NOTICE OF COUNCIL MEETING

The next Ordinary Council Meeting of the Shire of Capel will be held on Wednesday 24 April 2019 in the Council Chambers, Forrest Road, Capel commencing at 4.30pm.

Ian McCabe
CHIEF EXECUTIVE OFFICER

GENERAL INFORMATION ON COUNCIL MEETINGS

COUNCIL MEETINGS
All Ordinary Council meetings are held in the Council Chambers at 4.30pm on the fourth Wednesday (except for the month of December when it is held on the third Wednesday).

No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of Council being received.

AGENDAS
The agenda for the upcoming Council meeting is available in PDF format on the Council’s website www.capel.wa.gov.au from the Friday prior to the Council meeting. A hard copy of the agenda can be obtained from the front counter of the Shire Administration building.

MINUTES
Minutes of the latest Council meeting will be made available on the website within ten days of the meeting being held. Hard copy versions of Council Minutes are also available at the front counter at the Shire Administration building and for perusal online in the Shire’s Public Libraries.

MEETING GUIDELINES
All speakers should be clear and to the point, and speak through the Presiding Member at all times. Members of the public are not permitted to enter into debate with elected members or staff. Any correspondence received after the agenda is finalised will not be reflected in the staff report and will not be distributed to elected members by administration.

To minimise disruption during meetings, please ensure your mobile phone is turned off before entering the Chambers. You may enter and leave the Chamber at any point during the meeting.
QUESTIONS, PRESENTATIONS, PETITIONS AND DEPUTATIONS

ASKING A QUESTION AT A COUNCIL MEETING
If you want to ask a question, here is what to do:

1. You may ask up to two (2) questions with a total time limit of two (2) minutes per speaker. Additional questions will be permitted if time allows at the discretion of the Presiding Member.

2. Please state your name, address and the agenda item number you are referring to, and then ask your question.

3. Please submit your question in writing to the Chief Executive Officer by 12.00noon on the day before the meeting. This allows for an informed response to be given at the meeting.

4. Questions that have not been submitted in writing by 12.00noon on the day before the meeting will be responded to if they are straightforward. Otherwise they will be taken on notice and will be answered in writing after the Council meeting.

5. A question may relate to any subject that is within the Council’s jurisdiction but should be a matter of general community concern. Please give staff the opportunity to try to answer your questions before a Council meeting.

6. Where a question raises a significant issue about an agenda item that might not have been addressed in the staff report or prior discussions with elected members and cannot be adequately responded to, Council will need to consider whether the item should be held over or referred back for further consideration, taking into account statutory deadlines and other implications of deferring the item.

7. A person who has asked a question will not be permitted to make a presentation on the same topic at the same meeting – this is unfair to the other members of the public who wish to communicate with Council.

PLEASE NOTE:
Members of the public should note that no action should be taken on any item discussed at a Council meeting prior to written advice on the final resolution being received.

Questions on any matter that is on the Council agenda are required to be asked prior to the matter/s being discussed by the Council in the first ‘Public Question Time’ session of Council meeting. Questions on Council agenda items that have been dealt with at the same Council meeting will not be permitted during the second ‘Public Question Time’ session. [LG (Administration) Regulations 1996, regulation 7(2)].

If you wish to ask a question of Council, please complete the attached form (page 4).

PRESENTATIONS
1. Any member of the public may during the Presentations segment of the ordinary meeting, with the consent of the Presiding Member, speak on any matter on the agenda paper provided that –
   (a) the person has requested the right to do so in writing addressed to the CEO by noon on the day of the meeting;
   (b) the person’s speaking right is to be exercised before Council debates the particular agenda paper item;
   (c) the person speaking will be limited to a maximum of five (5) minutes; and
   (d) persons addressing Council on an agenda item are not entitled to table documents as part of the meeting proceedings.

2. Any member of the public making a presentation shall not also be afforded a deputation during that meeting or an adjourned meeting on the same matter.
PETITIONS
1. A petition received by a member or the CEO is to be presented to the next Ordinary Council meeting.

2. A petition to the Council is –
   (a) as far as practicable to be prepared in the form prescribed in the Schedule (of the Shire of Capel Standing Orders Local Law);
   (b) to be addressed to the Council and forwarded to a member or the CEO;
   (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and
   (d) to be respectful and temperate in its language.

3. The presentation of a petition is to be confined to the reading of the petition.

4. The only motions in respect of a petition that are in order are that –
   (a) the petition be received;
   (b) a report on the petition be prepared; or
   (c) that the petition be acknowledged and be dealt with by the Council in conjunction with a similar item on the same agenda paper.

Where a petition does not relate to or conform to the above it may be treated as an ‘informal’ petition and the CEO may at their discretion forward the petition to Council accompanied by an officer report.

DEPUTATIONS
(1) A person or person wishing to be received as a deputation by the Council or a Committee is to apply, in writing, to the CEO, not less than seven (7) working days prior to the meeting at which the deputation wishes to be received, setting out in concise terms the matter to be raised. The CEO, is to forward the written request to the President, or the presiding member as the case may be.

(2) The President, if the request is to attend a Council meeting, or the Presiding Member of the Committee, if the request is to attend a meeting of a Committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee as the case may be, or may instruct the CEO to refer the request to the Council or Committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or Committee meeting is not to exceed three persons, only two of which are at liberty to address the Council, for a maximum of five (5) minutes each or a collective maximum of ten (10) minutes, except in reply to questions from Councillors, and the matter shall not be further considered by the Council, until all other business of the meeting has been finalised.

Any matter which is the subject of a deputation to the Council or a Committee is not to be decided by the Council or that Committee until the deputation has completed its presentation.
COUNCIL MEETING PUBLIC QUESTION FORM

This form must be submitted by 12.00noon on the day before the Council meeting. Please either:

- Fax this form to the Chief Executive Officer on 9727 0223
- Email it to info@capel.wa.gov.au
- Hand deliver it to the Chief Executive Officer at the Shire Administration building, Forrest Road, Capel.

Questions received after that time may be taken on notice and answered in writing after the meeting.

Name _______________________________________ Date ….../….../…...

Address _______________________________________

_______________________________________

_______________________________________

QUESTION 1

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QUESTION 2

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Author’s Signature ________________________________
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6 DECLARATIONS OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

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.

A person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person’s land; or a proposed change to the zoning or use of land that adjoins the person’s land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.

An **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

8 CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting – 27 March 2019

9 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Michael Southwell has submitted the following three Notices of Motion as per Standing Orders Local Laws clause 4.12:

**Motion 1:**
That the current Rules around public question time be amended to remove the requirement for people to provide written notice of questions a day in advance of Council Meetings.

**VOTING REQUIREMENT**

Simple majority
Reasons: This motion aims to make Council meetings more accessible, open and accountable.

People have a democratic right, enshrined in the Local Government Act, to attend Council meetings and be given and equal and fair opportunity to ask questions. In most cases, the Presiding officer or someone he directs to answer the question will be able to provide an answer without research, but when complex or detailed responses are needed, the question can be taken on notice and answered at the following meeting.

Background:

**Local Government (Administration) Regulations 1996, Council and committee meetings Part 2**

7. Question time for public, procedure for (Act s. 5.24(2))

(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined — (a) by the person presiding at the meeting; or (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of sub-regulations (2), (3) and (5).

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; ...

Department of Local Government Operational Guidelines

‘Managing Public Question Time’

“Prior to the meeting Council should set up a register for people who wish to ask a question and provide a form for them to write out their questions. The register should open at least 30 minutes prior to commencement of the meeting. People who have not registered should be given the opportunity to ask their question/s when the list is exhausted.

“Some local governments have made it mandatory that questions must be submitted in writing prior to the meeting. A person not prepared to submit a question in writing is denied the opportunity to ask a question. Regulation 7(3) states that “each member of the public... is to be given an equal and fair opportunity to ask a question and receive a response.” While the regulations do not specifically preclude the requirement that questions be submitted in writing, any procedures adopted to manage question time in this way should not prevent a person verbally asking a question.”

**CEO Comment:**

The support material to this motion references the Local Government Act 1995 and related Regulations. The Shire of Capel exceeds the requirements of the legislation and provides two periods of question time within Council meetings.

The procedures adopted by the Shire of Capel for public question time are detailed at Part 5 of the Standing Orders Local Law 2016. This indicates a preference for a written submission. The purpose of a written submission is a courtesy to Council; to the
respondent and the public, as well as the person asking the question, in that the details of the question may be better understood; can be properly researched and addressed where this is required; and a record is available for minute purposes. In this way, the local government is able to be more transparent and more accountable in providing more informative responses.

It is, of course, incumbent on the questioner, to ask questions of relevance to the local government; to avoid defamatory and offensive statements and be mindful of the forum in which the question is being asked.

The Government of Western Australia is currently reviewing the Local Government Act. This is an opportunity for members of the public to make submissions on many activities of local government, including public participation in council meetings.

It should be noted that the Shire of Capel actively engages with the community via social media, events and publishing information and invites queries on any local government matter to its ‘info@capel’ email address. Councillors are approachable and the CEO has an open door policy in meeting members of the community and the Shire endeavours to be open, transparent and accountable in all dealings. Examples of this approach are the CEO’s monthly report included in each Council agenda and the recently appointed communications co-coordinator, developing and improving our engagement with the community.

It is my advice that the local law does not need amendment at this time.

Motion 2:
That the Rules around Public Question Time be amended to clarify that all questions should be addressed to and answered, at least in the first instance, by the President or Presiding Officer who may then ask another person to provide an answer.

Reasons: It has become the practice at Capel Council public question time that the CEO routinely responds to almost all questions either verbally, or later in writing. It is important to remember that these questions are being asked of Council (not the administration), so should be answered by the Council’s spokesman, the President or Presiding Officer. The President may of course ask any staff member present to provide technical advice or clarification to assist in answering the question.

Background:
Department of Local Government Operational Guidelines
‘Managing Public Question Time’
“ ...the presiding member determines who is to respond to the question; g) the question is responded to, taken on notice or not accepted;

“Determining who can respond in the interest of public question time being conducted in an orderly manner, the public should be advised that all questions must be directed to the presiding member who can then decide the appropriate person to respond to the question.”

CEO Comment:
There is no amendment required to the policy or practice of managing questions or question time as this request reflects current practice.

Motion 3:
That Council requests the Chief Executive Officer to provide a report to Council by June 2019 reviewing the costs, benefits, advantages and disadvantages of the Shire of Capel continuing to be a member of the Western Australian Local Government Association (WALGA).
VOTING REQUIREMENT

Simple majority

Reason: WALGA is a member-based Association with most local governments in the State being WALGA members. Membership is not compulsory. At least one metropolitan Council has recently cut ties with WALGA.

WALGA has taken a position on key policy matters in relation to the State Government review of the Local Government Act, which may not be in line with the expectations of Capel Shire residents and ratepayers. In particular, WALGA has proposed removing the provision for Annual General Meetings of Electors and sought to increase the number of electors’ signatures needed to bring on a Special Meeting of Electors from 100 to 500.

In view of the above, it is considered timely for Council to discuss whether the Shire continue to pay to be a WALGA member if the views of the Association are not in line with Capel ratepayers and residents’ interests.

CEO comment:

The West Australian Local Government Association (WALGA) is made up of 138 member councils and was formed in 2001 out of four member associations representing the interests of councils across Western Australia.

WALGA advocates and negotiates on behalf of member councils with Government, regulators, non-government organisations, professional organisations and commercial entities. This creates efficiencies for the local government sector because each individual local government does not have to navigate those processes nor devote dedicated resources to activities which may require a proportional response (such as retain a consultant). It also builds strength for the sector because this activities are done in a unified manner and not left to each Council. One example is the advocacy around roads funding or the pre-qualifying of preferred suppliers.

This allows the local government to leverage the expertise and resources of WALGA and other member councils at minimal cost to ratepayers.

Activity areas include capacity building (training and development); advocacy and leadership; advisory services in asset management, community development, emergency management, environment, planning, roads and waste; specialist training, development and governance advice to elected members; recruitment; procurement services. In the case of the latter, WALGA has specific legislative recognition to allow local governments to access WALGA pre-qualified procurement services and comply with tender provisions.

The policy positions of WALGA reflect the positions of its membership. The Shire of Capel has a delegate to the South West meetings of WALGA who votes on matters that will be considered by the State Council of WALGA. Each zone of the state is represented on the State Council that votes on policy positions for WALGA. In addition, WALGA consults councils widely, publishing weekly newsletters encouraging feedback from officers and councillors at all councils. In addition, WALGA hosts many forums that all Councils are encouraged to attend or make submissions to, thereby providing many opportunities to represent the membership in positions adopted. An example of this is the workshop held at Busselton on the review of the Local Government Act, attended by several officers and elected members of Capel. WALGA only takes a position supported by the majority of member councils. Councils are elected to represent the interests of the whole community and individual councils
may adopt an alternative view to that of WALGA’s. A respectful relationship recognises and incorporates difference and does not represent the whole of the relationship.

The components of WALGA membership and subscriptions are included in budget papers and are reviewed by Council, as is the usual practice, as part of the budget process.

Officers have been and will continue to review all memberships, subscriptions and contributions across the activities of the local government to identify opportunities for improved value for money.

12 QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
13 CHIEF EXECUTIVE OFFICER REPORTS

13.1 Chief Executive Officer’s Report

Location: Whole of Shire
Applicant: Not Applicable
File Reference: CM.IU.1
Disclosure of Interest: Not Applicable
Date: 11.04.19
Author: Chief Executive Officer, I McCabe
Senior Officer: Not Applicable
Attachments: Nil

IN BRIEF

This report is prepared by the Chief Executive Officer to provide Council and the Community with information about CEO activities and the operations of the Shire in meeting the Mission of the local government.

Mission

Facilitating our Community’s Choice by bringing the community together and creating opportunities; enhancing local places and helping the community enjoy positive lifestyles.

RECOMMENDATION

That Council receives the Chief Executive Officer’s report as presented.

COMMENT

Section 5.41 of the Local Government Act 1995 defines the functions of the Chief Executive Officer as:

- Advise Council as to written laws;
- Provide advice and information to Council to enable informed Decisions;
- Implement Council Decisions;
- Manage the day to day operations of the local government;
- Liaise with the President about the local government’s affairs and performance;
- Speak on behalf of the local government if the President agrees;
- Be responsible for recruitment and other management of staff;
- Ensure records and documents are properly kept; and,
- Perform any other function as required by any written law.

Performance Indicators of the Chief Executive Officer

At the November 2018 meeting of Council, a Decision was made to endorse a range of Key Result Areas. These are listed in detail at the foot of this item, including Strategic Directions of the local government; Sustainable Economic Development; Service Delivery; Financial; Organisational; and Personal indicators.

The Key Result Areas provide the CEO with areas of priority for assessment and action. Some of these priorities may require delegation to other officers or the support of other local governments, entities or Government. Actions, assessments and Decisions will feed into Council’s budget and planning process through 2019. Assessment by Council of the CEO’s performance against those Key Result Areas will also enable the annual performance review of the CEO as required by s. 5.38 of the Local Government Act.
Council:

The Council meeting programme 27 March included:

- Briefing from M. Wansborough, Senior Planning Officer (Strategic) about the proposed revision to the planning scheme;
- Briefing from Mr P. Scallan, General Manager, Projects, Talison Mining, about the lithium mine at Greenbushes and possible benefits and impact on the District;
- Discussion with Mr Don Punch MLA, member for Bunbury, to update Council on government and take on issues of concern;
- Presentation from Ms Kate Shaw of the Bunbury Harvey Regional Council on waste education;
- These were followed by a limited roundtable discussion; and,
- Ordinary Meeting of Council, with Decisions about Programmes of Works, Drainage; reconsideration of development matter (State Administrative Tribunal order); Development matter, extractive industry; 10 year plant renewal programme; minutes of the Bush Fire Advisory Committee; and the Audit Committee; review of delegations; review of policies; minor community grants; officers’ reports; financial statements; minutes.

Calendar:

The CEO represented the local government in the following key meetings and events:

- 13 March, with Shire President Cr M. Scott and representatives of WA Meat Industry Authority, at West Perth, meeting with Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade; Hon. A. MacTiernan MLC about agriculture;
- 15 March meeting, Department of Communities, Dalyellup services;
- 21 March, with representative of KPMG, regional economics;
- 22 March, with President Cr M. Scott, at Collie, SW regional meeting of West Australian Local Government Association (WALGA);
- 25 March, with Director Infrastructure and Development, J. Gick, at Main Roads WA South-West (Bunbury), networking opportunity with Managing Directors and other senior officers of Main Roads WA; Public Transport Authority WA; and, Department of Transport;
- 28 March: with President Cr Murray Scott, ground-breaking event for Albemarle lithium hydroxide processing plant, Kemerton; also attended by the US Ambassador to Australia; Federal Minister for Trade, Tourism and Investment; the Premier of WA; federal MP’s and senators; local government representatives; business leaders; this event marked the commencement of a one billion dollar processing plant investment at Kemerton and the destination for output from the Greenbushes Lithium mine; meeting with Department of Communities, Dalyellup community services;
- 29 March: attended as a guest of Foster Families SW to observe a meeting with the Minister for Community Services; Children’s Interests; Women’s Interests; Hon. Simone McGurk MLA;
- 3 April at Bunbury, meeting with Protective Services Unit, WA Police, regional policing and emergency response workshop; meeting with ratepayer;
- 4 April Bunbury-Geographe Tourism Partnership steering committee, at Bunbury;
- 8 April at Collie, Bunbury-Geographe Tourism Partnership; and Bunbury-Wellington Group of Councils; and
- 10 April at Busselton, with President Cr M. Scott, launch of the Easter road safety message with City of Busselton – ‘Choose Your Ride’.

Management:

The staff at the Shire of Capel are working hard to develop greater corporate capabilities and capacity to deliver greater ratepayer value. An example of this is the leveraging of technology to increase productivity or deliver new or improved services to the community, such as the use of mapping technologies being developed to map, monitor and maintain assets, making asset
management information more reliable. Another example is improved data use in finance and information systems to make budgeting and reporting more timely and more useful to officers. Technology use is a key activity area considered as part of preparing the 2019/20 budget. This is because it assists in boosting productivity while improving quality, aiding compliance and record keeping.

The Operations team is small by local government standards but works hard to deliver a very high standard of roads, parks, gardens and operations. This past month saw a depot busy-bee and the development of a workplace communications plan by the outdoor crew to ensure they stay ahead of increasing service demand. Director of Infrastructure and Development Jason Gick completed a six day rotation with the Operations team, trimming trees, patching roads and completing duties at the waste transfer station, as part of his contribution to creating a learning organisation.

A key management activity has been completing the management re-structure and embedding required changes. Required recruitment of two new roles is complete with a communication co-ordinator commencing 1 April and the ranger services co-ordinator commencing 15 April. It is expected that remaining work in this programme will be complete by 30 June.

Annual performance reviews for all staff are currently being undertaken which will assist in planning training and development needs for the year ahead.

Various matters related to staff, facilities and community relations, regular operational work and meetings with staff.

**Strategic:**

All key documents of the local government are available via the shire website at (go to Council / Publications).

Public comment on any strategic document is welcome at any time by emailing info@capel.wa.gov.au, by mail or by hand delivery to shire administration. Please address your submission to the Chief Executive Officer.

In this month: key strategic activities of the CEO included Key Result Areas (KRA); commencement of budget process 2019/20; commencement of workforce planning; tourism and business engagement; and, a significant body of work related to Dalyellup government services delivery which will feed into planning for Council services at a district and local level.

**STRATEGIC IMPLICATIONS**

All key indicators of the Strategic Community Plan 2018 – 2028

**VOTING REQUIREMENTS:**

Simple majority

**OFFICER’S RECOMMENDATION – 13.1**

That Council receives the Chief Executive Officer’s report as presented.
Key Result Areas

CEO must use every reasonable endeavour to achieve the agreed Key Result Areas (‘KRA’s’).

Council commit to providing the necessary resources to achieve the agreed standard in Key Result Areas.

KRA 1 Strategic Directions
• 1.1 Complete a desktop review of the Strategic Community Plan by April 2019;
• 1.2 Conduct any necessary community consultation to assist with this review;
• 1.3 Prepare a report for Council advising on the findings of the consultation and review for inclusion in Plans and budgets;
• 1.4 Conduct a review of the Corporate Business Plan by April 2019;
• 1.5 Prepare a report for Council advising on the findings of the review for inclusion in Plans and budgets;
• 1.6 Compile and present key objectives for 2019/20 by April 2019;
• 1.7 Consult with Council and others in preparing key objectives for the short / medium and long term planning.
• 1.8 CEO to adopt a leadership role in regional partnering for the long term benefit of the Shire of Capel

KRA 2 Sustainable Economic Development
• 2.1 CEO to maintain active communication with business and pursue commercial, tourism and cultural opportunities – ongoing;
• 2.2 CEO to lobby and advocate entities, regulators and Ministers in seeking the improved provision of services – ongoing;
• 2.3 Lobby state agencies for the provision of infill sewerage to northern Capel town site – ongoing

KRA 3 Service Delivery
• 3.1 Develop and implement initiatives that improve the business and governance performance of the Shire of Capel.
• 3.2 CEO to work with entities and the community to promote the beneficial aspects of living, visiting and doing business in the Shire of Capel and integrate this with Council’s strategic planning;
• 3.3 Engage with stakeholders to promote and support events in accordance with regional tourism strategy.

KRA 4 Financial
• 4.1 Initiate and promote financial awareness across the business;
• 4.2 Identify and implement initiatives for improved financial performance (as measured by key financial ratios)
• 4.3 Initiate a review of the Shire rating model. This will be concluded by January 2020 and allow for public consultation; education of the public; advice to Council and preparation of scenario modelling for inclusion in a report to Council for their Decision.

KRA 5 Organisational
• 5.1 Promote positive relationships across the business with improved performance in HR metrics as identified by the CEO (retention, recruitment, development) that positively impact on delivery of the objectives of the Strategic Community Plan and Corporate Business Plan;
• 5.2 Cascade KRA’s and other key planning outcomes to all relevant areas of the business;
• 5.3 Validate participatory memberships and partnerships for relevance and value;
• 5.4 Improve Communications Performance including the timely promotion of the local government’s plans and achievements;
• 5.5 Improve Governance Performance including support for Council professional development;
5.6 Provide regular reports to Council and the Community on the performance of the local government.

KRA 6 Personal
- 6.1 Maintain professional credentials and development;
- 6.2 Maintain good relations with all councillors and a productive relationship with Council for the benefit of the Community;
- 6.3 Develop and maintain professional and beneficial relations with the diverse community of the Shire of Capel and represent the local government in a professional manner that reflects positively on the local government.

Endorsed by Council Decision 28 November 2018
Reports, outcomes and review no later than 24 April 2019
14 INFRASTRUCTURE AND DEVELOPMENT REPORTS

14.1 Bed and Breakfast Accommodation – Lot 1652 (12) Hope Street, Dalyellup

<table>
<thead>
<tr>
<th>Location:</th>
<th>Lot 1652 (12) Hope Street Dalyellup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Douglas Francis Vinnicombe</td>
</tr>
<tr>
<td>File Reference:</td>
<td>PA31/2019</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Nil</td>
</tr>
<tr>
<td>Date:</td>
<td>10.04.19</td>
</tr>
<tr>
<td>Author:</td>
<td>Planning Officer, N Havelberg</td>
</tr>
<tr>
<td>Senior Officer:</td>
<td>Director Infrastructure and Development, J Gick</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Floor Plan</td>
</tr>
<tr>
<td></td>
<td>2. House Rules</td>
</tr>
<tr>
<td></td>
<td>3. Schedule of Submissions</td>
</tr>
</tbody>
</table>

**IN BRIEF**

For Council to consider an application for Development Approval for a Bed and Breakfast at Lot 1652 (12) Hope Street, Dalyellup.

The applicant proposes to host paying guests in their home utilising two existing bedrooms and one existing bathroom, which is consistent with the requirements of the Shire of Capel Town Planning Scheme No.7 definition of “Bed and Breakfast”.

The application was advertised to adjoining and neighbouring landowners and four objections were received. The objections and the applicant’s response is provided within the Schedule of Submissions, which is attached (Attachment 3).

**RECOMMENDATION**

That Council in accordance with Clause 68 (2)(b) in Schedule 2, Part 9 of the Deemed Provisions of Planning and Development (Local Planning Schemes) Regulations 2015, grants development approval for a Bed and Breakfast at Lot 1652 (12) Hope Street Dalyellup, subject to conditions.

**BACKGROUND / PROPOSAL**

**Background**

The following approvals have been issued for the property:

November 2003 – A building permit was issued for a Single Dwelling.

October 2018 – Planning Consent granted for a Setback Variation (Patio).

October 2018 – A building permit was issued for a Patio.

**Proposal**

The proposal seeks approval for a Bed and Breakfast at Lot 1562 (10) Hope Street, Dalyellup.

The applicants reside at Lot 1562 (10) Hope Street Dalyellup and propose to rent out two existing bedrooms and one bathroom to paying guests whilst continuing to live in the home. The two applicants are the sole occupants of the dwelling.

The dwelling is single storey with four bedrooms and two bathrooms. The two bedrooms and one bathroom proposed for guests are in the south-western area of the home. The guests will
also have access to a lounge area, which is an open room similar to a children’s activity room or a study and is in the south-western area of the home (Attachment 1).

The applicants intend to accommodate one group of guests at any one time. Two bedrooms for guests are being provided in order to allow enough space for a family with children to stay at the premises.

The proposed guest bedrooms and bathroom are adjacent to the laundry room which is intended to provide a separate entry and exit way for guests along an outdoor paved pathway to access the front of the property.

Guest car parking is to be accommodated on the current driveway of the premises. The applicants have one car which is housed in the double garage and the driveway can accommodate two cars within the property boundary.

The applicants will not be providing breakfast with the accommodation, however, they will provide a continental style breakfast if guests make an explicit request.

**Location Plan**

![Location Plan Image]

**STATUTORY ENVIRONMENT**

**Town Planning Scheme No. 7 (TPS 7)**

The subject lot is zoned ‘Urban Development’ with a Residential Coding of ‘R20’.

The proposed use is classified as “Bed and Breakfast Accommodation” under Appendix 1 – of TPS7:

“accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom.”
The ‘Bed and Breakfast Accommodation’ use class is defined as an ‘SA’ use in the Residential Zone according to the Zoning Table (Appendix 2). Under Clause 8.2 where an application for planning consent is made that involves an ‘SA’ use, Council is required to advertise the proposal. The proposal was advertised for a period of 14 days.

**Dalyellup Beach Estate Local Structure Plan (DBELSP)**

The lot falls within the boundaries of the DBELSP and has an allocated Residential density code of ‘R20’. The Addendum 1 – Land Use and Implementation Notes of the DBELSP state:

“1. Upon land nominated within any Residential Density Code it is anticipated land use will be approved in a manner consistent with the uses permitted in the Residential Zone and development will be subject to the applicable R Code requirements as contained within the Residential Design Codes of Western Australia.”

This provision directs assessment to the TPS7 and the Zoning Table as discussed above.

**Food Regulations 2009 Food Standards Code**

If meals are not included with the provision of accommodation or charged separately then no food business registration is required. The ‘on occasion’ breakfast must be free of charge otherwise registration is required where high risk foods (like yoghurt) are sold to guests.

**POLICY IMPLICATIONS**

**Shire of Capel Policy 6.22 Bed and Breakfast Accommodation**

This policy provides background information and direction on the key issues associated with assessing bed and breakfast accommodation proposals. The Policy’s introduction explains that:

“when undertaken in a manner consistent with the unique character of the area, sustainable tourist accommodation can contribute significantly to the economy of the Shire.”

The objectives of the policy are to:

- Provide for alternative tourist accommodation in the Shire while ensuring the amenity of urban and rural areas.
- Ensure orderly and proper development by establishing appropriate criteria for the assessment of bed and breakfast accommodation.
- Maintain and enhance the amenity, health and convenience of the Shire’s residents and visitors; and
- Ensure that the Bed and Breakfast Accommodation is incidental to the primary use of the land in order to maintain the amenity of the locality.

The Policy statement includes the following relevant provisions summarised as:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Obtain Planning Approval</td>
<td>Applicant has applied for Planning Approval</td>
</tr>
<tr>
<td>1.2</td>
<td>Maximum number of 3 guest rooms</td>
<td>Applicant has applied for 2 guest bedrooms</td>
</tr>
<tr>
<td>1.3</td>
<td>On-site Management</td>
<td>Applicant will be living on site and providing on-site management.</td>
</tr>
<tr>
<td>2.1</td>
<td>Proposal consistent and compatible with surrounding residential area.</td>
<td>No changes to external appearance of the dwelling are proposed.</td>
</tr>
<tr>
<td>Clause</td>
<td>Requirement</td>
<td>Comment</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2.2</td>
<td>Proposal to be provided in single dwellings only.</td>
<td>The proposal is located in a single dwelling.</td>
</tr>
<tr>
<td>2.3</td>
<td>The proposal shall be connected to services.</td>
<td>The single dwelling is connected to services.</td>
</tr>
<tr>
<td>2.4</td>
<td>The proposal shall provide adequate on-site parking:</td>
<td>The property can accommodate 4 cars, two in the garage and two on the existing driveway.</td>
</tr>
<tr>
<td></td>
<td>• Two bays for the dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• One bay per guest bedroom</td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>No adverse impact on adjoining dwellings.</td>
<td>Further analysis and commentary on amenity and impacts on the immediate locality are provided below in the comment section of this report.</td>
</tr>
</tbody>
</table>

**RISK IMPLICATIONS**

If Council refuses the application, or imposes 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. This is considered to be a moderate risk.

If Council resolves to approve the application, conditions have been included to mitigate the risk of extra guests or car parking being on site contrary to the proposal as submitted. Compliance risk is therefore considered low.

**FINANCIAL IMPLICATIONS**

**Budget**

The applicant has paid the relevant Development Application fee.

**Long Term**

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

**SUSTAINABILITY IMPLICATIONS**

A bed and breakfast can increase visitors to the Dalyellup locality and increase capital spending in the local area, which represents a contribution to economic sustainability.

The proposal has neutral environmental impacts as vegetation on the lot is not expected to be affected.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objectives:

1.4 Building a culture of collaboration and a stronger, safer and happier community.
1.5 Council keeps in regular communication with residents, workers and stakeholders.
The Economic Experience, ‘Responsible and progressive local economic development.’

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

CONSULTATION

The proposal has been advertised in accordance with Clause 8.2 of Town Planning Scheme 7. This process involved referring the application to all landowners in Hope Street and adjoining rear landowners in Cambria Road for a period of 14 days.

The advertising period attracted four submissions. The Schedule of Submissions (Attachment 3) provides a summary of the issues raised, responses to these issues from the applicant and Shire officer comments.

COMMENT

The application complies with the technical requirements of the Shire’s Local Planning Policy on Bed and Breakfast Accommodation as well as similar provisions in the definition within TPS7 including:

- Number of bedrooms
- On-site management
- Single dwelling
- Car parking requirements
- Connected to services

It is the less tangible matters raised regarding neighbourhood amenity, the matter of precedent and expected problems with car parking and traffic volumes that require more detailed examination.

Amenity

Considerations relating to amenity in Policy 6.22 can be separated into two main components. These are:

- Visual amenity – dwelling design, additional vehicle spaces or signs (Clause 2.5).
- Land use impacts such as noise, hours of activity and traffic generation (Clause 2.1 compatibility with nature and amenity of surrounding residential area).

In relation to this proposal, assessment is restricted to land use impacts as no changes to the built form are proposed.

In respect to land use impacts on amenity, regard should be given to:

a) The scale of the activity

The use of bed and breakfast is an incidental use to the main use of “residential dwelling”. The activity in this instance is to take advantage of unoccupied rooms within the existing dwelling. Most dwellings within the locality are four bedrooms by two bathroom dwellings and often accommodate families numbering more than two persons. This proposal will allow small scale use consistent with that typically associated with family homes.

b) Noise

The bed and breakfast market is different to the holiday house market where short stay accommodation is the primary and only use of the dwelling. In this instance, a bed and
breakfast is generally engaged by those clients comfortable with occupying a portion of a dwelling whilst the owners are present. This arrangement reduces the likelihood of this form of accommodation being used for large scale gatherings and parties during the day or night time. In this instance, there is limited opportunities to use the back or front yard for late night social gatherings as the accommodation is confined to two bedrooms and a lounge room.

The applicants have also created a set of House Rules which strictly forbids parties or event celebration on the premises. Additionally, no excessive noise of any kind (music, television or voices) is permitted (Attachment 2).

c) Traffic generation

This needs to be considered in the context of both the capacity of the local road network to accommodate extra traffic and the more immediate site impacts on neighbouring properties.

Capacity of the Road Network

In respect to the road network, the road would fall under the classification of an “Access Street D” under Liveable Neighbourhoods. This type of road has a road reserve of 14.2m and a pavement width of between 5.5m and 6m. Hope Street has a reserve of approximately 14.8 metres and a pavement width of approximately 6.0 metres. This type of road is designed to accommodate vehicular movements of up to 1,000 trips per day. It is estimated that present traffic movements equate to 150, based on 15 dwelling fronting the road and assuming each creates 10 trips per day per household. Any slight potential increase in movement from this use can be accommodated with minor impacts on local amenity and traffic safety.

Site Traffic

The proposed use may result in a modest increase in site traffic in certain circumstances. However, this situation would be difficult to quantify or differentiate from that of a typical Dalyellup family property.

In respect of more immediate site impacts, car parking provision complies with the Shire’s policy. This limits car parking to the property which is more restrictive than applies to standard dwellings. In viewing the site, even assuming a maximum of two visitor bays are occupied, it would be difficult to differentiate this arrangement from any surrounding residential dwellings in the locality.

d) Precedent

The potential for further bed and breakfast activities in the street is limited. This is due to:

a. Clause 4.2 of Policy 6.22 Bed and Breakfast Accommodation limits the number of bed and breakfast accommodation uses within small residential streets to no more than two.

b. Bed and Breakfast businesses are a very specific lifestyle choice. Management of a bed and breakfast is a considerable undertaking. Given the lack of Development Approval applications the Shire has received for Bed and Breakfast Accommodation, it can be proposed that most families are not able or willing to start a ‘B & B’. This may be due to imposts on time, effort and restrictions to the use and enjoyment of their home.
c. Restrictions on Bed and Breakfast establishments such as parking controls, limits to rooms (maximum of three) and need for on-site management (owner) all limit potential undesirable impacts on local amenity.

**Conclusion**

The proposal is for a small-scale bed and breakfast establishment, which is not expected to create noise and traffic movement over that of a typical Dalyellup family home. The nature and scale of the use has been shown to comply with the Shire’s TPS7 and Local Planning Policy 6.22: Bed and Breakfast Accommodation. For these reasons approval is recommended.

**VOTING REQUIREMENTS**

Simple majority

**OPTIONS**

**Option 1 - Approval**
As per Officer’s recommendation.

**Option 2 - Refusal**

That Council

1. In accordance with Clause 68 (2)(b) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Scheme) Regulations 2015 **refuses** the Development Approval for a ‘Bed and Breakfast Accommodation’ on Lot 1652 (12) Hope Street Dalyellup for the following reason:

   a) The development is contrary to the Shire of Capel Policy 6.22 Bed and Breakfast Accommodation Clause 2.1:
      ‘The proposal shall be consistent and compatible with the nature and amenity of the surrounding residential or urban area and the relevant provisions of Clauses 5.3 and 5.4 of the Scheme.’

**OFFICER’S RECOMMENDATION – 14.1**

That Council

1. In accordance with Clause 68 (2)(b) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Scheme) Regulations 2015, grants approval for Bed and Breakfast Accommodation at Lot 1652 (12) Hope Street, Dalyellup subject to the following conditions.

   a) All development being in accordance with Approved Development Plans dated 24 April 2019.

   b) Accommodation for the Bed and Breakfast activity being a maximum of two (2) bedrooms and one (1) bathroom. No more than two (2) persons to be accommodated in each bedroom.

   c) A minimum of two (2) guest car parking bays to be available and limited to the driveway of the premises. Guests are to be informed of this requirement prior to arrival at the subject site.
Advice Notes

i. The applicant is required to apply to register as a Food Premises as per the Food Act 2008 and Food Regulations 2009 if meals or food of a high-risk nature are to be supplied to guests. An application shall be submitted, including a floor plan showing fixtures and fittings, to the Shire’s Environmental Health Division for assessment and approval.

ii. A building permit application required to change the building class from 1A to 1B.

iii. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

iv. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 part 14. An application must be made within 28 days of the determination.
14.2 Freestanding Illuminated Sign – Corner Bussell Highway & Norton Promenade, Dalyellup

Location: Corner Bussell Highway and Norton Promenade, Dalyellup
Applicant: Directional Systems Australia Pty Ltd
File Reference: PA196/2018
Disclosure of Interest: Nil
Date: 09.04.19
Author: Planning Officer, N Havelberg
Senior Officer: Director Infrastructure and Development, J Gick
Attachments: 1. Photo Woolworths sign
2. Sign art
3. Site plan
4. Photo-art sign in situ

IN BRIEF

For Council to consider a Development Application sought under the Greater Bunbury Region Scheme (GBRS) for a freestanding illuminated sign promoting, McDonalds and the Dalyellup Shopping Centre, at the intersection of Bussell Highway and Norton Promenade, Dalyellup.

RECOMMENDATION

That Council, in accordance with Clause 41 of the Greater Bunbury Region Scheme grants Development Approval for a free standing illuminated sign on Bussell Highway, Dalyellup, subject to conditions.

BACKGROUND / PROPOSAL

Background

The proposed sign is to be located on the north-eastern corner of the traffic light intersection of Bussell Highway and Norton Promenade, Dalyellup.

19 May 2016

Development Approval (PA32/2016) was granted under delegated authority for a similar Woolworths based sign on the south-western corner of the intersection, which has since been constructed (Attachment 1). This sign includes reference to Woolworths, BWS, Dalyellup Shopping Centre, Norton Promenade and the Shire of Capel.

Proposal

Directional Systems Australia is seeking approval for a freestanding illuminated directional and advertising sign to be located 30 metres north of the traffic light intersection of Bussell Highway and Norton Promenade, Dalyellup.

The proposed sign (Attachment 2) will be:

- 3 m² in area and a total height of 5.3 metres.
- Steel-framed construction. The post and the casing of the sign will be painted a dark green colour.
- Located 30 metres north of the traffic signals on at the Norton Promenade/Bussell Highway intersection on the eastern side, diagonally opposite the existing Woolworths sign (Attachment 3).
- Setback 6 metres from the edge of the road carriageway.
- Include reference to McDonalds and the Dalyellup Shopping Centre on the main face of the sign, Norton Promenade on the attached sign post, the place name Dalyellup on the post and the Shire of Capel on top of the sign.
- The sign will be internally illuminated.

**Location Plan**

![Location Plan Image]

**STATUTORY ENVIRONMENT**

**Town Planning Scheme No.7**

The site is zoned ‘No Zone’ on TPS7 Scheme Maps and does not have a local reservation under TPS7. The site is solely located on land controlled by Main Roads WA and reserved under the Greater Bunbury Region Scheme.

**Bush Fire Prone Areas State Planning Policy 3.7**

The proposed site falls within a ‘Bushfire Prone Area’, however, the sign will not require additional building requirements at the Building Permit stage as it complies with two exemption provisions under the Building Regulations 2012.

**Greater Bunbury Region Scheme**

The proposed sign is located on land reserved under the Greater Bunbury Region Scheme (GBRS). In this circumstance, an application for Development Approval is not required under the Shire of Capel Town Planning Scheme 7 (TPS7).
Development Approval is only sought under the GBRS. This position is explained in the Planning and Development (Local Planning Schemes) Regulation 2015 Clause (61) (1) (a).

On this basis, TPS7 and its associated local planning policies cannot be used to assess the application. Therefore, the relevant planning framework and matters that can be considered in determining the application are restricted to elements contained in the GBRS.

The subject site is reserved as a ‘Primary Regional Road Reservation’ under the Greater Bunbury Region Scheme. The purpose of a Primary Regional Road is:

“..to provide a regional road network to accommodate current and future transport needs on roads declared under the Main Roads Act 1930.”

Signage is included within the interpretation of Development under the Greater Bunbury Region Scheme and the Planning and Development Act 2005. The GBRS provides that certain types of development within Primary Regional Roads (eg. Bussell Highway and South Western Highway) will require planning approval.

The implied intent for assessing this development application is to decide if the proposal is consistent with, or does not detract from the purpose of the ‘Primary Regional Road Reservation’.

Clause 40 of the GBRS lists matters to be considered by the Western Australian Planning Commission (WAPC) in considering an application for planning approval. Relevant matters to this application include:

“(g) in the case of land reserved under the Scheme, the purpose for which the land is reserved;

(i) the compatibility of a development with its setting;

(n) the preservation of the amenity of the location;

(o) the relationship of the proposal to development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

(y) any relevant submissions received on the application;”

Clause 40 makes it clear that the character and amenity of the locality where the sign is to be placed and traffic safety are relevant planning considerations.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 61 (1)(a) of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) is applicable to this current Development Application. It clarifies that development approval is not required under TPS7, stating:

"61. Development for which development approval not required

   (1) Development approval of the local government is not required for the following works —

       (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;"

Instrument of Delegation (Delegation Powers of Local Governments (GBRS))

Delegation powers are provided to a local government under the Instrument of Delegation.
The Instrument of Delegation provides a local government with certain powers and functions of the Western Australian Planning Commission (WAPC) relating to the GBRS. Relevant elements of the Instrument of Delegation are:

- Schedule 1 – this outlines that development on a regional road reservation requiring planning approval under the GBRS is delegated to the local government where it accepts the recommendations and any advice provided by the advice agency (Main Roads Western Australia - MRWA).

- Schedule 3 – outlines the process for assessing applications, including referral to MRWA (Clause 4).

- Clause 18 of Schedule 3 explains that if the local government does not agree with advice from MRWA, the application is referred to the WAPC for their determination:

  "where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provide by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination."

**POLICY IMPLICATIONS**

The Shire has established policy and plans that control and provide guidance on the design and placement of signs. These policies apply to development on privately and publicly owned land, however, in this instance the land is not reserved or zoned under the TPS7 and cannot be subject to its provisions. The relevant policies are outlined below:

Shire of Capel Local Planning Policy 6.28: Signs

The purpose of this policy is to provide comprehensive guidance in assessing signs where they require development approval under the Planning and Development (Local Planning Scheme) Regulations 2015 and the Shire of Capel TPS7.

The Policy sets out performance standards in regards to setbacks, height and size for a variety of sign types. It is also states that due regard must be given to preservation of public safety and the visual amenity of the locality.

The Policy does refer to the circumstance whereby the land proposed for signage development is not zoned or reserved under the Scheme:

  "For signs proposed on land not zoned or reserved under the Scheme, the provisions of this Policy will be used for guidance purposes only when undertaking a planning assessment. Where this Policy is inconsistent with the provisions of a specific policy or guidelines applying to a particular site or are, or Local Law, the provisions of that specific policy, guidelines or Local Law shall prevail."

However, as the proposal cannot be assessed under TPS7, its associated policies cannot be statutorily applied.

Dalyellup Sign Strategy Plan

The Dalyellup Sign Strategy Plan (DSSP) was adopted pursuant to delegation 143 in October 2017 and satisfies a provision in the Dalyellup Beach Estate Local Structure Plan that states:

  "Council may approve a comprehensive system of signs designed for the estate for the purposes of advertising the sale of the property."
Prior to approval of the DSSP a signage manual had been approved in 2001, then a Signage Strategy in 2008, 2010, 2012 and 2016. The established procedure had been to adopt a signage strategy every two years to reflect current signage design and marketing trends.

This Signage Strategy dated August 2017 (PA179/2017) is an amendment of the Signage Strategy approved in 2016 (PA62/2016).

The proposed freestanding sign the subject of this application is outside of this Signage Strategy Area and cannot be guided by its design principles.

**RISK IMPPLICATIONS**

The risk is considered medium due to the potential for Council to be involved in a SAT appeal if the application were to be refused.

To comply with Schedule 3 Clause 18 of the Instrument of Delegation Council will be required to refer this application to the WAPC if it is not supported by Council. If the WAPC then refuse the application, the applicant may choose to appeal to the State Administrative Tribunal (SAT) and Council may be required to provide an expert witness.

The risk associated with the location and use of the sign is considered low given the placement and size of the sign is consistent with the road safety polices of Main Roads WA.

The applicant is responsible for the maintenance of the sign and has provided a Certificate of Insurance for the sign therefore approval of the application is considered low risk.

**FINANCIAL IMPLICATIONS**

**Budget**

There is no planning fee associated with GBRS applications.

**Long Term**

The ongoing maintenance and up keep of the signage would remain with the owner.

**SUSTAINABILITY IMPLICATIONS**

The sign would be erected on cleared flat ground. There would be no social implications, however, economically the signage may help direct outside patronage to the visit the Dalyellup Shopping Centre, particularly passing trade that is not familiar with the area.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objectives:
1.4 Building a culture of collaboration and a stronger, safer and happier community.
1.5 Council keeps in regular communication with residents, workers and stakeholders.

The Economic Experience, ‘Responsible and progressive local economic development.’

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

The Instrument of Delegation allows for local government to consider and determine applications within regional road reservations where the local government accepts the recommendation of the advice agency, in this case, Main Roads WA.

In accordance with Schedule 3 Clause 4 of the Instrument of Delegation an application for development within a Primary Regional Roads Reservation is to be referred to Main Roads WA.

Accordingly, advice was sought from Main Roads WA in relation to the development and the GBRS application. Main Roads WA advised on 14 February 2019 that the proposal complies fully with the requirements of Section 4.5 (Illuminated Street Signs) of the Main Roads ‘Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves’. Main Roads WA has no objections to the sign. The advice from Main Roads WA is accepted as the proposed sign raises no issues regarding traffic safety.

COMMENT

Clause 40 of the GBRS provides the statutory framework for assessment of the development application. The following key considerations apply to the subject application:

(i) the compatibility of a development with its setting;
(n) the preservation of the amenity of the location; and
(o) the relationship of the proposal to development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.

Compatibility of development with its setting

It is important to consider the development within a wider context as well as within its immediate setting as referred to below.

The provision of signage within the Shire of Capel along Bussell Highway is important to the promotion of urban development, business and community facilities. It is also considered orderly and proper planning to balance these aims against the objective to protect the visual character of the Shire’s main highways.

When the proposed sign location is considered in its wider context, the site forms part of an urban developed area that includes medium density housing, retail outlets, a commercial laundry, Bunbury Cathedral Grammar School and the Caltex service station. Many of these establishments have either pylon signs (also illuminated) or freestanding board signs to advertise their locations along the Highway, albeit they are all within private land and not within the highway reserve.

Norton Promenade is the main entry to Dalyellup Estate and sited only 1km south of the City of Bunbury administrative boundary. Within 2 to 2.5 kms north of the subject site there are two very similar illuminated pylon signs that advertise food outlets together with the street signage for Somerville Drive and Washington Avenue. The fact that the City of Bunbury has approved signs within the highway reserve is not itself grounds for Council to support this current proposal. It does put the subject site in a particular setting and context being in close proximity to the urban form of Bunbury and the more urbanised area of Dalyellup.

This part of Dalyellup forms part of an area of transition between a more rural visual character immediately to the south of Frances Road towards Capel townsite and a more developed urban setting heading north towards Bunbury. In this particular context it is considered that the sign would be in keeping with the orderly and proper planning of the locality.
Preservation of amenity

In the immediate vicinity of the site there is T-junction traffic lights, multiple highway street lights (approximately 10 metres in height), electrical substations and a traffic sign used as a warning sign for signals ahead. 100 metres north of the site is the Caltex service station, which hosts a large illuminated pylon sign and the adjacent entrance to Dalyellup Estate is a visibly urban environment. In this context, the sign does not appear to overpower its setting or seem out of character with existing urban infrastructure.

There is substantial mature vegetation adjacent to the site which includes a landscaping bund which serves to partially absorb the visual impact of the bulk of the sign. This can be seen in the image provided in Attachment 3.

The backdrop provided by existing mature trees along the road is one of the defining visual features of the immediate locality. These trees dominate the immediate site as well as medium to longer range sight lines. The proposed sign has bright primary colours of red and yellow that vary from the existing colour pallet of the immediate locality, however, the scale of the sign is likely to seem less intrusive given the large trees framing the site.

The sign is considered to be compatible with the urban setting in the immediate vicinity and will not detract from the amenity of the site primarily because of its modest scale when set against the surrounding natural features.

Precedent

One of the concerns in approving this proposed roadside sign is whether it will set an undesirable precedent for the increase of similar signs in the locality creating visual clutter.

In this instance, MRWA advises that in a "T" junction intersection, only one sign is permitted per direction. Accordingly, MRWA would not support any additional signage at this intersection. Signage is determined on a first served situation. Once this sign is erected, there is no potential for other businesses to obtain a similar sign.

On this basis, the potential for undesirable precedent can be dismissed as a relevant consideration.

Future considerations

The Shire is currently undergoing a process of town planning scheme review, which also involves the creation and adoption of a new Local Planning Strategy. Part of this process will be the full review of the Shire’s suite of local planning policies. This process will provide an opportunity to review the current policy 6.28:Signs, and to engage with Main Roads WA and the WAPC on how the Shire can be more involved in the assessment process.

Conclusion

This proposal for a freestanding sign is required to be assessed under the statutory framework provided by the GBRS. In this instance delegation to make a decision under the GBRS is provided to Council. However, this delegation is limited to making a decision that is consistent with MRWA advice. If the local government does not support MRWA advice the application would be then be referred to the WAPC for determination.

MRWA supports the proposal having regard to the safety and function of Bussell Highway as a primary regional road. Clause 40 of the GBRS defines matters that can be considered when making a planning decision. In this instance, the sign is considered compatible with its setting and there is no potential for precedent.

On this above basis, the proposal is recommended for approval subject to conditions.
**VOTING REQUIREMENTS**

Simple majority

**OPTIONS**

Option 1 - Approval
As per Officer’s recommendation.

Option 2 - Refusal

That Council

1. That Council, in accordance with Clause 41 of the Greater Bunbury Region Scheme refuses the Development Approval for an ‘Illuminated Freestanding Sign’ on the Road Reserve Bussell Highway Dalyellup for the following reasons:

   b) The development is contrary to Part 8 Clause 40 of the Greater Bunbury Region Scheme, (i) the compatibility of a development with its setting; and

   c) The development is contrary to Part 8 Clause 40 of the Greater Bunbury Region Scheme, (n) the preservation of the amenity of the location.

**OFFICER’S RECOMMENDATION – 14.2**

That Council

1. That Council, in accordance with Clause 41 of the Greater Bunbury Region Scheme grants Development Approval for an ‘Illuminated Freestanding Sign’ on the Road Reserve Bussell Highway Dalyellup subject to the following conditions:

   a) All development being in accordance with Approved Development Plans dated 24 April 2019; and

   b) The applicant shall be responsible for the maintenance and upkeep of the sign including that caused by vandalism and vehicle damage.

Advice Notes

v. The proposal requires a Building Permit for a Class 10b structure.

vi. In respect of condition (b) if any alteration is made to the sign, including change in design or colour, the applicant must apply for a new approval.
IN BRIEF

For Council to consider bonding as a means to clear Condition 13 of subdivision approval WAPC Ref: 153982 for construction of the Dalyellup District Centre town square as part of clearance of proposed Lot 7.

The applicable planning framework including the Dalyellup District Centre Outline Development Plan, Local Development Plan 4 and a subdivision approval specify requirements for the provision and construction of a town square within the centre.

The subdivision approval is subject to 28 conditions of which 17 are to be cleared by the Local Government. Apart from Condition 13, all other Local Government subdivision approval conditions are to be cleared under delegated authority.

RECOMMENDATION

That Council agrees to clear Condition 13 of subdivision approval WAPC Ref: 153982 for clearance of proposed Lot 7 subject to the following requirements:

a. The lodgement of a $489,052.17 bond in the form of a bank guarantee inclusive of a 40% contingency accompanied by a bond agreement.

b. The Shire of Capel will request the WAPC impose the same subdivision condition on any subsequent subdivision application for any lots not created within the existing subdivision approval to avoid the risk that the condition is not captured within a future subdivision approval if the town square is not constructed prior to November 2020 or if there is a change in land ownership.

c. Establishment of a Memorandum of Understanding between the Shire of Capel and Dalyellup Beach Pty Ltd that determines a delivery timeframe and delivery strategy for the town square including community engagement/consultation once subdivision clearance has been obtained. Timing for construction of the town square is to be whichever of the following occurs first:

   i. Construction of the proposed tavern development on Lot 7;
   ii. Prior to the clearance of any other lot; or
   iii. Prior to expiry of the current subdivision approval being 8 November 2020.

d. The subdivider to commit to community engagement process in consultation with Shire officers prior to submitting a final town square design for approval.
BACKGROUND / PROPOSAL

Background

2012 Council adopted the Dalyellup District Centre Outline Development Plan (Ordinary Council meeting Minutes Minute OC0406). The WAPC subsequently endorsed the ODP on 18.07.12.

July 2016 Subdivision Application WAPC Ref 153982 for Lot 9035 Norton Promenade to create proposed Lots 1 to 8 referred to the Shire for comment.

Nov 2016 Subdivision application WAPC Ref 153982 approved by the WAPC subject to conditions.

June 2017 Draft Place Management Plan, including a Parking Management Plan advertised for comment.

July 2017 Local Development Plan No. 4 Dalyellup District Centre Precincts A &D (West) covering proposed lots 7 and 8 approved under Delegated Authority to clear subdivision Condition 8.

Sept 2017 Local Development Plan No. 5 Dalyellup District centre Precinct B covering proposed lots 1, 2, 3 and 4 approved under delegated authority to clear subdivision Condition 5.

Dec 2017 WAPC staged subdivision clearance provided for the creation of proposed lot 5.

May 2018 WAPC staged subdivision clearance provided for the creation of proposed lots 1, 2 and 3.

Sept 2018 Stage 1 Development Approval for a Tavern on Lot 9039 (proposed Lot 7) Portobello Road, Dalyellup issued under delegated Authority.

Jan 2019 Stage 2 Development Approval for Medical Centre, Pharmacy and Retail Units on Lot 9039 (proposed Lot 7) Portobello Road, Dalyellup issued under delegated Authority.

27 Feb 2019 Satterley briefing to Councillors.

Proposal

For Council to consider bonding as a means to clear Condition 13 of subdivision approval WAPC Ref: 153982 (Attachment 1) for construction of the Dalyellup District Centre town square as part of the clearance of proposed Lot 7.

A bond totalling $489,052.17 is proposed to be submitted to the Shire to clear the subdivision condition based on a town square concept design and cost estimate for construction of the town square including design fees and a 40% contingency.

The subdivision approval provides for the creation of 8 commercial lots (proposed Lots 1 to 8) within the Dalyellup District Centre ranging in size from 2,600m² to 2.8ha. Lots 1, 2, 3 and 5 have been cleared under delegated authority to facilitate the issue of new titles for these lots. Proposed Lots 4, 6, 7 and 8 have yet to be cleared/created. Proposed Lot 7 has development approval for a Tavern (stage 1) and Medical Centre, Pharmacy and Retail Units (stage 2).

The subdivision approval is subject to 28 conditions of which 17 are to be cleared by the Local Government. Subdivision approval Condition 13, the subject of this report states:
10. **Arrangements being made for the proposed town square to be developed by the landowner/applicant to a minimum standard and maintained in accordance with the requirements, and to the specifications of the local Government.** (Local Government)

Apart from Condition 13 all other Local Government subdivision approval conditions are to be cleared under delegated authority.

**Town square concept design**

The town square concept design prepared by Emerge (Attachment 5) includes the following key design elements:

- The size of the square has been increased to 1,045m² from a minimum 800m² to improve the functionality of the square and its configuration/interface with Lot 7 that is proposed to contain an approved tavern.
- A combination of hard paved surfaces and landscaped areas including trees.
- Provision of various form of seating.
- A raised bandstand.
- A shade shelter over picnic settings adjacent to the main street.
- Provision for a feature artwork/interpretive centre piece.

The concept design is likely to be subject to change following community engagement and detailed design that may include the deletion or addition of design elements.

**Cost estimate and bond for construction of the town square**

The cost estimate prepared by Emerge for construction of the town square is based on the concept design (Attachment 6) includes the following key cost item areas:

- Preliminaries
- Earthworks and grading
- Structures
- Hardscape
- Furniture
- Servicing
- Softscape
- Irrigation
- Consolidation
- Design fees
- Bond contingency (increased from 30% to 40% as per red handwritten text)

Further information on related subdivision conditions and their clearance is contained in the Statutory Environment section of this report.
**Location Plan**

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**STATUTORY ENVIRONMENT**

**Greater Bunbury Region Scheme**

Lot 9039 Norton Promenade is zoned Urban (as is the whole of the district centre) under the GBRS.

**Town Planning Scheme No 7 (TPS7)**

Lot 9039 Norton Promenade is zoned Urban Development under TPS7 and is subject to the Dalyellup District Centre Outline Development Plan (DDCODP) and an approved subdivision (WAPC Ref: 153982).

1.6 **Scheme Objectives**

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

1.6.2 *To reserve land required for public purposes.*

1.6.3 *To control the use of land by allocating zones to land within the scheme area for various purposes described in the Scheme.*

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

5.10 **Urban Development Zone**

5.10.1 "Council's objective in the Urban Development Zone is to provide for future urban development, ... for residential purposes and for commercial, community and other use normally associated with residential estates."
5.10.13 Development Precincts – Appendix 16 Development Precinct No.1 Dalyellup East Specific Provisions. The Urban Development Zone and Development Precinct set out the requirements for the preparation and implementation of structure plans (Outline Development Plans) as a prerequisite for subdivision and development.

**Dalyellup District Centre Outline Development Plan (DDCODP)**

The DDCODP is a structure plan that guides subdivision and development of the Dalyellup district centre. Figure 1 – Centre Plan (Attachment 2) of the DDCODP provides for the following:

- **Precinct A – Retail Core**, is the centre’s retail core with an emphasis on maximising commercial activity and intensity along the main street and within public spaces. The precinct includes provision for town squares and principal pedestrian walkways;
- **Precinct B – Business**, is for a business gateway to include showrooms and service commercial style development;
- **Precinct C – Civic**, is a 1.0ha proposed community purposes site as reflected in the draft Development Contribution Plan to contain a multi-purpose community resource centre, multi-purpose branch library and youth centre/space;
- **Precinct D – Residential and Mixed Use**, provides for residential and lower level businesses partially surrounding the retail core; and
- **Precinct E – Residential**, provides for residential subdivision and development within the centre to a density of R60.

Proposed Lot 7 and the town square are located within Precinct A – Retail Centre Core of the DDCODP.

**Clause 1.2.7 Council may require the preparation of a detail area plan for a precinct prior to approval of subdivision and development of part of a precinct to demonstrate in more detail how general provisions and precinct provisions are to be implemented. Council is to consider and adopt such plans in accordance with clause 5.10.9(b) of the scheme.**

**Local Development Plan No. 4 Dalyellup District Centre Precincts A &D (West) (LDP4)**

LDP4 (Attachment 3) provides detailed guidance for subdivision and development, including the following key elements:

- The broad location of built development and parking areas consistent with the DDCODP.
- Provides for town squares either side of the main street.
- Identifies the location of key vehicle and pedestrian routes.
- Details various development control provisions for Precinct D (Residential and Mixed Use precinct) such as R code variations, access restrictions, open space and setbacks etc.

**Clause 2.24 of LDP4 text details design criteria for the town square as follows:**

2.24 *Town squares, open spaces and principal pedestrian walkways should be provided in accordance with the LDP. The detailed treatment of these spaces shall accord with an approved Landscape and Civil Works Plan which shall seek to provide attractive, safe, amenable spaces for pedestrians. The town square shall:*

- Provide a minimum areas of 800m² with a minimum dimension of 18m;
- Be provided with a continuous ‘active edge’ around the northern and southern perimeter to provide for activation and surveillance of the space;
- Abutting tenancies shall provide their primary pedestrian entrance from the square (although a variation may be made for a tavern that proposes its primary entrance from the main street provided that its alfresco terrace abuts and integrates with the town square and is provided with a high order secondary entrance from the square);
- Food and beverage land uses and uses which open beyond normal trading hours shall be prioritised around the square;*
The levels of the square shall match with the abutting main street, car park and developments to provide seamless at grade access;

Trees and landscaping shall be key elements within the square and be utilised to provide a sense of enclosure around the square (eg use of trees to delineate the eastern edge of square);

Shade and shelter shall be provided through the placement of trees, pergolas and / or other shade structures;

Formal and informal sealing shall be provided with access to both shade and sun;

The square shall provide direct pedestrian connectivity both east west across it, and around the perimeter, and into adjoining tenancies, providing a choice of routes;

Paving design shall avoid a monolithic appearance and should be used to explain and provide legibility to the space;

Treatments and finishes shall be of a high quality, durable and match in with those along the Main Street;

Street furniture including bicycle racks, seating, rubbish bins and dog lead rings shall be provided in appropriate locations;

CEPTED principles shall be applied to, amongst other things create a well surveilled and active space and avoid entrapment;

Capacity to accommodate events (eg street performances, markets etc) and opportunities for inclusion of public art shall be considered;

A maintenance and management strategy shall be submitted that clearly outlines requirements and responsibilities.

Delegated Authority

Council Delegations 146 and 26 respectively delegate authority from Council to the CEO and then to the Director Infrastructure and Development and Manager Planning Services to issue subdivision clearances with the following exclusion to delegated authority:

*Conditions which relate to the determination of a financial contribution which is not governed/guided by a Council policy or previous decision.*

Subdivision approval WAPC Ref: 153982

Subdivision approval WAPC Ref: 153982 provides for the creation of 8 commercial lots (proposed Lots 1 to 8) within the Dalyellup District Centre ranging in size from 2,600m² to 2.8ha. Lots 1, 2, 3 and 5 have been cleared with new titles issues. Proposed Lots 4, 6, 7 and 8 have yet to be cleared/created.

Subdivisions are often constructed in stages and as a result subdivision conditions are similarly often cleared in stages where they directly relate to the proposed lots to be created.

The following subdivision conditions directly relate to proposed Lot 7 and the proposed town square:

**Conditions 6 and 7 – Parking Management and Place Management Plans**

6. Preparation of a Parking Strategy for all the Commercial precincts within the District Centre to address shared parking/reciprocal use of parking bays, ongoing management and maintenance. (Local Government)

7 Preparation of a Place Management Plan for the District Centre. (Local Government)

The DDCODP includes a provision that Council may require a Place Management Plan and Parking Management Plan for the district centre. The Place Management Plan would confirm how private and public areas within the centre are to be managed to reflecting current standard practices. The Parking Management Plan would confirm required parking standards and shared parking areas. A range of commercial lots and the Woolworths Shopping centre (a JDAP application) were approved, cleared and developed without the Place and Parking Management plans being
in place. A draft Place Management Plan including a Parking Management Plan has been submitted and advertised but is yet to be finalised. As an interim to provide for clearance of conditions 6 and 7 a Section 70A Notification has been agreed to be placed on each new title advising that development is to comply with such plans. The Place Management Plan is expected to be finalised within 6 months.

Condition 8 – Local Development Plan

8. A Local Development Plan (LDP) being prepared and approved for Lots 7 and 8 and Precinct A 'Retail Core' shown on the plan dated 21 July 2016 (attached) that address the following:

a) Development and land use standards for each lot/planning cell, consistent with the Dalyellup District Centre Outline Development Plan precincts (as amended) and other standards as summarised in this LDP;

b) Built Form standards for Lot 7 and 8 specifically for entertainment and large format retail which addresses design standards (i.e. architectural style, window/glazing, colour palette, building materials) for building facades facing Norton Promenade, Portobello Road, key internal access roads, Town Square and the Principal Pedestrian Walkway, minimum and maximum setbacks to Portobello Road and internal access roads, maximum building footprint (ground floor) layout, minimum and maximum building height, sustainability factors (solar design principles, energy efficiency, water efficiency), maximum retail floor space per building/lot;

c) Internal access roads - design and construction standards and land tenure. Vehicular access to be prohibited to and from key public roads and granted rights of access to private internal roads, in consultation with the Shire of Capel;

d) Dedicated truck and service vehicle routes and loading bays/on-street parking to service the proposed lots and future development for the whole precinct;

e) Dedicated pedestrian and shared paths for the whole precinct and connectivity with adjoining paths, public/civic spaces, seating/rest areas, bicycle/car parking sites;

f) Vehicle and Bicycle parking;

g) Town Square and adjoining Principal Pedestrian Walkway - to address land tenure, public access easements, design criteria (including form, function, size and details of any hard and soft landscaping, seating, lighting, materials), construction, demonstrate walkability and connectivity with adjacent pathways;

which are to the satisfaction of the Western Australian Planning Commission. (Local Government)

The LDP has been approved under delegated authority as guide for subdivision and development.

Condition 10 Town Square reserve vesting

10. Subject to the form of land tenure for the Town Square being confirmed by the Place Management Plan and Detailed Area Plan, in accordance with Conditions 7 and 8, the 'Town Square', as demarcated by the Detailed Area Plan for Precinct A, being shown on the diagram or plan of survey (deposited plan) as reserve(s) for 'recreation and civic purposes' and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

While the Place Management Plan has yet to be finalised, the tenure of the town square is recommended to be public consistent with other areas of open space and to complement the
proposed 1.0ha civic community purpose site. Consistent with this outcome, Condition 10 clearly details that the town square is to be created as a reserve and for the land to be ceded free of cost by the subdivider without any payment of compensation.

**Condition 13 – Town Square construction (the subject of this report)**

10. Arrangements being made for the proposed town square to be developed by the landowner/applicant to a minimum standard and maintained in accordance with the requirements, and to the specifications of the local Government. (Local Government)

Condition 13 requires the subdivider to construct the town square. The submission of a bond to clear to the condition is recommended to be determined by Council given the level of works and costs involved.

**POLICY IMPLICATIONS**

There are no current Shire Planning Policies relevant to this matter.

Engineering Policy 7.3 Engineering Specifications, deals with subdivision of land and details required standards for engineering plans.

**RISK IMPLICATIONS**

The level of risk applying the Shire Risk Management Matrix is considered to be 'Medium' to the Shire in terms of Financial and Compliance matters as the Shire requires financial bonds to mitigate risk.

In the current economic climate, construction costs are not expected to increase significantly. With timing for construction of the town square recommended to occur no later than November 2020 the risk of construction costs escalating above the bond is considered medium.

In the event that the subdivision approval lapses prior to construction of the town square by the subdivider in accordance with Condition 13, the Shire could draw on the bond to construct the town square (given the reserve will have already been ceded to the Shire) or the condition could be recommended to be reimposed on any subsequent subdivision application.

Given the parties involved in the Dalyellup Beach PTY LTD joint venture and the ongoing commitment to Dalyellup the likelihood of the subdivider defaulting on the works is considered low.

**FINANCIAL IMPLICATIONS**

**Budget**

In accordance with the subdivision approval condition the subdivider is to be responsible for the construction of the town square and its maintenance for a standard agreed period of two seasons consistent with public open space reserves.

**Long Term**

Upon ceding of the reserve, town square construction and the subdivider maintenance period, the Shire will be responsible for ongoing management, maintenance and ultimately asset rejuvenation and/or replacement.

At this preliminary stage and prior to finalisation of a detailed design annual Shire maintenance of the town square is estimated to in the order of $15,000 covering such items as litter/waste, landscaping and cleaning of paving.
Table 1 provides a summary of projected whole of life costs for the town square based on the initial construction in accordance with the cost estimate, depreciation, annual maintenance and capital replacement.

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**SUSTAINABILITY IMPLICATIONS**

The proposal has environmental, social and economic sustainability implications.

The provision of soft landscaping including the provision of trees within the town square will have a positive environmental impact.

The town square will have a positive social impact by providing a civic space for a range of social and community interactions including the ability to hold minor events and displays.

The town square will contribute to the economic sustainability of the district centre by assisting in the activation of existing, proposed and future commercial development.

**STRATEGIC IMPLICATIONS**

**Shire of Capel Land Use Strategy 1999**

The subdivision area is located within Planning Unit BU6 of the Land Use Strategy. The objective of the Planning Unit encompassing all of Dalyellup is to provide for urban expansion whilst conserving significant areas of natural environmental value.

**Greater Bunbury Strategy (2013)**

This strategy is intended to guide urban and regional land use planning growth and infrastructure delivery in the Greater Bunbury Sub-Region from 2011 to 2031 and beyond. The objectives of the strategy are to identify:

- Locations for residential growth;
- Areas for industry;
- Locations for key infrastructure;
- Priority areas for agriculture;
- Potential urban infill areas; and
- Environmentally significant areas.

The strategy contains four (4) integrated layers that create the key structural elements, consisting of:

- Settlement hierarchy;
- Activity centres network;
- Movement network; and
- Green network.

The strategy identifies and allocates a hierarchy of commercial activity centres and the Strategy Map identifies the land as ‘Urban undeveloped land’ (now largely developed).

**Greater Bunbury Activity Centre Policy, April 2012**

The WAPC Greater Bunbury Activity Centre Policy, April 2012 provides for a hierocracy of Activity Centres as community focal points within cities and towns to provide a diverse range of services, facilities and activities. The policy identifies Dalyellup for a future District Centre (now partially developed).

**Shire of Capel Strategic Community Plan 2018 – 2028**

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

Community Objectives:
1.1 Community works collaboratively to strengthen its ‘network of networks’.
1.3 Creating a more connected community.
1.4 Building a culture of collaboration and a stronger, safer and happier community.
1.5 Council keeps in regular communication with residents, workers and stakeholders.
1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities.
2.2 Celebrates the community’s diversity of residents and visitors including their contribution to cultural and economic sustainability.
2.3 The special characteristics of the Town Centres are fostered.
2.4 Community safety is recognised as paramount.

The Economic Experience, ‘Responsible and progressive local economic development.’

Community Objectives:
3.1 The community capitalises on its unique attributes and location.
3.2 Local businesses and retailers serve the needs of the local community and visitors.
3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.
3.4 Promoting events, including arts, culture and sporting events to bring revenue into the Shire.
3.5 Activities, new business and developments are encouraged.
The Environmental Experience, ‘Preserve and enhance the natural and built environment.’

Community Objectives:
4.1. The Shire of Capel becomes known as a clean and green place to live and do business.
4.2 Our unique bush, forests, rivers and beaches are valued and protected to preserve the natural environment.
4.3 As a community we come together to respond to environmental challenges and risks.
4.4 Council provides leadership and a responsive plan to manage our drying climate and increasing storm and fire risk.

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and transport networks.’

Community Objectives:
5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.
5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.
5.5 Locals are able to ‘age in place’.

CONSULTATION

Extensive consultation has occurred between Shire officers and the applicant over the size, concept design, cost estimates and potential arrangements for bonding of town square construction. This consultation resulted in Satterley agreeing to increase the size of the town square, increasing the cost estimate and related contingency.

As further detailed in the comments section of this report, community engagement is recommended to assist in development of a final detailed design for the town square.

COMMENT

Town Square location, size and configuration

In accordance with the concept design and LDP4, the town square is strategically located as a central focal point on the western side of the main street.

The town square will form an integral component of a strong east/west pedestrian link across the district centre and compliment the proposed 1.0ha civic community purposes site at the southern end of the main street.

LDP4 specifies that the town square is have a minimum size of 800m². Approval of the abutting tavern development with wider built form warranted the town square being enlarged to 1045m² to create a better development interface and more usable area. This outcome also provides for more activation and commercial development frontage to the square.

Town square concept design

The primary purpose of the concept design is to provide a basis for estimating the cost of construction for bonding purposes.

The concept design is supported consistent with LDP design criteria. In assessing the concept Shire officers raised the following matters recommended to be given further consideration at community engagement and detailed design stages:

- The current location of the band stand area may restrict entry and exit or potential alfresco areas from abutting commercial premises;
- Consideration of a lawn area, although ongoing maintenance costs will be higher including water usage/impact on irrigation system;
The public art could have a health and wellbeing theme;
Custom seating nodes need to be assessed at the detailed design as non-standard may raise maintenance and cost issue to repair/replace;
Maximise accessible shade areas where people are likely sit;
Encourage the space as smoke free environment, acknowledging the adjacent alfresco tavern area can have 50% smoking;
Provision of a parking area/space to allow Shire maintenance access;
Provision for vehicle access with drop bollards or similar; and
Provision for tree root barriers suitable for paved areas.
Assessment of irrigation coming from the central control system.
Provision for scheme water at site to allow access to water to facilitate the wash down of the area, with access to concealed taps.
Provision of poles and shade sails to maximize shade over seating areas to not just rely on trees at band stand/stage and passive node areas.
2 more bin surrounds if second area developed.
Drink fountain and water bottle filler to be part of design.
2 summer maintenance period by the developer.

Cost estimate

The cost has been assessed by Shire officers and while it does not include all of the items listed in the preceding section, the cost estimate is applicable as some elements in the concept design may not eventuate (such as the bandstand) and the contingency has been increased from a standard 30% ($88,918.58) to 40% (118,558.10).

Bonding of Condition 13

Bonding of Condition 13 is requested in order to facilitate early clearance of proposed Lot 7 and to provide community engagement and construction of the town square at a later timeframe.

Given the nature and costs associated with construction of the town square, Shire officers recommend that Council determines bonding of Conditions 13 rather than Shire officers exercising delegated authority.

Bonding of conditions for works is an acceptable means to allow for subdivision clearances to be issued on the basis that works are undertaken by an agreed later timeframe. A contingency is included to provide for inflation of construction costs over time and to provide a penalty in the event that the subdivider defaults on the works.

In accordance with WAPC Local Government Guidelines for Subdivisional Development (October 2017), “A bank guarantee is recommended as an alternative to a cash bond as the Local Government is guaranteed access to funds should the developer default on works.”

Given the history of development and the parties involved it is considered unlikely that the subdivider will default on the work. In the unlikely event that this does occur or the land is sold to another party, the Shire could draw on the bond to undertake the works.

Bonding of the condition is supported in order to facilitate clearance of the subdivision and provide for construction of the town square at a more appropriate time when either the tavern is developed or prior to the release of any further lots.

Community engagement and consultation

Community engagement and consultation with the Dalyellup community, including business owners is recommended to gain feedback and input into the final design of the town square. This initiative is supported by Satterley.

The form of community engagement is to be confirmed and include input from Shire officers and potentially from Council.
Timing of town square construction

Timing for construction of the town square is recommended to occur in accordance with the following:

i. Upon construction of the proposed tavern development on Lot 7;
ii. Prior to the clearance of any other lot; or
iii. Prior to expiry of the current subdivision approval being 8 November 2020.

The above timing has been developed for the following reasons:

- To provide for activation and use of the town square should the approved tavern be constructed in the near future;
- In the event that the tavern is not constructed the town square would need to be constructed prior to the release of any further lots covered by the subdivision approval; and
- In the event that neither the tavern is constructed nor any further lots are released that the town square must be constructed prior to the expiry of the subdivision approval.

OPTIONS

Option 1 – Council to agree to bonding of Condition 13

As per the Officer’s Recommendation.

Option 2 – Delegate authority to the Director of Infrastructure and Development

That Council delegates authority to the Director of Infrastructure and Development to clear Condition 13 of subdivision approval WAPC Ref: 15982 subject to the following requirements:

a. The lodgement of the bond being the submitted cost estimate of $489,052.17 plus a 40% contingency.

b. The subdivision condition is to be retained for any future lots to be created within the existing subdivision approval up to November 2020, and for any subsequent subdivision approval in the future. This is a necessary statutory tool and should be generally agreed to by the Shire of Capel, Dalyellup Beach Pty Ltd and the WAPC to avoid the risk that the condition may not be captured for a future subdivision or if there is a change in land ownership.

c. Establishment of a Memorandum of Understanding between the Shire of Capel and Dalyellup Beach Pty Ltd that determines a delivery timeframe and delivery strategy for the town square including community engagement/consultation once subdivision clearance has been obtained. Timing for construction of the town square is to be whichever of the following occurs first:

   i. Construction of the proposed tavern development on Lot 7;
   ii. Prior to the clearance of any other lot; or
   iii. Prior to expiry of the current subdivision approval being 8 November 2020.

d. The subdivider to commit to community engagement/consultation prior to submitting a final town square design for approval.

This option is consistent with delegations 146 and 26.
Option 3 – Require construction of the town square prior to clearance of Condition 13

That Council requires construction of the town square prior to clearance of Condition 13 of subdivision approval WAPC Ref: 15982 subject to the subdivider committing to community engagement/consultation prior to submitting a final town square design for approval.

This option, whilst guaranteeing construction of the town square is considered to have the following limitations:

- Cause a significant delay (in the order of 12 months) to clearance of Lot 7 to allow for community engagement, final detailed design approval and town square construction;
- Similarly significant delay the ability of the prospective purchaser of Lot 7 to take possession and construct approved development;
- Early construction of the town square in the absence of any surrounding or abutting development is likely to create surveillance and management issues; and
- May not be achievable if the subdivision approval lapses.

Option 4 Defer clearance of condition 13 to the creation of proposed Lot 8

It is possible to defer the requirement for the subdivider to cede a reserve and construct the town square until a later stage of the subdivision being when the largest commercial lot is created.

This option is not supported at officer level for the following key reasons:

- Given the current economic climate and changing retail environment there is no certainty as to when the largest commercial lot in the centre will be released or developed; and
- It could be many years before the town square is constructed and this would necessitate further subdivision approvals as they are only valid for 4 years.

Conclusion

A public town square within the Dalyellup District Centre will be an important community asset as a focus for community interaction, social engagement, activation of surrounding commercial development and minor events. Construction of the town square within the next 2 years could provide a stimulus or catalyst for commercial development within the centre.

Bonding of the town square to facilitate clearance of subdivision Condition 13 will assist to facilitate clearance of the subdivision to create Lot 7 and subsequent development construction on the lot.

The applicant has confirmed support to undertake community engagement in consultation with Shire officers as part of the detailed design process of the town square.
OFFICER’S RECOMMENDATION – 14.3

That Council agrees to clear Condition 13 of subdivision approval WAPC Ref: 153982 for clearance of proposed Lot 7 subject to the following requirements:

a. The lodgement of a $489,052.17 bond in the form of a bank guarantee inclusive of a 40% contingency accompanied by a bond agreement.

b. The Shire of Capel will request the WAPC impose the same subdivision condition on any subsequent subdivision application for any lots not created within the existing subdivision approval to avoid the risk that the condition is not captured within a future subdivision approval if the town square is not constructed prior to November 2020 or if there is a change in land ownership.

c. Establishment of a Memorandum of Understanding between the Shire of Capel and Dalyellup Beach Pty Ltd that determines a delivery timeframe and delivery strategy for the town square including community engagement/consultation once subdivision clearance has been obtained. Timing for construction of the town square is to be whichever of the following occurs first:
   i. Construction of the proposed tavern development on Lot 7;
   ii. Prior to the clearance of any other lot; or
   iii. Prior to expiry of the current subdivision approval being 8 November 2020.

d. The subdivider to commit to community engagement process in consultation with Shire officers prior to submitting a final town square design for approval.
IN BRIEF

The Council is requested to adopt fees and charges to fund the Pool Safety Inspection program.

RECOMMENDATION

That Council:

1. Endorses Option 1, to charge all pool owners the following fees to help fund the Pool Safety Inspection program:

   Year 1 (2019/20) - $14.60;
   Year 2 (2020/21) - $29.20;
   Year 3 (2021/22) - $43.80;
   Year 4 (2022/23) - $58.45; and

2. Considers allocating funds for Pool Safety Inspections in the 2019/20 draft budget.

BACKGROUND / PROPOSAL

Background

The Shire of Capel has about 1,000 registered swimming pools within its jurisdiction. These private swimming pools have been approved through the Building Permit process and must meet the requirements for pool safety as of when they were approved/installed. As a part of the approval process, an inspection is undertaken before the swimming pool can be filled with water and used. After this initial inspection, the swimming pool is placed on the council register. All pools on the register are inspected at least once every four years. This process is a requirement of the Western Australia Building Act 2012.

The Shire of Capel is transitioning away from external contractors undertaking these inspections in one lump once every four years, towards a more levelled out program whereby ¼ of all pool safety barriers are inspected each year by internal staff. This new pool safety program will provide savings to Council and ensure that the Shire of Capel is more reliably able to meet its statutory obligations.

The Shire’s progress in meeting these obligations is reported to state parliament through a progress report prepared annually by the Department of Mines, Industry Regulation and Safety – Building and Energy Division and presented by the Building Commissioner. The progress report is then made publically available through the Department of Commerce website. A copy of this report is attached for further information.

Legal advice was obtained from McLeods Barristers & Solicitors in May 2018. This advice clarified three points:
1. A charge could be applied annually to all pool owners irrespective of whether the property is inspected in that year;

2. The charge applied annually to all pool owners should be cost recovery only; and

3. The charge cannot be included in the rates notice.

Proposal

To be able more efficiently recover costs associated with the pool safety program it is recommended that the associated charge be annualised.

Below are three options for the implementation of this cost recovery charge:

1. Phase in the annual charge.

   Implement a reduced charge in year one, increasing to the maximum cost recovery allowed for by the Building Regulations 2012, as per the below table.

<table>
<thead>
<tr>
<th>Year one</th>
<th>Year two</th>
<th>Year three</th>
<th>Year four</th>
</tr>
</thead>
<tbody>
<tr>
<td>All pool owners charged 25% cost recovery ($14.60ea)</td>
<td>All pool owners charged 50% cost recovery ($29.20ea)</td>
<td>All pool owners charged 75% cost recovery ($43.80ea)</td>
<td>All pool owners charged 100% cost recovery ($58.45ea)</td>
</tr>
<tr>
<td>($14,600)</td>
<td>($29,200)</td>
<td>($43,800)</td>
<td>($58,450)</td>
</tr>
<tr>
<td>Cost of running the program</td>
<td>Cost of running the program</td>
<td>Cost of running the program</td>
<td>Cost of running the program</td>
</tr>
<tr>
<td>$84,250</td>
<td>$84,250</td>
<td>$84,250</td>
<td>$84,250</td>
</tr>
<tr>
<td>Net Cost to Shire</td>
<td>Net Cost to Shire</td>
<td>Net Cost to Shire</td>
<td>Net Cost to Shire</td>
</tr>
<tr>
<td>$69,650</td>
<td>$55,050</td>
<td>$40,450</td>
<td>$25,800</td>
</tr>
</tbody>
</table>

Pros – Phasing in the charges for the program allows pool owners to adjust to the new system of cost recovery allows a compromise between cost recovery and community perceptions.

Cons – Adds significant cost burden to the council budget and non-pool owners continue to considerably subsidise the pool safety program.

2. Full charge from year one.

   Every pool owner pays a portion of the estimated average cost of undertaking the pool safety program. This is capped for this financial year by the Building Regulations 2012 at $58.45 (+GST).
### Pool Safety Inspection Charges

<table>
<thead>
<tr>
<th>Annual Revenue</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of running the program</td>
<td>$84,250</td>
</tr>
<tr>
<td><strong>Annual cost to Shire</strong></td>
<td>$25,800</td>
</tr>
<tr>
<td><strong>Four year costs</strong></td>
<td>$337,000</td>
</tr>
</tbody>
</table>

### Four year costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>All pool owners charged 100% of possible cost recovery each year</td>
<td>($233,800)</td>
</tr>
<tr>
<td>Cost to Shire</td>
<td>$337,000</td>
</tr>
<tr>
<td><strong>Total cost over four years</strong></td>
<td>$104,000</td>
</tr>
</tbody>
</table>

### Pros
- This option would deliver the greatest cost recovery possible in the first year of the program.

### Cons
- Little notice to pool owners is possible before financial year 2019-2020.

### Cost Recovery Inspection Charge to Each Pool Owner Upon Inspection

Each pool owner pays full cost recovery charge once every four years when their pool is inspected. The only limitation on this charge is that it cannot exceed the cost of undertaking the inspection. Advice received from WALGA on 10 March 2014 sets out a number of scenarios for setting charges for pool safety inspections. This model would fall under scenario C in their advice.

“Council C has decided to conduct four yearly inspections but only charges the inspection fee during the calendar year that the inspection occurs. For the 500 pools in the local government area, the inspections cost $50 for Building Surveyors wages, travel and other overheads, therefore the ratepayer is charged $50 in the fourth year.”

<table>
<thead>
<tr>
<th>Fee upon inspection</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee charged once pool inspected</td>
<td>($337.00)</td>
</tr>
<tr>
<td>Cost of running the program</td>
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</tr>
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</tr>
<tr>
<td><strong>Total cost over four years</strong></td>
<td>$00.00</td>
</tr>
</tbody>
</table>

### Pros
- This model allows for full cost recovery and would not rely on non-pool owners to subsidise the pool safety program.

### Cons
- This fee is a significant increase from the existing inspection charge and may not be well received by pool owners.

### Statutory Environment

**Building Regulation 2012**

Part 8, Division 2, Regulation 53.

53. Inspection of barrier to private swimming pool

(1) The local government for the district in which a private swimming pool containing water that is more than 300 mm deep is located must
arrange for an authorised person to inspect the barrier to the private swimming pool at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulations 50 and 52 are being complied with.

(2) A local government may, for a financial year, fix the charge to be imposed on each owner or occupier of land on which there is a private swimming pool containing water that is more than 300 mm deep, to meet the estimated cost in that financial year of carrying out the inspections mentioned in subregulation (1), but the charge fixed —

(a) must not exceed the estimated average cost to the local government of carrying out inspections in that year; and

(b) must not exceed $58.45.

POLICY IMPLICATIONS

The following Council policies apply:

Council Policy 2.7: Preparation of Integrated Financial Plan and Budget; and
Council Policy 2.28: Risk Management Framework.

RISK IMPLICATIONS

The overall Risk Implication attached to the Pool Safety Inspection Program Fees & Charges is high.

The fees and charges are for a program of inspections that are a statutory responsibility of Council through the Building Act 2012.

Should Council choose not to support the recommendation, the Pool Safety Inspection Program will not be adequately funded and resourced, consequently the Shire of Capel may not be able meet its statutory responsibility in this area.

FINANCIAL IMPLICATIONS

Budget

This recommendation does not impact on the 2018/19 budget.

Long Term

The following tables provide a summary of the financial impacts of each option for the Pool Safety Inspection Program Fees & Charges

Option 1

<table>
<thead>
<tr>
<th>Pool Safety Inspection Charges</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>2019/20</td>
<td>$58,450</td>
</tr>
<tr>
<td>2020/21</td>
<td>$58,450</td>
</tr>
<tr>
<td>2021/22</td>
<td>$58,450</td>
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<td>$58,450</td>
</tr>
</tbody>
</table>
Option 2

<table>
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<th>Year</th>
<th>Revenue</th>
<th>Cost of running inspections</th>
<th>Funding required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
<td>$14,600</td>
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</tr>
<tr>
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Option 3

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<td>$84,250</td>
<td>$00.00</td>
</tr>
</tbody>
</table>

For simplicity, the above tables have not taken into account the annual increase that has historically taken place in the cost recovery charge that the Building Regulations 2012 allows Council to charge each year.

Also for clarity, the above tables to do take into account that there may be an increase in the number of pools to be inspected each year. Around 20-30 new pools are approved each year, once they have been completed they are moved from Council’s approval system to the Pool Safety Inspection system.

**SUSTAINABILITY IMPLICATIONS**

The proposed Pool Safety Inspection Program Fees & Charges addresses sustainability criteria in the following ways:

**Social:** The proposed charges and funding of this program enables the Shire of Capel to ensure that pool safety is maintained at a high standard, and as far as practical, the community is protected from unsafe backyard pools.

**Economic:** By endorsing charges from pool owners the level of subsidy required from the wider non-pool owning community is reduced. The ongoing budget implications can then be quantified and the risk of unbudgeted expenditure being required is reduced.

**Environment:** The Pool Safety Inspection Program Fees & Charges is not likely to have any significant impact on the environment. However, if Safety inspectors in the course of their responsibilities do come across any pool waste water being disposed of in an incorrect way they will be able to work with the pool owner to remedy the situation.
STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objectives:
1.4 Building a culture of collaboration and a stronger, safer and happier community;
1.5 Council keeps in regular communication with residents, workers and stakeholders;
1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities;
2.4 Community safety is recognised as paramount.

CONSULTATION

Prior to undertaking this year’s Pool Safety Inspection program a briefing was held with Council in October.

The current Pool Safety Inspection program has required significant communication with pool owners in our community. Facebook and Website updates have been frequent and coupled with letters to each effected owner. While onsite it has been a priority of the program to discuss pool safety, charges and the move to have more of the inspections done by Shire staff. Anecdotally the responses in these discussions have been mostly positive.

As each of the options outlined in this report are a departure from the existing charges associated with the Pool Safety Inspection program, there will be significant consultation and advertising with the community broadly and specifically with affected pool owners in the 2019/20 financial year. This will include the following:

- Advertising the changes on the Shire Facebook page;
- Advertising the changes on the Shire website;
- Making a member of the pool Safety team available during office house to answer questions either at the front counter or over the phone; and
- Mailing all pool owners explaining the charges and giving them contact details for the pool safety team for further information.

COMMENT

Through the over 700 inspections carried out via the Pool Safety Inspection program this year many non-compliances have been identified and rectified. This has in turn made our community a safer place for children to enjoy.

By charging those that are receiving the services of the pool safety team the burden on the wider community will be reduced and by continuing to fund the program, Council will ensure that this important legislatively required work is sustained and the professional level that has been set by the 2018/19 program can be maintained.

The legal advice received from McLeods Barristers & Solicitors in May 2018, shows that it is legally possible to apply the proposed charge to all pool owners every year irrespective of whether they receive an inspection in that year. The proposed charge is a cost recovery model only and no profit is proposed.
Investigations have revealed that a large number of Local Governments throughout the state apply their pool safety inspection charge in this way. As such, the Shire of Capel would not be out of step with other Local Governments approach to this issue.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 14.4

That Council:

1. **Endorses Option 1, to charge all pool owners the following fees to help fund the Pool Safety Inspection program:**
   
   Year 1 (2019/20) - $14.60;  
   Year 2 (2020/21) - $29.20;  
   Year 3 (2021/22) - $43.80;  
   Year 4 (2022/23) - $58.45; and

2. **Considers allocating funds for Pool Safety Inspections in the 2019/20 draft budget.**
14.5 Tender 19/02 Bussell Highway Path – Hasties Road

Location: Bussell Hwy – Hasties Rd
Applicant: Shire of Capel
File Reference: PATH.DAL.6
Disclosure of Interest: Nil
Date: 09.04.19
Author: Engineering Technical Officer, T van Beem
Senior Officer: Director Infrastructure and Development, J Gick
Attachments: 1. Bussell Hwy Path Frances to Hasties Design Drawings
2. Tender Criteria Weighting (Confidential)

IN BRIEF

Acceptance of tender submissions for the Bussell Highway Path – Hasties Road (Tender 19/20 XS41). Staff consider the tender submission from Dowsing Group PTY LTD ($169,888.28 ex GST) represents the best value for money.

RECOMMENDATION

1. That Council accepts the tender from Dowsing Group Pty Ltd for $169,888.28 excluding GST as detailed in Tender No. 19/02 for the Bussell Highway Path – Hasties Road; and

2. Adjust the Paths Program of works to postpone Hornibrook Road - Samrose to Maidment Parade to balance the overspend in the 19/20 program of works.

BACKGROUND / PROPOSAL

Background

May 2016
Council adopted the Shire of Capel Local Bike Plan. The Bussell Highway Shared Path is a key project identified in the Plan and whilst developing the plan the Shire consulted with the community and completion of the Bussell Highway Shared Path was ranked the highest priority project.

July 2016
Shire applied to Department of Transport for shared funding of construction of the Bussell Highway path in two stages. The first stage connects the existing Bussell Hwy path that stops near Tiffany Centre, Dalyellup to Francis Rd. The second stage connects the Stage 1 to the existing path on Hasties Rd, Gelorum. Department of Transport has agreed to fund 50% of the construction cost incurred by the Shire for the two stages.

January 2017
Council received advice from Regional Bicycle Network Local Governments Grants program the Shire had been successful in its application for grants totalling $61,693 in 2017/18 for Stage 1 and $53,068 in 2018/19 for stage 2 of the Bussell Highway Shared Use path project.

November 2017
Department of Transport reviewed early concept cost estimates for the project and confirmed an increase in funding for the stages 1 and 2. Funding for Stage 2, Frances to Hasties Road was increased to $63,607.
April 2017 (OC0405)
Council endorsed a five year program of works (Paths 2017/18 – 2021/22), which included the Stages 1 and 2 in the 17/18 and 18/19 program of works.
February 2018 (OCO209)
Council Authorised the Shire President and The Chief Executive Officer to endorse and affix the Shire seal to the easement agreement to establish tenure of rights over the Bussell Highway path within Lot 9000.

March 2018 (OCO319)
Council endorsed a five year program of works (Paths 2018 – 2023), which included the Bussell Highway Path Frances to Hasties Road.

Proposal
To consider the tender submissions for the Bussell Highway path – Hasties Road, and accept a recommended tenderer.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 3, Division 3, s.3.57

3.57. Tenders for providing goods or services
(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
(2) Regulations may make provision about tenders.

Local Government (Functions & General) Regulations 1996, Part 4, Division 2, r.11

11. When tenders have to be publicly invited
(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise.

POLICY IMPLICATIONS

Policy 2.8 - Purchasing states that purchases must be made in consideration of (amongst other things) the best value for money.

To promote economic activity and employment opportunities within the Shire of Capel, Council has a local purchasing preference. A 5% price preference is applicable to locally based suppliers on all purchases where the purchase consideration exceeds $1,000.

Tenderers where assessed for their eligibility for the regional price preference. Tenderers are based in Australind, Picton or the greater Perth region and are not eligible.

RISK IMPLICATIONS

There is a moderate risk of some aspects of the project, that may affect budget, including:

Contract variations
The scope, specification and contract documents have been closely scrutinised to reduce this risk.

Timeframe
Due to delays in negotiating land tenure and gaining approval from Main Roads WA the project timeframe has minimal scope for timeframe extension. Any reasonable delay would impact on the Shire’s ability to acquit the project to meet the funding deadline of 30 June 2019

The highest scoring tenderer and its subcontractors are Perth based, should delays be encountered through the project or if minor rectification works are required at the
completion of the project there is a risk that remobilisation to site may be delayed or not occur due to costs to mobilise from Perth.

The Highest scoring tenderer has identified in its plan it intends to place between 35m$^3$ to 45m$^3$ of concrete per day. This is higher than previous works have achieved in similar works within the Shire.

**Stakeholder management**

Works are being complete within the road reserve managed by Main Roads WA, liaison will be undertaken throughout the project to ensure the works meet their requirements.

**Traffic management**

The works require traffic management on both Bussell Highway and Hasties Road. Any additional works or delays may result in increased cost due to additional traffic management days.

The specification for the works requires an independent Traffic Management Contractor registered under the Main Roads Registration Scheme. The recommended tenderer has confirmed the proposed contractor meets the requirements of the specification.

The highest scoring tenderer has indicated it has allowed for 15 days of traffic management the average allowed for by other tenders is 23 days. Cost of traffic management can be in the order of $1,000 to $1,500 per day. Under allowing for traffic management may increase time and quality risks to a project, or increase costs.

**Inclement weather**

Poor weather may have minor time and quality effects on the delivery of the project.

**Quality**

The Shire has no previous experience with the highest scoring tenderer. Referees where contacted and provided feedback that indicated it completes works to a good standard.

The tight timeframe imposed by the highest scoring tenderers traffic management allowance may impact quality of the works.

Overall, the decision to accept the highest scoring tenderer to complete the works presents a medium risk to Council.

**FINANCIAL IMPLICATIONS**

**Budget**

The 2018/19 Council Budget includes: XS41- Bussell Highway Dual Use Path $ 127,215 ex GST.

The original estimate for the project was prepared during the grant application process in late 2016. The cost for the project was estimated to be $106,135.

The initial estimate was reviewed and revised during preparation of the concept for stages one and two. This resulted in an estimated cost of $127,215. At this time the Shire contacted the Department of Transport to request in increase in funding. The Department of Transport agreed to increase the funding to 50% of the project estimate ($63,607).

During consultation with Main Roads WA a number of additional works were identified for inclusion to the project to gain approval for the project. These works include:

- Hasties Bussell intersection Drainage works ~$10k
- Red oxide concrete infill ~$2k
- Kerbing and Shoulder works ~$4k
In addition to the above, due to the constrained road reserve at the North Eastern corner of the Hasties Road and Bussell Highway, the following was also deemed to be required:
- Stone pitching of steep batters ~$3k
- Balustrade fencing along steep batter ~3k
- Limestone block wall ~2k

In February during finalisation of the concept with Main Roads WA the cost estimate was updated to reflect the revised scope and construction rates from similar projects. This estimated cost is $171,000.

The Shire has contacted the Department of Transport and requested an increase in funding to meet the additional scope requirements. The Department of Transport has advised no additional funding is available.

<table>
<thead>
<tr>
<th>Total Capital Budget 2018/19 (ex GST)</th>
<th>$ 127,215</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed Funds YTD 8/4/19</td>
<td>$ 5,067</td>
</tr>
<tr>
<td>Highest Scoring Tender Submission</td>
<td>$ 169,888</td>
</tr>
<tr>
<td>Estimated Total Project Cost</td>
<td>$ 174,955</td>
</tr>
<tr>
<td>Capital Overspend</td>
<td>$ 47,740</td>
</tr>
</tbody>
</table>

To manage the capital overspend it is proposed to either:

1. Adjust the future Paths Program of Works and postpone the Hornibrook Road project from the proposed 19/20 Capital Works Program to provide a saving in the program; or

2. Absorb the project overspend into end of year surplus, if other projects generate savings.

**Long Term**

Long term implications for this project are associated with the maintenance and renewal of the concrete path. Generally the design life of concrete path is in the order of 50 years. Prior to that time only replacement of cracked sections due to tree roots would be expected.

As this project delivers a new asset, the following whole of life costs apply.

<table>
<thead>
<tr>
<th>Nominal Useful Life (50 Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>0</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>50</td>
</tr>
<tr>
<td>Annual</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Whole of Life Cost:</td>
</tr>
<tr>
<td>Annualised Cost:</td>
</tr>
</tbody>
</table>
To secure the land tenure the Shire has also accepted the maintenance of the easement (OCO209). This land will ultimately be vested in the Shire for purpose of drainage reserve at future subdivision of Lot 9000.

**SUSTAINABILITY IMPLICATIONS**

Minor clearing works are required to enable construction of the path and where possible will be avoided. The works are exempt from requiring a clearing permit.

Construction of the path is expected to provide the following positive sustainability impacts

**Social**
- Improve connection of the Dalyellup and Gelorup communities;
- Improve opportunities for all to commute and exercise by bike or foot, with the aim to provide a connection suitable for the “8 to 80” age group; and
- Reduce conflicting interests of cars and cyclists at this location.

**Environmental**
- Safe and efficient cycling networks may increase the use of bikes for short and medium distance trips, reducing carbon emission by motor vehicles.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018-2028

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

Community Objectives:
1.3 Creating a more connected community.
1.5 Council keeps in regular communication with residents, workers and stakeholders.
1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities.
2.4 Community safety is paramount.

The Infrastructure Experience, ‘Ensure safe, sustainable and efficient infrastructure and transport network’.

Community Objectives:
5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.
5.3 Working together to meet the needs of changing infrastructure requirements.
5.4 Locals are able to ‘age in place’.

**CONSULTATION**

Consultation with the community has previously been completed during preparation of the Local Bike Plan. This project is widely supported by the community.

Department of Transport has reviewed this project for funding and has now endorsed the detailed design plans.

Council officers have consulted with Main Roads WA who has reviewed the design drawings and provided comments for incorporation into the final application for approval.
The Shire has worked with the landholder of Lot 9000 to implement an easement agreement to allow the path to be constructed within the future drainage reserve prior to ceding the reserve to Shire at future subdivision.

During tender assessment, tenderer referees where contacted to assess the performance of the tenderers, based on previous works for other local governments. Feedback for the recommended tenderer was good.

**COMMENT**

The Shire received 5 tenders. In considering which tenderer to award the Contract to, there are several important considerations. As part of the tender assessment, 40% of the total score is based on the tenderer’s ability to demonstrate previous experience on similar projects, outline available resources and personnel, and demonstrate that previous works were completed to the required standard, in the required time, to the accepted price and with minimum disruption to the public.

The remaining 60% of the total score is calculated by the following:

\[
\text{(Tenders Price / Lowest Tender Price) } \times 60\%
\]

Therefore, 60 points is allocated immediately to the lowest price. Refer to the table below (Table A).

**TABLE A: Tenders – Tender Criteria Weighting**

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Demonstrated Experience, Resources and Personnel (40% weighting)</th>
<th>Price (60% weighting)</th>
<th>SCORE TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Busselton Civil Pty Ltd</td>
<td>34</td>
<td>47.8</td>
<td>81.8</td>
</tr>
<tr>
<td>Civilcon Constructions PL</td>
<td>28.5</td>
<td>58.4</td>
<td>86.9</td>
</tr>
<tr>
<td>Dowsing Group Pty Ltd</td>
<td>34</td>
<td>60</td>
<td>94</td>
</tr>
<tr>
<td>JAK Civil Pty Ltd</td>
<td>38.5</td>
<td>51.2</td>
<td>89.7</td>
</tr>
<tr>
<td>RCA Civil Group</td>
<td>33.5</td>
<td>34.4</td>
<td>67.9</td>
</tr>
</tbody>
</table>

The highest scoring tenderer has demonstrated successful completion of similar type and scale projects in the Perth region and appears to have resources required to complete the works. The Shire has no prior experience with the highest scoring tenderer, however, it is felt that the above mentioned risks presented can be managed whilst providing the best value for money.

After considering the points allocated and the information provided by the tenderers and relevant referees, staff supports the awarding of the tender to Dowsing Group Pty Ltd, who scored the highest with 94.
OFFICER’S RECOMMENDATION – 14.5

1. That Council accepts the tender from Dowsing Group Pty Ltd for $169,888.28 excluding GST as detailed in Tender No. 19/02 for the Bussell Highway Path – Hasties Road; and

2. Adjust the Paths Program of works to postpone Hornibrook Road - Samrose to Maidment Parade to balance the overspend in the 19/20 program of works.
IN BRIEF

- Main Roads Western Australia (MRWA) is responsible for issue of Restricted Access Vehicle permits on local government roads.
- The Shire of Capel provides advice to MRWA on the suitability of roads for issue of a permit.
- MRWA is not bound to accept or abide by the advice of the Shire,
- The existing Policy 7.5 – Roads (Extra Mass Permits) is due for review in December 2019, however due to operational changes within the Shire, and changes in MRWA nomenclature over time, there is a need to ensure that current Practice aligns with the Policy. These changes are addressed in this item.

RECOMMENDATION

That Council:

1. Endorse the proposed amendments to Policy 7.5 – Roads (Restricted Access Vehicles); and
2. Grants delegated authority to negotiate agreements for road deterioration co-contributions on behalf of Council to the Chief Executive Officer.

BACKGROUND / PROPOSAL

Background

19 February 2014 (OC0208)
Council endorsed updated Engineering and Operational policies, including the existing Policy 7.5 Roads (Extra Mass Permits).

27 January 2016 (OC0113)
Council endorsed updated Engineering and Operational policies, including the existing Policy 7.5 Roads (Extra Mass Permits).

20 December 2017 (OC1209)
Council endorsed changes to Section 7 Engineering and Operations of the Shire of Capel Policy Manual, including the existing Policy 7.5 Roads (Extra Mass Permits).

As a result of decision OC1209, additional roads were added to the Restricted Access Vehicle Network.

26 September 2018 (42/2018)
Council was requested to:

1. Support an application for Commodity Route funding to upgrade 1.6km of Norman Road (between Boundary Road and Gynudup Road) to a level suitable for use by Restricted Access Vehicles; and
2. Authorise revision of the Program of Works – Roads to accommodate the Shire’s 1/3 cost share subject to a successful application. consider an application for Commodity Route Funding

Council decided:
That Council directs staff to defer this recommendation until such time as they can provide Council with an updated Program of Works – Roads so Council can make an informed decision with all revisions and costs known.

23 October 2018 (Matter Number CC 2236/2018)
Notice of Directions Hearing from State Administrative Tribunal in relation to an Application for Review of Certain Decisions by MGM Bulk Pty Ltd. The application related to a decision by the Shire of Capel to decline support for an application for concessional (over) loading of RAV Class N3.3 vehicles from an existing Extractive Industry on Lowrie Road

14 November 2018
Notice of Decision from State Administrative Tribunal in relation to Matter Number CC 2236/2018 advising of Withdrawal of Application by Applicant.

Proposal
This item proposes that Council consider amendments to Policy 7.5, including renaming of the Policy to reflect current MRWA nomenclature and updates to the content of the Policy to reflect changes in operational management of Restricted Access Vehicle permits.

STATUTORY ENVIRONMENT
Local Government Act 1995 applies:

2.7 Role of council

(1) The council –
(a) governs the local government’s affairs; and
(b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to –
(a) oversee the allocation of the local government’s finances and resources; and
(b) determine the local government’s policies.

Road Traffic (Vehicles) Act 2012 applies:

40. Access approvals
(1) The Commissioner of Main Roads may give an access approval for a complying restricted access vehicle to be on a road.

POLICY IMPLICATIONS
Minor policy changes will result from the deletions and amendments detailed in this report.

RISK IMPLICATIONS
The proposed policy amendments reduce Council risk by addressing exposure to risk through improved role clarity and increased focus on the long term costs and benefits of Council’s assets.

FINANCIAL IMPLICATIONS
Budget
There are no financial implications relevant to this matter.
The proposed changes will make administration of the local Restricted Access Vehicles network simpler, reducing operational costs associated with this management.

By clearly establishing the maximum load and design limits that the Shire is willing to support, and by enabling cost recovery by way of road deterioration co-contributions for access to roads not currently accessible via the Restricted Access Vehicles network, the Shire may reduce the potential for damage to the network leading to a reduction in long term cost.

**SUSTAINABILITY IMPLICATIONS**

This Policy addresses sustainability criteria in the following ways:

Social: Community expectations are managed by improving the connectivity of the road network, improved road safety outcomes and improved delivery of commercial services to communities.

Economic: The economy benefits by improved efficiency of transport services.

Environment: The environment is supported through an (overall) reduction in heavy vehicles on the road network. Some negative impacts must be managed (e.g. creation of dust) where Restricted Access Vehicles are required to operate on unsealed roads.

Asset: Management of the road network is improved where the operation of Restricted Access Vehicles can be contained within management weight and length limits and/or where road deterioration co-contributions can be legitimately sourced from transport operators in order to reinstate damage caused to the network by their operations.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028.

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

Community Objective:
1.2 Respond to key challenges, global factors and local impacts together.
1.5 Council keeps in regular communication with residents, workers and stakeholders.
1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

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

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and transport networks’.

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

**CONSULTATION**

This Policy review was prompted in large part by the outcome of a State Administrative Tribunal hearing in relation to an Application for Review of Certain Decisions by MGM Bulk Pty Ltd. The application related to a decision by the Shire of Capel to decline support for an application for...
concessional (over) loading of RAV Class N3.3 vehicles from an existing Extractive Industry on Lowrie Road.

An online review of equivalent Policies from other Western Australian Shires and Local Government institutions was carried out:

- WALGA
- Shire of Chittering
- Shire of Gingin
- Shire of Plantagenet
- Shire of Moora
- Shire of Donnybrook-Ballingup
- Shire of Boyup Brook
- City of Busselton
- City of Bunbury

The outcome of the SAT hearing was discussed at the South West Regional Roads Group Technical Committee meeting held on Monday 26 November 2018, (Minute Item 5.1). Topics discussed included the impact on a Shire’s ability to charge fees for processing of applications, and potential for loss of control of the network to transport operators if (for example) MRWA chose to approve an application that was not supported by the Shire (*Note: this has never happened to date*).

The Shire of Capel was contacted by the Shire of Boyup Brook for further commentary related to the outcomes of the SAT hearing on 18 March 2019.

The Policy review was undertaken with input from various Engineering, Operations and Executive staff.

**COMMENT**

The *Local Government Act 1995* requires Council to determine a local government’s policies. Whilst all Shire of Capel policies are reviewed at a minimum of every 2 years (and are due to be reviewed again by the end of 2019), it is not unusual to review, amend or rescind policies at other times due to operational, strategic or legislative requirements.

Two recent applications for additions to the Restricted Access Vehicle (RAV) network have contributed to an expansion of the knowledge base of the Shire with respect to both the limitations of its powers with respect to these vehicles, and the need for a means by which viable economic activity can be supported.

In the first example, the Shire of Capel declined to support an application for concessional (over) loading of vehicles on a road previously approved to permit Class N3.3(b) vehicles. This decision was subsequently appealed to the State Administrative Tribunal (SAT).

The application to SAT was lodged (by MGM Bulk Pty Ltd) under Section 5.125(1) of the Local Government Act. A Directions Hearing was held on Monday 5 November 2018. The SAT Member, Mr Spillane, opened proceedings by indicating that the application had been lodged incorrectly. The application was lodged under a section of the Local Government Act that related to assessment panels, and had no relationship to the case.

The Member noted that (even had the application been lodged against an appropriate section of the Act) the lodgement of the Application to the Shire of Capel was incorrect, as the ultimate decision for Restricted Access Vehicle permits rests solely with MRWA and is only based upon advice from local governments, not directed by them. The Member explained to the Applicant that the process was (in SAT’s view) no different to a subdivisional development application where the decision making body is WAPC. Any application for review is therefore not directed to Council, only to WAPC.
The Member further noted that (unlike WAPC) there did not appear to be any right of appeal within the governing legislation covering Main Road’s administration of Heavy Vehicles. Therefore the Applicant had not only appealed against the wrong clauses of the Local Government Act, they had appealed to the wrong party and (in any case) had no avenue of appeal to the governing body.

While upholding the Shire’s decision not to support the application, the outcome of that case also demonstrated that the Shire has no more than an advisory role to MRWA under the applicable legislation. The existing Policy 7.5 Roads (Extra Mass Permits) assumed a level of legislative authority that the Shire did not have under law.

In the second example, the operator of a feed lot applied for permission to operate B-Double road trains along a section of road that was not approved for this class of vehicle, despite the approved RAV network reaching to within one kilometre of the operator’s gate. Under the existing structure of Policy 7.5 Roads (Extra Mass Permits) the Shire of Capel had no means by which it could either support the feedlot operator to continue their legitimate business, or to facilitate any means of cost recovery from that operator for any excess damage to the road caused by their vehicles.

A short-term opportunity existed at the time of this operators application for the Shire to apply for funding to upgrade the road to support Restricted Access Vehicles. Council did not choose to avail itself of that opportunity at the time. The short-term funding opportunity has now passed. The Shire is therefore left with no current means by which it can support this legitimate business except by way of increased maintenance of the road at the expense of ratepayers.

The proposed amendments to Policy 7.5 Roads (Extra Mass Permits) will simplify the Policy, making its intent and application clearer. They will also enable decision making based upon strong guidance and create a mechanism by which local business activity can be supported without adding undue costs to the Shire.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 14.6**

That Council:

1. **Endorse the proposed amendments to Policy 7.5 – Roads (Extra Mass Permits);**
   and

2. **Grants delegated authority to negotiate agreements for road deterioration co-contributions on behalf of Council to the Chief Executive Officer.**
Council to receive a Draft Policy 5.9 - Public Health Priorities (the Policy). It follows Council's previous decision to receive the Shire of Capel Local Public Health Status Report (2018), which identified the health status of the community. The draft policy incorporates commitments towards addressing the public health status and requirements of the Public Health Act (2016), including setting policy priorities.

RECOMMENDATION

That Council; Receives the Draft Policy 5.9 - Public Health Priorities to be advertised for 28 days to receive community input in accordance with the Shire of Capel - Community Engagement Framework.

BACKGROUND / PROPOSAL

Background

24 October 2018 (52/2018)
That Council:
1. Receives the Draft Shire of Capel Local Public Health Status Report (2018); and
2. Allocates $5,000 for preparation of a Shire of Capel Local Public Health Plan in the draft 2019/20 budget.

27 February 2019
Council received information at a Council briefing session presented by Ms Shenae Norris, Health Promotion Educator, Cancer Council WA on opportunities to partner the Cancer Council with respect to the Live Lighter campaign and others that may align with the Shires plans or policy priorities in the future.

The draft policy includes a statement relating to establishing external stakeholder partnerships and/or collaboration to deliver its objectives.

Proposal

It is proposed that Council receives the Draft Policy 5.9 - Public Health Priorities (attached) to be advertised for 28 days and relevant consultation occurs in association with the Shire of Capel Community Engagement Framework.

STATUTORY ENVIRONMENT

Local Government Act 1995 s2.7

2.7 Role of council

(1) The council –
(a) governs the local government's affairs; and
(b) is responsible for the performance of the local government’s functions

(2) Without limiting subsection (1), the council is to –
(a) oversee the allocation of the local government’s finances and resources; and
(b) determine the local government’s policies.

Public Health Act (2016) s 45

45. Local public health plans

(1) A local government must prepare a public health plan (a local public health plan) that applies to its local government district.

(2) A local public health plan must be consistent with the State public health plan.

(3) A local public health plan may be prepared in conjunction with a plan for the future of the local government district prepared under the Local Government Act 1995 section 5.56.

(4) A local public health plan must —
(a) identify the public health needs of the local government district; and
(b) include an examination of data relating to health status and health determinants in the local government district; and
(c) establish objectives and policy priorities for —
(i) the promotion, improvement and protection of public health in the local government district; and
(ii) the development and delivery of public health services in the local government district; and
(d) identify how, based on available evidence, the objectives and policy priorities referred to in paragraph (c) are proposed to be achieved; and
(e) describe how the local government proposes to work with the Chief Health Officer and other bodies undertaking public health initiatives, projects and programmes to achieve the objectives and policy priorities referred to in paragraph (c); and
(f) include a strategic framework for the identification, evaluation and management of public health risks in the local government district and any other matters relating to public health risks in the local government district —
(i) that the local government considers appropriate to include in the plan; or
(ii) that are required to be included in the plan by the Chief Health Officer or the regulations; and
(g) include a report, in accordance with the regulations, on the performance by the local government of its functions under this Act.

(5) A local government must review its local public health plan each year and may amend or replace it at any time.

(6) Unless it is sooner replaced, a local public health plan must be replaced at the end of the period of 5 years after it was prepared.

(7) A local government must prepare its first local public health plan not later than 2 years after this section comes into operation.

POLICY IMPLICATIONS

The policy sets the future direction for the Shire in line with the requirements of the Public Health Act (2016). It commits the Shire to establish partnerships internally to the organisation and with external stakeholders for collaborating on activities that meet the Shire’s objectives towards improving health status of the community.
The policy also affirms the actions recommended by the Shire of Capel Local Public Health Status Report (2018), specifically to:

1. Continue to examine whether there are other documents, not mentioned in this report that could also be relevant to the objectives and priorities for a local public health plan in the future;
2. Provide elected members and staff with relevant information and/or training on public health needs in order to increase their awareness and develop related skills in incorporating public health into future policy and strategy documents and decision making where appropriate;
3. Continue to liaise with the WA Country Health Service Southwest and other related stakeholders regarding information and collaboration opportunities associated with the development of a future local public health plan;
4. Continue to liaise with other regional local governments in regards to strengthening regional strategies that will likely enhance local public health plans; and
5. Recognise the public health needs identified in this local public health status report and identify the future resources and costs required to develop a future local public health plan.

**RISK IMPLICATIONS**

The risk of adopting this policy is low as it does not commit the Shire to expenditure outside that of its current budget processes. There is a medium risk that not adopting the policy that if opportunities ensuring partnerships and collaboration is overlooked, it may delay or lead to a failure in the Shire towards improving the community’s health status.

**FINANCIAL IMPLICATIONS**

**Budget**

There are no identified financial implications relevant to this matter.

**Long Term**

Any long term costs relevant to the Policy will be identified as part of the Shire’s annual budget setting process.

**SUSTAINABILITY IMPLICATIONS**

This agenda item has positive sustainability implications within the social domain, as the Draft Shire of Capel Local Public Health Status Report (2018), identifies specific risks associated with the social determinants of health.

Healthy communities also contribute to the economy.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan (2018-2028)

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

Community Objective:

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

The Community Experience, ‘Facilities and services that accommodate the diverse needs of the community and providing a safe place to live, work and visit.’
Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities.
2.4 Community safety is recognised as paramount.

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and transport networks.’

Community Objectives:
5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.
5.4 Community needs a safe and efficient transport network including public transport.
5.5 Locals are able to ‘age in place’.

Corporate Business Plan (2018 – 2022)
1.4 Undertake measures to ensure the protection of public health.
2.1 Develop and maintain a Shire with pedestrian/cycling access.
2.1 Create and maintain parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activity.
2.1 Foster participation in cultural events and activities that encourage a sense of identity and belonging.
2.4 Develop and implement various Health Plans that address major health risks in community
5.2 Quality parks, gardens and green open spaces.
5.4 Working with public transport service providers to support improvements to public bus services within the District.
5.5 Age Friendly program initiatives.

CONSULTATION
The Draft Policy 5.9 - Public Health Priorities was discussed with the Director Infrastructure and Development, Manager Building and Health Services and Health Services staff in March 2019. It was further considered at the Managers meeting held on 9 April 2019.

In addition, staff from WA Country Health Services Southwest and the Cancer Council WA have provided invited preliminary feedback, which has been incorporated within the Policy wording.

COMMENT
In line with the ongoing progression towards completing a Local Public Health Plan, mandated by the Public Health Act (2016), the Shire has progressed significantly towards this objective.

The Draft Policy 5.6 Public Health Priorities, enables the Shire to continue making progress towards achieving the milestones set in the local public health planning guidelines and towards developing a Local Public Health Plan, which is expected to be completed by 2023.

VOTING REQUIREMENTS
Simple majority

OFFICER’S RECOMMENDATION – 14.7

That Council; Receives the Draft Policy 5.9 - Public Health Priorities to be advertised for 28 days to receive community input in accordance with the Shire of Capel - Community Engagement Framework.
IN BRIEF

Council is being requested to nominate a Councillor to represent the Shire of Capel in the Bunbury-Wellington Sub-Regional Strategy Steering Group to guide the Department of Planning, Lands and Heritage (DPLH) on the preparation of a land-use planning strategy for the Bunbury-Wellington Sub-Region and to provide advice to the Western Australian Planning Commission (WAPC) on the draft Sub-Regional Strategy.

RECOMMENDATION

That Council:

(a) endorses the nomination of Councillor ___________ to represent the Shire of Capel on the Bunbury-Wellington Sub-Regional Strategy Steering Group; and

(b) includes the Bunbury-Wellington Sub-Regional Strategy Steering Group representation at its Special Council Meeting in October 2019.

BACKGROUND / PROPOSAL

Background

On 15 March 2019, the Shire received an invitation from the Western Australian Planning Commission (WAPC) to assist in the preparation of a new land-use planning strategy for the Bunbury-Wellington Sub-Region (Attachment 1).

The Bunbury-Wellington sub-region comprises the local governments of Bunbury, Capel, Dardanup, Harvey, Collie and Donnybrook-Balingup. The Noongar people are recognised as the traditional owners of the subregion through the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016.

The WAPC previously adopted the Bunbury Wellington Region Plan (1995) to guide land-use planning for the sub-region. In 2013 the WAPC published the Greater Bunbury Strategy to guide the urban growth of the Greater Bunbury area, which is the local governments of Bunbury, Capel, Dardanup and Harvey.

The Greater Bunbury Strategy includes a five (5) year review commitment and this review also represents an opportunity to expand the Strategy to include the review of the Bunbury-Wellington Region Plan 1995 through a Bunbury-Wellington Sub-regional Strategy.
The WAPC has directed that consideration should be given through the Strategy to include some guidance and direction for the Greenbushes townsite and lithium mine in the adjacent Shire of Bridgetown-Greenbushes, given the economic connections with the sub-region.

The Strategy provides an opportunity to consider the latest WA Tomorrow projections, land supply information, a consideration of development constraints in the sub-region and economic opportunities for the area, particularly in light of the Westport Study and the new investment likely to come into the area from new economic initiatives.

Proposal

The WAPC has resolved to prepare a land use planning strategy for the Bunbury-Wellington sub-region. The work will be undertaken by the Department of Planning, Lands and Heritage on behalf of the Commission. The context of this project and a description of the strategy area are outlined in the attached Terms of Reference (Attachments 2 and 3).

The success of the project will require contributions from a large and diverse range of stakeholders. To facilitate this, the Commission is forming a Steering Group and five themed Working Groups.

The purpose of the Steering Group will be to guide the Department on the preparation of the Strategy and to provide advice to the Commission. The Working Groups will provide background information and identify issues to support the development of the Strategy. Working Groups are to be organised around the following themes: environment, economy, transport, urban settlement, and utilities and services.

The Commission is seeking a member of Council to participate on the Steering Group. It is anticipated that the Steering Group would meet twice per year over the three year duration of the project. The first Steering Group meeting will take place on 20 May 2019.

The nominated representative is expected to have appropriate skills and experience in strategic planning matters to fulfil their role on the Steering Group, along with a clear understanding of the purpose of the Steering Group and their responsibilities in relation to it.

The nominated representative will also be required to sign a confidentiality agreement and not discuss the considerations of the Steering Group with third parties, as well as disclose any interests as prescribed in the WAPC Standing Orders 2017. Steering Group members will not be provided with any remuneration or allowances specific to membership of the Steering Group.

The Commission is also seeking officer level representation from local governments on three of the Working Groups as follows: Urban Settlement, Environment and Transport. The Working Groups will convene prior to the first Steering Group meeting and will meet up to four times over the next two years.

**STATUTORY ENVIRONMENT**

There are no current statutory acts or regulations relevant to the nomination of Council representatives to this Group.

The Bunbury-Wellington Sub-Regional Strategy will be made in accordance with the *Planning and Development Act 2005* and the State Planning Strategy.

**POLICY IMPLICATIONS**

Policy 1.3 ‘Travel Expenses’ is relevant to this matter.

In the course of performing their duties, Councillors incur many expenses. Some of these are readily apparent while others, such as vehicle usage are less obvious. No person serving on
Council should be financially disadvantaged in their role as a Councillor, as such a situation may preclude members of the community from seeking public office.

Council will reimburse travel expenses where Councillors attend:

- Meetings attended as a consequence of an appointment to a committee, organisation or board, through a nomination by Council, where no travel allowance is paid by that committee, organisation or board;
- Meetings attended as a delegate or authorised representative of Council;

**RISK IMPLICATIONS**

The nomination of Councillor _________ to the Steering Group is considered to be a low risk but if Council chose not to nominate representatives there is the potential for the community not to be adequately represented at the local government level and a medium to high risk that the final outcome won’t be in the best interests of the Shire of Capel or the community.

**FINANCIAL IMPLICATIONS**

**Budget**

The Elected Councillor nominee would be entitled to claim travelling costs to attend the Steering Group meetings as per Council Policy 1.3 ‘Travel Expenses’ but these costs can be accommodated within the existing Members Allowances – Travel Expenses budget (Account 101120).

**Long Term**

There are no long term financial implications in the development of the Bunbury-Wellington Sub-Regional Strategy, other than in relation to travel expenses and staffing costs.

**SUSTAINABILITY IMPLICATIONS**

The nomination of Council representatives to the Steering Group and Working Groups does not have any direct implications in terms of social, environmental or economic sustainability. However, their attendance will ensure that the interests of Shire of Capel community members in social, environmental and economic sustainability are given due consideration.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028.

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

Community Objectives:

1.2 Respond to key challenges, global factors and local impacts together;
1.3 Creating a more connected community;

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

Community Objective:

2.1 Council works in partnership with the community in providing appropriate services and facilities.
The Economic Experience – ‘Responsible and progressive local economic development’:

Community Objectives:
3.1 The community capitalises on its unique attributes and location;
3.5 Activities, new business and developments are encouraged.

The Environmental Experience - ‘Preserve and enhance the natural and built environment.’

Community Objectives:
4.2 Our unique bush, forests, rivers and beaches are valued and protected to preserve the natural environment.
4.4 Council provides leadership and a responsive plan to manage our drying climate and increasing storm and fire risk.

The Infrastructure Experience - ‘Ensure safe, sustainable and efficient infrastructure and transport networks.’

Community Objectives:
5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.
5.3 Working together to meet the needs of changing infrastructure requirements.
5.4 Community needs a safe and efficient transport network including public transport.

**CONSULTATION**

There is no further consultation required on this matter. Future public consultation on the draft Bunbury-Wellington Sub-Regional Strategy will be undertaken by the WAPC.

**COMMENT**

The Bunbury-Wellington Sub-Regional Strategy (BWSRS) represents a very significant opportunity in that it will shape the future strategic land use planning and development for the sub-region and the Shire of Capel for the next 20 years.

The BWSRS will replace the current Greater Bunbury Strategy and will guide amendments to the Greater Bunbury Region Scheme. It will influence any review of the Shire’s emerging Local Planning Strategy and Local Planning Scheme #8.

The involvement of an elected member on the Steering Group is essential to ensure the needs of the community are taken into account in the future planning of the Shire. The nominated Councillor will need to have an interest in being nominated and be able to commit to membership of the Steering Group.

Council should be aware that the CEO has nominated a number of officers to the individual Working Groups. Each officer has been nominated based on their skills, interest and availability.

Council should also note that the Shire, along with the other six local governments, have not been invited to participate in either the Economy or Utilities and Services Working Groups. Membership of these groups is made up of private sector, utility companies and state government organisations although the Bunbury-Wellington Economic Alliance will represent local government interests in the Economy Working Group. The Shire has expressed concern to the WAPC over this arrangement, has requested that local governments have individual representation on all the Working Groups, and has nominated individual officers for the Economy and Utilities and Services Working Groups.
OFFICER RECOMMENDATION 14.8

That Council:

(a) endorses the nomination of Councillor ____________ to represent the Shire of Capel on the Bunbury-Wellington Sub-Regional Strategy Steering Group; and

(b) includes the Bunbury-Wellington Sub-Regional Strategy Steering Group representation at its Special Council Meeting in October 2019.
14.9 Road Closure - ‘John Hogg Road’. Lot 6 on P 14174, Yeardy Road, Capel

IN BRIEF

To consider a proposal to permanently close John Hogg Rd, Capel, which the owners of Lots 1-4 and Lot 6, Yeardy Road wish to amalgamate into their land.

RECOMMENDATION

That Council approves the permanent closure of John Hogg Road, Capel, in accordance with Section 58 of the Land Administration Act 1997, as advertised in accordance with Section 3.50 of the Local Government Act 1995, on the basis that the land will be amalgamated into the adjacent lots.

BACKGROUND / PROPOSAL

Background

Lots 1-4 & Lot 6 Yeardy Road are zoned ‘Industrial’ under the Greater Bunbury Regional Scheme (GBRS) and are situated on the eastern and western sides of the John Hogg Road reserve, about 5 kilometres north of Capel. This portion of road reserve has never been formally constructed and the southern third of the road has been utilised during mining activities carried out by Western Mineral Sands Pty Ltd.

Proposal

The permanent closure of John Hogg Road, Capel, in accordance with Section 58 of the Land Administration Act 1997, as advertised in accordance with Section 3.50 of the Local Government Act 1995 on the basis that the land will be amalgamated into the adjacent lots.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.50 closing certain thoroughfares to vehicles

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

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

(b) give written notice to
   (i) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure;
(ii) the person having principle responsibility in the locality for ambulance services;
(iii) the person having principle responsibility in the locality for fire services; and
(iv) the occupier of the land that will lose its access; and

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

**Council Delegation 111 – Road Closure – more than 4 weeks**

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

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

**Section 58 Land Administration Act 1997 – Closing Roads**

**POLICY IMPLICATIONS**

Policy 6.2 Clearance of Subdivision Conditions applies.

**RISK IMPLICATIONS**

The closing of the unmade road reserve and amalgamation of the land into the adjoining lots will reduce the Shire’s risk for liability over anything that may occur within the land. Of particular relevance to this application is the potential requirement for future rehabilitation of the existing road reserve due to the adjacent mining activities conducted by the owner of Lots 1-4 and Lot 6, Yeardy Road.

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

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

**FINANCIAL IMPLICATIONS**

**Budget**

The applicant’s proposal will have no implications on the Council Budget for 2019/20.

The application fee of $937 to cover administrative and advertising costs has been paid by Harley Dykstra on behalf of Western Mineral Sands Pty Ltd. Harley Dykstra on behalf of Western Mineral Sands Pty Ltd agree to meet the other costs such as the DOLA fees and any field survey costs in order to facilitate the road closure process.

**Long Term**

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

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

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

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

Asset: Due to the use of a portion of the road by Western Mineral Sands Pty Ltd as part of its normal mine related operations, there is a risk that this section of road reserve may require remediation or decontamination in the future. Such activities are best carried out by organisations familiar with the requirements and with access to the necessary personnel and equipment. It is therefore in the best interest of the Shire of Capel that the long term care and maintenance of this land is vested in an organisation other than the Shire.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028.

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

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

The Infrastructure Experience ‘Ensure safe, sustainable and efficient infrastructure and transport networks.’

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

CONSULTATION

The proposal was advertised in the South Western Times newspaper on 14 March 2019, posted on the Shire of Capel website and comment was sought from all affected service authorities who were notified by mail as well as a Dial Before You Dig enquiry. Comments were requested by 29 March 2019.

The following is a summary of comments received:

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Date Sent</th>
<th>Date Replied</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATCO Gas</td>
<td>7/03/2019</td>
<td>8/03/2019</td>
<td>No Objection</td>
</tr>
<tr>
<td>DFES</td>
<td>7/03/2019</td>
<td>4/4/2019</td>
<td>DFES have no comment to make given that the road closure is a condition of approval for a subdivision that was approved by the WAPC in December 2018.</td>
</tr>
<tr>
<td>MRWA</td>
<td>7/03/2019</td>
<td>26/03/2019</td>
<td>No Objection</td>
</tr>
<tr>
<td>Water Corp</td>
<td>7/03/2019</td>
<td>13/03/2019</td>
<td>No Objection</td>
</tr>
<tr>
<td>Western Power</td>
<td>7/03/2019</td>
<td>15/03/2019</td>
<td>No Objection</td>
</tr>
</tbody>
</table>

As the only adjoining landowners were the applicant, no further letters were sent.

COMMENT

The Shire has not received any objections to the closure.
In the event that this road closure is supported by Council, the next step in the process is for the Shire to apply to the Department of Planning, Lands & Heritage for the formal closing of the road reserve.

The existing John Hogg Road reserve is currently unconstructed and unused. It connects to Yeardy Road in the North, which supplies the access to the existing Lot 6 on Plan 14174. The purpose of this road was to provide access to Lots 1 – 4 on Plan 14174.

It is proposed that the full length of John Hogg Road be closed.

The area of road reserve to be closed is approximately 1.2778ha. The outcome as a result of the road closure, as indicated on the attached Plan of Road Closure, is to amalgamate this area into the adjoining Lot 6 on Plan 14174.

The Western Australian Planning Commission has approved a subdivision application covering the subject land, (see Attachment 3) under which all of the subject land that is zoned ‘Industrial’ under the GBRS will be retained on a single lot to increase the efficiency and productivity of the site. The remaining area will be reorganised to create three lots (Lots A – C) wholly zoned ‘Rural’ under both the GBRS and the Shire’s Town Planning Scheme No. 7.

The existing Lots 1 – 4 on Plan 14174 will no longer derive vehicle access from John Hogg Road as a result of this subdivision, and therefore the road reserve serves no purpose.

It is recommended that Council approve the closure as detailed in the report to enable the applicant to ultimately utilise the land for a more appropriate purpose.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 14.9**

That Council approves the permanent closure of John Hogg Road, Capel, in accordance with Section 58 of the Land Administration Act 1997, as advertised in accordance with Section 3.50 of the Local Government Act 1995, on the basis that the land will be amalgamated into the adjacent lots.
IN BRIEF

To consider the minutes of the meeting of the Shire of Capel Local Emergency Management Committee (LEMC) held on 6 March 2019.

RECOMMENDATION

That Council receives the minutes of the Local Emergency Management Committee meeting held on 6 March 2019.

BACKGROUND / PROPOSAL

Background

The Shire of Capel Local Emergency Management Committee (LEMC) has established as an advisory committee to Council, in response to obligations arising from the proclamation of the Emergency Management Act 2005.

The Committee, in accordance with the Emergency Services Act, must meet at least four times per year and is required to conduct an annual exercise.

Part of the functions of the LEMC is to review the Local Emergency Management Arrangements which also includes a Local Recovery Plan, to guide the management of community driven recovery following an emergency incident.

Proposal

That the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 6 March 2019 be received.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Sections 36, 38 and 41

- Section 36 provides that it is a function of a local government to ensure that effective local emergency management arrangements are prepared and maintained for its district.
- Section 38 requires a local government to establish one or more local emergency management committees for the local government’s district.
Local Government Act 1995

Section 5.22

5.22 - The minutes of a committee are to be submitted to the next Ordinary Meeting of the Council for confirmation.

POLICY IMPLICATIONS

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

State Emergency Management Committee Policy 2.5 – Emergency Management in Local Government Districts provides local governments are required to ensure that local emergency management arrangements are prepared for their districts. Local Emergency Management Arrangements should reflect the emergency management capabilities and responsibilities of the agencies and industries involved and recognise and comply with any of their statutory responsibilities.

State Emergency Policy 2.5 also requires a Local Emergency Management Committee to meet every three months.

RISK IMPLICATIONS

Receiving the Minutes of the LEMC is a low risk to Council.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications for the budget associated with this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

The following sustainability implications apply:

Social: Maintaining a Local Emergency Management Committee is an important function in the wellbeing and safety of the Community.

Economic: There are not economic sustainability issues.

Environmental: There can be impacts on the environment as emergency service functions focus on the preservation of human life. In this regard clearing of fire prone vegetation can arise as an issue, for example.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028.

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

Community Objective:

1.4 Building a culture of collaboration and a stronger, safer and happier community.
The Community Experience, ‘Facilities and services that accommodate the diverse needs of the community and providing a safe place to live, work and visit.’

Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities.
2.4 Community safety is recognised as paramount.

The Environmental Experience, ‘Preserve and enhance the natural and built environment.’

Community Objectives
4.2 Our unique bush, forests, rivers and beaches are valued and protected to preserve the natural environment.
4.4 Council provides leadership and a responsive plan to manage our drying climate and increasing storm and fire risk.

CONSULTATION

Membership of the LEMC is comprised of representatives from a number of external agencies as well as officers and elected members of the Shire of Capel.

COMMENT

The minutes provided as an attachment to this item are a true and correct record of proceedings. There are no specific items requiring a resolution of Council, however, the following matter is raised for Council’s information:

Local Risk Workshop

The LEMC has received the Shire of Capel Local Risk Assessment Summary – March 2019. This is an outcome of the Local Risk Project through which LEMC’s were asked to consider the impact of the top 5 risks to each local government.

The Local Risk Assessment Summary considers the risk of the following hazards in the context of the Shire of Capel only:

- Bush Fire;
- Flood;
- Storm;
- Electricity Supply disruption, and
- Human Epidemic.

The Local Risk Assessment Summary now needs to be reviewed by the relevant agencies. Agencies will be asked to consider the validity of the assumptions/ratings in the Summary and also what Prevention, Preparedness and Response plans they currently have in place to mitigate the risks at the local level.

Once these aspects have been considered by the relevant agencies, a workshop involving LEMC members and Shire Executives will be conducted to consider the actions to be taken by the relevant agencies to mitigate the highest level risks identified in these workshops. This workshop will not only consider the actions necessary to mitigate the risks, but the capacity of the responsible agency in addressing the risk.

DFES has advised that funding for mitigation activities may not necessarily be available at the local level. Where the mitigation of risk is beyond the capacity of agencies at the local level, this process presents an opportunity to identify those shortcomings and refer the matter up to the District Emergency Management Committee (DEMC) for prioritisation and resolution.
The State Emergency Management Committee (SEMC) District Advisor informed the meeting that the risk treatment process is still under consideration by the SEMC Business Unit and may take some time to be fully rolled out. The Shire of Capel is currently fully compliant with the SEMC Policy requirements relevant to risk management at this point in time.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 14.10**

That Council receives the minutes of the Local Emergency Management Committee meeting held on 6 March 2019.
14.11 Capel Police Station Lot 237 (23) Spurr St Capel (Crown reserve 30930)

Location: Capel
Applicant: Dynamic Planning and Developments on behalf of Western Australian Police Force
File Reference: CS.LI.1
Disclosure of Interest: Nil
Date: 11.04.19
Author: Manager Planning Services, K Muste
Senior Officer: Director Infrastructure and Development, J Gick
Attachments: 1. Applicant submission letter including site plan, building elevations and floor plan
2. Schedule of submissions

IN BRIEF

For Council to consider relinquishing and transferring management of Crown Reserve 30930 Spurr Street Capel to the Western Australian Police Force in order to develop a Capel Police Station on the reserve.

RECOMMENDATION

That Council:

1. Relinquishes and transfers management of Crown Reserve 30930 to the Western Australian Police Force (WAPF) to develop the reserve for the purposes of the Capel Police Station;

2. Delegates the CEO to request that the Department of Lands and Heritage agree to the surrender of the reserve in order to facilitate the creation of a Police reserve;

3. Advise that the Capel Police Station will require the lodgement of a Building Permit application for approval in accordance with the Building Act 2011; and

4. Recommend WAPF to consult with Shire officers regarding landscaping, incorporating public art, stormwater discharge and works within road reserves.

BACKGROUND / PROPOSAL

Background

27 Jul 1971 At the request of the Shire, Lot 237 set apart as Reserve 30930 by the Department of Lands and Surveys (DLS) and vested in Council for the purpose of ‘Council Depot’.

15 Feb 1980 Shire informed DLS that Lot 237 considered too small for a Depot.

28 Apr 1980 DLS requested that Shire return vesting order to the department for cancellation.


03 Feb 2004 Then Department of Planning and Infrastructure (DPI) identified R30930 as ‘surplus land’ with the potential for disposal, asked if Shire had any objection to disposal of land.
25 Feb 2004  (OC0214) Council resolved to request a Management Order for R30930 with a designation of ‘Community Purposes’.

18 Jul 2008  Shire repeated request to DPI for Management Order (which had still not been received at this stage) however requested change of purpose to ‘Community Garden’.

19 Nov 2008  Management Order drawn up for R30930, vested in the Shire of Capel for the purpose of Community Garden, lodged 21.11.08.

19 Dec 2008  Councillor briefing session from WAPF on Capel Police Station.

21 Feb 2019  (WAPF) holds community meeting attended by 70 community members plus Shire officers.

18 Mar 2019  Detailed submission lodged by the applicant including project summary, site plan, elevations and floor plan for advertising.

19-29 Mar 2019  2 week community advertising period undertaken by WAPF with guidance provided by Shire officers.

9 April 2019  Detailed submission lodged by the applicant including results of 2 week community advertising period.

**Proposal**

For Council to consider relinquishing and transferring management of Crown Reserve 30930 Spurr Street Capel to the Western Australian Police Force in order to develop a Capel Police Station on the reserve.

**Proposal Overview**

The applicant has provided the following overview of the proposed Capel Police Station project as the basis for Council to consider relinquishing management of the reserve to the WAPF (Attachment 1):

- *Capel Police Station is an election commitment by the Premier and announced by the Hon. Michelle Roberts MLA (Minister for Policy; Road Safety) in February 2017.*
- *Project funding ($8M) provided by the State Government’s Royalties for Regions program.*
- *The new station is estimated to be completed by mid-2020.*
- *The station will be modular (light weight construction) – based on a generic Western Australian Police Force (WAPF) design that caters for up to 10 police officers.*
- *The allocation of police officers and station operating hours will be based on the WAPF South West District operational requirements.*
- *The new station will provide a local policing presence with general duties and traffic operations.*
- *The Police Station design includes: front counter, general office space, gym, amenities, detainee receival, armoury, property store, interview and charge rooms and purpose built operation / training building. It is noted that there will be no holding cells.*
- *The site will cater for parking of police operation vehicles as well as a Mobile Police Facility and external storage.*
- *The station grounds will incorporate a public carpark with landscaped (native) gardens.*
- *Public art with a regional focus will be utilised to soften the buildings external appearance.*
Reserve 30930 has an area of 6,190m² and is located on the corner of Spurr Street, Prowse Road and Range Road. The reserve is predominantly cleared with partially development paths and isolated shrubs.

The reserve is surrounded by the following landuses:

- The Capel Sports Ground on the northern side of Spurr Street, adjacent the reserve;
- Existing R20 density residential housing on the eastern side of Prowse Road adjacent the reserve;
- The Shire depot on the southern side of Range Road, adjacent the reserve; and
- Existing R20 density residential housing, abutting the western boundary of the reserve.

STATUTORY ENVIRONMENT

Greater Bunbury Region Scheme (GBRS)

Reserve 30390 Spurr Street is zoned Urban (as is the majority of the Capel townsite) under the GBRS.

Town Planning Scheme No 7 (TPS7)

Reserve 30390 Spurr Street is reserved Public Purposes under TPS7.

1.6 Scheme Objectives

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

1.6.2 To reserve land required for public purposes.

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

There are no current Shire Planning Policies relevant to this matter.

RISK IMPLICATIONS

The level of risk applying the Shire Risk Management Matrix is considered to be ‘Low’ to the Shire in terms of financial matters as relinquishing the reserve would remove any costs to manage or redevelop the reserve.

Should Council resolve to not support relinquishing the reserve there are a number of potential risks to be considered as follows:

- The potential risk (Medium) that the police station project is delayed pending collaboration with Council or the WAPF is required find an alternative location.
- The potential risk (Low) that the WAPF may withdraw from development of a police station in the Capel townsite to the detriment of a higher local police presence; and
- The risk (Medium to High) that the WAPF will continue to pursue transfer of the reserve without Council support or input.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications relevant to this matter.

Long Term

Development of reserve 30930 for a community garden is not included within the Shire’s long term financial plan.

Relinquishing the reserve to the WAPF will remove any ongoing costs to manage and redevelop the reserve.

SUSTAINABILITY IMPLICATIONS

The reserve is currently underutilised and undeveloped.

Development of the reserve for a police station has environmental, social and economic sustainability implications.

The police station will provide a new state level community facility and service within the Capel townsite that will have a positive social impact.

The WAPF have indicated, where possible it proposes use local trades and services to construct the station that would have positive economic impacts.

Appropriate landscaping for the project including native species and modular building construction has the potential to provide positive environmental contributions and/or reduce the impact of development.

While a community garden in accordance with the current management order would have positive social and environmental impacts, this project has not come to fruition and is unlikely to do so given the passage of some 10 years since inception of the project. Alternative locations for a community garden, if desired by the Community could be considered by Council in the future.
STRATEGIC IMPLICATIONS

Capel Town Public Open Space Strategy 2011-2021

The Council adopted Capel Town Public Open Space Strategy recommends that reserve 30930 continue to be developed as a display garden in conjunction with the community. This recommendation is consistent with the current reserve management order dating from 2008.

Substantial development of the reserve as a community garden has not occurred.

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objectives:
1.1 Community works collaboratively to strengthen its ‘network of networks’.
1.3 Creating a more connected community.
1.4 Building a culture of collaboration and a stronger, safer and happier community.
1.5 Council keeps in regular communication with residents, workers and stakeholders.
1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:
2.1 Council works in partnership with the community in providing appropriate services and facilities.
2.3 The special characteristics of the Town Centres are fostered.
2.4 Community safety is recognised as paramount.

The Economic Experience, ‘Responsible and progressive local economic development.’

Community Objectives:
3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.
3.5 Activities, new business and developments are encouraged.

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and transport networks.’

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

CONSULTATION

The following community consultation was undertaken by the WAPF as confirmed with Shire officers.

Capel Community meeting 21 February 2019

A community meeting at the Capel Community Centre was held at 5:30pm on Thursday 21 February for the WAPF to present the Capel Police Station proposal and to answer questions. The meeting was advertised in Local papers and on the Shire’s website. The meeting was attended by 70 members of the community in addition to a number of Councillors and Shire officers. A number of questions were asked by community members that generally focused on the following key matters:
• The site assessment process;
• Queries why the station is not to be located within the town centre;
• Queries regarding the costs and valuations to purchase alternative sites;
• The cost of station construction;
• Police presence in the town, particularly during the night when alleged crime occurs; and
• Police staffing arrangements.

19 -29 March advertising period

Dynamic Planning and Developments on behalf of the WAPF undertook community consultation for a period of 10 days from the 19 to 29 March 2019. The consultation included:

1. 372 letters seeking comment sent to landowners living within a 400m radius of the subject site. A map illustrating the consultation area is provided below in Figure 1.
2. Publishing a notice seeking comments on Shire of Capel Council website.
3. Publishing a notice seeking comments in the following local newspapers:
   • Bunbury South West Times;
   • Busselton Dunsborough Times;
   • Busselton Dunsborough Mail;
   • Bunbury Mail; and
   • Bunbury Herald.

During the consultation period a total of three (3) submissions were received of which two (2) were objections and one (1) was in support of the proposal. The Schedule of submissions (Attachment 2) provides a summary of the submissions and comments from the applicant with officer comment and recommendations.

Department of Planning, Lands and Heritage (DPLH)

Officer consultation with DPLH confirmed that the WAPF are a public authority and that the proposal will be public works exempt from requiring local development approval in accordance Section 4 of the Planning and Development Act as detailed within WAPC Planning Bulletin 94 – Approval requirements for public work and development by public authorities.

DPLH officers also confirmed that the proposal does not trigger the need for a GBRS application.

COMMENT

Police Station location

The WAPF for some time assessed a number of potential sites for the location of a Capel Police Station within the townsite. A number of sites closer to or within the town centre where explored, however due to constraints such as access, property size and land valuation, reserve 30930 became the preferred site.

As detailed by the applicant in the Schedule of submissions decentralisation of police stations outside of town centres is now common practice among recently established stations in the towns of Augusta, Waroona, Yanchep and Yalgoo. The WAPF has no requirement to co-locate police stations with other businesses or community services within town centres.

The proposed Capel Police Station will be readily accessible from and to:

• The town centre, a short two minute drive from the station;
• Bussell highway; and
• The majority of existing and proposed urban residential areas of the Capel townsite.
Police Station building and site layout

While the police station is exempt from the need to obtain development approval the following assessment comments are provided:

- The station building (of modular construction) is of a size and design that is complimentary to the reserve’s residential setting.
- The main station building, carport and shed are proposed to be largely centrally located within the reserve featuring:
  - Setbacks to Spurr Street and Prowse Road consistent with nearby residential development;
  - A suitable buffer setback to residential development abutting the western boundary of the reserve.
  - A public carpark in front of the station accessed from Spurr Street;
  - An overflow carpark and parking for station vehicles to the west and behind the main station building;
  - A Gravel hardstand with a gated emergency access to Prowse Rd;
  - Two water tanks;
  - Proposed colorbond fencing setback from the street boundaries of the reserve; and
  - Retaining walls, access ramp and detailed landscaping in front of the station along the Spurr Street frontage.
- Vehicle and pedestrian access to the station is proposed from Spurr Street. As access faces the existing Capel Sports Ground reserve, the impact of traffic or pedestrian movement on Prowse Road residential properties will be minimal.
- Similarly, a station pylon sign is proposed to be located facing Spurr Street close to the Prowse Road intersection.

Landscaping and public art

The WAPF have indicated that the police station surrounds will be comprehensively landscaped including the provision of public art. Given the conceptual nature of the submitted site plan, the officer recommendation includes advice for the WAPF to consult with Shire officers regarding these elements.

Building and Engineering comment

The Capel Police Station will require the lodgement of a Building Permit application for approval in accordance with the Building Act 2011.

It is standard practice for stormwater discharge from new developments to the Shire’s drainage network does not exceed pre-development flows.

Development of the station is likely to require works with the Spurr Street and Prowse Roads reserves, including but not limited to connection to services and crossover construction.

The officer recommendation includes advice to the WAPF reflecting the above comments.

Reserve Transfer

The applicant has detailed the steps involved to transfer management of the reserve from the Shire to the WAPF as provided by the Department of Planning Lands and Heritage (DPLH). The steps involved include (Attachment 1):

1. **Public Consultation** – this process involves the Shire of Capel Council passing a resolution to revoke their existing management of the reserve in favour of the WA Police Force which is what we are seeking through this letter and public consultation process that we have undertaken on behalf of the WA Police Force.
2. **Formal Application** – once the resolution is passed by the Shire of Capel Council, the CEO of the Shire can request that the DPLH agree to the surrender of the reserve in order to facilitate the creation of a Police reserve.

3. **Formal Acceptance** – an authorised representative of the WA Police will request that the DPLH facilitate the change of purpose of the reserve with suitable management to allow the construction and operation of the police station.

4. **Referral Process** – the DPLH will refer the application to relevant government agencies to seek comment on the proposed change in purpose and management of the reserve.

5. **Statutory and Native Title** – the DPLH will seek a statutory consent from the Department of Mines, Industry Regulation and Safety in addition to also conducting a detailed tenure investigation to ensure there are no Native Title implications resulting from the change in purpose and management.

6. **Due Diligence** – The Shire of Capel will provide the DPLH with a Statutory Declaration regarding contamination and interests. The DPLH will need to be satisfied that the Shire has not granted any registered or unregistered interests such as sub leases or sub licenses that may prevent changing the purpose of the reserve.

Upon completion of the above tasks the proposed Crown Reserve will be transferred from the management of the Shire of Capel to the WA Police Force. It is noted that under the provisions of the Greater Bunbury Region Scheme (GBRS), public authorities, in this case the WA Police Force, are exempt from requiring development approval unless a Clause 27 resolution applies to the class of development proposed, which is not applicable in this case. In this regard it is presumed that once the management of the reserve is transferred, the WA Police will proceed to undertaking the necessary steps under the provisions of the Public Works Act 1902 and Section 6 of the Planning and Development Act 2005 to commence development of the police station.

Steps 1, 2 and 6 are relevant to the Shire as follows:

- Step 1 – Public Consultation, has and will be addressed by consolation undertaken and adoption of the officer recommendation;
- Step 2 – Formal Application, would be fulfilled upon adoption of the officer recommendation; and
- Step 6 – Due Diligence would be fulfilled as an operational matter. Relevant to this step, the WAPF has undertaken soil and geotechnical assessments of the reserve.

**OPTIONS**

**Option 1** – Relinquish the reserve to the WAPF

As per the Officer’s Recommendation.

**Option 2** – Not support relinquishing the reserve to the WAPF

That Council does not support relinquishing and transferring management of Crown Reserve 30930 to the Western Australian Police Force (WAPF) to develop the reserve for the purposes of the Capel Police Station for the following reasons:

a. Council seeks to retain vesting of the reserve for local community purposes;

b. Council prefers that a Capel Police Station is located within or in closer proximity to the Capel town centre; and

c. The proposed location has the potential to detrimentally impact on the residential amenity of the surrounding area.
In the event Council supports Option 2, the WAPF has the power to override Council’s decision.

**Conclusion**

The WAPF have undertaken an appropriate level of community consultation that has resulted in a minimal number of community submissions or objections to development of the reserve for a Capel Police Station. The proposed location, orientation and design of the police station on the reserve is considered to compatible with the residential character and amenity of the surrounding area.

Reserve 30930 is underutilised and largely undeveloped. The intent of the reserve under the current management order to be developed as a community garden has not eventuated.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 14.11**

That Council;

1. Relinquishes and transfers management of Crown Reserve 30930 to the Western Australian Police Force (WAPF) to develop the reserve for the purposes of the Capel Police Station;

2. Delegates the CEO to request that the Department of Lands and Heritage agree to the surrender of the reserve in order to facilitate the creation of a Police reserve;

3. Advise that the Capel Police Station will require the lodgement of a Building Permit application for approval in accordance with the Building Act 2011; and

4. Advise the WAPF is recommended to consult with Shire officers regarding landscaping, incorporating public art, stormwater discharge and works within road reserves.
15 COMMUNITY AND CORPORATE REPORTS

15.1 Long Term Financial Plan 2019 - 2034

Location: Capel
Applicant: Shire of Capel
File Reference: Nil
Disclosure of Interest: Nil
Date: 08.04.19
Author: Director Community and Corporate,
Senior Officer: Chief Executive Officer, I McCabe
Attachments: Shire of Capel Long Term Financial Plan 2019 - 2034

IN BRIEF

Council to consider and endorse the fifteen year Long Term Financial Plan 2019-2034 for the Shire of Capel.

RECOMMENDATION


BACKGROUND / PROPOSAL

Background

The Integrated Planning and Reporting Framework and Guidelines were introduced in Western Australia during 2013/14 as part of the State Government’s Local Government Reform Program. Integrated Planning is the development and delivery of a Strategic Community Plan and a Corporate Business Plan.

All local governments in Western Australia are required to produce a ‘Plan for the Future’ for their district under S5.56(1) of the Local Government Act 1995. Local Government (Administration) Regulations 1996 now prescribe the requirement to prepare a Strategic Community Plan and Corporate Business Plan as part of the ‘Plan for the Future’.

These plans were required by the 1 July 2013 and are intended to guide local governments to a successful integrated planning process. This is designed to deliver the following outcomes:

- A long term strategic plan that clearly links the community’s aspirations with the Council’s vision and long term strategy.
- A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan.
- A clearly stated vision for the future viability of the local government area.

The Framework is supported by Integrated Planning and Reporting Guidelines, and outline the minimum planning and reporting methodology to achieve the outcome prescribed in the legislation.

The format and structure of individual local government’s integrated strategic plans vary with the size and complexity of the local government. While local governments are required to develop a Strategic Community Plan and a Corporate Business Plan, planning elements such as Informing Strategies and the Corporate Business Plan may be presented in a single document or as a range of separate documents.
A local Government must review its Long Term Financial Plan on an annual basis and while there is no requirement that this plan be endorsed by Council, it is considered best practice.

There are three major parties to the development of an integrated strategic plan:

1. **Community**
   
The community participates in a community planning process to determine major vision or big picture directions, and also participates in regular reviews of those directions.

2. **Council**
   
The Council signs off the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget.

3. **Local Government Administration**
   
The local government administration supports delivery of the Strategic Community Plan, the four-yearly reviews, and an annual budget through the Corporate Business Plan.

The Integrated Planning process

Integrated Planning for the Shire is a constantly evolving process. It takes into account community expectations and aspirations outlined in the Shires Strategic Community Plan, informing documents such as Asset Management Plans, the Workforce Plan and other Strategies or Plans already adopted by Council. It also allows for actions or strategies already acted upon or in the process of implementation. The plan is also updated and amended, as required, to take into account any changes in priorities through the on-going annual budget process.

The ongoing review of the Strategic Community Plan every 4 years will ensure that Council’s Long Term Financial Plan, Asset Management Plans, Workforce Plan and Service Strategies continue to align with the community’s aspirations and priorities.
From this process, a Corporate Business Plan is created, taking into account the Shire of Capel’s Strategic Community Plan. The Corporate Business Plan has a four-year horizon and outlines the Strategies and Actions identified to achieve the Strategic Objectives and Outcomes of Council. The Corporate Business Plan is developed from the Shire’s Strategic Community Plan, Long Term Financial Plan, Workforce Plan, Asset Management Plans and various informing Strategies and Plans.

Council adopted the previous Long Term Financial Plan 2017-2032 in February 2018. There is a statutory requirement for Council to have an annual review of the 4 year Corporate Business Plan and the Long Term Financial Plan forms part of this Plan. For this reason, each year the Long Term Financial Plan will be reviewed and an additional year added onto the plan. This enables continued legislative compliance but also enables the plan to be reviewed, resulting in assumptions and projections being reassessed, and timeframes adjusted for projects if circumstances or the priorities of Council change. For the Long Term Financial Plan 2019-2034, the forecasting period remains at fifteen years.

Proposal

That Council receives and adopts the fifteen year Long Term Financial Plan 2019-2034 for the Shire of Capel.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 5.56

5.56 Planning for the Future

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

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

Division 3 — Planning for the future

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

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

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —
   (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
   (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
   (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.
(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

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

**POLICY IMPLICATIONS**

The budget is based on the principles contained in the Strategic Community Plan and Corporate Business Plan. Policy 2.7 – Preparation of Integrated Financial Plan and Annual budget applies. The steps and timetable leading to the adoption of the Budget is impacted by the development of the Corporate Business Plan and Long Term Financial Plan.

**RISK IMPLICATIONS**

While the risk implications of this item are low, it is important this item be presented to Council to allow an understanding of the long-term financial position and the elements which contribute to financial risk for the Shire.

**FINANCIAL IMPLICATIONS**

**Budget**

The development of an Integrated Strategic Planning & Reporting Framework has required the allocation of considerable staffing resources. This allocation of time and resources is an ongoing commitment of Council.

In addition to staff time, $5,950 was allocated in the 2018/19 Budget under GL104120 towards Integrated Strategic Planning & Reporting and Benchmarking.

**Long Term**

The development of the Long Term Financial Plan in itself does not have any long-term financial implications, other than those referred to within the Plan and the ongoing staff resources required to annually produce and update the Plan.

Through the development of the Integrated Planning Framework, Council now has the ability to evaluate the long-term financial implications of all of its strategies, plans and works programs. This provides sound guidance to Council on the amount of rates required to fund all of these services and facilities, and/or in turn adjust expenditure and service levels to match the rate income projected for the future.

**SUSTAINABILITY IMPLICATIONS**

The Integrated Strategic Planning & Reporting Framework is designed to improve the sustainability of local governments, while engaging in stronger ways with the community.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028
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 organization;
1.5 Ensure the effective management of Council’s resources.

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.

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

Strategic Outcomes:
5.1 Provide and maintain a safe and efficient transport, cycle and pedestrian network throughout the Shire;
5.6 Effectively manage the Shire’s assets and resources.

CONSULTATION

Extensive community, Councillor, staff and stakeholder consultation was undertaken in the development of the Strategic Community Plan in 2013 and again in the 2016/17 financial year. Prior to the adoption of the Long-Term Financial Plan 2016-26, Council reviewed the timing of all major projects as part of the Councillor Budget Workshop on the 24th February 2016. This resulted in a number of capital works project timeframes being altered, and funding sources being changed. The timing of projects remained largely unchanged for the Long-Term Financial Plan 2017-32 however in formulating the Long-Term Financial Plan 2019-34, the timing of these major projects has once again been reviewed and adjusted in line with revised priorities and updated financial information.

Council has been consulted through the process to identify priorities for the Shire.

COMMENT

The Long Term Financial Plan 2019-34, presented to Council, is a strategic document and as such, the Plan is at a high level and should be treated as a guide for future Budget discussions. The 2017-18 actual results have been used as the base year of this plan with adjustments being made for budgeted movements in reserves and capital expenditure in addition to any material changes which have occurred since 2018-19 Budget adoption.

The new format incorporates:

- A forecast of significant capital expenditure by Asset Class;
- Forecast revenue, expenses and net result;
- Scenario modelling which is a recommended by the Department of Local Government, Sport and Cultural Industries;
- Assessment of risks and uncertainties;
- Forecast Ratio Analysis;
- A range of forecast financial statements; and
- An increase in forecasting period of the plan has been extended from a ten-year horizon to fifteen years. This is a longer period than is required under the guidelines.

This approach has been to maintain the endorsed timing of future strategic projects while updating the relevant indices.
In any long-term financial forecasting environment, a number of Assumptions and Policies have to be made to ensure future readers and users of the Plan can understand the basis for the future forecasts. This acts to enable consistent ongoing development and update of the policies within the organisation, particularly as there is always a level of risk and uncertainty associated with known and unknown variables in the future. The following table illustrates the variables assumed for this plan.

**Table 1 Assumed forecasting variables**

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<td>Lot Growth Yield</td>
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<td>2.75%</td>
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<td>Operating grants, subsidies and contributions</td>
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<tr>
<td>Fees and charges</td>
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<tr>
<td>Interest Yield</td>
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<tr>
<td>Other revenue</td>
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<td>OPERATIONS-Expenditure</td>
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<td>Annual salary increase</td>
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<tr>
<td>Increase in Employee costs</td>
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<td>2.10%</td>
<td>3.07%</td>
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<td>Materials and contracts</td>
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<tr>
<td>Utility charges (electricity, gas, water etc.)</td>
<td>6.00%</td>
<td>6.00%</td>
<td>6.00%</td>
<td>6.00%</td>
<td>6.00%</td>
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<tr>
<td>Insurance expense</td>
<td>4.00%</td>
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<tr>
<td>Other expenditure</td>
<td>2.00%</td>
<td>2.50%</td>
<td>2.50%</td>
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The review of the Long Term Financial Plan is an ongoing planning process with assumptions reviewed and amended where required. There are a few points to note:

- Rates growth has been revised downwards from the previous Plan. This is to better reflect current economic conditions.
- A rates yield increase of 4% has been applied to years 2019-20 to 2028-29 with an assumption of 3% thereafter. Over the 15 year period of the plan, assumed growth in lot yield is assumed to be between 0.7% and 3.53%.
- The Long Term Financial Plan has been developed on the basis that it will be 'Balanced' over the 15 years and the activities of Council are sustainable
- Projects funded by grants are not included in the first 4 years of the Plan unless there is a strong probability or expectation that grant funding would be received. Should grant funding not be forthcoming for these projects then the scope and timing would need to be reassessed at that stage.
- In the 5 - 10 year period of the Long Term Financial Plan, grant funded projects that are less certain are included based on a provisional grant being obtained. In the 11 – 15 year period, any funding assumptions would be tentative.
- Economic indicators for cost and revenue increases are provided through a variety of sources including the WALGA Economic Briefing, ABS and State Treasury forecasts
The implementation of Fair Value asset accounting has had a significant impact on asset values and depreciation and will continue to do so into the future. The full impact is assessed and adjusted in the annual financial statements as a rolling asset valuation program. Asset valuations remain difficult to forecast. Depreciation has been revised in line with the most recent valuations and the 2017-18 Annual Report. Depreciation remains a large expense ranging from $4.988M in 2019-20 to $8.983M in 2033-34. Further analysis needs to be undertaken on this area of expense. This will be carried out in conjunction with improved capture of renewal expense and future asset revaluations.

Employee costs are escalated by two variables. The first variable (Annual Salary Increase) assumes an annual increase of 2.5%. The second variable (Increase in Employee Costs) escalates to allow for any additional staff resulting from:

- Any increased operational activity; and
- Completion of large capital projects which require resourcing once complete and open to ratepayers (eg Dalyellup Multipurpose Centre);

These variables will continue to be refined in line with updated workforce planning and project scheduling. Items also included in the Increase in Employee Costs are any additional training costs, fringe benefits tax, worker’s compensation insurance, superannuation costs, protective equipment and any other staff related costs.

Population, demographics and land growth projections are based on current forecasts identified within the Shire of Capel. This has resulted in a downward revision of some growth projection for Dalyellup. Growth assumptions will continue to be refined in the 2019-20 financial year and will be reflected in any future Long term Financial Plans.

Cash Reserves will gradually reduce in years 1 to 5 of the plan. Shire Reserves will be utilised to fund capital projects including proposed strategic, road and other infrastructure projects. From year 6 of the plan Reserves will be supplemented to fund projects proposed for later in the plan.

No new borrowings are assumed in the model.

The Plan assumes that funds from the Draft Developer Contribution Plan (DCP) are received and are available in Reserves to help fund the strategic projects outlined in the DCP. Should contributions be less than forecast, projects which are dependent on developer contributions, will need to be reassessed in terms of both scope and timing. As the DCP is not yet processed by the Western Australian Planning Commission and therefore yet to be formally adopted by Council, and given the assumed growth in lot yield, this element of the long term plan presents a risk to the Shire’s capability to fund its proposed projects and will need to be revised in the future in conjunction with the 2018-19 Annual Budget process. The tables below show the reduction in growth forecast and the corresponding reductions in forecast developer contributions plan to plan.

### Table 2 Assumed lot yield growth

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<tbody>
<tr>
<td>Lot Yield Growth LTFP 2019-34</td>
<td>0.70%</td>
<td>1.22%</td>
<td>2.01%</td>
<td>1.98%</td>
<td>2.75%</td>
<td>2.74%</td>
<td>2.87%</td>
<td>3.05%</td>
<td>3.40%</td>
<td>3.50%</td>
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<tr>
<td>Lot Yield Growth LTFP 2017-32</td>
<td>3.24%</td>
<td>3.75%</td>
<td>4.34%</td>
<td>4.70%</td>
<td>4.22%</td>
<td>4.40%</td>
<td>4.89%</td>
<td>4.59%</td>
<td>1.00%</td>
<td>1.22%</td>
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<tr>
<td>Variance</td>
<td>(2.54%)</td>
<td>(2.53%)</td>
<td>(2.33%)</td>
<td>(2.72%)</td>
<td>(1.47%)</td>
<td>(1.66%)</td>
<td>(2.02%)</td>
<td>(1.54%)</td>
<td>(2.40%)</td>
<td>(2.28%)</td>
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### Table 3 Forecast Developer Contributions

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<tr>
<th></th>
<th>DCP</th>
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<td>Boyanup</td>
<td>14,320</td>
<td>57,280</td>
<td>214,800</td>
<td>429,600</td>
<td>465,400</td>
<td>393,800</td>
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<td>823,400</td>
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<td>Capel</td>
<td>25,720</td>
<td>25,720</td>
<td>25,720</td>
<td>51,440</td>
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<td>10,288</td>
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<td>5,144</td>
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<td>Dalyellup</td>
<td>408,450</td>
<td>953,050</td>
<td>980,280</td>
<td>1,034,740</td>
<td>1,225,350</td>
<td>1,225,350</td>
<td>1,361,500</td>
<td>1,307,040</td>
<td>1,688,260</td>
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<td></td>
<td>448,490</td>
<td>1,036,050</td>
<td>1,220,800</td>
<td>1,515,780</td>
<td>1,716,470</td>
<td>1,629,438</td>
<td>1,765,588</td>
<td>2,140,728</td>
<td>1,979,804</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>DCP</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Boyanup</td>
<td>-</td>
<td>16,400</td>
<td>32,800</td>
<td>32,800</td>
<td>49,200</td>
<td>98,400</td>
<td>147,600</td>
<td>164,000</td>
<td></td>
</tr>
<tr>
<td>Capel</td>
<td>-</td>
<td>10,850</td>
<td>21,700</td>
<td>32,550</td>
<td>43,400</td>
<td>48,825</td>
<td>59,675</td>
<td>65,100</td>
<td>65,100</td>
</tr>
<tr>
<td>Dalyellup</td>
<td>-</td>
<td>23,460</td>
<td>87,975</td>
<td>185,334</td>
<td>241,638</td>
<td>290,904</td>
<td>340,170</td>
<td>346,035</td>
<td>375,360</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>$50,750</td>
<td>142,475</td>
<td>250,684</td>
<td>317,838</td>
<td>388,929</td>
<td>498,245</td>
<td>558,735</td>
<td>604,460</td>
</tr>
</tbody>
</table>

**This reduction in developer contributions forecast over the term of the plan has a number of consequences:**

- It will result in a reduction in revenue being set aside in financial reserves for future projects featured in the DCP.
- It may result in Shire funds being utilised to fund these strategic projects effectively diverting funds away from other projects or operating requirements.
- It may result in projects, not captured in the DCP, being rescheduled, put on hold or potentially cancelled.
- It may result in other reserve funds being used to fund operations.
Listed below is a table showing the timing of significant projects proposed over a 10-year period within the Plan.

**Table 4 Summary Infrastructure Projects**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Boyanup POS - New Market Site and Open Air Entertainment</td>
<td></td>
<td></td>
<td></td>
<td>70,200</td>
<td></td>
<td>374,268</td>
<td>374,268</td>
<td>748,537</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyanup POS - Fettlers Park</td>
<td>110,000</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>South West Highway Streetscape Project</td>
<td>80,000</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocate Shire Depot</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capel Recreation Ground - Remediation</td>
<td></td>
<td></td>
<td></td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maslin Street Playground</td>
<td></td>
<td></td>
<td></td>
<td>82,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Surf Life Saving Clubroom</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>165,000</td>
<td></td>
<td>1,416,704</td>
<td>1,416,704</td>
<td></td>
</tr>
<tr>
<td>Dalyellup Community Centre Civic Precinct, Library and Multipurpose Centre</td>
<td>40,000</td>
<td>709,337</td>
<td>2,315,823</td>
<td>2,955,572</td>
<td>2,955,572</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Skate Park</td>
<td></td>
<td>1,000,000</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Dalyellup Sports Fields</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PGB Gazebo and Beach Play Area</td>
<td></td>
<td></td>
<td></td>
<td>70,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Playground Shade Sail Program</td>
<td>44,778</td>
<td>53,652</td>
<td>38,583</td>
<td>35,097</td>
<td>45,998</td>
<td>32,828</td>
<td>36,923</td>
<td>35,171</td>
<td>37,403</td>
<td>49,308</td>
</tr>
<tr>
<td></td>
<td><strong>264,778</strong></td>
<td><strong>1,762,989</strong></td>
<td><strong>538,583</strong></td>
<td><strong>2,646,720</strong></td>
<td><strong>3,398,770</strong></td>
<td><strong>2,988,400</strong></td>
<td><strong>1,827,895</strong></td>
<td><strong>1,826,143</strong></td>
<td><strong>2,668,128</strong></td>
<td><strong>177,308</strong></td>
</tr>
</tbody>
</table>
Listed below is a summary of the significant changes that have occurred since the adoption of the previous Long Term Financial Plan adopted in February 2018:

- Updated indexation using predominantly WA State Budget and long term CPI forecasts for future years;
- Revised population and dwelling growth projections. These growth revisions have resulted in a downward estimate on previous forecasts;
- Reduction in developer contributions forecast to be collected from the Developer Contribution Plan resulting from lower growth;
- Reprioritisation of strategic infrastructure projects (Table 3 above)
- Inclusion of the projects below and resultant additional expenditure:
  - 3 Year Program of Works – Building and Structures 2019-2022 (06/2019)
  - Program of Works – Bushland reserves 2019-29 (Minute 04/2019)
  - 10 Year Program of Works – Roads 2019-2029 (Minute 53/2018)
  - Changes to Jamieson Road Footbridge (Minute 75/2018)
  - 7 Year Program of Works – Paths and Trails 2019-2026 (Minute 75/2018)
  - 10 Year Drainage Strategy (Minute 43/2018)
  - 10 Year Shade Sail Strategy (Minute OC0320)
  - 10 Year Plant Renewal Program 2019-23 (27/2019)
- Significant utilisation of financial Reserves in the first five years of the plan. A reduction of $2.7M is forecast between 2018-19 and 2023-24.

The table below shows the movements in the major strategic projects plan to plan.

**Table 5 Summary of Project Timing Changes**

<table>
<thead>
<tr>
<th>Comment</th>
<th>LTFP 2017-32</th>
<th>LTFP 2019-34</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Boyanup POS - New Market Site and Open Air entertainment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyanup POS Fettlers Park - Market Relocation Rescheduled recensing - potential 2019-20 2023-24</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyanup POS - New Market Site and Open Air entertainment Rescheduled recensing - potential 2021-22 2025-26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyanup POS - New Market Site and Open Air entertainment Rescheduled recensing - potential 2022-23 2026-27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyanup POS - New Market Site and Open Air entertainment Rescheduled recensing - potential 2023-24 2027-28</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fettlers Park</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fettlers Park - Children’s Play Equipment, Sullage Point, toilet and carpark, Shelter and seating - Design &amp; Consultation Rescheduled 2019-20 2019-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fettlers Park - Children’s Play Equipment, Sullage Point, toilet and carpark, Shelter and seating - Construction Rescheduled 2019-20 2022-23</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dalyellup Youth Space</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Youth Space Design Rescheduled - Retain as in DCP 2018-19 2032-33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Youth Space Construction Rescheduled - Retain as in DCP 2019-20 2032-33</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dalyellup Skate Park</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Same timing - increase in capital cost 2020-21 2020-21</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dalyellup Community Multipurpose Centre</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Community Multipurpose Centre - now (includes youth) - Consultation and Concept Design Rescheduled - potential recensing 2018-19 2019-20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>LTFP 2017-32</td>
<td>LTFP 2019-34</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Dalyellup Community Multipurpose Centre - now (includes youth) - Detailed Design</td>
<td>Rescheduled - potential rescoping</td>
<td>2018-19</td>
</tr>
<tr>
<td>Dalyellup Community Multipurpose Centre - (includes youth) - Construction</td>
<td>Rescheduled - potential rescoping</td>
<td>2020-21</td>
</tr>
<tr>
<td>Dalyellup Community Multipurpose Centre - (includes youth) - Construction</td>
<td>Rescheduled - potential rescoping</td>
<td>2021-22</td>
</tr>
<tr>
<td>Dalyellup Community Multipurpose Centre - (includes youth) - Construction</td>
<td>Rescheduled - potential rescoping</td>
<td>2022-23</td>
</tr>
<tr>
<td><strong>PGB Gazebo and Beach Play Area</strong></td>
<td>Added</td>
<td>2019-20</td>
</tr>
<tr>
<td><strong>Dalyellup Sports Fields</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Sports Fields - Concept Plans</td>
<td>Rescheduled</td>
<td>2020-21</td>
</tr>
<tr>
<td>Dalyellup Sports Fields - Sports Field Stage 1. AFL/Cricket Oval</td>
<td>Rescheduled</td>
<td>2025-26</td>
</tr>
<tr>
<td>Dalyellup Sports Fields - Design - Stage 2</td>
<td>Rescheduled</td>
<td>2025-26</td>
</tr>
<tr>
<td>Dalyellup Sports Fields - Sports Field Stage 2. Cricket nets x 2, soccer pitch, sports field lighting on main oval and soccer pitch plus facility building with club rooms and change rooms. Main access road upgrade and car parks. Utilities installations, bore and central controllers and playground area.</td>
<td>Rescheduled</td>
<td>2026-27</td>
</tr>
<tr>
<td>Dalyellup Sports Fields - Additional AFL/Cricket oval, cricket nets x 2, soccer pitches x 2, softball/T-ball x 2. master plan areas (8 hard courts or lawn bowls facility, second club house with car park and access. Area sports lighting, landscaping and paths.</td>
<td>Deleted</td>
<td>2031-32</td>
</tr>
<tr>
<td><strong>Dalyellup Surf Life Saving Clubroom</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalyellup Surf Life Saving Clubroom. Planning &amp; Design of Clubrooms, stairs replacement</td>
<td>Rescheduled - land tenure</td>
<td>2021-22</td>
</tr>
<tr>
<td>Dalyellup Surf Life Saving Buildings Construction. Includes beach stabilisation, formal beach access and installation of children's play area.</td>
<td>Rescheduled - land tenure</td>
<td>2027-28</td>
</tr>
<tr>
<td><strong>New Sports Pavilion - Boyanup Memorial Park sports and recreation ground master plan implementation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change rooms pavilion No 1, including gym, stores etc. Function/meeting room building, outdoor area roof. Retaining walls, raised podium, ramps, tiered seating</td>
<td>Rescheduled - insufficient population growth</td>
<td>2027-28</td>
</tr>
<tr>
<td>Provision of site services, mains sewer, pump station, power supply. Upgrade of existing floodlights to oval</td>
<td>Rescheduled - insufficient population growth</td>
<td>2027-28</td>
</tr>
</tbody>
</table>
Throughout the development of the Long Term Financial Plan, the financial sustainability of Council has remained a focal point. The determination, prioritisation and timing of services and facilities, identified through the community and Councillor input, has been strongly influenced by the Council’s ability to manage expected financial requirements and financial risks over the long term without the use of disruptive revenue or expenditure measures.
This has involved the examination and projection of Council’s financial position in the current period and long term, while ensuring infrastructure renewals/replacement expenditure matches forward looking asset management plan expenditure needs.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 15.1**

15.2 Fees and Charges for 2019-20

Location: Whole of Shire
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 09.04.19
Author: Director Community and Corporate, S Stevenson
Senior Officer: Chief Executive Officer, I McCabe
Attachments: 2019-20 Schedule of Fees and Charges

IN BRIEF

- Local governments are required by the *Local Government Act (1995)* to prepare an annual budget for financial management of the municipal fund;
- The annual budget must incorporate any fees or charges imposed by that local government; and
- This item discusses the fees and charges proposed for inclusion in the 2019-20 Annual Budget.

RECOMMENDATION

That Council approves the proposed Fees and Charges as outlined in the attachment for inclusion in the 2019-20 Budget.

BACKGROUND / PROPOSAL

Background

Council’s “Preparation of Integrated Financial Plan & Budget” timetable (Policy 2.7) provides for the review, preparation and approval of the draft schedule of Fees and Charges prior to the budget meeting. Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

Proposal

Council consider the Schedule of Fees and Charges to be included in the forthcoming 2019-20 draft budget.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

(3) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*Absolute Majority required

(4) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –

(a) The expenditure by the local government; and
(b) The revenue and income, independent of general rates, of the local government; and
The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Local Government Act 1995, Section 6.16

**6.16 Imposition of Fees and Charges**

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

(2) A fee may be imposed for the following –

   (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
   (b) Supplying a service or carrying out work at the request of a person;
   (c) Subject to section 5.94, providing information from local government records;
   (d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
   (e) Supplying goods;
   (f) Such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be –

   (a) Imposed* during a financial year; and
   (b) Amended* from time to time during a financial year.  
*Absolute Majority required

Local Government Act 1995, Section 6.17

**6.17 Setting Level of Fees and Charges**

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –

   (a) The cost to the local government of providing the service or goods; and
   (b) The importance of the service or goods to the community; and
   (c) The price at which the service or goods could be provided by an alternate provider

Local Government Act 1995, Section 6.19

**6.19 Local Government to give Notice of Fees and Charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

   (a) Its intention to do so; and
   (b) The date from which it is proposed the fees and charges will be imposed.


**POLICY IMPLICATIONS**

Policy 2.7 – Preparation of Integrated Financial Plan & Budget.

**RISK IMPLICATIONS**

The risk implications for this item are considered low as Council has already adopted the majority of fees and charges included in this item in previous budget years. Many fees have been retained
at the 2018-19 level and therefore the revenue impact is considered minimal when taken in the context of the budget as a whole.

**FINANCIAL IMPLICATIONS**

**Budget**

The fees and charges when adopted will determine the amount of revenue received during the 2019-20 financial year for certain areas. This income is forecast in the draft budget income projections.

**Long Term**

There will be minimal long term financial implications associated with adopting the fees and charges, other than the longer-term affordability of certain services that incur a fee. As no assets or infrastructure are being created, there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

There are no environmental impacts expected from the adoption of fees and charges, other than the potential for dumping of waste in areas other than designated rubbish disposal sites. The increased fees and charges are not expected to have any social impact on the use of Shire services.

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

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience, "Open, transparent and effective good governance."

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

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

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

**CONSULTATION**

Shire departments involved with the administration of the various services involved have been consulted and have provided their input to the proposed schedule of fees and charges.

**COMMENT**

The schedule attached shows the total fees including GST adopted for 2018-19 on the right hand side with the proposed fee for 2019-20 is shown on the left hand side. Comments have been made in green and changes have been indicated in red. Strikethroughs are used to indicate the proposed deletion of fees or wording.
Fees and charges that are set by other Government regulations are noted as such and the relevant legislation are also identified. These fees are only changed if it has been directed by the Government organisation.

If a fee or charge is to be increased it is proposed that in general the starting point for the increase be in accordance with the Perth forecast Consumer Price Index (CPI) for the 2019-20 financial year taken from the WA State Budget 2018. The assumption being that the cost of the service has increased by CPI and therefore to recover this cost, income must increase by at least the equivalent amount. The estimated CPI increase to be applied is 2.0% and represents the percentage change in the major cost areas including wages and salaries, road and bridge construction, non-residential building, consumer prices, machinery and equipment, and electricity and street lighting.

To simplify the reporting and charging of fees, fee increases in many cases have been rounded up to the nearest dollar.

A general Consumer Price Index (CPI) increase of 2.0% has been applied across all fee categories, other than those areas regulated by other legislation, or where comments to the contrary appear. This is to ensure that at a minimum, the cost increases forecast for 2019-20 and reflected across the board in all services are offset by an equivalent increase in service fee.

There have been various changes to allocated income general ledger accounts.

The following details are some of the more significant changes made to the Schedule of Fees and Charges.

**Governance**
- Fees have either been retained at 2018-19 financial year levels or increased by CPI of 2.0%.

**Law, Order & Public Safety**
- Fees have either been retained at 2018-19 financial year levels or increased by CPI of 2.0%.

**Health**
- The food vendor’s licence, lodging house licence and fees for keeping of birds have all been increased by the CPI and rounded up to the nearest $1.00.
- All fees associated with administration of the Food Act, including notification, registration, and inspection, have been increased by the CPI and rounded up to the nearest $1.00.

**Public Buildings**
- Fees associated with public buildings have been retained at 2018-19 financial year levels.

**Education & Welfare**
- Fees have increased by CPI of 2.0% with Refundable Bonds being retained at the 2018-19 level.

**Community Amenities**
Household refuse removal fees have been retained at 2018-19 levels.
The annual refuse site levy has been retained at the 2018-19 level of $80.

The fee to supply a waste bin for rubbish removal at a community event has been retained at 2018-19 levels.

The cost per organic bag has been retained at $5.50.

A number of new fees for Green Waste disposal have been added for the 2019-20 financial year to more accurately reflect operational requirements and provide clarity to users. These are detailed in the table below.

<table>
<thead>
<tr>
<th>Fee description</th>
<th>2 bin collection</th>
<th>3 bin collection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car or Utility vehicle (Load size 0 - 1.0 m3)</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Trailer 6X4 or 7x5 - no sides (Load size 0 - 1.0 m3)</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td>Trailer 6x4 or 7x5 with sides (Load size 1.0 - 2.5 m3)</td>
<td>18.00</td>
<td>18.00</td>
</tr>
<tr>
<td>Trailer 8x5 - no sides (Load size 1.0 - 2.5 m3)</td>
<td>18.00</td>
<td>18.00</td>
</tr>
<tr>
<td>Trailer 8x5 - with sides or small truck (Load size 2.5 - 5.0 m3)</td>
<td>35.00</td>
<td>35.00</td>
</tr>
<tr>
<td>Truck (Load size &gt; 5.0 m3)</td>
<td>50.00</td>
<td>50.00</td>
</tr>
</tbody>
</table>

For the Capel Waste Transfer Station, other fees have been increased by CPI of 2.0% and rounded to the nearest dollar.

Statutory Town Planning Fees are set by the Department of Planning and the maximum fees that are applicable are currently included within the Schedule.

Non statutory planning fees have been increased by CPI of 2.0%.

Cemetery Fees have been increased by the CPI of 2.0% and rounded up to the nearest $1.00 with the exception of reserving a grave or niche which have remained at 2018-19 levels.

Recreation & Culture

Daily charge fees for the hire of halls and community centres in Boyanup, Gelorup and Dalyellup will increase by the CPI and have been rounded up to the nearest $1.00. The hourly hire rate, prior to any concessions, will increase by $1.40 from $67.80 to $69.20 and the daily hire rate will increase by $14.00 from $678.00 to $692.00.
For the hire of the Capel Hall it is proposed to retain this fee at the 2018-19 level to attempt to stimulate demand.

The fees introduced for the Gelorup Community association to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by CPI of 2.0%. The fee will now be $609.00 which is an annual increase of $12.00. Based on a review of the historical usage of this hall by the Gelorup Community Association, this is a representative fee for usage.

The fees introduced for the Peppermint Grove Beach Community Association to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by CPI of 2.0%. The fee will now be $609.00, which is an annual increase of $12.00.

The fees introduced for the Dalyellup Beach Seniors Association Inc. (previously Dalyellup Beach Community Association) to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by a factor of 2.0%. The fee will now be $3,003.00 which is an annual increase of $59.00.

A further exemption has been included in the Special Hire Category, which enables Not for Profit community groups, charitable, welfare or community service organisations who are conducting annual Christmas functions to recognise the support of their volunteers, to hire the facilities at no charge (i.e.: Boyanup CWA, Senior Citizens, etc.).

The fee charged to Shire Playgroups has remained unchanged at $8.00.

The fee for use of lighting at Capel, Boyanup and Dalyellup Recreation Grounds has been increased by the 2.0% and will now be $14.00 per tower per hour (was $13.00). This fee takes into account electricity usage and replacement of light bulbs.

Recreation facilities and ground usage have been increased by the 2.0% and rounded to the nearest dollar.

In libraries, the fee for Lost or Damages Books has been increased by 2.0% and has been set at $18.00 which is an increase of $1.00 on 2017-18.

All other fees have been retained at 2018-19 levels.

**Transport**

- The rural property numbering fee has been increased by the 2.0% and rounded up to the nearest $1.00.
- The sale of Number Plates – Police Licensing Fee has been retained at the 2018-19 rate of $200.00. This was last increased in 2014-2015.
- Road closure fees have been increased by a CPI factor of 2.0%.

**Economic Services**

- The various building control fees have been amended as per the schedule notes. In the main, they are either governed by regulation or increased by a CPI factor of 2.0%.
- A fee for an Additional Pool Inspection has increased by 2.0% year on year to $173.00 which is an increase of $4.00 on 2018-19.
- The demolition site clean-up bond has been retained at 2018-19 level at $5,000.00.
Fees for Rehabilitation Bonds have been increased by 2.00% and rounded to the nearest dollar.

The annual swimming pool inspection fee will be set at $14.60 per annum for 2019-20. This will be charged to all swimming pool owners irrespective of the year of inspection.

Other Property & Services

Standpipe, Private Works, Supervision and Other Fees have been increased by a CPI factor of 2.0% and rounded up to the nearest $1.00.

Overall, the changes to fees and charges proposed for the 2019-20 financial year will result in forecast increased revenue of approximately $26,422 when compared to the 2018-19 budget.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 15.2

That Council approves the proposed Fees and Charges as outlined in the attachment for inclusion in the 2019-20 Budget.
IN BRIEF
Council to review and endorse requests from the community for inclusion in the draft 2019-20 Budget.

RECOMMENDATION
Council to consider and endorse the officer recommendation for community requests to be included in the draft 2019-20 Budget.

BACKGROUND / PROPOSAL

Background
As part of the Budget development process, community members were invited to submit Budget requests for the forthcoming Budget. It has been Council’s previous practice to include these requests as an agenda item for an Ordinary Meeting, rather than convene a special Council meeting.

Proposal
Council considers the requests received from the Community to determine which items are to be included in the forthcoming 2019-20 draft Budget.

STATUTORY ENVIRONMENT
Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

(5) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a Budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*Absolute Majority required

(6) In the preparation of the annual Budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –

(a) The expenditure by the local government; and
(b) The revenue and income, independent of general rates, of the local government; and
(c) The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
POLICY IMPLICATIONS

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

RISK IMPLICATIONS

The risk implications of this item are low.

FINANCIAL IMPLICATIONS

Budget

Any requests approved by Council will be included in the 2019-20 draft Budget. Whether the item is included in the final Budget depends upon the magnitude of the financial expenditure of the individual items and their impact in the context of the overall draft Budget.

The Long Term Financial Plan for 2019-20 allowed for:

- $22,823 allocated as a provision sum for Community requests;
- $51,266 for continued contribution requests to groups or organisations

Total requests recommended for inclusion in the 2018/19 draft Budget are $74,321 and is made up as follows:

- Community Requests $22,055
- Existing prior year supported contribution requests $52,266

$74,321

Of the $22,055 of community requests, Capel LCDC has requested $8,000 for approximately 200 metres of wire rope fence on the north side of Harewoods Road in the Bussell Highway Reserve. $4,000 has also been included as a part of agreed on-going funding in the operating budget but not included in this item.

Total supported requests of $74,321 are $232 more than the Long Term Financial Plan allocation.

Long Term

The nature of the individual expenditure item will determine whether there are any long-term financial implications.

Within the Long Term Financial Plan, an annual provision of $22,823 has been made to fund Community Requests, with $52,266 allocated as current ongoing contributions to various organisations and events.

SUSTAINABILITY IMPLICATIONS

A number of the requests received may have some minor environmental sustainability implications. The majority of the requests received will have a positive social impact. The requests received will in most cases result in an economic benefit for residents within the Shire of Capel.
SHIRE OF CAPEL ORDINARY COUNCIL MEETING – 24 APRIL 2019........................................115

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028

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

Community Objectives:

1.3 Creating a more connected community.

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

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and transport networks.’

Community Objective:

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

CONSULTATION

An article inviting Budget requests from the community was posted on the Shire of Capel website and Facebook page in January 2019. A notice was also placed with the local community newspapers servicing Boyanup, Capel, Dalyellup, Gelorup, Peppermint Grove Beach and Stratham.

All of the Community requests have been reviewed by the Executive Management Team to recommend support for or against the request being considered in the draft 2019-20 Budget. The Executive Management Teams recommendation is noted in the table below.

COMMENT

Community Requests

Submissions from the community were invited to be received until Thursday 28 February 2019. Seven requests were received by the closing date. Details of these requests are summarised in the table below. A number of these requests have been supported and will be included in the draft Budget for 2019-20 if endorsed by Council.

<table>
<thead>
<tr>
<th>Requestor</th>
<th>Request</th>
<th>Justification</th>
<th>2019-20</th>
<th>Comment</th>
<th>Supported Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boyanup Lions Club</td>
<td>Sand blasting and repainting of the Boyanup cemetery gates. Repair mechanism to prevent the gates blowing open in the wind.</td>
<td>Needs repainting as looks unsightly</td>
<td>$ 2,000</td>
<td>Support as part of on-going maintenance.</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>Strong Angels</td>
<td>Contribution towards the running of their charity</td>
<td>The charity currently has outgoings (rent, insurance and electricity) of $973 per month.</td>
<td>$ 2,000</td>
<td>Continued occupancy and presence in the Shire of local charity.</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>Requestor</td>
<td>Request</td>
<td>Justification</td>
<td>2019-20</td>
<td>Comment</td>
<td>Supported Value</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>---------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Gelorup Management Committee</td>
<td>Installation of outdoor exercise equipment between the Gelorup skate park and community centre. Request is for an aerobic walker ($3,631), butterfly press ($4,424), bench press ($5,035) and quad extensions ($4,015) plus installation and transport of $1,000 per item.</td>
<td>Raised by the Gelorup Management Committee and the Gelorup Women's Wellness Group who are interested in increasing their fitness levels to improve health through physical activity</td>
<td>$ 21,105</td>
<td>Consultation has taken place with the Gelorup Management Committee with a location still to be finalised. Outside equipment prioritised by the GMC. Should a suitable location be found then support two pieces of equipment initially. Aerobic walker and butterfly press to be first.</td>
<td>$ 10,055</td>
</tr>
<tr>
<td>Gelorup Management Committee</td>
<td>Installation of additional swings at the Gelorup Community Centre</td>
<td>Swings at the centre are for preschool children. Require more for older children</td>
<td>$ -</td>
<td>Not costed. Not supported at this time as insufficient space at that location.</td>
<td>$ -</td>
</tr>
<tr>
<td>Gelorup Management Committee</td>
<td>Street lights at the corner of Yalinda Drive and Hasties Road. Potentially solar.</td>
<td>Extremely dark. Difficult to see when you approaching Hasties Road.</td>
<td>$ -</td>
<td>Not costed. Not supported as no approved solar lighting available from Western Power.</td>
<td>$ -</td>
</tr>
<tr>
<td>Capel Makers Trail</td>
<td>A cash contribution of $20,000 per annum for 3 years.</td>
<td></td>
<td>$ 20,000</td>
<td>Requested $20,000 per annum for 3 years. Not supported at this time at this scale of funding. Assess the success of the first event and review for the 2020-21 budget. Should be part of the competitive process for annual events funding</td>
<td>$ -</td>
</tr>
<tr>
<td>Capel LCDC</td>
<td>$8000 for approx. 200ms of wire rope fence on the north side of Harewoods Road in the Bussell Highway Reserve (BHR).</td>
<td>A vegetation survey was undertaken of the BHR on both sides of Harewoods Rd in the Spring of 2018. Found that the north side of Harewoods Rd contained the most diverse flora of the Reserve and that it was generally in very good to excellent condition. There is currently no fencing on the north side of Harewoods Rd. The funding of the 200 metres of fencing would prevent vehicles from entering the reserve particularly when 5 Mile Brook is flowing. Further fencing will be needed in the future to eventually fully enclose the reserve</td>
<td>$ 8,000</td>
<td>Supported as part of on-going work on Bussell Highway Reserve. This project may be taken from financial reserves but a full scope of the fencing requirements should be sought as this will likely become a request in future years.</td>
<td>$ 8,000</td>
</tr>
</tbody>
</table>
Continued Contribution Requests

The items below reflect those requests that have previously been included in the Budget and are assumed to continue. These requests may be amended by Council.

<table>
<thead>
<tr>
<th>Group</th>
<th>Details</th>
<th>Recommendation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bunbury Regional Entertainment Centre Contribution</td>
<td>Annual support</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$10,000</td>
</tr>
<tr>
<td>South West Academy of Sport</td>
<td>Annual support</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$8,000</td>
</tr>
<tr>
<td>SW Group of Affiliated Agricultural Associations</td>
<td>Annual contribution for Royal Show display</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$266</td>
</tr>
<tr>
<td>Contribution to School Chaplaincy Service</td>
<td>Annual support for school chaplaincy</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$18,000</td>
</tr>
<tr>
<td>Contribution to Regional Tourism Strategy</td>
<td>Annual support</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$10,000</td>
</tr>
<tr>
<td>Sponsorship of Business South West Tourism Award</td>
<td>Continued Support from 2018-19. The 2018-19 financial year was the first year of sponsorship.</td>
<td>Supported but retain at 2018-19 levels</td>
<td>$5,000</td>
</tr>
<tr>
<td>Total Cost</td>
<td></td>
<td></td>
<td>$51,266</td>
</tr>
</tbody>
</table>

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATIONS – 15.3

1. That the following Community Budget requests not already incorporated into the draft Budget as existing operating expenditure, or carried over projects, be included in the 2019-20 draft Budget:
   - $2,000 to sand blast and repair gates at the Boyanup Cemetery;
   - $2,000 contribution towards Strong Angels charity in Dalyellup;
   - $10,055 for the installation of two pieces of outdoor exercise equipment in Gelorup at a location to be agreed with the Shire; and
   - $8,000 for approximately 200 metres of fencing on the north side of Harewoods Road on Bussell Highway Reserve.

2. That Council support those other requests listed and supported in this item; and

3. That all recipients of contributions acknowledge the Shire by way of appropriate public notice.
IN BRIEF

Council to review the distribution of donations to community organisations recommended for inclusion in the 2019-20 draft Budget.

RECOMMENDATION

Council to consider and endorse the officer recommendation for the distribution of donations to community organisations to be included in the draft 2019-20 Budget.

BACKGROUND / PROPOSAL

Background

As part of the budget development process, Elected Members may consider donations to charitable organisations for the forthcoming budget.

Council Policy 2.7 (former Policy 11.1) was amended and approved by Council at its meeting on 19 February 2014 (refer Council minute OC0211). The policy specifies that donations be limited to charitable organisations operating within the Shire of Capel or neighbouring local governments with priority given to those that operate within the Shire. Donations are to be reviewed in April each year and paid after the Budget has been adopted and prior to December.

Proposal

That Council review and endorse the officer recommendation for the distribution of donations to community organisations to be included in the draft 2019-20 Budget.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

(7) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*Absolute Majority required

(8) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –

(a) The expenditure by the local government; and

(b) The revenue and income, independent of general rates, of the local government; and
(c) The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Community Plan and Corporate Business Plan.

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

Policy 2.5 - Donations applies.

FINANCIAL IMPLICATIONS

Budget

Any donations approved by Council will be included in the 2019-20 draft Budget.

$16,080 was budgeted as donations in the 2018-19 financial year. It is proposed that donations amounting to $16,170 be included in the 2019-20 draft Budget.

Council reviewed its donation methodology for the 2017-18 financial year. This methodology has been used for donations to be included in the 2019-20 draft Budget.

Council in its 2018-19 Budget included $8,000 of donations in Account 0222 broken down into discretionary donations of $1,000, donations to representatives in State/National sports of $5,000, $1,000 for the Lord Mayor of Perth’s Distress Relief Fund and $1,000 for minor donations of $400 or lower. The amount to be included in the 2019-20 draft budget is proposed to remain the same at $8,000.

It is proposed that $8,170 be allocated for the 2019-20 financial year and paid from Account 1602. These amounts are detailed in Table 1. Council should note that a previous Council decision allocated $4,500 to the Capel RSL towards the Anzac Day dawn service at Peppermint Grove Beach (OC0410). This agreement has now expired with the 2018-19 financial year being the third year and requires renewed Council endorsement should it continue.

Long Term

Approved expenditure is covered in the budget allocation. There are not considered to be any long term financial implications.

SUSTAINABILITY IMPLICATIONS

Many of the recipients of Council’s donations provide a social role within the community and the provision of a donation recognises this largely voluntary role.

Whilst not financially significant, the individual donations provided by Council do provide some of the recipients with a degree of economic sustainability.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objective:
1.3 Creating a more connected community.

The Infrastructure Experience, ‘To ensure safe, sustainable and efficient infrastructure and
Community Objectives:
5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.

CONSULTATION

Staff received feedback from Council for the 2017-18 financial year and have applied the methodology endorsed by Council. This methodology remains unchanged for the 2018-19 Budget and the 2019-20 draft Budget.

COMMENT

Council is requested to consider the proposal for the 2019-20 draft Budget.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Draft Budget 2019-20 Donation ($)</th>
<th>Budget 2018-19 Donation ($)</th>
<th>Variance ($)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>St John's Ambulance Fund</td>
<td>1,800</td>
<td>1,760</td>
<td>40</td>
<td>Increase of 2.0% - CPI - WA State Budget 2018</td>
</tr>
<tr>
<td>Capel RSL - contribution towards PGB Anzac Day Dawn Service</td>
<td>4,500</td>
<td>4,500</td>
<td>0</td>
<td>Requires Council decision as previous endorsed period of 3 years has expired. Retain at 2018-19 level.</td>
</tr>
<tr>
<td>Capel RSL General Donation</td>
<td>850</td>
<td>830</td>
<td>20</td>
<td>Increase of 2.0% - CPI - WA State Budget 2018</td>
</tr>
<tr>
<td>Bunbury Sea Rescue</td>
<td>340</td>
<td>330</td>
<td>10</td>
<td>Increase of 2.0% - CPI - WA State Budget 2018</td>
</tr>
<tr>
<td>Salvation Army</td>
<td>340</td>
<td>330</td>
<td>10</td>
<td>Increase of 2.0% - CPI - WA State Budget 2018. Not a local organisation but due to their significant community role a donation is appropriate</td>
</tr>
<tr>
<td>Royal Flying Doctors Service</td>
<td>340</td>
<td>330</td>
<td>10</td>
<td>Increase of 2.0% - CPI - WA State Budget 2018. Not a local organisation but due to their significant community role a donation is appropriate</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8,170</strong></td>
<td><strong>8,080</strong></td>
<td><strong>90</strong></td>
<td></td>
</tr>
</tbody>
</table>

In addition to the above, $8,000 will be allocated in Governance account 0222 in the 2019-20 draft Budget for donations to be allocated at Council’s discretion. It is proposed to be allocated as follows:

- $1,000 will be available to be allocated for the Lord Mayor’s Distress Relief Fund. This donation is in line with the 2018-19 budget.
- $1,000 will be available for donations at Council’s discretion.
- $5,000 will be available for donations to representative in State/Nations Sport
- $1,000 will be available for minor donations less than $400 each.

The total value of the proposed donations from this item is $16,170 which is an increase of $90 compared to the amount included in the 2018-19 Budget. A projected CPI increase of 2.0% has been used. Amounts have been rounded to the nearest $10.
They can be summarized as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Donation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1602</td>
<td>$8,170</td>
</tr>
<tr>
<td>0222</td>
<td>$8,000</td>
</tr>
<tr>
<td>Total</td>
<td>$16,170</td>
</tr>
</tbody>
</table>

**VOTING REQUIREMENTS**

Simple majority

**OFFICER’S RECOMMENDATION – 15.4**

That Council:

1. Approves donations totalling $16,170 in the 2019-20 draft Budget as detailed below:
   - St John’s Ambulance Fund - $1,800;
   - Capel RSL General Donation - $850;
   - Capel RSL Donation (PGB Dawn Service) - $4,500;
   - Bunbury Sea Rescue - $340;
   - The Salvation Army - $340;
   - The Royal Flying Doctor Service - $340;
   - Lord Mayor’s Distress Relief Fund - $1,000;
   - Discretionary Donations - $1,000;
   - State/Nations Sport donations - $5,000; and
   - Minor Donations - $1,000.

2. That Council approves the review of the Shires donation strategy for the 2020/21 financial year recognising in-kind contributions by the Shire.

3. That all recipients of contributions acknowledge the Shire by way of appropriate public notice.
15.5 Accounts Paid During the Month of March 2019

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 10.04.2019
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Director Corporate and Community, S Stevenson
Attachments: Nil

IN BRIEF

Authorisation of accounts paid during the month.

RECOMMENDATION

That Council receives:

1. The Schedule of Accounts covering vouchers 1047-1056, EFT29542 to EFT29803, CHQ49092 to CHQ49106 totalling $2,152,110.88 during the month of March 2019;

2. Payroll payments for the month March 2019, totalling $498,974.29; and

3. Transfers to and from investments as listed.

BACKGROUND / PROPOSAL

Background

Accounts paid are required to be submitted each month.

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

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

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

Payment from Council’s Municipal Fund.

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028.

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

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

CONSULTATION

Relevant staff have been consulted and authorised the payments. Documented review by Manager Finance, A Mattaboni.
**COMMENT**

Payments made during the month of March 2019 are as follows:

<p>| EFT29542  | 01/03/2019 | IINET NBN          |                     | 119.94  |
| EFT29543  | 01/03/2019 | WESTNET Pty Ltd NBN |                     | 219.98  |
| EFT29544  | 04/03/2019 | DE LAGE LANDEN Pty Ltd PHOTOCOPIER RENTAL | 1,549.90 |
| EFT29545  | 06/03/2019 | 2EASY COMPUTING ROUTER |                     | 329.00  |
| EFT29546  | 06/03/2019 | AMITY SIGNS ROAD SIGNS |                     | 121.00  |
| EFT29547  | 06/03/2019 | AMPAC DEBT RECOVERY DEBT RECOVERY | 24,545.16 |
| EFT29548  | 06/03/2019 | AW ROADWORKS Pty LTD TRAFFIC CONTROL | 3,155.35 |
| EFT29549  | 06/03/2019 | ARBOR GUY REPORT ON LARGE TREES AND PROVIDE RECOMMENDATION | 308.00  |
| EFT29550  | 06/03/2019 | BUNBURY MOWER SERVICE PLANT SERVICING | 168.00  |
| EFT29551  | 06/03/2019 | BELL FIRE EQUIPMENT COMPANY BFB TRUCK REPAIRS | 127.60  |
| EFT29552  | 06/03/2019 | CR BARRY BELL COUNCILLOR ALLOWANCE | 2,904.50 |
| EFT29553  | 06/03/2019 | BUNNINGS BUILDING SUPPLIES Pty LTD HARDWARE | 339.00  |
| EFT29554  | 06/03/2019 | BUSSELTON CIVIL Pty LTD MACHINERY HIRE | 935.00  |
| EFT29555  | 06/03/2019 | BE SAFE BUILDING INSPECTIONS BUILDING INSPECTION CONTRACTOR | 1,980.00 |
| EFT29557  | 06/03/2019 | BRANDICOOT WEBSITE SUBSCRIPTIONS | 505.99  |
| EFT29558  | 06/03/2019 | BOYLES PLUMBING &amp; GAS REPAIR BBQ | 231.00  |
| EFT29559  | 06/03/2019 | WINC AUSTRALIA Pty LTD REFRESHMENTS AND NEWSPAPER PRINTING SUPPLIES | 782.74  |
| EFT29560  | 06/03/2019 | COURIER AUSTRALIA INTERNATIONAL FREIGHT CHARGES | 11.94   |
| EFT29561  | 06/03/2019 | CR MURRAY SCOTT PRESIDENT'S ALLOWANCE | 10,392.50 |
| EFT29562  | 06/03/2019 | THE CHILDREN'S BOOK COUNCIL OF AUSTRALIA MEMBERSHIP FEE | 60.00   |
| EFT29563  | 06/03/2019 | ACCESS WELLBEING SERVICES EMPLOYEE ASSISTANCE PROGRAM | 187.00  |
| EFT29564  | 06/03/2019 | COATES CIVIL CONSULTING Pty LTD PROFESSIONAL ENGINEERING DESIGN AND ADVICE | 14,030.50 |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Date</th>
<th>Vendor Name</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFT29565</td>
<td>06/03/2019</td>
<td>Country Women's Association Capel</td>
<td>Catering</td>
<td>420.00</td>
</tr>
<tr>
<td>EFT29566</td>
<td>06/03/2019</td>
<td>Diesel Force</td>
<td>Service Machinery</td>
<td>3,995.83</td>
</tr>
<tr>
<td>EFT29567</td>
<td>06/03/2019</td>
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Total: $498,974.29

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<td>19.03.2019</td>
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Total: $498,974.29

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<td>27.03.2019</td>
<td>Transfer to Municipal Account</td>
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Total: -$800,000.00

Certificate of Chief Executive Officer

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council 24 April 2019 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.

[Signature]

Chief Executive Officer
VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATIONS – 15.5

That Council receives:

1. The Schedule of Accounts covering vouchers 1047-1056, EFT29542 to EFT29803, CHQ49092 to CHQ49106 totalling $2,152,110.88 during the month of March 2019;

2. Payroll payments for the month of March 2019, totalling $498,974.29; and

3. Transfers to and from investments as listed.
15.6 Financial Statements for 31 March 2019

IN BRIEF

Council to consider adopting the monthly financial statements for 31 March 2019.

RECOMMENDATION

That Council adopts the financial statements for the period ending 31 March 2019 as attached.

BACKGROUND / PROPOSAL

Background

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

Proposal

The financial statements provided to Council satisfy the requirements.

STATUTORY ENVIRONMENT


6.4 Financial Report

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

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

(2) The financial report is to –

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.


Financial Activity Statement Report

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

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

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

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

There are no risk implications related to this item.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028.

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

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

CONSULTATION

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

COMMENT

At 31 March 2019, Council’s net current asset position is a surplus of $4,575,011. The forecast 2018/19 year end net current asset position is a surplus of $6,039. This is a reduction from the
budgeted amount of $31,771. The forecast year end net current asset position may change as
the forecast year end position is updated.

Compared to the annual budget approximately 97% of Operating Revenue has been recognised
and 68% 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.

Rates have been assessed for the 2018/19 financial year with income raised in August 2018. The Statement of Comprehensive Income by Nature and Type shows more than 100% of rates income has been received year to date compared to the annual budget. Fees and Charges income includes $2,344,933 for household refuse fees which is included in the rates billing process. Approximately 94% of Fees and Charges income has been received year to date compared to the annual budget.

Fixed asset depreciation has been calculated for the months up to and including March 2019
using the updated fair value of all infrastructure assets as at 30 June 2018.

The following graphs compare actual Operating Revenue and Operating Expenditure against the
2018/19 budget on a year to date basis.

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 $731,665 compared to February 2018. The Municipal cash position is an amount of $17,639,077 of which $14,501,531 is restricted for specific purposes as shown at Note 3. Cash revenue is due to rates receipts, interest earned, grant funding and the Business Activity Statement refund from the Australian Taxation Office. Major cash expenses are a result of payroll, contractor and loan payments.

Total interest earned year to date is $317,688 which is below the current year to date budget of $333,641. The average investment rate of return has increased slightly 2.53%, which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 2 April 2019 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from April 2019 to August 2019, investment terms ranging from 91 days to 279 days and interest rates from 2.55% to 2.75%.
Capital works expenditure of $698,868 occurred during the month on:

- $210,090 Road Reconstruction
- $176,352 Asphalt
- $88,390 Boyanup Recreation Facilities
- $57,455 Dual Use Paths
- $47,120 Capel Civic Precinct – Car Park
- $34,545 Playground Replacement
- $31,894 Information Technology Equipment
- $28,282 Drainage Infrastructure
- $9,205 Whole of Shire POS
- $8,292 Entry Statements
- $2,974 Back Saver Crane
- $2,970 Relocate BMX Track
- $1,300 Roof Access upgrades

The following graph compares actual capital expenditure against the 2018/19 budget on a year to date basis and includes the prior year actual for comparative purposes. The monthly budget of capital expenditure has been adjusted to reflect the expected timing of actual expenditure throughout the financial year, with the Budget for the Capel Civil Precinct Youth and Community Facility pushed out to June 2019 to reflect Council’s decision to not proceed with the project. The forecast has been adjusted in the mid-year budget review, along with the corresponding income associated with grant funding.

![YTD Capital Expenses - Budget vs Actual](image)

Council’s financial ratios are disclosed in Note 14. The Debt Service Coverage Ratio is at a high level due to the recognition of rating income. The increase in operating expenditure during the financial year will see this ratio move in line with previous years.
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.

![Debtors Outstanding Graph]

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 for 2018/19 shows rates have been raised for this financial years billing cycle in the month of August 2018.

![Rates & Services Debtor Balance Graph]
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: 2018/19 3.00%, 2017/18 2.51% and 2016/17 2.54%.

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 March 2019.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 15.6

That Council adopts the financial statements for the period ending 31 March 2019 as attached.
15.7 Delegations Register – Correction to Delegation 200

Location: Whole of Shire
Applicant: Shire of Capel
File Reference: Nil
Disclosure of Interest: Nil
Date: 15.04.19
Author: Governance Officer, A Handley
Senior Officer: Director Community and Corporate, S Stevenson
Attachments: Nil

IN BRIEF

- The Shire of Capel has delegations in place from Council to the Chief Executive Officer (CEO), other officers, the President and Chief Bush Fire Control Officer and the Audit Committee.
- An organisational restructure recently necessitated a review of delegations and authorisations.
- A typographical error in the March agenda item discussing delegations requires correction.

RECOMMENDATION

That Council endorse the correction to Delegation 200 as discussed in the Comments section of this item.

BACKGROUND / PROPOSAL

Background

The process of delegation occurs when a person or body entrusts power and authority to a deputy. Many of the Acts that guide the conduct of local governments permit the delegation of power and duties of the Council to the CEO, who on occasion further delegates these powers and duties to other officers.

Proposal

This item proposes that Council amend and correct Delegation 200 enabling the Shire President and Chief Bush Fire Control Officer to make decisions on behalf of Council concerning seasonal variations to prohibited and restricted burning periods. An error was made in the March agenda item concerning officers who must be consulted prior to variation of a burning period. One officer was omitted in error, the other officer was named twice.

STATUTORY ENVIRONMENT

Bush Fires Act 1954

17. Prohibited burning times may be declared by Minister

(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

POLICY IMPLICATIONS

There are no significant policy implications for this item.
RISK IMPLICATIONS

If the delegations are not managed appropriately, Council risks returning a negative finding in the Annual Compliance Return.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications for this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications for this item.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

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

CONSULTATION

There was consultation between the Governance Officer, Executive Management Team and Coordinator Emergency Services on this matter.

COMMENT

Council is required annually to review and endorse the delegations it makes to the CEO, Committees and others. The most recent review of Delegations occurred in March 2019. A number of changes resulting from the organisational restructure effective March 1, 2019 were recommended.

One of the recommendations was:

*That Council endorse and affirm:*

- The suggested amendments to Delegations 131, 132, 152, 162 and 200 as discussed in Comments; and

Delegation 200 enables the Shire President and Chief Bush Fire Control Officer to make decisions on behalf of Council concerning seasonal variations to prohibited and restricted burning periods.

The Shire President and Chief Bush Fire Control Officer are required to consult with others before exercising this delegation, and this consultation process includes the Coordinator Emergency Services and Coordinator Ranger Services.

In the Comments section of the March agenda item, the text below referred to this process. It can be seen (items in red) that a typographical error resulted in the omission of the Coordinator Emergency Services from the consultation process, and the Coordinator Ranger Services was named twice.

Although the text was correct in the Attachment provided with the item (extract from the Delegations Register), the officer recommendation specifically referred to Council endorsing amendments ‘as discussed in comments’, which were incorrect.
Text from March 2019 item.

<table>
<thead>
<tr>
<th>Delegation</th>
<th>Change</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>Variations to burning times – insert the word ‘jointly’ in Items 1 and 2</td>
<td>Increases clarity</td>
</tr>
<tr>
<td></td>
<td>Replace ‘Manager Emergency &amp; Ranger Services’ with ‘Coordinator Emergency Services’ and replace ‘Senior Community Ranger’ with ‘Coordinator Ranger Services’.</td>
<td>Organisational restructure.</td>
</tr>
</tbody>
</table>

The Manager Emergency Services role was split into two positions, Coordinator Emergency Services and Coordinator Ranger Services. It is appropriate that both be named as part of the consultation process. The text should thus have read as below.

Corrected text

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</table>

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATIONS – 15.7

That Council endorse the correction to Delegation 200 as discussed in the Comments section of this item.
16 NEW BUSINESS OF AN URGENT NATURE
17 PUBLIC QUESTION TIME
18 MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)
19 NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL
20 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS
21 MEETING CLOSURE