as the Shire’s Development Contribution Plan is adopted”.

The Shire was comfortable negotiating this contribution based on advice from the WAPC confirming the validity of Condition 17 and subsequent advice about the option to negotiate an agreement.

WAPC Approval Ref No. 152911 – Forest Edge, Stage 6A, Dalyellup

Approval for a 92 lot residential subdivision was issued by the WAPC on 22 September 2015, and includes Condition 18:

“The applicant making arrangements, to the satisfaction of the Shire of Capel, to contribute to a community facilities development fund as nominated on the Dalyellup East Local Structure Plan and such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing and adopted Dalyellup Community Infrastructure Development Plan. (Local Government)”.

In early 2016 the applicant approached the Shire outlining concerns with Condition 18 and seeking clarification on how to proceed. The developer, shire staff and the Executive met on 8 February 2016 to discuss a way forward. As with The Grove, the EME&DS outlined that the provision of a development contribution plan was being seriously entertained by the Council and that a draft document had been prepared in readiness to present to the Council within the foreseeable future.

The developer was advised that the calculated value that was to be presented to the Council would be in the order of \$5,000. The draft DCP adopted by Council adopted a figure of \$5,239.

Condition 17 requires the developer to “make arrangements, to the satisfaction of the Shire of Capel”, but does not specify a value. Again, the validity of Condition 18 and the absence of a formally approved developer contribution required the parties to enter into negotiation to achieve mutually acceptable outcomes.

The developer argued that \$5,000 per lot (or thereabouts) was a significant increase in the previously approved \$565 per lot contribution. Given the size of the subdivision, the developer proposed to develop the site in stages, and requested consideration of a staged contribution arrangement.

Cash flow and detrimental impact on the project costings was the basis of the developer’s argument to apply a lower initial contribution and increasing the contribution as the

development reaches the latter stages. The developer indicated that of the approved 92 lots, only 33 would be developed as Stage 6A, the balance being delivered subsequently.

The following arrangement was proposed by the developer to achieve an average contribution of \$2,588 per lot:

- Retain the current \$565 per lot contribution for 33 lots in Stage A (\$18,645); and
- Increase the contribution to \$3,720 per lot for the remaining 59 lots (\$219,480).

This proposal was accepted on 12 February 2016, by the EME&DS.

The Shire was comfortable negotiating this contribution based on advice from the WAPC confirming the validity of Condition 17 and subsequent advice about the option to negotiate an agreement.

WAPC Approval Ref No. 149634 – Goodwood Estate, Stage 2, Capel

Approval for a 61 lot residential subdivision (including 11 large ranch blocks) was issued by the WAPC on 16 July 2014, and includes Condition 21:

“The landowner/applicant contributing towards development infrastructure provisions pursuant to the Shire of Capel Local Planning Scheme No. 7. (Local Government)”.

In mid-2016 the applicant approached the Shire seeking clarification on how to seek clearance of Condition 21. The developer, Shire staff and the Executive met on 28 October 2016 to discuss a way forward. The EME&DS advised that the Council has adopted the draft DCP at its March 2016 meeting and that it had been forwarded to the WAPC for approval. The developer was advised that the calculated value adopted by Council was \$5,023 for Capel.

Condition 21 requires the developer to “contribute towards development”, but does not specify a value. In this case, the validity of Condition 21 is strengthened by the Councils adoption of the draft DCP, which shows the Council’s intent.

The developer argued that \$5,000 per lot was not acceptable, and affects the affordability and marketability of the subdivision. The developer attempted to pressure staff to immediately provide an alternative figure that could be agreed to. The developer was advised that if an alternative figure was sought, then he would need to present an argument demonstrating the proposed reduction.

Unfortunately, discussions at that meeting broke down. The developer subsequently elevated his enquiry to the CEO, requesting consideration of a \$2,500 per lot contribution. This offer was accepted by the CEO subject to endorsement of the offer by the Council at its February 2017 meeting. The developer has sought to have the CEO offer expire by December 2017 to introduce timelines to the arrangements. On 24 January 2017, the CEO reiterated that the offer is subject to Council endorsement.

WAPC Approval Ref No. 152336 – Forest Edge, Stage 7A, Dalyellup

Approval for a 170 lot residential subdivision was issued by the WAPC on 22 September 2015, and includes Condition 18:

“The applicant making arrangements, to the satisfaction of the Shire of Capel, to contribute to a community facilities development fund as nominated on the Dalyellup East Local Structure Plan and such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing and adopted Dalyellup Community Infrastructure Development Plan. (Local Government)”.

The applicant has approached the Shire in January 2017, seeking to make a \$565 per lot contribution for the first 28 lots created under a sub-stage. No alternative offer has been made for the balance of the remaining 142 lots.

WAPC Approval Ref No. 154107 – Lot 39 Scott Road, Capel

Approval for a four lot residential subdivision (with associated 5 lot strata subdivision) was issued by the WAPC on 31 October 2016, and includes Condition 14:

“Arrangements being made with the Shire of Capel to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through Amendment 65 (when gazetted) to the Shire of Capel Local Planning Scheme No. 7. (Local Government)”.

The wording of this condition reflects standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015). The absolute nature of the wording “when gazetted” precludes any negotiation of the contribution without a formally gazette DCP.

General Conclusion

The preparation of the DCP is an important component of the Shire’s strategic approach to the sustainable and equitable provision of community facilities and services required by the growing population of the Shire arising from ongoing residential development in Dalyellup, Capel and Boyanup.

It is anticipated that the adopted DCP will operate over a 14-15 year timeframe (depending on when it becomes operational) with 5 year reviews as provided for in SPP 3.6.

The updated draft DCP (2017) responds effectively to the WAPC queries and has considered options for community facilities and services that provide a balance between community aspirations and expectations, funding availability and ongoing operational sustainability.

With respect to negotiated developer contributions, the Council is requested to endorse the agreed to contributions for:

- WAPC Approval Ref No. 148311 (The Grove, Range Road, Capel);
- WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup); and
- WAPC Approval Ref No. 149634 (Goodwood Estate, Stage 2, Capel).

With respect to outstanding requests for clarity on developer contributions, the Council is requested to delegate authority to the CEO to negotiate the determination of a financial contribution for clearance of subdivision / strata subdivision conditions, generally in line with a 50% reduction of the adopted figure for each settlement in the updated draft DCP (2017). A formal decision of Council supporting this recommendation will allow the CEO to operate under Delegation No. 146 – Subdivision Clearances, which currently excludes conditions which relate to the determination of a financial contribution which is not governed/guided by a Council policy or previous decision.

Finally, the Council should note that the consistent use of standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015), poses a significant threat to the Council’s ability to collect contributions prior to the formal gazettal of the DCP through Scheme Amendment No. 65.

The specific inclusion of the wording “when gazetted” provides developers with sound argument to refuse to make arrangements with the Shire of Capel, particularly when the condition needs to be “to the satisfaction of the Western Australian Planning Commission”.

This standard condition has been applied in at least one other subdivision in Dalyellup and if not avoided, will frustrate the Council ambition of equitably funding community infrastructure for the future. This is particularly important as the Department for Planning has given advice that confirms that once the Amendment No. 65 is advertised, it may be considered a “seriously entertained planning proposal”, which gives it an elevated status and formal recognition.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATIONS – 14.3

That Council:

1. **Adopts the updated draft Shire of Capel Development Contribution Plan (2017), as attached, for the purpose of community consultation and advertises the draft Plan accordingly, including the following rates for the following development contribution areas:**

DCA1 Capel	\$3,090;
DCA2 Boyanup	\$6,815; and
DCA3 Dalyellup	\$5,182.

2. **Endorses Executive negotiations to secure the following development contributions:**
 - i. **WAPC Approval Ref No. 148311 (The Grove, Range Road, Capel) - \$2,100 per lot released;**
 - ii. **WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup) - \$565 per lot for the first 33 lots released and \$3,720 per lot for the subsequent 59 lots, subject to review upon the gazettal of the Developer Contribution Plan; and**
 - iii. **WAPC Approval Ref No. 149634 (Goodwood Estate, Stage 2, Capel) - \$2,500 per lot subject to review upon the gazettal of the Developer Contribution Plan.**
3. **Delegates authority to the Chief Executive Officer to negotiate contributions to clear subdivision conditions and strata-subdivision conditions, in accordance with Delegation No. 146, that relate to the determination of a financial contribution, generally in line with the intent of the Developer Contribution Plan and this decision.**
4. **Requests the Western Australian Planning Commission to modify standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015), to remove reference to "when gazetted" and recognise the status of a "seriously entertained planning proposal" to allow for negotiated contributions prior to gazettal of Amendment No. 65.**

14.4 Development Approval – Single Dwelling - Lot 1947 Eva Fairway, Dalyellup

Location:	Lot 1947 Eva Fairway, Dalyellup
Applicant:	Summit Homes South West
File Reference:	PA 180/2016
Disclosure of Interest:	Nil
Date:	20.01.17
Author:	Planning Officer, L Sandon
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Location Plan 2. Development Plans 3. Schedule of Submission 4. DA supporting information submitted by the Applicant

MATTER FOR CONSIDERATION

That Council:

1. Agrees to a variation to Part 5.1.2 and 5.2.1 of the Residential Design Codes to allow a reduced street setback of 4m in lieu of 6m (without averaging) and garage (single door) setback of 4m in lieu of 4.5m at Lot 1947 (12) Eva Fairway, Dalyellup.
2. Pursuant to Clause 68(2)(b) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, grants approval for the development of a two-storey single dwelling at Lot 1947 Eva Fairway, Dalyellup subject to compliance with the following condition:
 - (a) All development being is accordance with the Approved Development Plan dated 22 February 2017.

BACKGROUND / PROPOSAL**Background**

There are no development records applicable to the site.

Proposal

The applicant is seeking approval for a two-storey dwelling. The dwelling complies with the Deemed-to-comply provisions of the R-Code with the exceptions of the dwelling street setback and garage street setback.

The proposal is required to be determined by Council as officers do not have delegated authority to determine applications where objections have been received which cannot be satisfied by conditions of approval.

STATUTORY ENVIRONMENT**Town Planning Scheme No.7 (TPS7)**

The subject lot is zoned 'Urban Development'. Under the adopted Dalyellup Beach Estate Local Structure Plan, the lot is coded R20.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 61 (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 states that development approval of the local government is not required for the erection or extension of a single house on a lot if the R-Codes apply and the development satisfies the Deemed-to-comply requirements of the R-Codes. The proposal does not comply with the Deemed-to-comply requirements of the R-Codes as listed in part 5.1.2 'Street setback' and part 5.2.1 'Setback of garages and carports' and therefore development approval is required.

POLICY IMPLICATIONS

The proposal has been considered in the context of the following State Planning Policy:

1. State Planning Policy 3.1 Residential Design Codes.

FINANCIAL IMPLICATIONS

Budget

The applicant has paid the relevant Development Application fee.

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

Long Term

The development will generate rates at a higher revenue base than the vacant lot.

Whole of Life

There are no whole of life financial implications relevant to this matter.

SUSTAINABILITY IMPLICATIONS

There are no immediate environmental, social and economic impacts associated with the development of a single dwelling. These factors were considered at the stage when the subdivision was approved.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

- 3 The Environment Experience 'To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities needs and experiences.'

Strategic Outcome:

- 3.1 Promote the diverse lifestyle opportunities in the Shire.

CONSULTATION

The application was referred to adjoining land owners, and one submission was received by the Shire. The primary concerns raised in the submissions related to the following:

- Loss of amenity
- Loss of property value

The issues listed above are discussed further in the Comment section below.

COMMENT

Development approval is required as the applicant is seeking variations for Part 5.1.2 Street Setback and 5.2.1 Setback of garages and carports for the proposed two-storey dwelling at Lot 1947 Eva Fairway, Dalyellup.

Part 2.4 of the R-Codes states that *“where a proposal does not meet Deemed-to-comply provision(s) and addresses Design Principle(s) the decision marker is required to exercise judgement to determine the proposal”*.

The proposed development requires approval for the variation to the R-Codes. Following the advertising period the applicant was provided with the opportunity to comment on the submission (Attachment 3). Having considered the issues raised, the applicant is continuing to seek the variation by demonstrating compliance with the relevant Design Principles.

Assessment against the Residential Design Codes

The State Planning Policy 3.1 Residential Design Codes comprises of dual provisions; the Deemed-to-comply requirements and the Design Principles. Development, which does not satisfy the Deemed-to-comply requirements needs to justify and demonstrate compliances with the Design Principles.

Variation 1 - 5.1.2 Street setback

The proposed dwelling frontage does not equal the area required for primary street compensation as per Figure 2a, 2b and 2c of the R-Codes and the balcony projects further than 1m into the street setback area. Compensation is a Deemed-to-comply mechanism which allows for variations to the street setback where the portion of the building intruding into the setback is compensated by equal open space within twice the distance of the street setback. The maximum reduced street setback is half the required street setback.

The proposed frontage of the dwelling is 4m, achieving the maximum reduced street setback (3m) and complies to the relevant lot boundary setback (not street setback) as required by the Deemed-to-comply requirements.

Street Setback Design Principles	Comment
<p>(P2.1) Buildings setback from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • <i>Contribute to, and are consistent with, an established streetscape;</i> 	<p>Streetscape is the surrounding development context. It is the visual shape and relationship between the width of the roadways, verges, public and private landscaping with the edge of buildings. It is the visual line of buildings and building height against setbacks.</p> <p>The established streetscape of Eva Fairway is characterised with single and two-storey dwellings with development varying from 3.2m to 4.9m from the street boundary; with an average setback of 3.8m. The proposed dwelling roof line will be setback 4m from the street boundary (with minor projections). The adjoining dwelling to the west of the proposed dwelling is a corner lot; this dwelling is setback 1.5m from the street with their garage accessible from Eva Fairway, as preferred by the R-Codes part 5.3.5 Vehicular access. The eastern adjoining lot is setback 4.9m. The proposed dwelling setback of 4m creates a visual transition that eases the development setback from 1.5m to the established streetscape. The adjacent southern lots are vacant with no current building permits.</p>

<ul style="list-style-type: none"> • <i>Provide adequate privacy and open space for dwellings;</i> • <i>Accommodate site planning requirements such as parking, landscaping and utilities; and</i> • <i>Allow safety clearances for easements for essential service corridors.</i> 	<p>The proposed dwelling is a two-storey development with no major opening overlooking the adjoining the properties. The proposal achieves part 5.4.1 Visual Privacy Deemed-to-comply requirements.</p> <p>The proposed design requires two vehicle parking bays and achieves five vehicle parking bays. The proposal satisfies all requirements of the R-Codes with the exception of the garage street setback.</p> <p>The subject lot does not require easements for service corridors.</p>
<p>(P2.2) Building mass and form that:</p> <ul style="list-style-type: none"> • <i>Uses design features to affect the size and scale of the building;</i> • <i>Use appropriate minor projections that do not detract from the character of the streetscape;</i> • <i>Minimise the proportion of the façade at ground level taken up by building services, vehicles entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and</i> • <i>Positively contributes to the prevailing development context and streetscape.</i> 	<p>The proposed design of the dwelling uses <i>Building Articulation</i>; meaning three-dimensional detailing of the external wall (design features). The design utilises a variety of building materials, windows, entry features, balconies and minor projections. The building articulations serve as functional aspects of the facade and provide visual interest, reducing the size and scale of the building (Attachment 4.A is an artist impression of the three-dimensional aspects 'building articulations' of the dwelling).</p> <p>Three minor projections of structural columns supporting the roof, enhances the design of the dwelling and contribute to the streetscape.</p> <p>The frontage of the dwelling through the design separates the two-storey facades from the attached single storey garage. The proposal does not require servicing infrastructure.</p> <p>The character of northern end of Eva Fairway to the intersection of Herald Way is established with a variety of single and two storey dwellings. The southern end of Eva Fairway adjacent to the subject lot is vacant with no proposed dwellings at this time. The anticipated character for Lot 1950 Norton Parade is to have Eva Fairway set as the secondary streets with a setback of 1.5m. The proposed dwelling complements to the established and prevailing development context and streetscape.</p>

Variation 2 – 5.2.1 Setback of garages and carports

The proposed design has two garage doors in the dwelling frontage; a double garage door setback 4.5m from the street setback and a single garage door setback 4.0m. The single garage door does not satisfy the Deemed-to-comply requirements of garages setback 4.5m from primary street.

Setback of garages and carports Design Principles	Comment
<i>(P1) The setting back of carports and garages to maintain clear sight lines along the street and not detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</i>	The single garage door maintains clear sightlines along the street as the visual sightlines are not impeded by structures or development. The garage is aligned with the dwelling and does not obstruct views of the dwelling or street.

Streetscape and amenity

The Residential Design Codes Explanatory Guidelines (Explanatory Guidelines) clarifies that the purpose of neighbour consultation is to seek comment about the nominated design components of the proposal and how it may affect the neighbours where a proposal is to be judged against the Design Principles of the R-Codes and the possible impact and/ or reduction of the amenity of adjoining owners.

The established streetscape of Eva Fairway is patterned with single and two-storey dwellings forward of the street setback of 6m. The closest established setback not including the secondary street corner lots is Lot 1943 with a street setback of 3.9m (single storey dwelling). Eva Fairway’s characteristics include residential dwellings with interactive balconies and porches with irregular street setbacks. Lot 1952 and Lot 1953 of Eva Fairway are an established example of the proposed variation with a two- storey with a front balcony within the street setback area.

The submitters concerns have been summarised, as the proposal will result in a loss of amenity and loss of property value.

The meaning of amenity is defined by the Town Planning Regulations (1967) Model Scheme Text as “*all those factors which combine to form character of area and include the present and likely future amenity*”. Further case law has expanded it as “*the sum of expectations of the residents concerning the quality of their residential environment as determined by the character of an area, its appearance and land uses*” (Cipriano and City of Perth [1980] TPAT appeal [20]). There are two aspects of amenity of a site; what the development looks like in the context of streetscape and the impact of the amenity on neighbouring properties considering the matters of privacy, overshadowing, solar access and bulk (Arnold and Town of Claremont [2009] WASAT 231 at [59]). The proposal achieves the measurable standards of amenity in relation to the Deemed-to-comply elements of the R-Codes.

The submitter expresses that the proposed development is within reaching distance and will block out the desired view of the area (side view). The single storey orientation of the dwelling situates the outdoor living area to the north of the property. The southern portion of the dwelling to which the submitter is raising, are private rooms and a 1.5m wide verandah at the entrance of the dwelling. In relation to the protection of views the Explanatory Guidelines acknowledges that views are a part of amenity shared and enjoyed by many people in certain areas in relation to building height.

View is an element of amenity; it helps establish the character of a locality. Western Australian case law has identified that there is no guarantee to the protection of views and the retention of side views is often unrealistic as determined in *APP Corporation Pty Ltd and City of Perth*

[2008] WASAT 291; McCabe Street Joint Venture and City of Fremantle [2009] WASAT 37 at [49]. Eva Fairway is not a beach fronting street with the adjacent lots on Eva Fairway, vacant. On balance the weight of the retention of a side view is not a reasonable planning ground to warrant refusal of the development.

A perceived impact of a proposal on property value is not a relevant planning consideration as demonstrated in Lenco and City of Melville [2007] WASAT 56 at [39]. It has been determined that *'perceptions alone are an unsuitable basis for elevating concerns to the point where a proposal, which is otherwise justified and compliant, should be refused planning approval'*.

Conclusion

The proposed development complies with the requirements of the R-Codes Deemed-to-comply with the exception of the street setback and garage setback. The application has been assessed against the relevant provisions and is considered to address the requirements of the Design Principles and does not have a significant detrimental impact on the subject property. The adjoining neighbour's concerns regard loss of amenity and property value has been discussed in relation to planning considerations. The proposal is recommended for approval.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 14.4

That Council:

- 1. Agrees to a variation to Part 5.1.2 and 5.2.1 of the Residential Design Codes to allow a reduced street setback of 4m in lieu of 6m (without averaging) and garage (single door) setback of 4m in lieu of 4.5m at Lot 1947 (12) Eva Fairway, Dalyellup.**
- 2. Pursuant to Clause 68(2)(b) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, grants approval for the development of a two-storey single dwelling at Lot 1947 Eva Fairway, Dalyellup subject to compliance with the following condition:**
 - (a) All development being is accordance with the Approved Development Plan dated 22 February 2017.**

14.5 Development Application – Water Storage Dam for irrigation and stock use – Lot 189 Collins Road, Boyanup

Location: Boyanup
Applicant: John Ey
File Reference: PA177/2016
Disclosure of Interest: Husband of the author of this report is an employee of the Owner (Piacentini and Sons)
Date: 08.02.17
Author: Senior Planning Officer, L Hughes
Senior Officer: Executive Manager Engineering and Development Services, J Gick
Attachments: 1. Location Plan
2. Development Plans

MATTER FOR CONSIDERATION

That Council grants Development Approval for the construction of a dam for water storage for irrigation and stock use at Lot 189 Collins Road, Boyanup subject to conditions.

BACKGROUND / PROPOSAL**Background**

The subject lot is located on the southern side of Collins Road, Boyanup. The eastern boundary of the lot is on the border of the Shire of Capel and the Shire of Dardanup. The lot is vacant without any buildings, with vegetation on the western and southern boundary and in the area where the dam will be constructed in the north eastern corner. The site has historically been used for agricultural purposes and is accessed via a cross over from Collins Road.

Proposal

The subject Lot is 64ha, zoned Rural under the Shire of Capel Town Planning Scheme No. 7 (the Scheme) and Rural under the Greater Bunbury Region Scheme (GBRS).

The applicant is seeking to construct a dam on the north eastern portion of the lot. The following summarises the key features of the proposed dam:

- The base of the dam embankment will be set back 10m from the northern boundary;
- The top of the dam embankment will be set back approximately 25m from the northern boundary;
- The dam wall embankment will be approximately 10m high and
- The dam will extend from the northern boundary of the lot to the eastern boundary with an anticipated volume of 179,000m³.

The dam is proposed across a watercourse, which originates on the lot to the east and based on aerial images appears to continue on lots to the west of the subject site.

A dam is defined in the Department of Agriculture Bulletin 4609 (March 2005) as:

'Water conservation structures designed to impound water using a constructed earth barrier or embankment that has a clay core or clay blanket keyed into impervious material and an excavation on the upslope side'.

STATUTORY ENVIRONMENT

The Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, part 7 Clause 60 sets out the requirement for development approval as follows:

Requirement for development approval

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

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

The proposed development is not exempt under the provisions of clause 61 and therefore requires approval.

Greater Bunbury Region Scheme (GBRS)

The site is zoned Rural under the provisions of the GBRS, the objectives of which are set out in Part 4, Clause 12 (e) and state:

Rural — 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;

Shire of Capel Town Planning Scheme (the Scheme)

The subject site is zoned Rural under the provisions of the Scheme. Clause 5.7.1 of the Scheme states:

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

Clause 5.7.2 states:

Council's policy in assessing applications for Planning Consent, or referrals from the Western Australian Planning Commission of subdivision applications will have regard to:

- a) The objective set out in Clause 5.7.1 and any policy document adopted pursuant to Clause 8.9 of the Scheme which is directed at achieving that objective;*
- b) The need to provide for land to be held in lots that are suitable for the long term use of the land for Rural Pursuits, and in particular applications for subdivision of Rural land should demonstrate the facilitation of ongoing farming of the land;*
- c) The availability of services required to support the proposed development or subdivision and the economic impact of the provision, extension or upgrading of those services that may be required;*
- d) The adequacy of the roads, existing or proposed in the area, which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and*

- e) *The need to impose such conditions as Council deems appropriate in order to minimise any adverse effect the development or subdivision may have on the environment of the area.*

POLICY IMPLICATIONS

State Planning Policy 2.5 Land Use Planning in Rural Areas (SPP 2.5)

The site is zoned Rural under the provisions of the Greater Bunbury Region Scheme and the objectives of SPP2.5 state:

- a) *To protect rural land from incompatible uses by:
 - i) *Requiring comprehensive planning for rural areas;*
 - ii) *Making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and*
 - iii) *Providing investment security for the existing and future primary production sector.**
- b) *To promote regional development through provision of ongoing economic opportunities on rural land.*
- c) *To promote sustainable settlement in and adjacent to existing urban areas.*
- d) *To protect and improve environmental and landscape assets.*
- e) *To minimise land use conflicts.*

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The objectives of this policy are to:

- 5.1 Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- 5.2 Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- 5.3 Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- 5.4 Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

Bushfire matters are discussed further in the Comment section below.

Basic Raw Materials Strategic Resource Area

The site falls within the Minerals and Basic Raw Materials Strategic Resource Areas identified in the Greater Bunbury Region Scheme. The application has been referred to the Department of Mines and Petroleum who has advised it has no concerns with the proposal.

FINANCIAL IMPLICATIONS

Budget

The relevant development application fees have been paid by the applicant.

Long Term

It is not considered that there are any long term cost implications associated with the development for the Shire.

Whole of Life

There are no whole of life implications to this matter.

SUSTAINABILITY IMPLICATIONS

The dam will contribute to the economy by providing an onsite source of water for irrigation and stock use, reducing the need to bring water in from off-site sources.

There may be some minor environmental impacts to the downstream drainage line as the dam fills.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome:

3.2 Maintain and enhance the quality of our unique natural environments.

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

Strategic Outcome:

4.6 Support and promote the agricultural economy.

CONSULTATION

The application was referred to eight neighbouring landowners and five statutory agencies for comment. At the expiry of the referral period, no submissions had been received from adjoining landowners. Responses have been received from all statutory agencies with comments being made by the Department of Water and Department of Environment Regulation which are discussed in the comment section of the report.

COMMENT

The proposal is considered to be generally consistent with the objectives of the Rural zone under the GBRS and the Scheme. The primary issues which have been identified relate to removal of vegetation, water availability, ponding across the boundary and visual impact.

Removal of native vegetation

The area in which the water will be stored is currently vegetated and the applicant will be required to obtain the necessary clearing permit from the Department of Environment Regulation. The application was referred to the Department of Environment Regulation and

the Department of Parks and Wildlife and no objections were received, with the only comments related to the requirement for a clearing permit.

Water availability

The Department of Water has advised that the dam is likely to intercept ground water and that a licence will be required to use this water. Given that this is outside of the scope of the planning process and regulated by the Department, it is not considered to be a significant planning issue and an advice note has been added accordingly.

Ponding across the cadastral boundary

The Department of Water has raised concerns that the dam has the potential to impact on the property to the east due to potential ponding as the plans depict water storage extending to the boundary. The design of the dam includes a spill way to ensure upon reaching capacity, there is a spill route for the water.

Visual impact

The dam wall is set back 10m from the northern boundary and at its highest point will be approximately 10m. The wall has a clay core with an embankment on either side; when viewed from the north it will have a natural appearance resembling an earth bund.

The Scheme requires buildings to be set back 20m from boundaries. A dam is considered to be a building in accordance with the following definition from the Residential Design Codes:

'Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools'.

In accordance with Clause 8.10 of the Scheme, the 20m setback requirement can be relaxed provided Council is satisfied that:

- a) If approval were granted, the development would be consistent with the orderly and proper planning of the locality or the likely future development of the locality; and
- b) The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or the likely future development of the locality.

There are two residential properties to the north of the subject lot and one to the east. The dwelling located in closest proximity is approximately 70m from the dam, however it should be noted that there are trees on both the northern and southern side of Collins Road, which will reduce any visual impact. The view from this property will be to the water, not to the wall of the dam. There is a dwelling approximately 350m to the north west and another approximately 330m to the east. It is considered that these dwellings are sufficiently far away to not be significantly negatively impacted in a visual context. The view from Collins Road will be obscured by the verge trees and the gradient of the earth bund will also reduce any impact of the wall.

Structural integrity

The construction of the dam is not required to be subject to a building permit and therefore the structural integrity remains with the owner. The dam has been designed by WML Consulting Engineers and will need to be certified to ensure it is built to the appropriate standard.

Bushfire

The site is identified within the mapped bushfire prone area and only the central portion of the site is not affected.

Conclusion

The proposed dam is considered to be consistent with the objectives of the Rural zone and is therefore recommended for approval subject to conditions.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION – 14.5
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That Council, pursuant to Clause 41 of the Greater Bunbury Region Scheme and Clause 68 (2) (b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 grants Development Approval for the construction of a dam for water storage for irrigation and stock use at Lot 189 Collins Road, Boyanup subject to the following conditions:

1. All development being in accordance with the approved plans dated 22 February 2017;
2. Prior to the commencement of works a structural certification report shall be provided to the Shire by a suitably qualified engineering consultant; and
3. Prior to the commencement of works, a Dust Management Plan shall be prepared and submitted to the Shire for approval and thereafter implemented, in accordance with the Department of Environment and Conservation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'.

Advice notes:

- i) This planning consent is confined to the authority of the Shire of Capel Town Planning Scheme No. 7 under the Planning and Development Act 2005. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements and encumbrances are adhered to, nor does it infer that other necessary approvals are forthcoming as an outcome of this planning consent.
- ii) The landowner/applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained via the following link:

https://www.der.wa.gov.au/images/documents/your-environment/air/publications/Guideline_for_managing_impacts_of_dust.pdf

- iii) **The clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.**

It should also be noted that the clearing of native vegetation within the Shire of Capel may result in impacts upon threatened species that are protected under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999. Proponents are advised to contact the Department of Sustainability, Environment, Water, Population and Communities on (02) 6274 1111 for further advice regarding their obligations under the Act.

- iv) **Advise the applicant of the need to comply with the following requirements of other legislation:**
 - (a) **The requirement to apply to the Department of Water for a water licence to commence, construct, enlarge, deepen or alter a well.**
 - (b) **The requirement to comply with the Department of Water's Water Quality Protection Note 53 (WQPM) Dam construction and operation in rural areas, May 2014.**

14.6 Child Family Care Centre – Lot 111 Tamarind Crescent, Gelorup

Location:	Lot 111 Tamarind Crescent (5) Gelorup
Applicant:	Lorraine O'Reilly
File Reference:	PA209/2016
Disclosure of Interest:	Nil
Date:	06.02.17
Author:	Planning Officer, C Bonnie
Senior Officer:	Executive Manager, Engineering and Development Services, J Gick
Attachments:	1. Location Plan 2. Site Plan

MATTER FOR CONSIDERATION

That Council grant Development Approval for a 'Child Family Care Centre' to be operated from the dwelling at Lot 111 (5) Tamarind Crescent, Gelorup subject to conditions.

BACKGROUND / PROPOSAL**Background**

July 2007 – Home Occupation "Selling Cup Cakes" - Planning Approval granted to previous owner.

Proposal

The proposed Child Family Care Centre will operate from an existing 16.5m² living room within the main dwelling with access to the fenced 56m² outdoor play area. The outdoor play area will be nature based in design, using natural materials to be in keeping with the streetscape.

The applicant submitted a site plan, floor plans and additional information describing the nature of the proposal which is summarised below:

- Operating hours are proposed between 7.00am to 5.00pm Monday to Friday;
- The activity will require the use of the 'Living Room' within the existing dwelling;
- The activity will cater for up to 7 children including the owner's two children. The age will range from 3 to 5 years. State Legislation specifies that the total number of children that may be cared for is seven (7), which is to include her own 2 children. This can consist of 4 children under the age of four; and 3 primary school aged children;
- The existing driveways on the property will be used for parking of client's vehicles to pick up and drop off children;
- Lorraine O'Reilly will be the sole operator; and
- No signage will be erected.

STATUTORY ENVIRONMENT*Town Planning Scheme No.7*

Lot 111 (5) Tamarind Crescent (the site) is zoned Residential (R2.5) and comprises 3,882m² in area.

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

Clause 3.2 - refers to the Zoning Table contained in Appendix 2 and the symbols used in the cross reference with the zoning table. 'Child Family Care Centre' within a Residential zone is listed as a "AA" use which means it is a discretionary use that is not permitted unless Council has granted Planning Consent.

'Child Family Care Centre' is defined as, "... *the conduct within a private dwelling of the daily or occasional care of children in accordance with the Community Services (Child Care) Regulation 1988.*"

Clause 5.3 relates to the Scheme objectives in controlling development in the Residential zone applicable to the assessment of this proposal.

Clause 5.3.1 Council's objective in controlling development within the Residential Zone is to:

- (a) Provide sufficient zoned land in appropriate location to meet the needs of the anticipated population without restricting the choice of sites;
- (b) Promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their inhabitants.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) has been Gazetted and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967*. Clause 67 lists matters to be considered by Local Government in considering an application for development approval:

- (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*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development.*

Greater Bunbury Region Scheme

The site is zoned Urban under the Greater Bunbury Region Scheme.

The lot is part of the Greater Bunbury Region Scheme 'Strategic Minerals and Basic Raw Materials Resource Policy' area, however the distance from the lot to the nearest referral area is at least 1,000m, which is greater than the minimum 500m safe distance required. In view

of this and as the application is not considered to be in conflict with the strategic policy area, referral under the GBRS is not required for this proposal.

Child Care Services Act 2007 & Child Care Services (Child Care) Regulations 2006

These pieces of legislation regulate the provision of child care services in Western Australia.

POLICY IMPLICATIONS

There are no policy implications to consider.

FINANCIAL IMPLICATIONS

Budget

There are no budget costs to consider. Relevant fees have been paid.

Long Term

There are no long term costs to consider.

Whole of Life

There are no whole of life costs to consider.

SUSTAINABILITY IMPLICATIONS

The Child Family Care Centres provides a valuable service to working parents of preschool and young children. This proposal would provide a service in a setting which encompasses larger residential lots in a semi-rural setting that would be accessible to the local Gelorup community. A home business of this nature can contribute to the local economy.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 - 2031

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

Strategic Outcome:

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

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

Strategic Outcome:

3.1 Promote the diverse lifestyle opportunities in the Shire.

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

Strategic Outcome:

4.9 Encourage business development.

CONSULTATION

The proposed Child Family Care Centre has been advertised for public comment to all affected adjoining landowners for a period of 21 days. One submission was received from a nearby resident in Greendale Place objecting to the proposal for the following reasons:

- Noise created by the activity.
- Increased traffic movements will have an adverse impact on the amenity of the area.
- Devalue property.
- Did not move next to a school, business or road for this reason.

The key issues raised by the submitter relate to noise and property devaluation. The applicant was consequently given the opportunity to comment on all the issues raised by the submitter:

- *Care will be given for proposed maximum of 5 children including the applicant's 2 children.*
- *No after school care or half day care, keep traffic to a minimum.*
- *Two exits/entrances into Tamarind Crescent, ample parking spaces on site.*
- *Lot nearly an acre, only neighbour who may hear them might be adjoining owner.*
- *Surrounding trees will keep noise to a minimum.*
- *Family friendly road with children of all ages.*
- *Not fair to object because it involves children, in what is already a family area.*
- *Having a small family day care in this area would be a good service for the local community.*
- *I have worked caring for children for over 20 years.*
- *Can provide a nurturing environment for children where they can plant vegetables, feed chickens and learn about nature in a bush setting.*
- *I cannot see how this proposal could have any negative effect on my neighbours.*

COMMENT

The proposed Child Family Care Centre is a discretionary ('AA') land use that is not permitted in the Residential zone unless Council has granted planning consent. Within the Residential zone the principle of allowing alternative land uses may be considered pursuant to Clause 5.3.1 of the Scheme. The objective within the Residential Zone is to provide sufficient zoned land in appropriate location to meet the needs of the anticipated population without restricting the choice of sites; Promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their inhabitants.

The outdoor area which will be allocated for the children will be setback at least 30m from the nearest shed on the adjoining lot. The lot is not elevated to pose any loss of privacy. A semi-circular accessway will allow vehicles to exit in a forward direction, thus ensuring safety to clients and adjoining neighbours. The lot is screened on all sides by mature trees and understorey.

The Child Family Care Centres are subject to compliance with State Legislation for Child Care Services that require the operator to be licensed, which limits the number and age of children and require compliance with other strict public health requirements.

Whilst every site should be treated on its individual merits, the principle of an activity that allows a Child Family Care Centre has already been supported within the Shire in a variety of locations, including the Residential zone.

Traffic Increase

The applicant has allocated 5 parking bays onsite to take into account the residential surrounds, with the aim of minimising disruption to any adjoining landowners.

This lot is located on a bend midway along Tamarind Crescent. Vehicles can easily access the lot and Tamarind Crescent via Yalinda Drive. The slow speed route provides a safe line of sight exiting Tamarind Crescent that ensures safe and quiet vehicle manoeuvrability.

In relation to traffic movements, it has already been established that State Regulations specify that the total number of children that may be cared for (which includes the carer's own children is seven (7).

Amenity (noise)

The proposal is within an established residential area with older dwellings set well back from their front and side boundaries and lots screened with mature trees/understorey vegetation.

The proposed outdoor play area is located towards the southeast side of the property with the closest buildings on the adjoining lot being 2 large sheds. The subject lot is heavily treed resulting in the neighbouring property not being visible from the proposed play area.

An average family of 4 or 5 (that includes teenagers) could easily generate the same amount of comings and goings as the proposed use.

It is not expected that this activity will have an adverse effect on the amenity of the area.

CONCLUSION

It is considered that the applicant has provided sufficient information to achieve a balance between meeting the requirements of TPS7 and the neighbours' concerns. The proposal is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 14.6**That Council:**

- 1. Grants Development Approval pursuant to Clause 68 (2) (b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the activity of a Child Family Care Centre from the existing dwelling at Lot 111 (5) Tamarind Crescent, Gelorup, subject to compliance with the following conditions:**
 - (a) No more than seven (7) children, including the operator's own children, may be cared for within the premises used for the purposes of a Child Family Day Care at any one time.**
 - (b) No person other than Lorraine O'Reilly being employed in the activity.**
 - (c) The Child Family Care Centre land use hereby approved shall be operated only by Lorraine O'Reilly (the applicant) and shall not be transferred to or assigned to any other person.**
 - (d) The activity is to operate between the hours of 7.00am to 5.00pm Monday to Friday.**
- 2. Advises the applicant :**
 - (a) Clients being instructed to park on site in the allocated car parking area.**
 - (b) When the premises cease to be occupied by Lorraine O'Reilly, the Child Family Care Centre land use hereby permitted shall cease and a new development application shall be submitted by any new landowner.**
- 3. Advises the applicant of the need to comply with the following requirements of other legislation where applicable:**
 - (a) Environmental Health requirements for the following:**
 - Health Premises Registration Notification**
 - Food Safety Standards of the Food Standards Code**
 - Water Supply to comply with the Australian Drinking Water Guidelines**
 - (b) Compliance with any State Legislation applicable to the activity. Further information can be obtained from the Department of Local Government and Communities, which is responsible for licencing and monitoring Child Care Services.**

15 CORPORATE SERVICES REPORTS**15.1 Write Off Sundry Debtors**

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	22.02.17
Author:	Customer Service Officer, J Riedmann
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

MATTER FOR CONSIDERATION

Council to consider writing off a number of sundry debtors that are considered to be unrecoverable.

BACKGROUND / PROPOSAL**Background**

Requests to write off bad debts are normally provided to Council every six months. The last write off of general Debtors was approved by Council on 24 August 2016 (minute reference OC0811) when 19 debtors to the value of \$633.12 were approved for write off.

Proposal

Invoices have been raised for the recovery of various amounts owed to Council. Action to collect these amounts has proven to be unsuccessful for a variety of reasons. It is proposed that Council write off the Sundry Debtors itemised within this report.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.12 (1) (c)

Section 6.12 (1) (c) – Power to defer, grant discounts, waive or write off debts

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

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

This section allows a local government to write off any amount of money owed to the local government.

POLICY IMPLICATIONS

There are no Policies applying to the matter.

FINANCIAL IMPLICATIONS

Budget

The total of outstanding debts proposed to be written off is \$637.35 including GST. The amount of the write off to be expensed within the financial report excludes GST and is \$579.41.

Long Term

There are not considered to be any long term financial implications.

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

The write off of sundry debtors is not expected to have any environmental impact. In some cases the social situation of customers may have contributed to these minor debts having to be written off. The write off of these minor debts will have a minor economic impact upon the Shire.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2031

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

Strategic Outcomes:

1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.

1.5 Ensure the effective management of Council's resources.

CONSULTATION

Despite written and verbal communication with the outstanding debtors no payments have been received.

COMMENT

The fees and charges as detailed below cannot be recovered and the reasons for their non-recovery are detailed. Each debt has been followed up with statements.

In all of the cases the value of the outstanding debt is low and it is not considered appropriate to follow up the matter through the issuing of a court summons.

In the following table, the details of the debtor's name have not been included for privacy reasons.

Debtor	Amount	Description of Debt	Write Off Reason
C296	\$64.75	Charge for lost library items plus account fee	Outstanding since 12/1/16. All avenues of retrieval have been exhausted including visits by Ranger Services. Customer has left the State.
B387	\$14.00	Account Fee for lost library items	Outstanding since 14/3/16. Borrowing privileges revoked.
B330	\$310.00	Hall Hire fees for Term 3 & 4 2015	Outstanding since July & October 2015. All avenues of retrieval have been exhausted. Business no longer operating.
B955	\$14.00	Account Fee for lost library items	Outstanding since 3/2/16. Borrowing privileges revoked.
D211	\$74.25	Charge for lost library items plus account fee	Outstanding since 9/8/16. All avenues of retrieval have been exhausted including visits by Ranger Services. Customer has left the Shire.
H187	\$41.45	Charge for lost library items plus account fee	Outstanding since 2/12/15. All avenues of retrieval have been exhausted including visits by Ranger Services. Customer lives outside the Shire.
MC029	\$75.90	Charge for lost library items plus account fee	Outstanding since 9/8/16. All avenues of retrieval have been exhausted including visits by Ranger Services.
M204	\$14.00	Account Fee for lost library	Outstanding since 11/11/15. All avenues of retrieval have been exhausted including visits by Ranger Services. No longer at property.
P186	\$15.00	Account Fee for lost library	Outstanding since 2/11/16. All avenues of retrieval have been exhausted including visits by Ranger Services.
M131	\$14.00	Account Fee for lost library	Outstanding since 16/12/15. All avenues of retrieval have been exhausted including visits by Ranger Services.

In total 10 debtors are recommended to be written off and all but one of the debtors are or were library customers.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 15.1

That Council writes off the following amounts of outstanding Sundry Debtor accounts that total \$637.35:

C296	Lost library item plus account fee	\$64.75
B387	Account Fee for lost library items	\$14.00
B330	Hall Hire fees	\$310.00
B955	Account Fee for lost library items	\$14.00
D211	Lost library items plus account fee	\$74.25
H187	Lost library items plus account fee	\$41.45
MC029	Lost library items plus account fee	\$75.90
M204	Account Fee for lost library items	\$14.00
P186	Lost library items plus account fee	\$35.75
M131	Account Fee for lost library	\$14.00

15.2 Public Health Act 2016 & Health (Asbestos) Regulations 1992

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	10.02.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

MATTER FOR CONSIDERATION

Delegation to the Chief Executive Officer of the powers and duties conferred on an enforcement agency by the *Public Health Act 2016* along with appointment of the Chief Executive Officer and Executive Manager Engineering & Development Services as Approved Officers under the *Health (Asbestos) Regulations 1992*.

BACKGROUND / PROPOSAL

Background

The *Public Health Act 2016* was gazetted on 25 July 2016 and will come into full effect in a five stage implementation process over the next 3 – 5 years. The existing *Health Act 1911* has significant limitations in that it is outdated, refers to issues now dealt with by other legislation and does not address new and emerging health issues. The *Public Health Act 2016* has been developed to address these matters.

The *Health Act 1911* has been renamed, will be retained in an amended format, and eventually limited to addressing topics such as community health centres, child health and Mortality Committees.

Stages 1 and 2 of the implementation process were introductory, and involved technical matters to facilitate the transition from the *Health Act* of 1911 to the *Public Health Act* of 2016. Stage 3 commenced on 24 January 2017 and requires key administrative changes by enforcement agencies such as local governments. Stages 4 and 5 will commence on dates yet to be proclaimed and development of new regulations will occur during this period.

At Stage 3, the *Health Act 1911* was renamed the *Health (Miscellaneous Provisions) Act 1911*. The newly named Act, along with existing regulations will continue to be the main enforcement tool for local governments during Stage 3 and 4.

Divisions 2, 3 and 4 of Part 2 of the *Public Health Act 2016* came into effect on 24 January 2017. These Divisions cover administrative functions of local governments, appointment of Environmental Health Officers, delegations, reporting requirements and authorised officers.

An interim amended version of the *Health (Asbestos) Regulations 1992* also came into effect on 24 January 2017. Penalties have increased significantly, and there are new clauses that enable local government to issue infringements to people mismanaging asbestos. The regulations enable Authorised Officers appointed under the *Public Health Act 2016* to issue such infringements. Authorised Officers are not able to withdraw infringements or extend payment periods however, and it is also necessary for an Approved Officer to be appointed for this role.

Proposal

This item proposes that the Chief Executive Officer be delegated the powers and duties conferred on an enforcement agency by the *Public Health Act 2016* and along with the Executive Manager Engineering & Development Services (Executive Manager E&DS) also be appointed to the position of Approved Officer under the *Health (Asbestos) Regulations 1992*. This will enable the Chief Executive Officer to appoint Authorised Officers under both the Act and Regulations, and facilitate the smooth administration of the business of both. It will also be possible for the Chief Executive Officer to further delegate the powers and duties of the Act should that be required. Both the Chief Executive Officer and the Executive Manager E&DS will be able to withdraw infringement notices issued under the *Health (Asbestos) Regulations 1992* or extend the period available for payment of a penalty.

STATUTORY ENVIRONMENT

Public Health Act 2016

21. Enforcement agency may delegate

- (1) A power or duty conferred or imposed on an enforcement agency may be delegated –
- (b) if the enforcement agency is a local government, to-
- (i) the chief executive office of the local government; or
 - (ii) an authorised officer designated by the local government;

Health (Asbestos) Regulations 1992

15D Infringement notices

- (5) A local government may, in writing, appoint a person or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.

POLICY IMPLICATIONS

There are no policy implications for this matter.

FINANCIAL IMPLICATIONS**Budget**

There are no budget implications for this item.

Long Term

There are no long term financial implications for this item.

Whole of Life

As no asset is being created there are no whole of life financial implications for this item.

SUSTAINABILITY IMPLICATIONS

The powers conferred by the *Health Act 1911* allow a local government to play a significant role in managing the health of individuals and communities in Western Australia. The existing Act enables Environmental Health Officers (EHOs) appointed under the Act to address issues as diverse as management of sewerage, provision of clean water, lodging houses, sale of drugs and use of pesticides. The transition to the *Public Health Act 2016* will increase the ability of Authorised Officers (previously EHOs) to contribute to the long term sustainability of the Shire

of Capel, conferring additional powers in the management of serious public health incidents and emergencies. Delegation of powers and duties under the Act to the Chief Executive Officer facilitates the smooth management of administration of the Act.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-31

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

Strategic Outcome:

- 1.1 Ensure continuous improvement of the organisation.

CONSULTATION

The Shire receives regular updates from the Health Department on the implementation progress of the *Public Health Act 2016* and the resulting obligations placed upon local governments. No further consultation is required for this item.

COMMENT

The implementation of the *Public Health Act 2016* has been staged over 3 – 5 years in order to give all stakeholders the opportunity to make the necessary changes in their administration, reporting functions and operational processes. Stages 1 and 2 of the implementation process were introductory, and addressed technical matters required to facilitate the transition from the *Health Act* of 1911 to the *Public Health Act* of 2016. These stages have been underway in the 6 months since gazettal of the new Act on 25 July 2016 and had no major impact on local governments.

The proclamation of a commencement date for Stage 3 (January 24, 2017) signified the beginning of a requirement for major administrative changes by local governments. When it occurs, Stage 4 will change the powers of enforcement agencies in the arena of public health, and the commencement of Stage 5 will trigger the most significant changes for local government. During Stage 5, regulations for the *Public Health Act 2016* will be developed and proclaimed, local governments will gain additional enforcement powers and provisions in public health planning, assessments, registration and licencing will also commence.

At Stage 3 on 24 January 2017, the *Health Act 1911* was renamed the *Health (Miscellaneous Provisions) Act 1911*. The newly named Act, along with existing regulations will continue to be the main enforcement tool for local governments during Stage 3 and 4.

Although development of new regulations is scheduled for Stages 4 and 5, it became clear during the consultation period prior to gazettal of the new Act that local governments found the existing Health (Asbestos) Regulations inadequate. Their level of frustration was such that it was decided to amend the existing regulations to provide an interim solution whilst a new set of regulations are developed.

This interim amendment has given local government the power to infringe in circumstances where asbestos is dumped or mismanaged and has significantly increased the penalties involved. Officers authorised under the *Public Health Act 2016* can also be authorised under the amended regulations.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATIONS – 15.2

That Council:

- 1. Delegates the powers and duties conferred by the *Public Health Act 2016* to the Chief Executive Officer; and**
- 2. Appoints the Chief Executive Officer and Executive Manager Engineering & Development Services to the position of 'Approved Officer' under the *Health (Asbestos) Regulations 1992*.**

15.3 Accounts Due and Submitted for Authorisation

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	08.02.17
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

MATTER FOR CONSIDERATION

Adoption of accounts to be paid.

BACKGROUND / PROPOSAL

Background

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

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS**Budget**

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome:

1.4: Provide efficient and effective financial management to ensure long term financial viability of the organisation.

CONSULTATION

Relevant staff have been consulted and authorised the payments. Documents have been reviewed by Manager Finance, A Mattaboni.

COMMENT

Accounts due and submitted for authorisation are as follows:

EFT23552	23/02/2017	B & B STREET SWEEPING	HIRE SUMP SUCKER AND STREET SWEEPER	467.50
EFT23553	23/02/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	4 LITRES OF PAINT, CHROME TUBE DRESSED PINE AND VANDAL PROOF KEYS	240.52
EFT23554	23/02/2017	BLACKWOODS	SIX WHITE BUSH FIRE HELMETS AND 6 STICKERS	349.85
EFT23555	23/02/2017	BUSSELTON-DUNSBOROUGH ENVIRONMENT CENTRE	30 X JOURNEY INTO THE LUDLOW TUART FOREST BOOKS	300.00

EFT23556	23/02/2017	BRANDICOOT	DEVELOPMENT & HOSTING OF WEBSITE BUNBURY GEOGRAPHE GROWTH PLAN	2735.96
EFT23557	23/02/2017	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	501.75
EFT23558	23/02/2017	COATES HIRE SERVICE	HIRE OF COMPACTOR	559.03
EFT23559	23/02/2017	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE JANUARY	1864.25
EFT23560	23/02/2017	CARBONE BROS PTY LTD	160 TONNE GRAVEL AND 20 TONNE OF SCREENED SAND	3425.78
EFT23561	23/02/2017	DELRON CLEANING	GENERAL CLEANING SHIRE OF CAPEL AS PER TENDER 14/03	11294.94
EFT23562	23/02/2017	DELL AUSTRALIA PTY LTD	KIT - DELL WIRELESS KEYBOARD AND MOUSE	83.60
EFT23563	23/02/2017	INSIGHT CCS PTY LTD	DECEMBER 2016 CALL CENTRE	327.47
EFT23564	23/02/2017	JETLINE KERBING CONTRACTORS	REPAIR PATH AND KERB REPAIR HARDY TERRACE PEPPY GROVE BEACH	4345.00
EFT23565	23/02/2017	LD TOTAL	REPAIR DAMAGED SOFTFALL UNDER SWING AT FERNDALE POS, VARIATION OF CONTRACT WORKS CAPEL CIVIC PRECINCT, CONTRACT WORKS EAST DALYELLUP SPORTS PAVILION, CONTRACT WORKS DALYELLUP MAINTENANCE	71306.62
EFT23566	23/02/2017	LAMPO MAINTENANCE	REPAIR OF RAILING AT DALYELLUP BEACH SOUTH REPAIR OF BOTTOM RAILING ON GAZEBO AT MCMILLAN DRIVE DALYELLUP	374.00
EFT23567	23/02/2017	LANDGATE	GRV INTERIM VALS COUNTRY SHARED AND FULL VALUE & LAND ENQUIRIES	2295.10
EFT23568	23/02/2017	LANCALL	TESTING OF ASBESTOS IN SOIL SAMPLES	160.60
EFT23569	23/02/2017	MALATESTA ROAD PAVING & HOT MIX	SPRAY AND SPREAD PRIMER SEAL FOR HILDUNA DRIVE AND CHERITON COURT	1703.13
EFT23570	23/02/2017	MJB INDUSTRIES	2X GRATED COVER	803.00
EFT23571	23/02/2017	PICTON TYRE CENTRE PTY LTD	REPAIR PUNCTURE - REAR TYRE (TRACTOR) JOHN DEERE P4912	230.00
EFT23572	23/02/2017	PJ & EV PAGE	MONTHLY FLOOR POLISHING BOYANUP HALL 16/17	70.00
EFT23573	23/02/2017	RE:MEMBER SOFTWARE PTY LTD	IPWEA ONLINE & EMAIL POSITION ADVERTISEMENT ENGINEERING TECHNICAL OFFICER	374.00
EFT23574	23/02/2017	SCS SAND & PLANT HIRE	MOBILISE SMOOTH DRUM ROLLER OFFSITE AND DELIVER TO SHIRE YARD WEDNESDAY 18/1/17	385.00

EFT23575	23/02/2017	SJ TRAFFIC MANAGMENT PTY LTD	TRAFFIC MANAGEMENT, VEHICLE & SIGNS 18.1.17 AND 17TH & 20TH JANUARY	6320.60
EFT23576	23/02/2017	THOMPSON SURVEYING CONSULTANTS	SURVEYOR WORKS FOR GRAVEL ROADS AND HARDSTAND MONDAY16/1/17	1357.40
EFT23577	23/02/2017	TOTALLY WORKWEAR	STAFF UNIFORMS	435.60
EFT23578	23/02/2017	TOTAL GREEN RECYCLING PTY LTD	PROCESSING AND TRANSPORT OF E-WASTE FROM CAPEL WASTE TRANSFER STATION FOR 16/17	1032.35
EFT23579	23/02/2017	WORK CLOBBER BUNBURY	STAFF PPE	606.24
EFT23580	23/02/2017	WESTRAC EQUIPMENT	SERVICE GRADER - CP1025 AND CP1804	3278.80
EFT23581	23/02/2017	WORKPAC GROUP	EMPLOYMENT HIRE	3690.95
				120919.04

OUTSTANDING CREDITORS AS AT 31 January 2017: \$359,330.38

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 22nd February 2017 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P.F. Sheedy.

CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 15.3

That Council authorises the Schedule of Accounts covering vouchers EFT23552 to EFT23581, a total of \$120,919.04 for payment.

15.4 Accounts Paid During the Month of January 2017

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	08.02.17
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month.

BACKGROUND / PROPOSAL**Background**

Accounts paid are required to be submitted each month.

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS**Budget**

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcomes:

1.4: Provide efficient and effective financial management to ensure long term financial viability of the organisation.

CONSULTATION

Relevant staff have been consulted and authorised the payments. Documents have been reviewed by Manager Finance, A Mattaboni.

COMMENT

Payments made during the month of January 2017 are as follows:

EFT23321	04/01/2017	BUNBURY MACHINERY	FILTERS FOR THE WATER TANK	192.50
EFT23322	04/01/2017	BUNBURY MOWER SERVICE	WHIP CORD, FUEL FILLER CAP AND OIL	175.50
EFT23323	04/01/2017	BUNBURY TYREPOWER	TYRE REPAIR ON CP9503	40.00
EFT23324	04/01/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	SOLID DOOR FOR BACK OF KITCHEN DALYELLUP SPORTS PAVILION, LAWN MAT CAPEL CEMETERY	298.25

EFT23325	04/01/2017	CENTRECARE CORPORATE	CENTRECARE CORPORATE - ANNUAL FEE AND ONGOING APPOINTMENTS/USAGE	748.00
EFT23326	04/01/2017	CAPEL CLEANING	WEEKEND CLEANING OF INFANT HEALTH/ PLAYGROUP BUILDING AND SHIRE OFFICES	157.50
EFT23327	04/01/2017	CARBONE BROS PTY LTD	1971.5 TONNE GRAVEL	34698.40
EFT23328	04/01/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	962.68
EFT23329	04/01/2017	TJ DEPIAZZI & SONS	15 CUBIC METRES WOODLAND BROWN MULCH DALYELLUP PARKS AND GARDENS	1031.75
EFT23330	04/01/2017	DELRON CLEANING	CLEANING - SHIRE OFFICES, ALL SHIRE BUILDINGS AND BBQ'S AT PEPPERMINT GROVE BEACH COMMUNITY CENTRE	11394.53
EFT23331	04/01/2017	DATA #3	GFI ARCHIVER 1 YEAR RENEWAL	383.98
EFT23332	04/01/2017	DIRT DESIGN	EARTHWORKS TO FIX RAIN WATER POOLING AT BOYANUP MEMORIAL PARK PLAYING FIELDS, AND SUPPLY AND INSTALL PLANTS IN CAPS GARDENS DALYELLUP	4526.50
EFT23333	04/01/2017	EARTH 2 OCEAN COMMUNICATIONS	BATTERY AND IN CAR CHARGER CONNECTION FOR WAERN HAND HELD RADIO	196.88
EFT23334	04/01/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPLACEMENT OF TOILET BOWL AT WAVE WALK TOILETS	562.10
EFT23335	04/01/2017	FLEXI STAFF	EMPLOYMENT HIRE	2876.37
EFT23336	04/01/2017	GOLDEN WEST PEST & WEED CONTROL	TREAT STUMP AT GELORUP COMMUNITY CENTRE FOR TERMITES	77.00
EFT23337	04/01/2017	GHD PTY LTD	GROUNDWATER MONITORING & LIAISON WITH DER RE REQUIREMENTS FOR FURTHER MONITORING	1416.80
EFT23338	04/01/2017	HARRADINE & ASSOCIATES	PET DESEXING SUBSIDY	50.00
EFT23339	04/01/2017	HARVEY FARM SERVICE	DEFLECTOR FOR P0095, SERVICE P4912 AND REPLACE AND FIT TOOLBOX, BLADES, BOLTS AND WASHERS FOR P0094 AND P0095, AIR CON SERVICE AND 6 BLADES FOR P4912	2794.88
EFT23340	04/01/2017	INSIGHT CCS PTY LTD	CALL CENTRE CHARGE NOV 16	328.19
EFT23341	04/01/2017	SOUTH WEST ISUZU	SERVICE AND SEAL GONE IN REAR AXLE - CP9574	2624.60

EFT23342	04/01/2017	LESLEY JACKES	RATES REFUND	1100.00
EFT23343	04/01/2017	MALATESTA ROAD PAVING & HOT MIX	300 LITRES OF EMULSION AND 1 TONNE HOTMIX	656.00
EFT23344	04/01/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 27.12.16	46207.00
EFT23345	04/01/2017	SJ ROADWORKS	TRAFFIC MANAGEMENT FOR DRAINAGE WORKS IN DALYELLUP CARPARK, MOBILISATION OF STEEL DRUM ROLLER FROM NORMAN RD TO HILDUNA DRIVE AND TRAFFIC MANAGEMENT FOR DALYELLUP CARPARK DAY SITE CHECKS	1396.45
EFT23346	04/01/2017	SOUTH WEST TREE SAFE	EMERGENCY TO REMOVE TREES LEANING OVER ROAD ON PENN ST	880.00
EFT23347	04/01/2017	STEWART & HEATON CLOTHING CO PTY LTD	3X FIRE-FIGHTER JACKETS SIZE 92	507.80
EFT23348	04/01/2017	SOUTHERN LOCK & SECURITY	SUPPLY OF MORTISE LOCK KEY TO DALYELLUP SPORTS PAVILION	445.20
EFT23349	04/01/2017	SELECTUS	PAYROLL DEDUCTIONS	664.40
EFT23350	04/01/2017	TOTALLY WORKWEAR	16/17 UNIFORM ALLOWANCES	621.50
EFT23351	04/01/2017	TARVIA	CARRY OUT MAINTENANCE AND OILING OF JAMIESON RD FOOTBRIDGE AND CARRY OUT REPAIRS TO HANDRAIL	5920.20
EFT23352	04/01/2017	TRUCK & MACHINE	REPAIR REVERSING CAMERA ELGIN L/T FIRE APPLIANCE CP246	566.95
EFT23353	04/01/2017	WORK CLOBBER BUNBURY	PPE CLOTHING	309.55
EFT23354	04/01/2017	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 89 - CAPEL CIVIC PRECINCT STAGE 1 & 2	72089.62
EFT23355	04/01/2017	WYE ELECTRICAL PTY LTD	CARRY OUT UPGRADES TO POWER BOARDS AT BOYANUP COMMUNITY CENTRE AND DALYELLUP COMMUNITY CENTRE	3461.15
EFT23356	04/01/2017	WORKPAC GROUP	EMPLOYMENT HIRE	4977.91
EFT23357	04/01/2017	FUJI XEROX AUSTRALIA PTY LTD	ANNUAL PHOTOCOPIER RENTAL AND SERVICE AGREEMENT FOR SHIRE AND LIBRARY COPIERS	1369.61
EFT23358	04/01/2017	WESTNET PTY LTD	SHIRE OF CAPEL ADMINISTRATION INTERNET - 12 MONTHS	369.78
EFT23359	05/01/2017	AMITY SIGNS	ROAD BLADES - GAVINS ROAD	185.90
EFT23360	05/01/2017	AUSTRALIA POST	POSTAGE AND FREIGHT	1891.40
EFT23361	05/01/2017	AUSMIC PEST CONTROL	TREAT 2 TERMITE NESTS IN VERGE TREES AT	330.00

			DALYELLUP	
EFT23362	05/01/2017	ARBORGUY	TREE PRUNING	3025.00
EFT23363	05/01/2017	SANDRO AGRIZZI FARM MACHINERY PTY LTD	REPAIR SKID ON SLASHER	119.00
EFT23364		-EFT23383	PAYMENT ALREADY APPROVED BY COUNCIL, PLEASE REFER TO AGENDA ON 25.01.2017	0.00
EFT23384	09/01/2017	FUJI XEROX AUSTRALIA PTY LTD	16/17 LEASE OF PHOTOCOPIER PER MONTH- CAPEL LIBRARY	132.00
EFT23385	11/01/2017	AUSTRALIA POST	POSTAGE AND FREIGHT	3260.15
EFT23386	11/01/2017	ASTRAL SIGNS	REPLACEMENT AND INSTALLATION OF SIGNAGE LETTERING AT DALYELLUP SPORTS PAVILION, ENTRY SIGN FOR COUNCIL CHAMBERS DOOR AND SIGNS FOR NAPPY BINS	1149.50
EFT23387	11/01/2017	AMPAC DEBT RECOVERY	DEBT RECOVERY	66.00
EFT23388	11/01/2017	SANDRO AGRIZZI FARM MACHINERY PTY LTD	CHANGE BLADES ON SLASHER P9914	685.50
EFT23389	11/01/2017	BOYANUP HALL ADVISORY COMMITTEE	DONATION FOR CARETAKING OF BOYANUP HALL	219.25
EFT23390	11/01/2017	BOYANUP LIONS CLUB	DONATION AUSTRALIA DAY BREAKFAST HELD AT FETTLERS PARK	250.00
EFT23391	11/01/2017	BUNBURY MOWER SERVICE	SPARE BRUSHCUTTER PARTS, REPAIR BROKEN PULL CORD AND SPRING AND MOWER PARTS	304.00
EFT23392	11/01/2017	BLACKWOODS	FIREFIGHTING BOOTS	266.65
EFT23393	11/01/2017	BUSSELTON JETTY ENVIRONMENT & CONSERVATION ASSOC	PEDAL BOAT, KAYAK AND STAND UP PADDLE BOARD HIRE FOR JANUARY INZONE	1185.00
EFT23394	11/01/2017	BENDIGO BANK BUSINESS CREDIT CARD	CREDIT CARD TRANSACTIONS FOR DECEMBER: 4.12.16 - OFFICEWORKS - \$29.85 - DESK CALENDAR REFILLS 6.12.16 - WOOLWORTHS - \$6689.99 - STAFF GIFT CARDS 13.12.16 - ESPLANADE FREMANTLE - -\$34.40 - REIMBURSEMENT FOR ERROR ON NOVEMBER CHARGE 15.12.16 - SURVEY MONKEY - \$300 - ANNUAL SURVEY SUBSCRIPTION 16.12.16 - NET REGISTRY - \$26.90 - REGISTRATION OF BUNBURY GEOGRAPHE.COM	7265.67

			DOMAIN 16.12.16 - NET REGISTRY - \$19.90 - REGISTRATION OF BGEA.COM.AU DOMAIN 16.12.16 - NET REGISTRY - \$29.89 - REGISTRATION OF BGEA.COM DOMAIN 22.12.16 - PORT GEOGRAPHE - \$183.80 - HR TEAM REWARD AND RECOGNITION 30.12.16 - \$8.00 CARD FEE 31.12.16 - \$11.74 - INTEREST	
EFT23395	11/01/2017	BERICHON ENGINEERING SERVICES PTY LTD	SLASHING OF LONG GRASS SURROUNDING BOUNDARY FENCE, AND AROUND WATER TANK AND PUMP BOX AT LOVELL PARK, STRATHAM	462.00
EFT23396	11/01/2017	COFFEY ENVIRONMENTS	PHASE I RADIATION SURVEY, CAPEL REC GROUND	4863.54
EFT23397	11/01/2017	CITY OF BUNBURY SURF LIFESAVING CLUB	KIDSPORT REGISTRATIONS	160.00
EFT23398	11/01/2017	CAPEL NEWSAGENCY	ACCOUNT 100 - CAPEL LIBRARY NEWSPAPERS, ACCOUNT 289 SHIRE STATIONERY AND ACCOUNT 23 SHIRE NEWSPAPERS	115.42
EFT23399	11/01/2017	GELORUP COMMUNITY CENTRE MANAGEMENT COMMITTEE	MANAGEMENT FEES	107.25
EFT23400	11/01/2017	FENNESSY'S	46000KM SERVICE OF 44 CP	625.12
EFT23401	11/01/2017	FLEXI STAFF	EMPLOYMENT HIRE	1657.57
EFT23402	11/01/2017	FAT BIRDIE CAFE	CATERING FOR SWEMA MEETING 15/11/16.	30.00
EFT23403	11/01/2017	REBECCA FARDELLA	REIMBURSEMENT	226.50
EFT23404	11/01/2017	FOREST ADVENTURES SOUTH WEST PTY LTD	18 YOUTH FOR HIGH ROPES COURSES FOR JANUARY INZONE	671.00
EFT23405	11/01/2017	ST JOHN AMBULANCE WA	SERVICING OF FIRST AID KITS FROM FIRE TRUCKS - 10 KITS TO BE SERVICED	359.52
EFT23406	11/01/2017	RAYCHEL HALLION	SPORTS PARTICIPATION APPLICANT	200.00
EFT23407	11/01/2017	JENAE HOULAHAN	REFUND FOR INZONE ACTIVITY CANCELLATION	40.00
EFT23408	11/01/2017	A INGRAM	BOOKSTOCK PURCHASES REIMBURSEMENT-21 ITEMS	267.38
EFT23409	11/01/2017	LD TOTAL	PROVIDE LANDSCAPING FOR EAST DALYELLUP SPORTS PAVILION	1936.55

EFT23410	11/01/2017	LAMPO MAINTENANCE	MEASURE AND QUOTE FOR REPLACEMENT OF DOOR BOYANUP BOWLING CLUB	90.75
EFT23411	11/01/2017	LANDGATE	SUPPLY IMAGERY FOR THE 0.2M AERIAL IMAGERY CAPTURED FEBRUARY 2016	268.40
EFT23412	11/01/2017	MALATESTA ROAD PAVING & HOT MIX	600 LITRES EMULSION - SHIRE PICK-UP	912.00
EFT23413	11/01/2017	MD SHAHIN MAHMUD	CROSSOVER CONTRIBUTION	300.00
EFT23414	11/01/2017	PERFORMANCE WITH PEOPLE PTY LTD	12 MONTH LEADERSHIP COURSE	1086.25
EFT23415	11/01/2017	PROFESSIONAL CABLING	INSTALL ONLY 1 X 5M TELSTRA FIBRE OPTIC EAST DALYELLUP MAIN PAVILION BUILDING	231.00
EFT23416	11/01/2017	SJ ROADWORKS	TRAFFIC MANAGEMENT FOR CAIN ROAD 8/12 AND FOWLER RD 12/12/16	2522.85
EFT23417	11/01/2017	RENT A FENCE PTY LTD	MONTHLY ONGOING RENTAL OF FENCING FOR PATH REMEDIAL WORKS	144.38
EFT23418	11/01/2017	SOUTH WEST TREE SAFE	REMOVE LARGE RED GUMS ON BUCHANAN ROAD, GRAY ROAD AND WELD ROAD, REMOVE WATTLE TREE IN PAYNE ST BOYANUP AND DEAL WITH WESTERN POWER CLEARANCE ISSUES ON BROCKMAN STREET, EAST ROAD AND WILLIAM STREET	7150.00
EFT23419	11/01/2017	SOS OFFICE EQUIPMENT	PHOTOCOPIER METERBILLING FOR SHIRE AND LIBRARY MACHINES	1865.15
EFT23420	11/01/2017	STAR CONSULTING	CONSULTING FOR STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN	1452.00
EFT23421	11/01/2017	THINKWATER BUNBURY	NEW 50MM VALE AND CONNECTORS FOR BOYANUP MEMORIAL PARK AND MISCELLANEOUS RETIC PARTS FOR CAPEL PARKS AND GARDENS	337.20
EFT23422	11/01/2017	VILLAGE CARPET CARE	CLEAN CARPETS THROUGHOUT CAPEL SHIRE OFFICES AND DALYELLUP LIBRARY AND COMMUNITY CENTRE	4154.70
EFT23423	11/01/2017	WESTERN AUSTRALIAN TREASURY CORPORATION	GOVERNMENT GUARANTEE FEE INVOICE	26885.19
EFT23424	11/01/2017	WORKPAC GROUP	EMPLOYMENT HIRE	3302.42
EFT23425	11/01/2017	FLEXI STAFF	EMPLOYMENT HIRE	1438.18

EFT23426	11/01/2017	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM GROUNDS AND BOYANUP HALL GROUNDS	255.00
EFT23427	11/01/2017	SOUTH WEST TREE SAFE	REMOVAL OF RED GUM ON GOODWOOD ROAD	1760.00
EFT23428	11/01/2017	SPRAYMOW SERVICES	HERBICIDE APPLICATION 2016-2017 - AS PER QUOTE ATTACHED	30696.60
EFT23429	18/01/2017	OFFSHORE MOORINGS WA	INSTALL AND UPDATE MOORING SHACKLE LINE AT PEPPERMINT GROVE BEACH	2406.80
EFT23430	18/01/2017	AMITY SIGNS	VARIOUS STREET SIGNS	768.90
EFT23431	18/01/2017	ADVENTURE WORLD	BALANCE FOR 46 YOUTH TO ATTEND JANUARY INZONE	759.00
EFT23432	18/01/2017	ALL WEST BUILDING APPROVALS PTY LTD	PROFESSIONAL FEES FOR ISSUING CERTIFICATE OF CONSTRUCTION COMPLIANCE FOR EAST DALYELLUP SPORTS PAVILION	1650.00
EFT23433	18/01/2017	SOUTHWEST TYRE SERVICE	TYRES TO BE FITTED TO CP5186	1426.00
EFT23434	18/01/2017	BUNBURY MACHINERY	SAW BLADE P3001	385.00
EFT23435	18/01/2017	BELL FIRE EQUIPMENT COMPANY	B LEVEL" SERVICES AND REPAIRS FOR BOYANUP, ELGIN AND GELORUP FIRE TRUCKS	6655.00
EFT23436	18/01/2017	BUNBURY TYREPOWER	FIX TYRE 40CP	40.00
EFT23437	18/01/2017	BOYANUP FOUNDATION INC	2016/17 MINOR COMMUNITY GRANT FUNDING FOR SIGNAGE PROJECT	797.50
EFT23438	18/01/2017	BUNBURY AUTO ELECTRICS	REPAIRS TO TRAILER AND ROLLER P0084	532.55
EFT23439	18/01/2017	BOC LIMITED	12 KG DRY ICE	19.14
EFT23440	18/01/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	3 SINK PLUGS FOR BOYANUP COMMUNITY CENTRE	28.77
EFT23441	18/01/2017	BUNBURY CITY GLASS	REPAIR DAMAGED GLASS IN NORTH DOOR CAPEL SHIRE OFFICES	328.94
EFT23442	18/01/2017	BUNBURY HORSE & PONY CLUB	MINOR COMMUNITY GRANT FUNDING 2016/17 FOR PROJECT: SAFETY OF VOLUNTEERS & MEMBERS PROJECT	1360.34
EFT23443	18/01/2017	BUNBURY BMX CLUB INC	KIDSPORT REGISTRATION	197.97
EFT23444	18/01/2017	BELLE DONI	SPOT PRIZES FOR VOLUNTEERS BREAKFAST 2016	56.00
EFT23445	18/01/2017	BLUE'S TOWING	TOW CAR FROM CALTEX GELORUP TO DEPOT	88.00
EFT23446	18/01/2017	BP AUSTRALIA	DISTILLATE TO 20 DEC	9988.37
EFT23447	18/01/2017	STAPLES AUSTRALIA PTY LTD	VARIOUS STATIONERY	1766.48

EFT23448	18/01/2017	CAPEL TRANSPORT	TRANSPORT PEDESTRIAN GRAB RAILS FROM MALAGA TO DEPOT	57.48
EFT23449	18/01/2017	CAREERSPOT PTY LTD	CAREER SPOT 10 AD PACK	1672.00
EFT23450	18/01/2017	CARBONE BROS PTY LTD	313.24 TONNE OF GRAVEL	5513.03
EFT23451	18/01/2017	DIRT DESIGN	MOW AND COLLECT CLIPPINGS AT LEWANA POS.	2046.00
EFT23452	18/01/2017	ELGIN COMMUNITY HALL INC	VOLUNTEER THANK YOU BREAKFAST 5/12/16 – INCORRECT A/C DETAILS GIVEN PAID AGAIN ON EFT23520	2000.00
EFT23453	18/01/2017	ERG ELECTRICS PTY LTD	MAINTENANCE OF DALYELLUP BEACH ESTATE STREET LIGHTS OCT - DEC	8820.90
EFT23454	18/01/2017	EDGE TOURISM AND MARKETING	BUNBURY GEOGRAPHE GROWTH PLAN - PROJECT TECHNICAL OFFICER CONTRACT 5 DEC 2016 TO 30 JUNE 2017	6715.00
EFT23455	18/01/2017	GOLDEN WEST PLUMBING & DRAINAGE	CONDUCT BACK FLOW TESTING OF CHARLOTTE STREET BOYANUP STANDPIPE AND REPORT TO WATER CORPORATION	280.50
EFT23456	18/01/2017	FENNESSY'S	30,000KM SERVICE FOR CPO	229.56
EFT23457	18/01/2017	FLEXI STAFF	EMPLOYMENT HIRE	926.29
EFT23458	18/01/2017	GRANTS EMPIRE	UPDATE OF BUSINESS CASE CAPEL CIVIC PRECINCT STAGE 4 FOR BUILDING BETTER REGIONS FUND APPLICATION	198.00
EFT23459	18/01/2017	MARK GRAY	SPORTS PARTICIPATION APPLICANT	300.00
EFT23460	18/01/2017	HOUGH EARTHMOVING PTY LTD	HIRE POSI TRACK AND TRUCK FOR CONSTRUCTION OF FIREBREAK AT TUART DRIVE	330.00
EFT23461	18/01/2017	INVESTING IN OUR YOUTH INC.	PAYMENT FOR CHILD & PARENT CENTRE ACTIVITIES IN DALYELLUP (FUNDED BY COUNTRY LOCAL GOVERNMENT FUND COMMUNITY DEVELOPMENT GRANTS)	19360.00
EFT23462	18/01/2017	JETLINE KERBING CONTRACTORS	REPAIR TO PRAM RAMP ON TIFFANY IN DALYELLUP AND REPAIR PATH ON ASHBERG OUTSIDE NO. 17 IN DALYELLUP	5060.00
EFT23463	18/01/2017	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	RECYCLING CHANGE OVER FROM WARREN BLACKWOOD WASTE TO	5173.81

			SUEZ	
EFT23464	18/01/2017	LD TOTAL	DALYELLUP POS MAINTENANCE, EXTRA MAINTENANCE WORKS FOR SPRINKLERS AND RETIC STATIONS VARIOUS POS, REPLACE FAULTY DECODER AND SOLENOID AND CONTRACT WORKS AT CAPEL CIVIC PRECINCT	75269.65
EFT23465	18/01/2017	LANDGATE	GRV INT VALS COUNTRY SHARED AND FULL VALUE AND EXTRACTION & PROVISION CAPEL TOWNSITE AERIALS	932.55
EFT23466	18/01/2017	LIBRARY TRAINING SERVICES AUSTRALIA	LIBRARY OFFICER SCHOLARSHIP (18 MONTH COURSE)	500.00
EFT23467	18/01/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	PROFESSIONAL MEMBERSHIP LGMS	384.75
EFT23468	18/01/2017	MALATESTA ROAD PAVING & HOT MIX	800 TONNE HOTMIX AND 200 LITRES EMULSION	1408.00
EFT23469	18/01/2017	MINING & PASTORAL COMMUNICATION SERVICES	REPLACEMENT AERIAL FOR THE LOADER + 3 SPARES	301.69
EFT23470	18/01/2017	MUIR'S MANJIMUP	60,000 KM SERVICE - 43CP, RHR TAIL LAMP FOR 45CP AND 15000 SERVICE FOR 80CP	943.97
EFT23471	18/01/2017	MARIST JUNIOR HOCKEY CLUB	KIDSPORT REGISTRATION	145.00
EFT23472	18/01/2017	MARKETFORCE	ADVERTISE SALE OF ABANDONED VEHICLES BY OFFER, LOCAL PLANNING POLICY 6.28 AND ADVERTISE EMERGENCY EXERCISE	869.91
EFT23473	18/01/2017	ROBERT MCKEIG	SPORTS PARTICIPATION APPLICANT	300.00
EFT23474	18/01/2017	MARAS CONSTRUCTIONS	DIGGER AND BOBCAT HIRE FOR 13, 14, 15 DECEMBER, DIGGER HIRE AND DRAINAGE WORKS 20 AND 21 DECEMBER AND DIGGER HIRE 5 JANUARY	6160.00
EFT23475	18/01/2017	PICTON TYRE CENTRE PTY LTD	REPLACE TYRE ON GELORUP 2.4 DEEMED UNSUITABLE FOR REPAIR	504.00
EFT23476	18/01/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 10.1.17 AND 11.1.17	47313.00

EFT23477	18/01/2017	SJ ROADWORKS	TRAFFIC MANAGEMENT FOR CARPARK NORTON PROM, TWO DAYS ROLLER HIRE KING RD & SUPPLY OF WATER CART BROOKDALE RD	3487.00
EFT23478	18/01/2017	RTW STEEL FABRICATION	SUPPLY OF 4X RHS SLEEVES SUPPLY OF 4X CHS SLEEVES FOR SW HIGHWAY CROSSING AND BEND PIPE TO MAKE RAIL AT WTS	676.50
EFT23479	18/01/2017	RETHINK MARKETING	FIGHT THE BITE EDUCATIONAL PROGRAM - SOCIAL MEDIA CAMPAIGN	962.00
EFT23480	18/01/2017	SUNNY SIGN COMPANY	YELLOW PEDESTRIAN GRAB RAILS WITH REFLECTIVE TAPE	541.20
EFT23481	18/01/2017	D & K THOMAS ELECTRICAL	FIT REDUCED AMP BREAKER TO MAIN POWER BOARD AT ELGIN HALL	423.74
EFT23482	18/01/2017	THINKWATER BUNBURY	MISC RETIC PARTS FOR BREAK IN MAIN LINE AND CHANGE OUT STATION 9 BOYANUP MEMORIAL PARK AND REPLACEMENT SPRINKLERS CAPEL REC GROUND	1571.15
EFT23483	18/01/2017	IT VISION	REPAIRS TO MAPPING	242.00
EFT23484	18/01/2017	WORK CLOBBER BUNBURY	PPE CLOTHING	124.88
EFT23485	18/01/2017	WESTRAC EQUIPMENT	SETS OF GRADER BLADES - 7D-1158 FOR CP1804	4816.90
EFT23486	18/01/2017	WESTSIDE EQUIPMENT	INSTALL DRAINAGE CROSSOVER 12/12 AND DIGGER HIRE FOR DRAIN CLEAN OUT FOWLER RD 13/12/16	1980.00
EFT23487	18/01/2017	WORKPAC GROUP	EMPLOYMENT HIRE	2039.73
EFT23488	23/01/2017	CALTEX AUSTRALIA	CALTEX FUEL CARD DEC 2016	3524.98
EFT23489	25/01/2017	AMITY SIGNS	CORFLUTE SIGNS AND REFLECTIVE STREET BLADE	234.30
EFT23490	25/01/2017	AMPAC DEBT RECOVERY	LEGAL COSTS GPC'S 16/17	18494.64
EFT23491	25/01/2017	BUNBURY RETRAVISION	SUPPLY WESTINGHOUSE FRIDGE EAST DALYELLUP PS	898.00
EFT23492	25/01/2017	BUNBURY PLUMBING SERVICES BPS	PUMP OUT GREASE TRAP CAPEL HALL X 2	462.65
EFT23493	25/01/2017	BLACKWOODS	1 PAIR BOOTS BFB	201.34
EFT23494	25/01/2017	BUSSELTON PEST & WEED CONTROL	BRIDGE TERMITE INSPECTIONS	2673.00
EFT23495	25/01/2017	BUNBURY BASKETBALL ASSOCIATION	KIDSPORT REGISTRATIONS	2679.00

EFT23496	25/01/2017	CENTRECARE CORPORATE	CENTRECARE CORPORATE - ANNUAL FEE AND ONGOING APPOINTMENTS/USAGE	748.00
EFT23497	25/01/2017	DELRON CLEANING	CLEAN CARPETS IN CAPEL LIBRARY AND HALL MEETING ROOM (ZIRCON ROOM)	1476.20
EFT23498	25/01/2017	DIRT DESIGN	CLEARING OF VEGETATION THAT IS BLOCKING SECTIONS OF ROAD AND CARPARK AND EARTHWORKS AROUND PEPPI GROVE BEACH BASKETBALL COURTS	3773.00
EFT23499	25/01/2017	EASIFLEET MANAGEMENT	NOVATED LEASE	753.86
EFT23500	25/01/2017	ALISON EVANS	REIMBURSEMENT FOR GROCERIES FOR AFTERNOON TEA - CITIZENSHIP CEREMONY 23 JAN 2017	149.08
EFT23501	25/01/2017	FLEXI STAFF	EMPLOYMENT HIRE	1633.19
EFT23502	25/01/2017	FLAUNT IT PERSONAL STYLIST	COLOUR ANALYSIS & MAKE-UP TUITION FOR JANUARY INZONE	340.00
EFT23503	25/01/2017	GEOGRAPHE CIVIL	ELGIN ROAD RECONSTRUCTION PART PAYMENT	150000.00
EFT23504	25/01/2017	HARVEY FARM SERVICE	BLADES BOLTS AND WASHERS FOR TERRAIN CUT JOHN DEERE	839.28
EFT23505	25/01/2017	JETLINE KERBING CONTRACTORS	SUPPLY AND INSTALL KERBING, CONCRETE PATH AND TMP, SANDUNE DRIVE, PEPPERMINT GROVE BEACH	17633.00
EFT23506	25/01/2017	LD TOTAL	REPAIR COLLAPSED DRAIN GRATE AT WENTWORTH PARK	914.76
EFT23507	25/01/2017	LANDGATE	RURAL UV INTERIM VALS SHARED	79.90
EFT23508	25/01/2017	LUSH FIRE AND PLANNING	BUSHFIRE HAZARD LEVEL ASSESSMENT	4950.00
EFT23509	25/01/2017	VODAFONE HUTCHISON AUSTRALIA PTY LTD	DECEMBER VODAFONE MESSAGING FOR BFB	302.54
EFT23510	25/01/2017	OFFICE LINE	SUPPLY AND DELIVER 30 INNOVA CLASSIC OVAL BACK CHAIRS AND TRESTLE TABLE FOR EAST DAL SP	4466.00
EFT23511	25/01/2017	PERTH MANAGEMENT SERVICES	UNIT 5 DALYELLUP SHOPPING CENTRE RENT	1552.77
EFT23512	25/01/2017	MICHELLE PLUME	PURCHASE OF ART WORK AS FAREWELL GIFT - REIMBURSEMENT	100.00

EFT23513	25/01/2017	SOUTH WEST TREE SAFE	REMOVE 4 DEAD GUMS INCLUDES TRAFFIC CONTROL LOWRIE RD, REMOVE 1 DEAD PEPPI TREE INCLUDES TRAFFIC CONTROL HURST ROAD, PRUNED ALL TREES BACK FROM BEHIND SHOULDER FORREST BEACH ROAD, REMOVED HANGING BRANCH STIRLING ROAD AND HASTIE ROAD	7370.00
EFT23514	25/01/2017	D & K THOMAS ELECTRICAL	CARRY OUT URGENT UPGRADE OF POWER BOARD AT BOYANUP BOWLING CLUB TO MEET CURRENT COMPLIANCE REQUIREMENTS AND INSTALL ELECTRICAL SUPPLY FOR NEW BBQ AT PEPPI GROVE BEACH COMMUNITY CENTRE	8935.30
EFT23515	25/01/2017	TOTALLY WORKWEAR	2016/2017 UNIFORM ALLOWANCE	198.00
EFT23516	25/01/2017	TRAFFIC FORCE	PROVIDED TRAFFIC MANAGEMENT PLAN FOR YEARDY ROAD BRIDGE AND SUPPLY SIGNS AND DEVICES ON THE 31.01.17	574.20
EFT23517	25/01/2017	THINKWATER BUNBURY	MISC RETIC PARTS FOR ERLE SCOTT TOWN PARK	868.95
EFT23518	25/01/2017	WINTERACTIVE FIRE AND EMERGENCY MANAGEMENT	DEVELOP AND LEAD AN EMERGENCY EXERCISE FOR THE SHIRE	6000.00
EFT23519	25/01/2017	WIZARD PROPERTY	REMOVE BRANCHES AND WHIPPER SNIP 5 METRE LOW FUEL ZONE ON SHIRE RESERVE EAST/WELD ROAD CAPEL	600.00
EFT23520	25/01/2017	ELGIN COMMUNITY HALL INC	VOLUNTEER THANK YOU BREAKFAST 5/12/16 –RE-PAYMENT AFTER FUNDS RETURNED 20/1/17	2000.00
EFT23521	31/01/2017	FUJI XEROX AUSTRALIA PTY LTD	BENDIGO	1369.61
48359	04/01/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	52.70
48360	04/01/2017	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	132.00
48361	04/01/2017	COURIER AUSTRALIA INTERNATIONAL	BFB PROTECTIVE CLOTHING	21.71
48362	04/01/2017	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3132.00
48363	04/01/2017	CHARLOTTE COOLE	CROSSOVER CONTRIBUTION	300.00
48364	04/01/2017	LGRCEU	PAYROLL DEDUCTIONS	205.00

48365	04/01/2017	MR M D SHAHIN MAHMUD AND MRS ESRAT ALL SHAHIN	CROSSOVER CONTRIBUTION	300.00
48366	04/01/2017	SYNERGY	ELECTRICITY	375.75
48367	11/01/2017	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS ANALYTICAL	10.30
48368	11/01/2017	SHIRE OF CAPEL	NEWSPAPERS DALYELLUP LIBRARY	26.15
48369	11/01/2017	SYNERGY	ELECTRICITY	5684.35
48370	11/01/2017	TELSTRA CORPORATION LTD	MOBILE RENT AND CALLS	4677.50
48371	18/01/2017	BOYANUP BUSHFIRE BRIGADE	DONATION OF HAZARD REDUCTION BURN INCOME	500.00
48372	18/01/2017	GELORUP BUSHFIRE BRIGADE	DONATION OF HAZARD REDUCTION BURN INCOME	272.73
48373	18/01/2017	CITY OF BUNBURY	THE CHALLENGE OF THE GIFT SEMINAR	586.00
48374	18/01/2017	CAPEL BUSHFIRE BRIGADE	DONATION OF HAZARD REDUCTION BURN INCOME	363.64
48375	18/01/2017	SHIRE OF CAPEL	SHIRE PETTY CASH	384.20
48376	18/01/2017	CM & DJ FORREST	LEASE RENTAL FOR FORREST BEACH LOTS	1.10
48377	18/01/2017	SYNERGY	ELECTRICITY	382.00
48378	18/01/2017	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	SERVICING OF 10 X FIRE TRUCK FIRST AID KITS	359.52
48379	18/01/2017	DEPARTMENT OF TRANSPORT	PEPPERMINT GROVE BEACH JETTY LICENCE	39.10
48380	25/01/2017	COURIER AUSTRALIA INTERNATIONAL	FREIGHT FOR BFB CLOTHING AND ACCESSORIES - INVOICE SIN-2697920	11.41
48381	25/01/2017	SHIRE OF CAPEL	CAPEL LIBRARY PETTY CASH	88.60
48382	25/01/2017	DR FOSTER AND ASSOCIATES	EMPLOYEE MEDICAL	75.05
48383	25/01/2017	MG SETTLEMENTS	RATES REFUND	511.24
48384	25/01/2017	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	ORDER SPECIAL SERIES PLATES - 2204CP	200.00
48385	25/01/2017	SYNERGY	ELECTRICITY	1913.20
48386	25/01/2017	TELSTRA CORPORATION LTD	MOBILE RENT AND CALLS	2577.24
741	11/01/2017	BUILDING & CONSTRUCTION IND TRAINING FUND	DEC 16 BCITF LEVY COLLECTED	13978.66
742	11/01/2017	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	DEC 16 BSL LEVY COLLECTED	6566.07
743	11/01/2017	SHIRE OF CAPEL	DEC 16 BSL COMMISSION COLLECTED	390.75
744	11/01/2017	CAPEL COMMUNITY PROMOTIONS	HALL BOND REFUND	150.00

745	11/01/2017	HARLEY DYKSTRA	REFUND OF DEMOLITION BOND LOT 251 DREYS PLACE (BENSON CONTRACTING) PERMIT 14673	500.00
746	11/01/2017	JOAN JENKINS	REFUND BOND GELORUP COMM CENTRE HALL HIRE	150.00
747	25/01/2017	BERNADETTE KHAN	T2223 - BOND REFUND	500.00
748	25/01/2017	ALAN POTTER	T2218 - HALL HIRE BOND REFUND PGBCC 14/1/17	500.00
749	31/01/2017	SHIRE OF CAPEL	DAMAGE CLEANING BOND RETAINED	
750	31/01/2017	NATALYA DESAI	BOND REFUND	
				857,733.12

10.01.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$156,021.27
11.01.17	SHIRE OF CAPEL PAYROLL PAYMENTS	102.30
24.01.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$169,013.89

\$325,137.46

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 22 February 2017 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P.F. Heedy.

CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 15.4

That Council receives:

- 1 The Schedule of Accounts covering vouchers 741-750, EFT23321 to EFT23521, CHQ48359 to CHQ48386 totalling \$857,733.12 during the month of January 2017;
- 2 Payroll payments for the month of January 2017, totalling \$325,137.46; and
- 3 Transfers to and from investments as listed.

15.5 Financial Statements for 31 January 2017

Location:	Capel
Applicant:	Shire of Capel
File Reference:	
Disclosure of Interest:	Nil
Date:	08.02.17
Author:	Manager Finance, A Mattaboni
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Financial Statements for January 2017

MATTER FOR CONSIDERATION

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

BACKGROUND / PROPOSAL**Background**

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

Proposal

The financial statements provided to Council satisfy the requirements.

STATUTORY ENVIRONMENT

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

6.4 Financial Report

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

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

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

Financial Activity Statement Report

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2031

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

Strategic Outcomes:

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

CONSULTATION

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

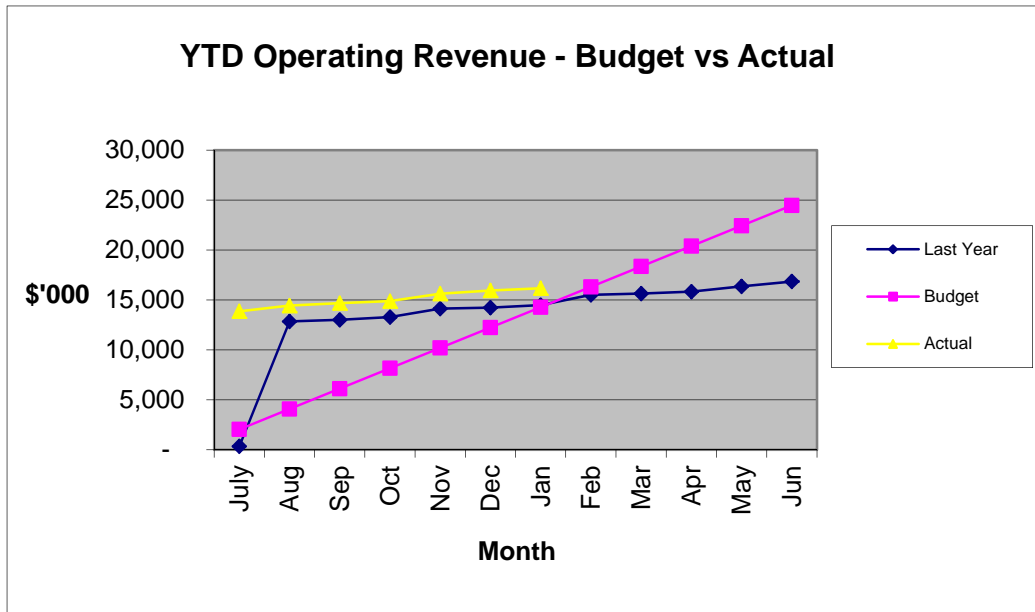
COMMENT

At 31 January 2017, Council's net current assets position was a surplus of \$7,744,066. The forecast year end net current asset position is a surplus of \$4,854. This amount is discussed in detail in the Mid-Year Budget Review agenda item. The forecast net current asset position for year end 2016/17 will change with the updating of forecast accounts during the financial year.

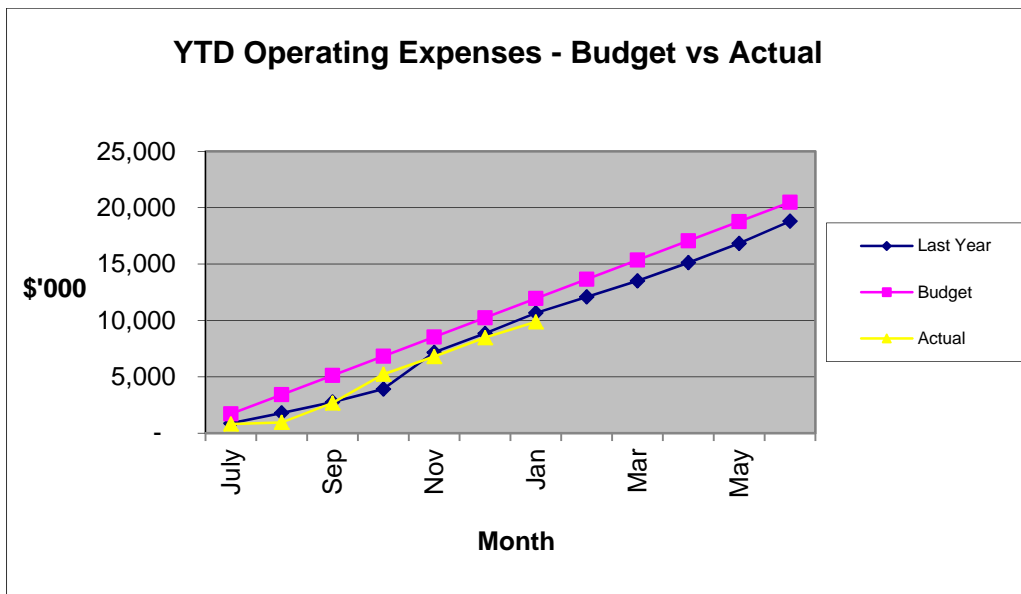
Compared to the annual budget approximately 91% of Operating Revenue has been invoiced and 48% of the Operating Expenditure budget has been spent. The monthly budget of income and expenditure has been adjusted to reflect the expected timing of actual income and expenditure throughout the financial year.

A comparison of employee costs shows that 59% of the annual budget has been spent. Employee costs include; salaries, wages, allowances, superannuation, employment expenses, workers compensation insurance, training costs, conferences, safety expenses, medical examinations and fringe benefits tax. Leave liability expenses have been calculated.

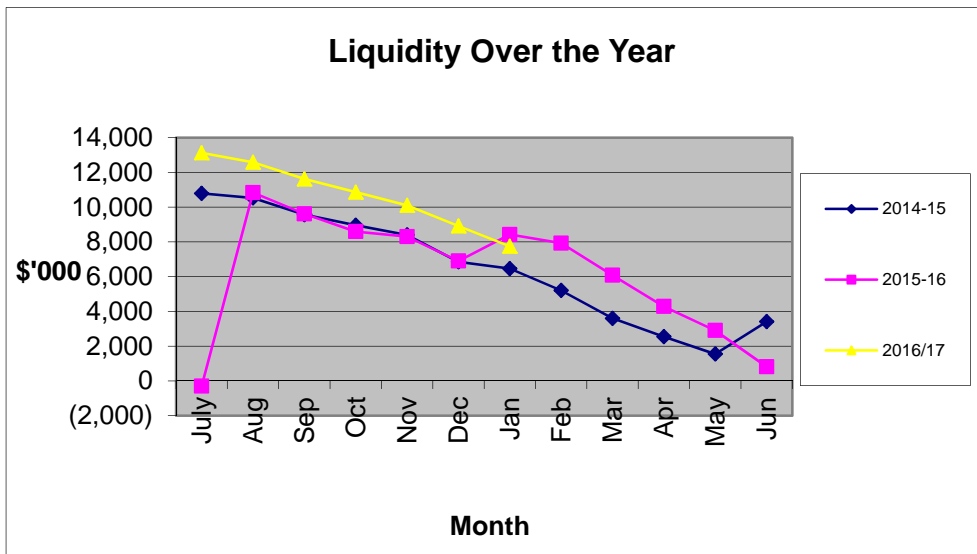
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year's actual is also included for comparative purposes.



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

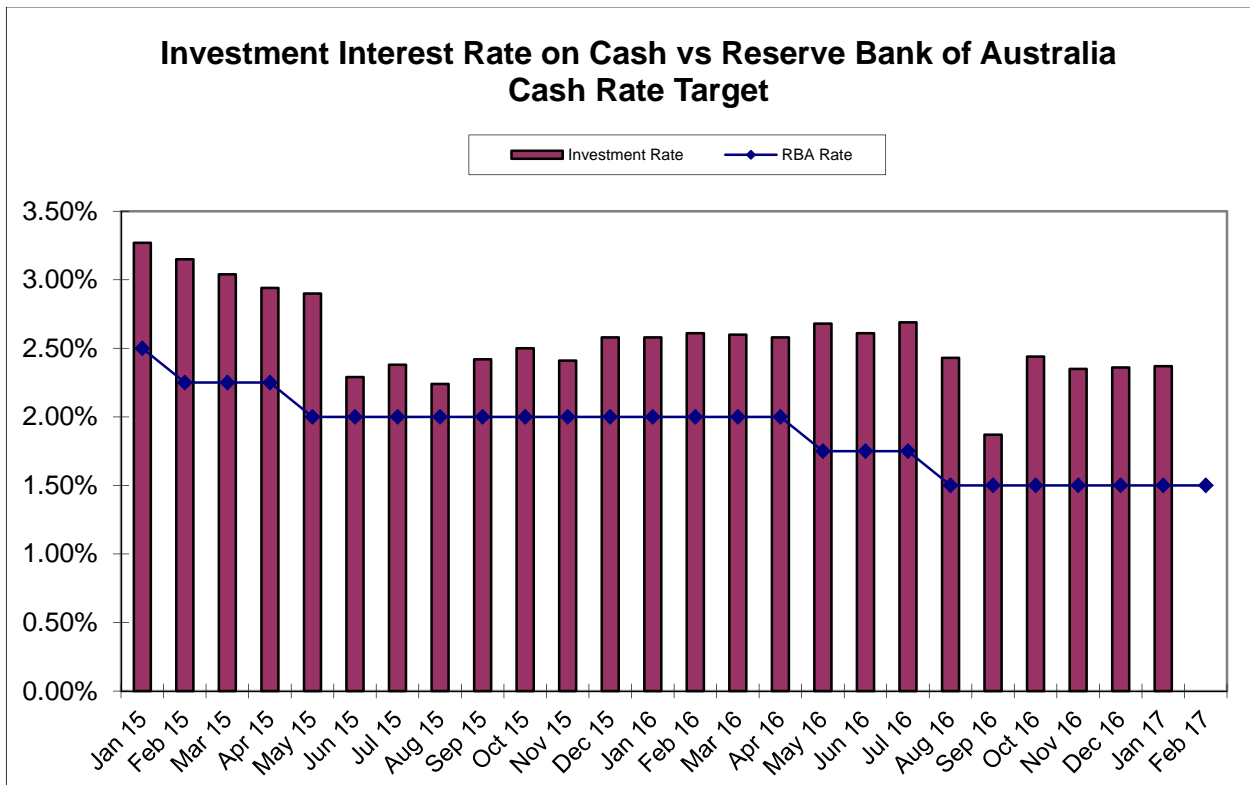


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has decreased by \$117,336 compared to December 2016. The Municipal cash position is an amount of \$16,996,881 of which \$10,359,673 is restricted for specific purposes as shown at Note 3. Cash revenue came from rates receipts and grant funding. Major cash expenses were for payroll, contractor payments, materials and loan payments.

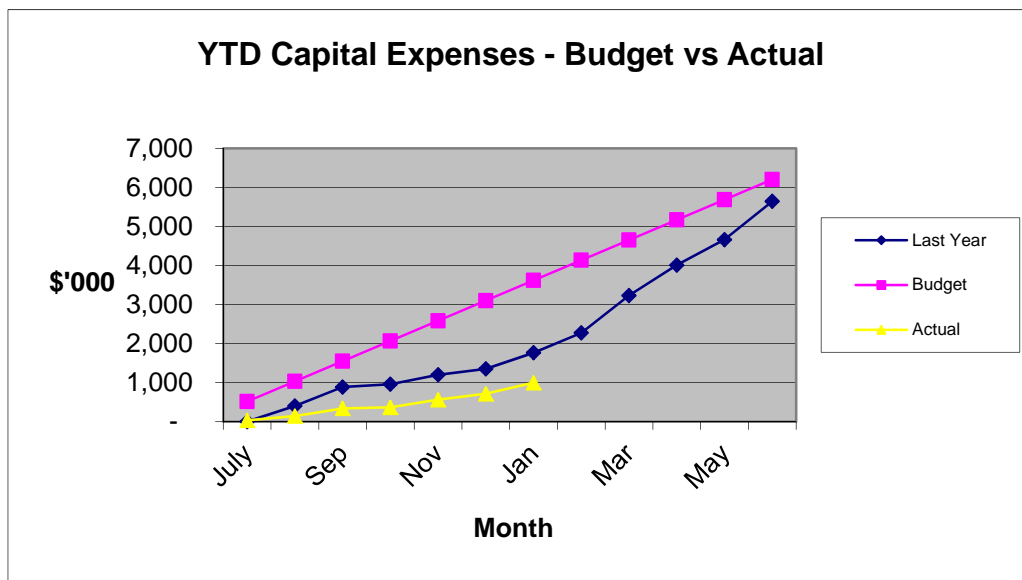
Total interest earned year to date is \$168,208 which is below the year to date budget of \$236,470. The average investment rate of return has increased from 2.36% to 2.37% which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 7 December 2016 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from February 2017 to June 2017, investment terms ranging from 91 days to 210 days and interest rates from 2.40% to 2.70%.



Capital works expenditure of \$272,946 was incurred during the month on:

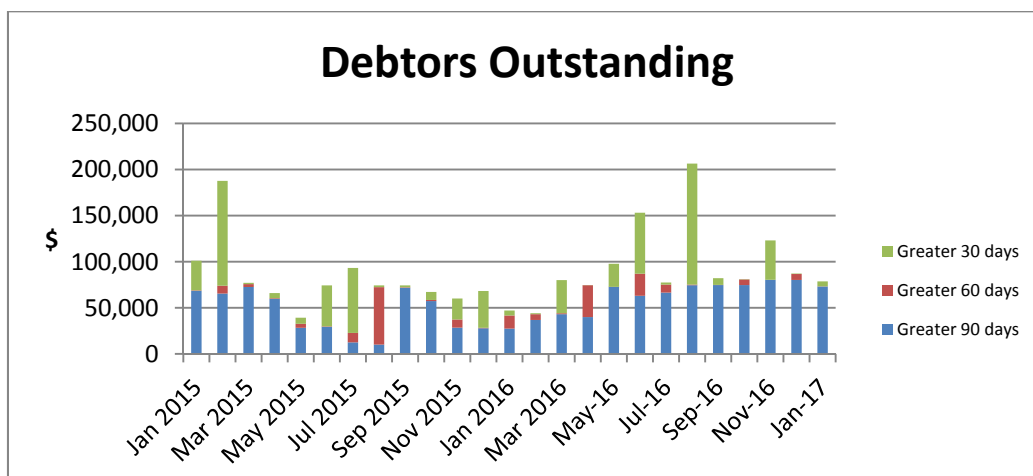
- \$680 Gravel resheets,
- \$6,431 Road widening,
- \$16,841 Asphalt,
- \$136,364 Road reconstruction,
- \$23,691 Dual use paths,
- \$780 PGB Community Centre upgrade,
- \$3,978 PGB Management Plan,
- \$67,717 Capel Civic Precinct Stage 2,
- \$6,085 Tuart Forest Oval Facilities and
- \$7,681 Bush Fire Brigade water tank.

The following graph compares actual capital expenditure against budget on a year to date basis. Last year’s actual is included for comparative purposes. Non cash infrastructure has not been included in the graph. Capital expenditure on Capel Civic Precinct Stage 3 which has a predominately grant funded budget of \$2,728,109 has yet to commence. The revised project expenditure for 2016/17 is \$80,000.

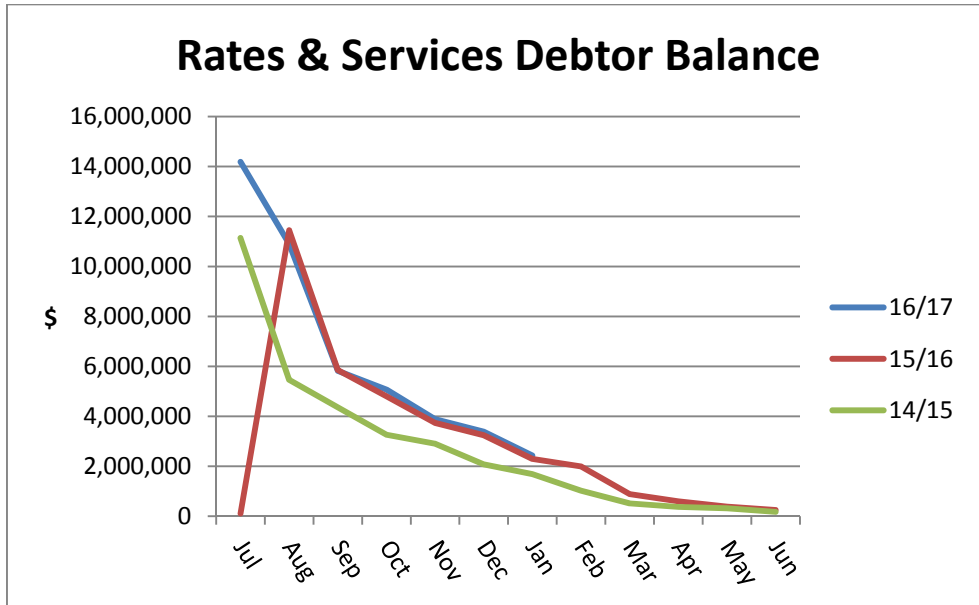


Council’s financial ratios are disclosed in Note 14.

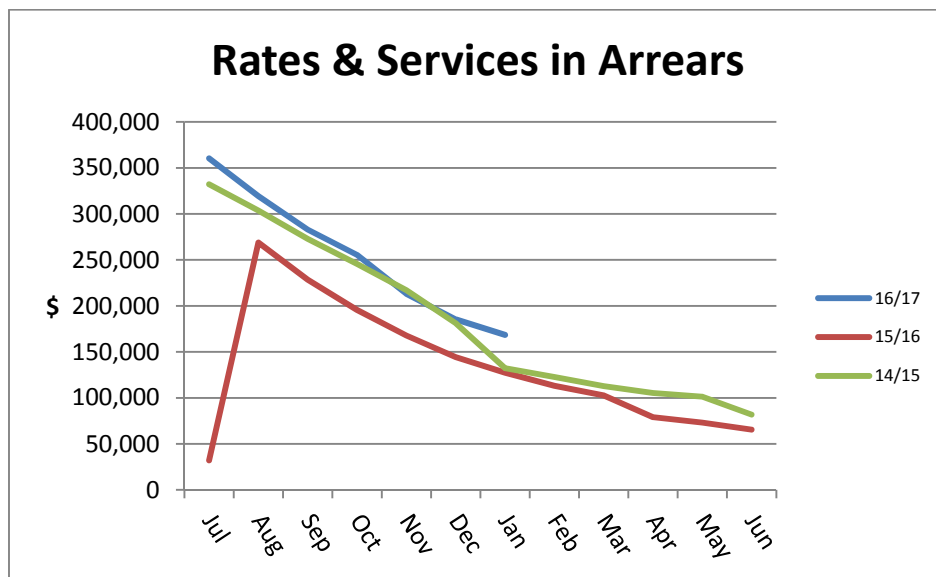
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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



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



A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 31 January 2017.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 15.5

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

15.6 Mid Year Budget Review

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	08.02.17
Author:	Executive Manager Corporate Services, S Stevenson
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Financial Statement Variance Report Monthly Financial Report – January 2017 (refer to Monthly Report Attachment Item 15.5)

MATTER FOR CONSIDERATION

Council to consider adopting the results of the Mid Year Budget Review.

BACKGROUND / PROPOSAL

Background

The Local Government (Financial Management) Regulations 1996 (as amended) require local governments to conduct a budget review between 1 January and 31 March each year and to report the results of the review to Council. After Council has made their determination a copy is to be provided to the Department of Local Government.

Proposal

A Mid Year Budget review has been conducted with staff reviewing actual expenditure at 31 December 2016, compared to the budget for the year and assessing whether the remaining budget for the year needs to be amended. This review has resulted in forecasts for the end of the financial year being prepared and the monthly financial statements being updated with these forecasts.

Council needs to consider and adopt the Budget Review as presented in the Financial Statement Variance Reports, Monthly Financial Report for January 2017, and Capital Works Programme for the period 1 July 2016 to 31 January 2017.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996, Regulation 33A

33A Review of Budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2) The review of an annual budget for a financial year must –
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that is forecast in the budget.
- (2A) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.

* Absolute majority

POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Community Plan and Corporate Business Plan. There are no Council Policies relating to this report.

FINANCIAL IMPLICATIONS

Budget

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets. The Mid Year Budget Review provides this monitoring, while also enabling the forecast expenditure to the end of the financial year to be reviewed and adjusted if necessary.

Long Term

Expenditure is covered in the current annual budget allocation, or is identified as unbudgeted expenditure or over expenditure. Where unbudgeted or over budget expenditure has occurred, forecast savings have been identified where possible to assist in offsetting these additional costs. This will therefore minimise any long term financial implications.

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

The Mid Year Budget Review includes the financial details of a number of projects that have a positive environmental impact and a direct social benefit for the community.

The mid-year budget review ensures that the Shire's finances are on target economically to achieve budget projections.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2031

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

Strategic Outcomes:

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

CONSULTATION

The Budget Review was conducted with the assistance and input of finance staff and Executive Managers who determined expenditure needs and revenue expectations for the remainder of the financial year based upon actual performance compared against budget.

COMMENT

The Budget Review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Council adopted a plus or minus 10% for the reporting of variances to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the monthly report of financial activity, which is the basis of reporting for the mid-year budget review.

The results of the mid-year budget review are included within the format of the monthly financial report for January 2017. The report provided to Council shows forward estimates for each general ledger account, which are included in the column "Forecast EOY Balance". This can be compared against the original "Annual Budget" and "Amended Budget" columns, with variance percentages highlighted in the "Variances Budget to Actual YTD %" column. Variances of greater than 10% have been highlighted and comments provided by the relevant Manager or Officer in the "Variances Explanation" column.

These Forecast EOY balances also include those items of unbudgeted expenditure, which are highlighted within the report.

The detailed General Ledger report provides a listing of all budget, actual, and forecast figures with variances, the review has the following major variations between the expected end of year financial position and the adopted budget.

Adjusted Budgets and Forecasts

A number of income and expenditure accounts have had the budget and forecast values reallocated to more closely match when the income is expected to be received or the expenditure is expected to be incurred.

When budget values and forecast values are initially calculated and entered into Synergy, the total value is averaged over 12 months, which is not always reflective of the pattern of income receipt or expenditure. The major accounts that have had modified budget and forecast expectations include:

- Rates and related accounts – which have the majority of income received in late July or early August when rates are generated.
- Salaries, Wages and Employee Rated Costs – these expenses are incurred based on the number of pay runs generated in a month. Some months have two pay runs while others have three. At the start and end of the financial year accrual journals are also calculated.
- Insurance expenses.
- Receipt of grant income.
- Capital expenditure.

General Purpose Funding

The End of Year Forecast Budget for General Purpose Funding income is \$12,801,195 which is \$12,036 or 0.1% more than the Budget for General Purpose Funding income of \$12,789,159.

- The main reasons for the forecast total General Purpose Funding being more than the budget is due to an additional \$14,831 in recoverable legal costs from an increase in general purpose claims, \$5269 in interest on unpaid rates and instalment interest off-set by \$7,730 in rates written-off. The forecast total rate income of \$10,713,454 remains in line with the budget estimate.
- Interest on investments is expected to be in line with budget at \$321,860.

- The End of Year Forecast Budget for General Purpose Funding expenditure is at budget of \$242,858.

Governance

The End of Year Forecast Budget for Governance income is expected to be in line with budget at \$36,587.

The End of Year Forecast Budget for Governance expenditure is \$649,784 which is \$113,548 or 15% lower than the Budget for Governance expenditure of \$763,332.

- Insurance costs are above budget by \$14,192 with the workers compensation allocation above budget.
- Shire administration and building maintenance is forecast to be \$36,681 over budget for additional work including disability accessible doorway, additional cabling and powerboards.
- Advertising is forecast to be \$8,905 over budget resulting from the Department of Premier & Cabinet publication of local laws.
- Merchant and access fees for EFTPOS are forecast to be \$7,212 higher than budget.
- Postage and freight is forecast to be \$7,656 above budget due to an increase in rate payers taking up the instalment option.

By way of offset to the cost increases above, there have been a number of cost reductions.

- As a result of asset revaluation in the 2015/16 financial year, depreciation is forecast to be \$152,895 lower than budget.
- Human resources salary costs are below budget by an amount of \$16,901 due to a reduction in in planned training events and relocation costs.
- Office equipment maintenance is forecast to be \$10,093 below budget based on current spend.
- Resource sharing and Regional Partnerships expenditure is forecast to be \$9,853 below budget. This is due to the deferral of the investigation of regional waste facility and resource partnership.

Capital costs associated with the Shire administration budget will be \$3,000 lower than budget as there is no requirement to replace minor plant.

Law, Order & Public Safety

The End of Year Forecast Budget for Law, Order & Public Safety income is \$339,990 which is \$3,149 higher than the Budget for Law, Order & Public Safety income of \$336,841.

- Emergency Services Levy has increased \$12,223 due to a supplementary to purchase a water tank for the Gelorup Volunteer Fire Brigade.
- Dog registration fees are forecast to reduce by \$10,000, due to an increase in the uptake of life-time registrations.
- Other fees and charges are forecast to be \$926 higher than budget.

The End of Year Forecast Budget for Law, Order & Public Safety expenditure is \$983,368 which is \$11,449 or 1.2% lower than the Budget for Law, Order & Public Safety expenditure of \$994,817.

- Depreciation is expected to be \$2,708 higher than budget.
- The salary expenditure for Fire Prevention is forecast to be \$10,456 or 17% above budget due to additional Community Services Administration and Rangers hours over the fire season and higher than budgeted leave liability.
- Insurance is \$18,413 below budget, due change in staff structure. Legal expenses associated with Animal Control have decreased by \$4,665 to reflect a reduction in costs associated with fines enforcement and associated legal action.
- Superannuation is forecast to be \$3,763 or 17% below budget based on spend in the first six months of the year.
- Other Law, Order and Public Safety expenditure is expected to increase \$2,227 due mainly to the purchase of infringement and notice books.

Capital expenditure within Fire Prevention is \$15,804 higher than budget due to supplementary funding for a water tank for the Gelorup Volunteer Bush Fire Brigade.

Health

The End of Year Forecast Budget for Health income is \$144,694, which is \$5,453 lower than the Budget for Health income of \$150,147.

- Mosquito Control projected income is \$9,896 lower than budget. Health licence income is forecast to be \$4,443 more due to an increase in the recovery of health inspections.

The End of Year Forecast Budget for Health expenditure is \$537,285, which is a decrease of \$21,274 on the Budget for Health expenditure of \$558,559.

- Mosquito Control expenditure is forecast to be \$16,650 lower due to fewer treatments as a result of an extended winter period.
- The Capel Clinic expenditure is forecast to be \$5,108 lower due to reduced service delivery.

Education and Welfare

The End of Year Forecast Budget for Education & Welfare income is \$25,555 which is marginally higher than the Budget for Education & Welfare income of \$25,343.

The End of Year Forecast Budget for Education & Welfare expenditure is \$263,030, which is \$29,049 or 10% lower than the Budget for Education & Welfare of \$292,079.

- Senior Citizens expenditure is forecast as a net decrease by \$3,870, due predominantly to a \$14,115 decrease in wages and overheads for the Senior Citizens Centre Capel, off-set by an \$11,000 increase in costs associated with an increase in participants in the Albany trip.
- Senior Citizens income is forecast to be \$8,450 higher than budget.
- Capel Children's Centre expenditure is forecast to reduce by \$8,150 as a result of reduced wages and overheads, off-set by an increase in depreciation associated with upgrades to the Infant Health facilities.
- Other Welfare expenditure is forecast to reduce by \$16,699 due to the cancellation of a program because funding was not available.

Community Amenities

The End of Year Forecast Budget for Community Amenities income is \$2,356,468, which is \$109,203 lower than the Budget for Community Amenities income of \$2,465,671.

- Grants and Contributions income is \$63,000 lower than budget. \$80,000 of as total grant of \$143,000 has been received with the \$63,000 balance due in 2017/18.
- The Town Planning and Regional Development income forecast has reduced by \$48,741 due to a decrease in planning and development applications.

The End of Year Forecast Budget for Community Amenities expenditure is \$3,291,217 which is \$193,288 or 6% less than the Budget for Community Amenities expenditure of \$3,484,505.

- Refuse collection costs are forecast to be \$47,103 below budget due to reduced contractor costs. It is projected to be at \$850,000 which is 5.3% below budget of \$897,103.
- Transportation of Waste costs is \$23,150 under budget due to reduced contractor costs. Costs are projected to be \$120,000 which is 16% under the budget of \$143,150.
- Boyanup rubbish site rehabilitation costs are under budget by \$5,000.
- Rubbish disposal costs are forecast to be \$25,625 below budget due to reduced contractor costs. It is projected to be at \$230,000 which is 10% below budget of \$255,625.
- Depreciation costs are forecast to reduce by \$78,868 due to the revaluation of assets in 2015/16.
- Insurance expenses are \$14,331 over the budget of \$21,024 at \$35,355. This is due primarily to the increase in the LGIS Workcare Scheme.

Town Planning salaries are forecast to be \$20,320 lower than the \$680,320 budget. This is mainly due to staff turnover.

Recreation and Culture

The End of Year Forecast Budget for Recreation & Culture income is \$950,649 which is \$2,632,190 less than the Budget for Recreation & Culture income of \$3,582,839.

- Dalyellup Community Facilities contribution has been reduced \$460,459.
- Grants and contributions capital forecast has been reduced to \$93,400.
- Other Recreation & Sport capital grants and contributions have reduced \$2,097,670 to reflect the deferral of the Capel Civic Precinct project to 2017/18.

The End of Year Forecast Budget for Recreation & Culture expenditure is \$4,116,227, which is \$494,131 or 11% less than the Budget for Recreation & Culture expenditure of \$4,610,358.

- Forecast expenditure on the Foreshore amenities has been reduced \$15,140 due to a reduced scope of work and in line with prior year expenditure.
- Capel public parks, gardens and reserves forecast has decreased \$53,317, or 36%, from budget to \$95,000. The forecast is in line with prior year service levels.
- Expenditure on Boyanup public parks, gardens and reserves has increased by \$19,934 due to substantial carpark and access road repairs.

- Expenditure on Boyanup recreation grounds has been reduced by \$56,841 as there have been no significant repairs as in previous years.
- Dalyellup Parks, gardens and reserves forecast has been reduced \$163,996 to \$930,000 as a result of the later than expected transfer of public open space.
- Dalyellup recreation grounds has benefited from contract savings, resulting in a forecast reduction of \$18,833.
- The forecast of East Dalyellup Sports Pavilion expenditure has been reduced by \$21,029 as the building is yet to be occupied.
- Other recreation and sport depreciation has been reduced \$180,300 as a result of the 2015/16 Asset revaluation.

Transport

The End of Year Forecast Budget for Transport income is \$4,710,240 which is \$196,889 or 4.4% more than the Budget for Transport income of \$4,513,351.

- Subdivision infrastructure forecast income has increased by \$447,913 from the original budget amount of \$2,350,000 based on the transfer value of Dalyellup Stages DC4 and 7A.
- Road grant income has decreased due to a reduction in R2R road grant funding of \$249,224 from the original budget of \$982,318 to a revised forecast of \$733,094.
- The End of Year Forecast Budget for Transport expenditure is \$7,060,306, which is \$1,142,364 or 14% less than the amended Budget for Transport expenditure of \$8,202,670. As a result of the 2015/16 asset revaluation the depreciation expense is forecast to be \$3,000,000 which is \$1,038,378 less than the original budget of \$4,038,378. Road maintenance expenditure is forecast to be \$94,596 less than the budget of \$1,886,871 due to the allocation of overheads.

Economic Services

The End of Year Forecast Budget for Economic Services income is \$409,097 which is \$2,180 less than the Budget for Economic Services income of \$411,277.

- Forecast Building control income has decreased \$56,332 due primarily to a reduction in building permits and associated verge inspection fees as a result of decreased activity within the building industry.
- The forecast for contributions and reimbursements has increased from zero to \$70,000 which relates to the Bunbury Geographe Growth plan. This has been previously been approved as unbudgeted expenditure by Council.
- The Economic Community Development grants forecast has been reduced by \$5,000 to \$6,000.
- Income from extractive industry licences has reduced \$11,633 from \$52,453 to \$40,820 based on current licences.

The End of Year Forecast Budget for Economic Services expenditure is \$1,377,249, which is \$99,698 or 8% more than the Budget for Economic Services expenditure of \$1,277,551.

- The forecast expenditure for salaries has increased \$63,417 as a result of termination payments and increased hours relating to the new Building Officer position.

- Economic forecast expenditure has increased by \$70,000 for the Bunbury Geographe Growth Plan as per previous Council approval.
- Contractor forecast expenditure decreased \$22,000 due to improved staffing arrangements.
- Office expenses decreased \$10,094 in line with current spend in 2016/17.

Other Property and Services

The End of Year Forecast Budget for Other Property & Services income is \$180,115, which is \$21,171 or 13.3% more than the Budget for Other Property & Services income of \$158,944.

- Forecast public works overheads income for supervision fees has been revised upwards by \$20,087, off-set by a decrease in reimbursement income of 2,314.
- The fuel tax credit forecast has been increased by \$4,131 based on fuel use to date.

The End of Year Forecast Budget for Other Property & Services expenditure is \$75,445, which is \$29,574 or 64.5% more than the Budget for Other Property & Services expenditure of \$45,871.

- Works department salaries, including sick and holiday pay, has decreased by \$50,748 based on current spend. This is a reduction of 6% against budget.
- Depreciation allocated to works has decreased by \$72,671 from a budget of \$422,671 to a current forecast of \$350,000.
- Insurance costs allocated for public works are forecast to be \$45,156, a reduction of \$5,388 or 11% below the budgeted amount of \$50,544 for the year.
- Meeting and conference/training expenditure is forecast to reduce by \$8,787 and \$15,060, respectively, and is off-set by a \$6,694 increase in Office expenses. This forecast is consistent with current year spend.
- Fuel and oil expenditure for plant operation is up \$6,625 from a budgeted allocation of \$133,375 to a forecast of \$140,000.
- The forecast for plant operation salaries has increased \$15,734 to \$170,000 against a budget of \$154,266. This represents a 10% increase.
- Minor plant replacement is forecast to be \$20,000 which is \$12,000 above the \$8,000 budget.
- The contra allocation to works and services has decreased by \$90,562 which is in line with the expenses linked to this.

Capital Works Program

The End of Year Forecast Budget for Capital Works expenditure is \$6,640,818, which is \$1,912,271 or 22.4% less than the Budget for Capital Works expenditure of \$8,553,089.

- Road works program – The Total Roads work program shows a forecast decrease of \$121,598 below the budgeted amount of \$1,928,383. There are a number of variances within this area.
 - Gravel resheets
 - King Road. This has been completed at a cost of \$22,597 which is \$7,297 above the budget of \$15,300.

- Norman Road. This has been completed at a cost of \$18,727 which is \$7,027 over the budget of \$11,700.
- Brookdale Road. This has been completed at a cost of \$45,698 which is \$57,053 below the budget of \$102,751.
- Road Widening
 - Stirling Street. This is forecast to be completed at a cost of \$230,000 which is \$19,612 below the budget of \$249,612. This is due to a lower than expected tender price and allows for possible variations.
- Bitumen Reseal
 - RV Overnight Point. This is forecast to be completed at a cost of \$32,000 which is \$6,000 more than the budget of \$26,000.
- Asphalt
 - Cheriton Court. This is forecast to be completed at a cost of \$16,000 which is \$1,400 more than the budget of \$14,600.
 - Hilduna Drive. This is forecast to be completed at a cost of \$16,000 which is \$2,000 more than the budget of \$14,600.
 - Bridge Street. This is forecast to be completed at a cost of \$86,000 which is \$56,240 more than the budget of \$29,760.
- Road Reconstruction
 - Boundary Road. This is forecast to be completed at a cost of \$250,107 which is \$67,893 below the budget of \$318,000. This is due to a lower than expected tender price. This is forecast to be completed at a cost of \$250,107 which is \$67,893 below the budget of \$318,000. This is due to a lower than expected tender price.
- Road Infrastructure
 - Settlers Roads. This is forecast to be completed at a cost of \$5,000 which is \$5,000 below the budget of \$10,000.

Budgeted roads grant funding totaled \$1,437,651. This was made up of \$575,233 from Main Roads WA; \$119,900 as a direct grant, Blackspot funding of \$227,333 and Regional Road Group (RRG) funding of \$228,000, and Roads to Recovery (RTR) grants of \$862,418. The forecast funding has decreased \$249,224 based on a reduction in funding from RTR of \$259,075 to \$603,343 and an increase in the direct grant of \$9,851 to \$129,751.

- The drainage infrastructure TPS3 project to duplicate culvert Hasties Road is forecast to be completed at a cost of \$40,000 which is \$4,000 above the budget of \$36,000.
- The dual use path program is projected to be \$64,433 over the budget of \$226,497 at \$290,930. There are a few offsetting variances within the program.
 - South West Highway (Boyanup) works are projected to be \$3,017 below the budget of \$15,000 at \$11,983.
 - Barlee Road (Capel) was completed at a cost of \$10,241 which is \$2,241 over the budget of \$8,000.
 - Upson Road (Capel) is projected to cost \$111,000 which is \$64,800 over the budget of \$46,200. This is due to an increased scope of works, the replacement of kerbing and road alignment correction.
 - Sand Dune Road (PGB) has been completed at a cost of \$14,730 which is \$1,283 over the budget of \$13,447.
 - Path reinstatements are \$5,000 below the budget of \$15,000 at \$10,000.

- Non-cash infrastructure – paths is \$38,855 below the budget of \$250,000 at \$211,145 based on Stages DC4 and 7A in Dalyellup estimate.
- Other Infrastructure is projected to have below budget expenditure of \$2,261,758. Expenditure of \$2,477,784 is forecast versus a budget of \$4,739,542. The main variances are below:
 - The entry statements in the Capel townscape program are forecast to be \$10,000 below the original combined budget of \$70,000.
 - The beach stairways and pathways annual asset management program is forecast to be \$17,000 which is \$11,775 more than the budget of \$5,225. This is due to works required for Jamieson Road Bridge and Weld Road footbridge.
 - The capital cost of playground shade sails is forecast to increase from \$57,027 to \$81,719. The original budget of \$57,027 covered two shade sails with Daablone Vista being approved by Council at its December meeting (OC1210). The forecast of \$81,719 includes a shade sail for Northern Lakes Kids. Council's original budgeted contribution for two shades was \$12,406 and assumed that the balance was grant funded. The revised forecast allows for a Council contribution of \$61,719 as only \$20,000 was approved in grant funding. This has resulted in an additional Council contribution of \$49,313.
 - The bin stand project forecast has been reduced to \$2,000 which is \$1,822 less than the \$3,822 budget.
 - The Peppermint Grove Beach management plan forecast has increased to \$25,000 which is \$5,000 more than the budget of \$20,000 due to scope creep.
 - The Dalyellup watering systems program is forecast to be \$20,000 which is \$20,000 less than the original \$40,000 budget as this is unlikely to be taken over by 30 June 2017.
 - Residual costs including path remediation costs for Capel Civic Precinct Stage 2 are being captured within capital job code XO45. These costs are expected to total \$150,000.
 - The Capel Civic Precinct Stage 3 project is forecast to be \$80,000 which is \$2,648,109 less than the budget of \$2,728,109. The forecast will incorporate the project design with works to commence in 2017/18.
 - The East Dalyellup Sports Pavilion is forecast to be \$279,709 which is \$111,000 over the budget of \$168,709. This overspend was previously approved by Council at its December meeting (OC1210).
 - Fencing Lot 1 South West Highway is forecast to be \$10,000. This expenditure was not in the original budget however the expenditure has been previously approved by Council at its December meeting (OC1210).

Proposed Unbudgeted expenditure

A value of \$14,152 has been allocated for the purchase of a scanner. This will be used to facilitate the Building Permit Archiving Project. Staff costs of \$16,894.80 have been added to cover the initial three months of this project. The project will take place over a number of years due to the volume of records which need to be converted to a digital format.

Salaries & Wages

“Employee Costs”, as summarised in the Statement of Comprehensive Income by Nature & Type, consist of all expenditure related to the employment of staff and include salaries and wages, superannuation, leave provisions, staff allowances and benefits, workers compensation insurance, training and professional development, Fringe Benefits Tax, and uniforms. The total budgeted employee costs were \$6,740,422 while the forecast expenditure is \$6,746,084 in line with budget.

The leave liability provision is forecast to decrease by \$167,814 from a budgeted closing balance of \$537,814 to a forecast balance of \$370,245. The last calculation was made at the end of December 2016. The forecast leave liability expenditure has not been adjusted. A recalculation of the expected provision will be completed March 2017.

Interest Earnings

The year end forecast for interest revenue is \$375,799 which is above the budgeted amount of \$370,530. The average interest rate on municipal funds for December 2015 was 2.58% compared to the December 2016 rate of 2.36%.

Transfers to and from Reserves

The forecast for transfers to and from reserves shows a net transfer to reserves of \$1,072,903. This compares to the net budget transfer to reserves \$921,303. The forecast to and from transfers for reserves should reflect the forecast changes to operating and capital income and expenditure. The major transfers’ changes in budget compared to forecast reserves are:

- Waste Management Reserve \$130,329 net increase in transfer to Reserve. Waste expenditure is projected to be below budget.
- Dalyellup Community Facilities Reserve has a reduction in transfer to Reserve of \$460,459 due to a forecast reduction in developer contributions.
- Infrastructure Asset Preservation Reserve has an increase in transfer to Reserve of \$106,284 due to an increased allocation of the surplus carried forward from 2015/16.
- Capel Community Facilities Reserve has a forecast decrease from Reserve of \$110,825 due to the deferral of the Capel Civic Precinct project to 2017/18.

The budget adopted in July 2016 was based on a brought forward surplus of \$151,667 and a carried forward surplus of \$4,442. The actual 2015/16 carried forward surplus is an amount of \$527,141 with the Mid-Year Budget Review showing a 2016/17 year end surplus of \$4,854.

This forecast will change each month as future revenue and expenditure information is received.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION – 15.6
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That Council:

- **Adopts the budget review of actual financial performance compared to the 2016/17 Budget and the anticipated end of year financial result.**
- **Endorses the proposed unbudgeted expenditure of:**
 - **\$14,152 for the purchase of a scanner for the Building Permit Archiving Project; and**
 - **\$16,894.80 for staff costs for the Building Permit Archiving Project.**

16 COMMUNITY SERVICES REPORTS

16.1 Bush Fire Advisory Committee Minutes

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	09.02.17
Author:	Manager Emergency & Ranger Services, D Freeman
Senior Officer:	Executive Manager Community Services, M Plume
Attachments:	Minutes of the meeting of the Shire of Capel Bush Fire Advisory Committee held on 6 February 2017.

MATTER FOR CONSIDERATION

To accept the minutes of the meeting of the Shire of Capel Bush Fire Advisory Committee (BFAC) held on 6 February 2017.

BACKGROUND / PROPOSAL

Background

The BFAC meets a minimum of twice each year to advise Council on matters relating to its responsibilities under the Bush Fires Act 1954.

Proposal

The minutes of the meeting of the Shire of Capel Bush Fire Advisory Committee held on 6 February 2017 be received and the recommendations therein be adopted.

STATUTORY ENVIRONMENT

Fire and Emergency Services Act 1998

This Act provides for the imposition of the Emergency Services Levy across all properties within a local government district, the collection of same by the local government and the remittance of the funds collected to DFES. This Act then further provides that the DFES Commissioner is to allocate to each local government funds for the operation of local bush fire brigades and the replacement or acquisition of new capital items.

Bush Fires Act 1954

Section 36: Local government may expend moneys in connection with control and extinguishment of bush fires provides in part that a local government may, notwithstanding anything to the contrary contained in any other Act —

- (a) purchase and maintain appliances, equipment, and apparatus for the prevention, control and extinguishment of bush fires , and
- (d) establish and maintain bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires.

Section 38 of the Bush Fires Act 1954 empowers a Council to appoint persons as Bush Fire Control Officers.

Section 67 of the Bush Fires Act 1954 provides that a local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires and any related matters.

Local Government Act 1995

Section 5.22 of the Local Government Act 1995 specifies that the minutes of a committee are to be submitted to the next Ordinary Meeting of the Council for confirmation.

POLICY IMPLICATIONS

Council Policy 4.1 – BFAC Meetings provides that the Committee shall meet a minimum of twice each year to advise Council on matters relating to its responsibilities under the Bush Fires Act 1954.

Council Policy 4.3 - Bush Fire Control Officer Appointments is also relevant to this matter.

Council Policy 4.19 – Purchase of Equipment for Bush Fire Brigades provides in part:

Equipment will not be purchased, other than to replace an existing item, unless the Bush Fire Advisory Committee has determined:

- a) the need to purchase the item, and
- b) the item meets all current DFES and Shire of Capel standards.

FINANCIAL IMPLICATIONS

Budget

The Local Government Manual for Capital and Operating Grants 2017/18 issued by DFES in relation to the Local Government Grant Scheme (LGGs) allocations includes lists of items which are eligible and ineligible for funding under the LGGs. Any items considered necessary for the operation of a brigade(s) but not eligible for LGGs funding needs to be submitted to Council for consideration as part of the Shire's budget deliberations.

Long Term

There are no long term financial implications for the Shire related to this matter.

Whole of Life

There are no whole of Life financial implications associated with this matter as all capital items are currently replaced under the DFES LGGs Capital Equipment Replacement Program.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

STRATEGIC IMPLICATIONS

Consideration of this matter is consistent with the following Strategies of the Shire of Capel Corporate Business Plan 2013 – 2017

- Strategy 2.4A Enhance community safety and wellbeing;
- Strategy 2.4A1 Plan for the safety of the community;
- Strategy 2.4A2 Promote emergency and fire risk awareness and implement fire and emergency management initiatives;
- Strategy 3.4B Lead our communities in emergency management; and

- Strategy 3.4B1 Review and maintain the Shires Emergency Management Plan, enabling adequate preparedness and response to emergencies.

CONSULTATION

No consultation other than through the BFAC members has been undertaken. In addition to a Council delegate, membership of the BFAC comprises a representative of each of the Shire's 5 Volunteer Bush Fire Brigades, the Chief and Deputy Chief Bush Fire Control Officers and the Shire's Bush Fire Training Coordinator. Representatives of the Department of Fire and Emergency Services and the Department of Parks and Wildlife are also in attendance as non-voting members.

COMMENT

Appointment as Bush Fire Control Officer

The Capel Bush Fire Brigade has been operating with only one Bush Fire Control Officer for some period of time now. This is considered to place an unfair burden on the remaining Fire Control Officer in so far as the issuing of Permits to Burn and approving Bush Fire Order variations is concerned. The appointment of an additional Bush Fire Control Officer for the Capel Brigade will relieve some of this workload as well as providing back up/continuity capacity.

It is intended that Mr Peter Dunlop will be issuing Permits to Burn within the Capel town site and general surrounds which will in turn enable the Brigade's other Bush Fire Control Officer to attend to the rural areas of the Brigade's district.

2017/18 LGGS and Shire of Capel Budget Requests

All Brigade Secretaries and Bush Fire Advisory Committee Representatives from each brigade on the committee were asked to give consideration to this matter. The request also included a copy of the List of Eligible Items under the LGGS. Requests received and the Committee's recommendations on each are included in the Officer recommendation below.

With regard to requests for additional fire appliances, or fire shed upgrades to be funded through the LGGS; the need for these is usually determined through a Risk to Resource process undertaken jointly by DFES and the Shire. This process will include examining recent changes or predicted changes to community demographics and will also take into account the inclusion of Dalyellup within the response zone of the new Bunbury Career Fire and Rescue Services station.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 16.1

That Council receives the minutes of the Bush Fire Advisory Committee held on 6 February 2017, and adopts the Committee's recommendations:

BF0201

That it be recommended to Council that:

- 1. The Report of the Chief Bush Fire Control Officer be received and the comments therein noted; and**
- 2. The report of the Shire's Bush Fire Training Co-ordinator be received and the comments therein noted.**

BF0202

That it be recommended to Council that:

- 1. the report from the Department of Fire & Emergency Services representative be accepted and the comments therein noted; and**
- 2. the report tabled at the meeting from the Department of Parks & Wildlife representative be accepted and the comments therein noted.**

BF0203

That it be recommended to Council that the Report of the Bush Fire Advisory Committee Executive Assistant be received and the comments therein noted.

BF0204

That it be recommended to Council that the Report of the Manager Emergency & Ranger Services be received and the comments therein noted.

BF0205

That it be recommended to Council that Mr Peter Dunlop of the Capel Volunteer Bush Fire Brigade be appointed as a Bush Fire Control Officer for the Shire of Capel.

BF0206

That it be recommended to Council that:

- 1. An amount of \$800.00 be sought from the Department of Fire & Emergency Services (DFES) through the 2017/18 Local Government Grant Scheme (LGGS) allocation for the purpose of a new refrigerator for the Gelorup Bush Fire Brigade;**
- 2. An amount of \$280.00 be sought from DFES through the 2017/18 LGGS allocation for the purpose of a new convection microwave oven for the Gelorup Bush Fire Brigade;**
- 3. An amount of \$1,400.00 be sought from DFES through the 2017/18 LGGS allocation for the provision of floor tiles to complete the meeting room area for the Gelorup Bush Fire Brigade;**
- 4. An amount of \$120.00 be sought from DFES through the 2017/18 LGGS allocation for the purpose of a new pressure washer for the Gelorup Bush Fire Brigade;**
- 5. Dry cleaning of brigade uniforms be undertaken on an as needed basis with the cost being reimbursed to brigade members out of the Shire's annual LGGS allocation, or reimbursed directly by DFES following a major incident;**
- 6. The purchase of a four burner barbeque be undertaken by the Gelorup Bush Fire Brigade out of their own brigade funds;**
- 7. A 'Risk 2 Resource' study be conducted in conjunction with DFES for the entire Shire of Capel district to ascertain if any additional appliances are required on a permanent basis, as well as whether there is a need to up-skill a brigade to become Volunteer Fire & Rescue;**
- 8. Quotes be sought for new lights for Fire Control Officer's vehicles and the requested amount be submitted to Council for consideration as part of the 2017/18 Budget;**

9. **An amount of \$1,500.00 be sought from DFES through the 2017/18 LGGS allocation for the purpose of a new diesel powered water transfer pump for the Capel Bush Fire Brigade; and**

10. **Quotes be sought to modify all Shire of Capel Standpipes to include a bottom fill attachment and the requested amount be submitted to Council for consideration as part of the 2017/18 Budget.**

- 17 NEW BUSINESS OF AN URGENT NATURE**
- 18 PUBLIC QUESTION TIME**
- 19 MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)**
- 20 NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL**
- 21 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**
- 22 MEETING CLOSURE**