

SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 8 APRIL 2009 COMMENCING AT 4.30PM.

*PF Sheedy.*

PF Sheedy  
CHIEF EXECUTIVE OFFICER

3 April, 2009

# AGENDA

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- 1        DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2        RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**
- 3        RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
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- 5        APPLICATIONS FOR LEAVE OF ABSENCE**
- 6        DECLARATION OF INTEREST**
- 7        NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**
- 8        CONFIRMATION OF MINUTES**
- 8.1     Ordinary Council Meeting – 25 March 2009
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**15.1 TECHNICAL SERVICES SECTION**

<b>15.1.1 Five Year Path Program</b>
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REPORTING OFFICER

JD Wesley – Director Technical Services

23 February 2009

DISCLOSURE OF INTEREST

The Director of Technical Services declares an impartiality interest because his father-in-law lives on Frances Road.

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Annual review of the Five Year Path Program. This includes public access ways (PAW), shared use paths (formerly known as dual use paths) and footpaths, support for contributions from Country Path Scheme for Prowse Road (Capel) and Hampstead Road (Gelorup). Other considerations include priorities for funding of paths from the state government’s Royalties for Regions Program.

ATTACHMENTS

Nil

APPLICANT’S SUBMISSION

In accordance with the existing adopted Dual Use Path Program (DUP) and previous grant applications, the Shire has an obligation to complete the path along Korella Drive, Capel from Ibis Court to Prowse Road.

Further works identified for matching grant funding includes the construction of a shared use path (SUP) along Prowse Road between Range Road and Korella Drive, Capel and a path along Hampstead Road from Crowd Road to Sheoak Street, Gelorup.

This submission includes specific allocation and implementation of funding if the state government’s Royalties for Regions is approved for several locations within Capel, Boyanup and Gelorup as adopted on the Ordinary Council Meeting on 25 February 2009 (OCO220).

## BACKGROUND

In September 2003, Council adopted its latest version of the DUP Strategy for the individual areas of Peppermint Grove Beach, Capel, Gelorup and Boyanup with an annual financial commitment of municipal funds of \$7,000 per annum. The resolution included annual updates presented to Council for endorsement. Historically, the intention of the program was to create new path networks for each townsite location to enhance the access to community facilities such as schools, recreation grounds and businesses over a ten year timeframe. There was no consideration for replacing any existing paths.

Consistent with last year's program, the Shire is now including paths in the program that require significant replacement due to their current condition and/or standard.

In December 2007, the Shire employed the services of the Disability Access and Inclusion Project Officer to travel the existing path network and identify areas for improvement for people with disabilities and provide feedback to the Shire. The findings of the inspection were tabled to Council in March 2008, and the resolution of an annual allocation of \$5,000 to improve access to existing paths was adopted at the Ordinary Council Meeting on 23 April 2008.

As part of the Shire's 2008/09 Path Program, the Korella Drive SUP was proposed to be constructed from Spurr Street to Prowse Road, however, due to realignment of the path, it had to be widened and this reduced the path to terminate at Ibis Court. In order to fulfil the grant conditions and still retain the grant, the Shire had to commit to completing the rest of the path from Ibis Court to Prowse Road during 2009/10.

During 2008 the Shire commenced a condition assessment of existing footpaths throughout the Shire except Dalyellup. The basis of this assessment formed the priority listing for replacement paths listed in the program. The assessment was based on the Austroads Guide to Traffic Engineering Practice Part 14 Bicycles and the IPWEA Condition Assessment and Asset Performance Guidelines: Practice Notes 1 Footpaths and Cycleways.

In the past few months there have also been several factors affecting the path program proposed for 2009/10. These include the development of a Trails Master Plan, additional and unexpected funding from the state's Royalties for Regions and commencement of the Shire's review of the townsite planning strategies for Capel and Boyanup.

During late 2008, the Shire engaged a Trails consultant to prepare a Trails Master Plan for the Shire. Some paths currently managed as part of the Shire's path network may be included in the Trails Master Plan. Once the Trails Master Plan has been completed the Shire may need to review the Path program in light of any inclusions from the Trails Master Plan. The Trails Master Plan is expected to be completed and presented to Council in the next few months.

The Shire has applied for funding under the state's Royalties for Regions (R4R) program to spend an additional \$400,000 on paths within the Shire. If the proposal is accepted then these funds have been identified for expenditure on new paths or improvement of existing paths (replacement of existing paths cannot be funded by R4R).

The townsite strategies for Capel and Boyanup will change the boundaries of the townsites. This will mean that a new and improved network of paths will be proposed for these townsites. Staff have commenced work towards an integrated approach to transport planning and employed a consultant to review current and

future roads and paths within the proposed Capel townsite boundaries (with Boyanup to follow once a new Townsite Strategy has been adopted). These reviews will identify locations for end of trip facilities, locations and amounts for developer contributions (thereby reducing the amount of funding required by the Shire for construction of paths), and ways to encourage sustainable methods of transport. For these reasons staff will not commence a review of the path program as originally planned until after these townsite strategies have been completed.

#### STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984 - Duty of Care

#### POLICY IMPLICATIONS

Policy 10.7 Risk Management

#### FINANCIAL IMPLICATIONS

In accordance with the Shire's adopted DUP Plan, staff have submitted a grant application for a \$23,826 contribution for Prowse Road, Capel from Country Pathways, with a \$23,826 contribution from the Shire of Capel. The total project cost is \$47,652. Staff have also submitted a grant application for \$26,064 contribution for Hampstead Road, Gelorup from Country Pathways, with a \$26,064 contribution from the Shire of Capel. The total project cost is \$52,128.

In addition to the annual funding submission for Country Pathways, the Shire has also applied to allocate funds through the state government's Royalties for Regions to increase the amount of money spent on paths for 2009/10 by \$400,000. This funding is proposed for the following: \$200,000 (Gelorup), \$100,000 (Capel), \$100,000 (Boyanup) as per the previous Recommendation of Council OCO220.

The following list outlines path locations in priority order for each townsite:

*Table 1: Capel*

	<b>Location</b>	<b>Rationale</b>	<b>Cost</b>	<b>Source</b>
<b>Korella Drive, Capel</b>	Ibis Court to Prowse Road	08/09 Grant commitment	\$25,000	R4R
<b>Upson Way, Capel</b>	PAW between Upson Road & Barlee Street	Current Condition	\$13,500	R4R
<b>Prowse Road, Capel</b>	Opposite Range Road to Korella Drive	Country Pathways Grant Application pending	\$47,652	\$23,826 R4R & \$23,826 Country Pathways
<b>Spurr Street, Capel</b>	Sykes Way to Drainage Sump opposite Berkshire Street	Demand due to Spurr Street extension	\$26,600	R4R
<b>Goodwood Road, Capel</b>	South of Spurr Street		\$11,074	R4R
		<b>Total</b>	<b>\$123,826</b>	

Table 2: Boyanup

	<b>Location</b>	<b>Rationale</b>	<b>Cost</b>	<b>Source</b>
<b>South West Highway (east side), Boyanup</b>	Turner Street across Railway reserve to Bridge Street	Link existing path on SW Highway to Bridge Street path	\$56,400	R4R
<b>South West Highway (east side), Boyanup</b>	Existing path to Charlotte Street and connect to path on Thomas Street opposite Primary School	Connect existing path SW Highway to school path	\$41,300	R4R
<b>South West Highway (west side), Boyanup</b>	Existing path towards Charlotte Street	Extend to existing dwellings	\$2,300	R4R
		<b>Total</b>	<b>\$100,000</b>	

Table 3: Gelorup

	<b>Location</b>	<b>Rationale</b>	<b>Cost</b>	<b>Source</b>
<b>Hampstead Road, Gelorup</b>	5 Mile Brook (Sheoak Street) to Crowd Road	Pedestrian safety	\$52,128	\$26,064 Country pathways grant and \$26,064 R4R
<b>Hasties Road, Gelorup</b>	Hawkins Drive to Jules Road	Link existing path to existing track	\$50,000	R4R
<b>Frances Road, Gelorup</b>	Allen Road to Jules Road	Pedestrian safety near a School	\$123,936	R4R
		<b>Total</b>	<b>\$226,064</b>	

Table 4: Funding Summary

<b>Funding Source</b>	<b>Amount</b>
Royalties for Regions (R4R) grant	\$400,000
Country Pathways Grant	\$49,890
Municipal funds	\$0
<b>TOTAL EXPENDITURE</b>	<b>\$449,890</b>

#### STRATEGIC IMPLICATIONS

Core Business Area 1 (Infrastructure): Strategy 1 (Plan the provision and maintenance of safe and efficient transportation systems): Action Plan 1.4 – Review and implementation of the Dual Use Path (DUP) Strategy.

#### CONSULTATION

When the original program was created, there were community consultation meetings held in each locality. In addition to this formal consultative process, the Shire has also received a number of letters requesting further paths in other locations.

Requests for new or reconstructed paths include:

*Table 5: Requests*

Payne Street	Boyanup	Reconstruct from bitumen to concrete
Roe Road	Capel	New
Sykes Way across Spurr Street to back of recreation ground	Capel	New
Forrest Road	Capel	Extend & Reconstruct from bitumen to concrete for new Townscape project
Spurr Street	Capel	To connect to existing path network
Roe Road	Capel	Continue SUP in West Road (at Aged persons accommodation) to meet Roe Road
All	Shire - wide	Increase SUPs across the Shire
Upson Road PAW	Capel	Resurface existing public access way (PAW)
Minninup Road	Stratham	SUP between Lakes Road and Dalyellup

#### COMMENT

The paths identified in Tables 1-3 above are a modification on the established priorities of the previously adopted DUP Strategy. This is mainly due to identification of safety factors. The only additions have been for improvement of existing paths due to deterioration or the creation of minor links.

With the increasing populations moving to the Shire's townsites and the interest in sustainable transport, there is increased pressure to provide more paths within each townsite. The future reviews of the Path Program will need to primarily consider the funding of replacement paths as a result of site based condition assessments. As such, future grants should include replacement of existing paths.

If there is any funding left from the allocation of the above paths under Royalties for Regions, then staff will allocate the funds to the improvement of disabled access.

#### STAFF RECOMMENDATION

##### That:

- 1. Council endorse the priorities for paths in accordance with Tables 1-3 and to fund them from a combination of Country Pathways Grants and Royalties for Regions for implementation before or during 2009/10.**
- 2. A sum of \$449,890 be included in the draft 2009/10 budget for Path Capital Works as outlined in Tables 1-3 in the Financial Implications section of this report.**
- 3. Any funds remaining from the allocation be put towards improving disabled access.**

#### VOTING REQUIREMENTS

Simple majority

**16 CORPORATE AND COMMUNITY SERVICES REPORTS****16.1 GOVERNANCE****16.1.1 Lease – Lot 1 South West Highway, Boyanup**

## REPORTING OFFICER

D Freeman - Governance Officer

Date: 31.03.09

## DISCLOSURE OF INTEREST

Nil

## OWNER/APPLICANT

IL &amp; J Trigwell

## MATTER FOR CONSIDERATION

Leasing of Lot 1 South West Highway, Boyanup

## APPLICANT'S SUBMISSION

Nil

## ATTACHMENT

Map showing location of Lot 1 South West Highway, Boyanup

## BACKGROUND

In 1994 Council entered into a deed of agreement to acquire lot 1 South West Highway (8.1 hectares) from Mr M Morris, with the view to using the land for future expansion of the Boyanup Recreation Ground.

Following the transfer of the land to Council, and because Council has not been ready to develop the land, Council has leased the land back to Mr Morris.

The lease of the land expires on 31 March 2009 and there is no option for a further term.

## STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58

Local Government (Functions and General) Regulations 1996

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

By offering the land for lease, Council can expect to receive rental income as well as saving the cost of installing firebreaks and providing weed control on the land.

## STRATEGIC IMPLICATIONS

Nil

## CONSULTATION

Nil

COMMENT

At this stage, Council has not considered the development of the land for recreational purposes. Pending the allocation of funds for works on the land, Council may wish to continue to lease the land in the same manner as currently occurs.

Section 3.58(2) of the Local Government Act provides that

“Except as stated in this section, a local government can only dispose of property to –

- (a) The highest bidder at public auction; or
- (b) The person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.”

As an alternative, Section 3.58(3) and (4) of the Local Government Act provide that:

- (3) “A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
  - (a) it gives local public notice of the proposed disposition –
    - (i) describing the property concerned,
    - (ii) giving details of the proposed disposition, and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of the proposed disposition that are required by subsection (3) (a) (ii) include –
  - (a) the names of all other parties concerned
  - (b) the consideration to be received by the local government for the disposition and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

Regulation 30(1) and (2) of the Local Government (Functions and General) Regulations 1996 provide as follows:

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of Section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if-
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called “the transferee”) and –
    - (i) its market value is less than \$5000, and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.**

The current lessee, Mr M Morris, has advised that he is moving out of the district but is retaining ownership of the land and will lease the land for 3 years to IL & J Trigwell.

An inspection of the land has shown that, while suitable for agistment, the land has no yards, no water supply and no direct access off South West Highway. These services are provided via the adjoining property owned by Mr Morris but is now being leased to IL & J Trigwell. There is also some doubt as to the accuracy of the fencing on the lot.

It is considered that given these limitations there would be little significant benefit in the use of this land by anyone else other than the adjoining owner Mr Morris or any party that Mr Morris may lease the land to.

With regard to the rental to be paid for the property, the annual rental was set at \$1600.00 per year inclusive of GST.

In preparing this item, advice has been received that the rental value of land for agistment purposes has not increased since the lease was last negotiated. On this basis the annual rental of \$1600 inclusive of GST should be retained.

Given that there are no plans currently before the Council to develop this site, indeed the development has not been mentioned in Council's Plan for the Future, which covers the next 5 years, it is recommended that Council offer the land for lease for a period of 2 years with an option of a further 1 year.

It is considered that after the initial term, Council will be better placed to determine likely needs and a timetable for the future use and development of this land.

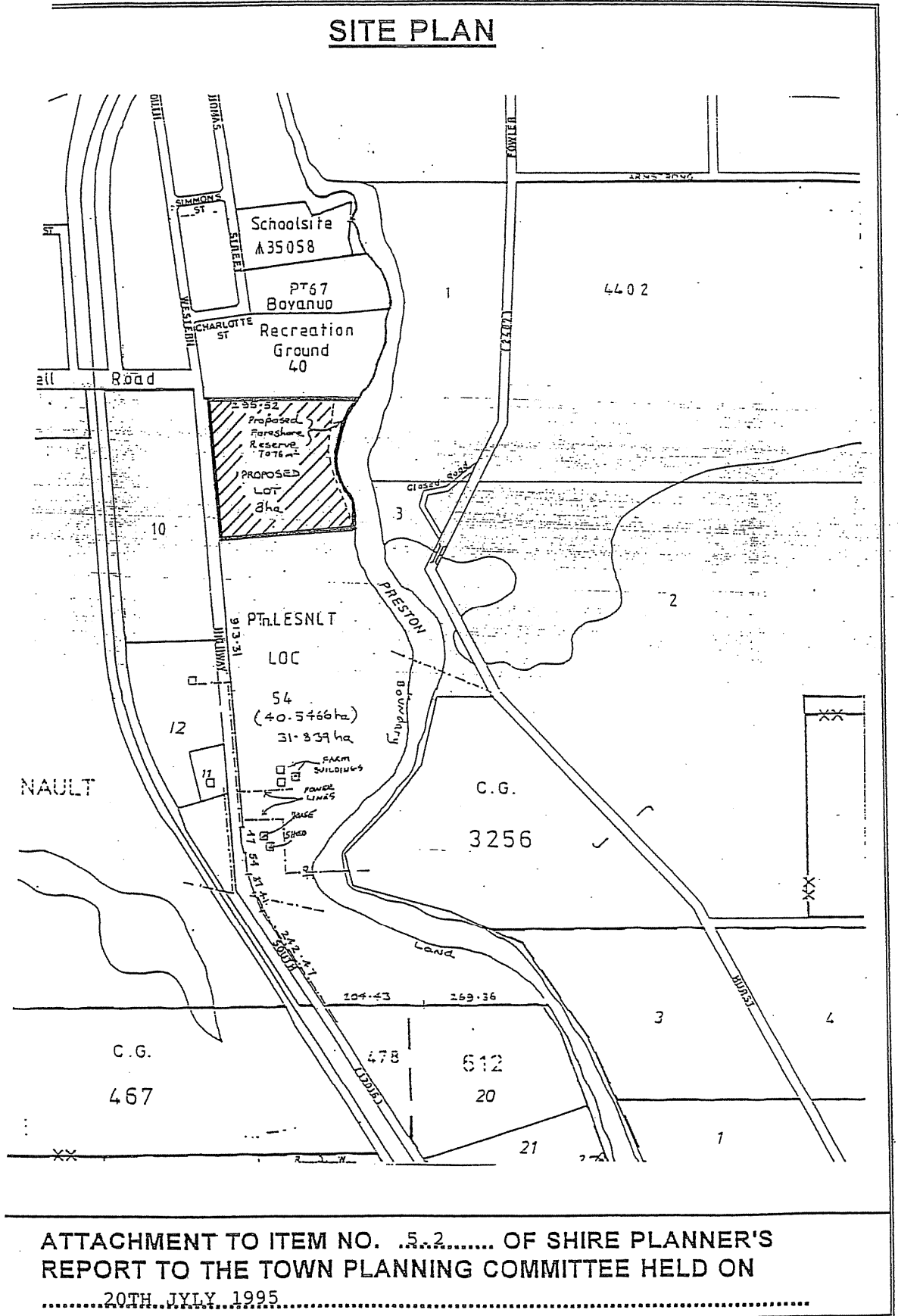
**STAFF RECOMMENDATION**

**Council offer to lease Lot 1 South West Highway, Boyanup for a period of 3 years expiring on 1 April 2012 to IL & J Trigwell at an annual rental of \$1600.00 inclusive of GST, subject to the lessee maintaining all firebreaks and undertaking all appropriate weed eradication on the property during the term of the lease.**

VOTING REQUIREMENTS

Simple majority

**ATTACHMENT TO ITEM 16.1.1**



**16.1.2 Delegations Review**

## REPORTING OFFICER

PF Sheedy – Chief Executive Officer 31.03.09

DISCLOSURE OF INTEREST Nil

## OWNER/APPLICANT

Shire of Capel

## MATTER FOR CONSIDERATION

The review, reaffirming, amending, adoption and rescission of delegations to the Chief Executive Officer, Other Officers/Persons, and Committees, made under the Local Government Act 1995 and various other legislation.

## ATTACHMENTS

- Delegations recommended to be revoked (114, 115, 122, 124, 125, 129, 133, 147, 401).
- Delegations 117 (to be amended)

APPLICANT'S SUBMISSION Nil

## BACKGROUND

Council conducted an extensive review of all policies and delegations in January 1999, and as required by the Local Government Act 1995, is required to conduct an annual review of delegations in each year. It is again necessary to review the delegations currently existing in accordance with Local Government Act requirements.

There are currently a total of sixty two delegations in place with the breakup being:

- Direct to the Chief Executive Officer, 49 delegations (100 – 155), who in turn delegates a number to other Officers;
- Direct to Other Officers, 11 delegations (200 – 215); and
- Direct to Council Committees, 2 delegations (401 - 402).

Delegations 100 – 155 and 401 - 402 are made under the Local Government Act 1995, whilst Delegation 202 – Building Licenses, is a delegation made direct to the Building Surveyor, under the Local Government (Miscellaneous Provisions) Act 1960. The remainder (200 – 215) are made under the various other Acts indicated in Statutory Environment. Whilst Delegations 200 - 215 do not have to be reviewed each year they are included for the sake of consistency.

Delegation 104 (Creditors – Payment) is by far the most active, followed by the likes of Delegation 105 (Crossovers), Delegation 114 (Investments), Delegation 202 (Building Permits) and Delegation 146 (Waive or Grant Concessions). Many of the others are only used occasionally and reflect the administrative procedural nature of some actions as against referring the matter to Council for a decision. Usage of the delegations varies considerably according to the nature of the delegation itself.

Of the forty eight delegations to the CEO, twenty six have been delegated to various employees, either completely or in part. Part of the review process for delegations also includes a requirement for the CEO to review delegations made by him. The following details the list of delegations currently authorised to the CEO, other Officers/Persons and Committees.

#### STATUTORY ENVIRONMENT

Section 5.46(2) of the Local Government Act 1995 provides that at least once in each financial year delegations are to be reviewed by the delegator (Council).

Section 5.18 of the Local Government Act provides that a local government is to keep a register of delegations and review the delegations once every financial year.

Town Planning Scheme No 7, Health Act, Strata Titles Act and Bush Fires Act 1954 are also applicable in relation to delegations 200 – 215.

#### POLICY IMPLICATIONS

There are no direct implications on any current policies however a number of the delegations are linked to Council policies.

#### FINANCIAL IMPLICATIONS

The delegations allow for staff to authorise expenditure, raise income, write off monies and provide staff benefits, via salary sacrifice arrangements in regards to various areas of operations.

STRATEGIC IMPLICATIONS Nil

#### CONSULTATION

No public consultation is required on this matter. Appropriate staff have been consulted as to the relevance and/or updating of the existing delegations.

#### COMMENT

Each delegation and its current title is detailed below.

#### Delegations to the CEO

- 100 Approval of Signage Requiring a License under the Shire of Capel Local Laws Relating To Signs, Hoardings and Bill Posting
- 101 Buildings – Issue of Section 401 Notices
- 102 Bus Shelters – Location and Installation
- 103 Contract Variations
- 104 Creditors, Payment Of
- 105 Crossovers
- 106 Demolition Licences
- 107 Enforcement and Legal proceedings
- 108 Events on Roads
- 109 Fencing Repairs – Stock on Roads
- 110 Revoked in 2005
- 111 Impounding Goods – Authorised Employee
- 112 Revoked in 2007
- 113 Insurance Claims
- 114 Investments
- 115 Legal Advice
- 116 Liquor, Sale or Consumption – Council Property

- 117 Rate Book
- 118 Road Closures
- 119 Revoked in 2000
- 120 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
- 121 Seed Collection
- 122 Settlers' Road Applications
- 123 Revoked in 2007
- 124 Staff Relocation Expenses
- 125 Street Trees – Removal
- 126 Revoked in 2007
- 127 Surplus Equipment, Materials, Tools, etc
- 128 Swimming Pool Inspections
- 129 Telephones (Private) – Use by Employees for Council Business
- 130 Temporary Road Closures
- 131 Tenders
- 132 Timber Disposal
- 133 Traffic Regulatory Signs
- 134 Works, Unlawful
- 135 Local Laws Relating To the Capel and Boyanup Public Cemeteries
- 136 Activities on Thoroughfares and Trading In Thoroughfares and Public Places  
Local Law
- 137 Local Laws Relating To Property
- 138 Parking and Parking Facilities Local Law
- 139 Extractive Industries Local Law
- 140 Applications for Mining Tenements and Exploration Licenses
- 141 Revoked in 2005
- 142 Revoked in 2006
- 143 Revoked in 2003
- 144 Road Names
- 145 Withdrawal of Infringement Notices
- 146 Waive or Grant Concessions
- 147 Employee Salary Sacrifice Arrangements
- 148 Notice Requiring Action by Owner of Land
- 149 Local Laws Relating To the Keeping and Welfare of Cats 2004
- 150 Appointment of Authorised Officers – Town Planning Scheme No. 7
- 151 Bush Fires Act Functions
- 152 Licence to Deposit Materials on or Excavate Adjacent to a Street
- 153 Certificates of Classification
- 154 Buildings, Removal of Neglected and Dilapidated
- 155 Building Licenses, Special

Delegations to other Officers – By Council for other Acts

- 200 Approval of Building Envelopes & Relocation of Building Envelopes
- 201 Approval Of Home Business Activities (not being Home Occupations)
- 202 Building Licences
- 203 Capel Light Industry Zone
- 204 Health Act – (Deputy)
- 205 Processing Applications for Planning Consent
- 206 Revoked in 2004
- 207 Responses on Appeals Against Subdivision Decisions Or Conditions
- 208 Strata Title Clearances
- 209 Subdivision Clearances
- 210 Minor Modifications
- 211 Variation of Prohibited and Restricted Burning Times

Delegations to Committees

- 400 Revoked in 2004
- 401 Purchase of Artworks at Capel Fest (Art Acquisition Committee)
- 402 Powers and Duties of Audit Committee

As part of the review, all of the delegations have been examined to ensure that they are still relevant and the wording of each one is correct. In considering the review each delegation has been viewed in the context of whether it is a power or duty of the local government, hence a delegation can occur, or is it an administration function that is part of the CEO or other officer's responsibilities and therefore a delegation is not required. As a result of this review it has been determined that the following action is required.

Delegations to be Deleted**Delegation 114 Investments**

The investment of Council funds is covered by Policy 11.11 and also under section 6.14 of the Local Government Act officers have a fiduciary responsibility to keep risks to a minimum.

**Delegation 115 Legal Advice**

This is considered to be a day to day administration function of the CEO and other Directors, providing there is a budget allocation within the adopted budget for this expense to be incurred.

**Delegation 122 Settlers Road Applications**

This delegation is contrary to Policy 16.6 'Road Upgrading Contributions' which in part indicates that 'In situations where the applicant is required to fund 50% of the contribution, the Council must resolve as to if it is to make the funds available from the 'Settlers Roads Fund' or hold the funding until the following financial year and include the upgrading in the Roadworks Programme'.

Past applications for funding have been dealt with under Policy 16.6.

**Delegation 124 Staff Relocation Expenses**

This is not a power or duty of the local government, but is considered to be an administration day to day function/responsibility of the CEO, and therefore a delegation should not apply. However to provide direction and guidance to staff a policy with similar wording will be developed for consideration by Council.

**Delegation 125 Street Trees – Removal**

This is considered to be the responsibility of the CEO as part of day to day functions/responsibilities and it is expected that the matters outlined in the delegation (dead, diseased, traffic hazard etc) would be taken into consideration as part of the exercising of that responsibility.

**Delegation 129 Telephones (Private) – Use by Employees for Council Business**

This is considered to be the responsibility of the CEO or Directors as part of day to day functions/responsibilities. The reality is that where employees are required to be on call after hours as part of their duties they are provided with a mobile telephone

and should they make business calls from their private phones it is no different to them claiming out of pocket expenses for other work related matters (parking fees, meals etc).

### **Delegation 133 Traffic Regulatory Signs**

This is not a power or duty of the local government, but is considered to be an administration day to day function/responsibility of the CEO, and therefore a delegation should not apply.

### **Delegation 147 Employee Salary Sacrifice Arrangements**

This is not a power or duty of the local government, but is considered to be an administration day to day function/responsibility of the CEO, and therefore a delegation should not apply. Providing the employee does not exceed their overall salary package agreed to as part of their employment, flexibility should be encouraged.

### **Delegation 401 Purchase of Artworks**

The delegation was initially provided to the Art Acquisition Committee to allow it to make a decision on the purchasing of art without having to refer the decision back to Council for ratification. By delegating this power the committee is then required to open its meeting to the public, should keep minutes of its meetings etc and as the committee does not formally meet as such this cannot happen.

The alternative is that at the special Council meeting after the biennial local government elections Councillors will be appointed to an 'Art Acquisition Group' that can purchase art within the budget allocation made each year.

### Delegation to be amended

### **Delegation 117 Rate Book**

In reviewing the Department of Local Government Guidelines for delegations that have indicated that where a matter is considered to be 'Acting Through' (ie that the CEO or Officer has no discretion in carrying out a function) a delegation is not required.

In relation to delegation 117, actions required under points 1-4 are clearly set out in the Local Government Act and the CEO has no discretion on what action is to be taken.

**STAFF RECOMMENDATION**

**That Council:**

- 1. Reaffirms Delegation Numbers 100 – 109, 111, 113, 116, 118, 120, 121, 127, 128, 130 – 132, 134 – 140, 144 -146 and 148 – 155 to the Chief Executive Officer;**
- 2. Reaffirm Delegation Number 117 with amendments;**
- 3. Reaffirms Delegation Numbers 200 – 205 and 207 – 211 to other Officers/Persons;**
- 4. Reaffirms Delegation Number 402 to Committees pursuant to section 5.16 of the Local Government Act 1995; and**
- 5. Revokes Delegation Numbers 114, 115, 122, 124, 125, 129, 133, 147 and 401.**

VOTING REQUIREMENTS

Absolute majority

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>114</b>
DELEGATION SUBJECT	- <b>Investments</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to ensure that Council is obtaining the best return for its investments with investment of funds being made in accordance with Council Policy 11.11.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99	Delegation #28	21.03.00
Amended	OC1250	13.12.00	Reaffirmed	21.03.05
Reaffirmed	OC0303	09.03.05	Reaffirmed	27.02.06
Reaffirmed	OC0218	22.02.06	Reaffirmed	25.06.07
Reaffirmed	OC0603	13.06.07		
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Director, Corporate and Community Services.

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>115</b>
DELEGATION SUBJECT	- <b>Legal Advice</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the municipality.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99		
Reaffirmed	OC0303	09.03.05		
Reaffirmed	OC0218	22.02.06		
Reaffirmed	OC0603	13.06.07		
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**ATTACHMENT TO ITEM 16.1.2**

- DELEGATION NUMBER**                      **122**
- DELEGATION SUBJECT                      -    **'Settlers' Road' Applications**
- LEGISLATIVE POWER                      -    Local Government Act 1995 (Sections 5.42/5.43(b))
- DELEGATE                                      -    Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to approve 'Settlers' Roads' applications in accordance with annual budget allocations.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99	Delegation #8	06.11.96
Reaffirmed	OC0303	09.03.05	Reaffirmed	21.03.05
Reaffirmed	OC0218	22.02.06	Reaffirmed	27.02.06
Reaffirmed	OC0603	13.06.07	Reaffirmed	25.06.07
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Director, Technical Services.**

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>124</b>
DELEGATION SUBJECT	- <b>Staff Relocation Expenses</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

- 1 The relocation expenses are not to include any personal travelling expense.
- 2 Expenses are to be paid only on the production of receipts.
- 3 Employees not completing 12 months service shall be required to refund the amount paid for removal expenses.
- 4 Relocation expenses paid to any employee shall not exceed \$4000 unless otherwise approved by Council.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>		<b>Date</b>
Adopted	SC0139	27.01.99		
Reaffirmed	OC0303	09.03.05		
Reaffirmed	OC0218	22.02.06		
Reaffirmed	OC0603	13.06.07		
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended' or 'revoked'				

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>125</b>
DELEGATION SUBJECT	- <b>Street Trees – Removal</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or is creating a traffic hazard by restricting the vision of motorists.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99	Delegation #23	22.03.00
Reaffirmed	OC0303	09.03.05	Reaffirmed	21.03.05
Reaffirmed	OC0218	22.02.06	Reaffirmed	27.02.06
Reaffirmed	OC0603	13.06.07	Reaffirmed	25.06.07
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Director, Technical Services.**

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>129</b>
DELEGATION SUBJECT	- <b>Telephones (Private) – Use by Employees for Council Business</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with relevant employees to have a telephone installed in his/her principal place of residence for some use on Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone expense incurred on Council business.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>		<b>Date</b>
Adopted	SC0139	27.01.99		
Reaffirmed	OC0303	09.03.05		
Reaffirmed	OC0218	22.02.06		
Reaffirmed	OC0603	13.06.07		
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended' or 'revoked'				

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>133</b>
DELEGATION SUBJECT	- <b>Traffic Regulatory Signs</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to make application to Main Roads WA for approval to install regulatory signage at such places as the Chief Executive Officer considers warranted.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99	Delegation #27	22.03.00
Reaffirmed	OC0303	09.03.05	Reaffirmed	21.03.05
Reaffirmed	OC0218	22.02.06	Reaffirmed	27.02.06
Reaffirmed	OC0603	13.06.07	Reaffirmed	25.06.07
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Director, Technical Services.**

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>147</b>
DELEGATION SUBJECT	- <b>EMPLOYEE SALARY SACRIFICE ARRANGEMENTS</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Sections 5.42 and 5.41)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is delegated authority to approve employee salary sacrifice arrangements, based on the following guidelines:

- 1 Benefits that may be salary sacrificed will generally be, but are not limited to superannuation, vehicle, mobile phones, protective clothing required for employment, briefcases, calculators, computer software and portable computers.
- 2 The salary sacrifice arrangements must comply with taxation and other relevant laws.
- 3 Any Fringe Benefits Tax (FBT) liability will be the responsibility of the employee and shall be included as part of the salary sacrifice arrangements.
- 4 Salary sacrifice arrangements for benefits, excluding superannuation, shall be agreed to prior to the first pay period in any financial year (July).

*Note: Employees should seek their own independent advice prior to putting forward a proposal.*

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	OC0637	25.06.03		
Reaffirmed	OC0303	09.03.05		
Reaffirmed	OC0218	22.02.06		
Reaffirmed	OC0603	13.06.07		
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>401</b>
DELEGATION SUBJECT	- <b>Purchase of Artworks</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Sections 5.16/5.17(1))
DELEGATE	- Art Acquisition Committee

**DELEGATION:**

That the Art Acquisition Committee be delegated authority to purchase art works on behalf of the Shire of Capel subject to the following:

- 1 Purchase of art works not to exceed the budget allocation.
- 2 Purchase of art works shall be confined to art exhibitions within the Shire of Capel.

<b>Delegation to Committee</b>		
<b>Files:</b> A.2.12.4		
<b>Bibliography</b>		
<b>*</b>	<b>Minute</b>	<b>Date</b>
Adopted	OC1211	10.12.03
Reaffirmed	OC0303	09.03.05
Reaffirmed	OC0218	22.02.06
Reaffirmed	OC0603	13.06.07
Reaffirmed	OC0206	27.02.08
*Review – indicate whether 'reaffirmed', 'amended' or 'revoked'.		

**ATTACHMENT TO ITEM 16.1.2**

<b>DELEGATION NUMBER</b>	<b>117</b>
DELEGATION SUBJECT	- <b>Rate Book</b>
LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATE	- Chief Executive Officer

**DELEGATION:**

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council.

- ~~1. The discharge of the obligations specified in Section 6.39(1) and 6.39(2) of the Local Government Act 1995.~~
  - ~~2. The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).~~
  - ~~3. The time allowed for the payment of the rate before it becomes in arrears 6.50(2) of the Local Government Act 1995.~~
  - ~~4. The powers conferred in Section 6.40 of the Local Government Act 1995.~~
1. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the Local Government Act 1995.
  2. The recovery of rates by complaint or action pursuant to the provisions of 6.56(1) of the Local Government Act 1995.
  3. Entering into an agreement in accordance with 6.49 of the Local Government Act 1995.
  4. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.

<b>Delegation to CEO</b>			<b>From CEO to Employees</b>	
<b>Files: A.2.12.1</b>			<b>Files: A.2.12.2</b>	
<b>Bibliography</b>			<b>Bibliography</b>	
<b>*</b>	<b>Minute</b>	<b>Date</b>	<b>*</b>	<b>Date</b>
Adopted	SC0139	27.01.99	Delegation #34	01.11.01
Reaffirmed	OC0303	09.03.05	Reaffirmed	21.03.05
Reaffirmed	OC0218	22.02.06	Reaffirmed	27.02.06
Reaffirmed	OC0603	13.06.07	Reaffirmed	25.06.07
Reaffirmed	OC0206	27.02.08		
*Review – indicate whether 'reaffirmed', 'amended', 'revoked' or 'reviewed'				

**The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995, has delegated this power/duty to the Senior Administration Officer.**

**16.2 COMMUNITY SERVICES SECTION****16.2.1 Minor Community Grants Scheme Applications**

## REPORTING OFFICER

A Ross – Director Corporate and Community Services 01.04.09

DISCLOSURE OF INTEREST Nil

## OWNER/APPLICANT

Shire of Capel

## MATTER FOR CONSIDERATION

Council to consider approval of minor community grants

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

## BACKGROUND

Each year Council allocates funds for distribution to community and sporting groups as minor community grants. These grants are approved in accordance with Policy 21.3 Community Grants Scheme. At the Ordinary meeting on 26 November 2008 Council approved minor community grants totalling \$12,258.43 and major community grants of \$28,544.85 (minute references OC1116 and OC1117). Council also approved the readvertising of the availability of minor and major community grants in early 2009 in order to allocate the unspent budget allocation for 2008/09 (minute reference OC1118).

STATUTORY ENVIRONMENT Nil

## POLICY IMPLICATIONS

Policy 21.3 Community Grants Scheme, states that:

- applicants must be an incorporated not for profit organisation or auspiced by an incorporated organisation, based in the Shire of Capel, 50% of the organisation's members must be resident in the Shire and the project, activity or equipment must be located in the Shire and/or directly benefit residents of the Shire;
- for projects up to \$2,000 Council will fund 50% of the project value;
- for projects between \$2,001 and \$10,000 Council will fund a maximum of one third; and
- major community grant projects exceed \$10,000 and Council fund a maximum of one third of the project cost.

## FINANCIAL IMPLICATIONS

In the 2008/09 Budget Council allocated \$28,000 to minor community grants and \$18,000 to major community grants. Total grants of \$40,803.28 were approved by Council on 26 November 2008. However, one grant offer of \$14,282 to the Ocean Forest Lutheran College Parents & Friends for the purchase of outdoor exercise equipment was recently withdrawn as the applicant was unable to meet the grant

funding conditions. Therefore a balance of \$19,478.72 remains available to be allocated to community and sporting groups in 2008/09 from Account 123420.

The total of the grants recommended to be funded from the second round of applications is \$10,456.28 and is within the remaining budget for community grants account 123420.

#### STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 includes within the Core Business area of Community Services, the strategy to provide facilities and services that satisfy community needs.

#### CONSULTATION

The availability of minor community grants was readvertised in early 2009 in the Capel Snippets and distributed through the local community newspapers. Applications closed on 31 March 2009.

All potential applicants were strongly encouraged to contact Community Development staff prior to submitting their application to ensure the guidelines were followed and the applicant provided the required information. If necessary applicants were also directed to contact staff in Technical Services and Planning and Development Services to ensure adequate information was provided with their application.

#### COMMENT

Ten applications for funding have been received and are listed in the following table. Greater detail for each application is provided after the table.

	Organisation	Grant Purpose	Total Project Cost	Amount Requested from Council	Amount Recommended for Funding
			\$	\$	\$
1	Capel Apex Club Inc	Renovation of the Capel Apex Club train and caravan	2,033.00	1,000.00	1,000.00
2	Boyanup Netball Club	Purchase uniforms and equipment	1,245.00	622.50	622.50
3	Cardinals Junior Football Club Inc.	Purchase of portable shade shelters	2,390.00	1,000.00	1,000.00
4	Peppermint Grove Beach Community Association Inc.	Purchase of scrabble boards	1,600.00	800.00	800.00
5	Lions Club of Capel Inc.	Purchase of Barbecue	1,589.95	794.97	794.97
6	Boyanup Hall Advisory Committee	Purchase of a storage cabinet	445.00	222.50	222.50
7	Ocean Forest Lutheran Fellowship Inc.	Purchase of a supper trolley	2,032.30	1,000.00	1,000.00
8	Dalyellup Beach Cricket Club Inc.	Purchase of a turf roller	8,000.00	5,500.00	2,666.67
9	Dalyellup Beach Playgroup Inc.	Book Worms program	1,220.00	575.00	575.00
10	Capel Apex Club Inc	Capel Descent	5,323.93	1,774.64	1,774.64

**Capel Apex Club Inc. – Renovation of the train and caravan**

- Project to upgrade the club's caravan's food service facilities and the train wheels. Specifically to include new hotplate, new vinyl flooring and mount a deep fryer in the van and replace some worn wheels and bearings on the train carriages.
- Total project cost is \$2,033 and is to be funded by a cash contribution of \$248.00, voluntary labour to lay vinyl flooring and donated materials.
- Grant is required to fund the purchase of the vinyl flooring.
- Note that as the grant amount is greater than \$2,000 the policy states that grant amount should be 1/3<sup>rd</sup>. However as there are sufficient funds available and the project amount is only just over \$2,000 the maximum grant of \$1,000 is recommended.

**Boyanup Netball Club – Uniforms and Equipment**

- Project to purchase a new set of netball uniforms for the Boyanup Junior Netball Club. This will allow the club to have four sets of team shirts for a range of age groups.
- Total project cost is \$1,245 and is to be funded by a contribution from Bendigo Bank of \$430 and a cash contribution from the club of \$192.50.
- Club is auspiced by Boyanup Basketball Club Inc.

**Cardinals Junior Football Club Inc. – Shade Shelters**

- Project to purchase two portable shade tents to provide shelter for players, coaches and volunteers during junior football games held at the Boyanup Oval. The portable shade shelters are made from durable and weather resistant canvas.
- Total project cost is \$2,390 and is to be funded by a contribution from Healthway of \$1,150 and cash contribution from the club of \$240.
- Note that as the grant amount is greater than \$2,000 the policy states that grant amount should be 1/3<sup>rd</sup>. However as there are sufficient funds available and the project amount is not significantly greater than \$2,000 the maximum grant of \$1,000 is recommended.

**Peppermint Grove Beach Community Association – Scrabble Boards**

- Project to purchase 25 scrabble boards and rotation tables (allows players to turn scrabble boards around) so that fundraising and community participation scrabble tournaments can be held.
- Total project cost is \$1,600 and half of the cost will be funded by the Association.

**Lions Club of Capel Inc. – Portable Barbecue**

- Project to purchase a portable barbecue to improve the club's ability to fundraise.
- Total project cost is \$1,589.95 and half of the cost will be contributed by the club.

**Boyanup Hall Advisory Committee – Storage Cabinet**

- Project to purchase a storage cabinet for the Hugh Kilpatrick Memorial Hall to securely store public address equipment, microphone stands and cables.
- Total project cost is \$445 for purchase and installation of the cabinet and half will be funded by the Boyanup Hall Advisory Committee.
- Committee is auspiced by Boyanup Post Publications Inc.

**Ocean Forest Lutheran Fellowship Inc. – Supper Trolley**

- Project to purchase a mobile beverage and food trolley for use around the Ocean Forest oval and campus and other recreational areas in Dalyellup in order to provide care and support for parents and children attending sporting and other events.

- Total project cost is \$2,032.30 and donations from church members will fund \$1,032.30 of this amount.
- Note that as the grant amount is greater than \$2,000 the policy states that grant amount should be 1/3<sup>rd</sup>. However as there are sufficient funds available and the project amount is only just over \$2,000 the maximum grant of \$1,000 is recommended.

#### **Dalyellup Beach Cricket Club Inc. – Turf Roller**

- Project to purchase a turf roller to maintain the turf cricket wicket being established at the Dalyellup College.
- Total project cost is \$8,000 and is supported by a quote to purchase the turf roller. The club have indicated they can contribute \$2,500 and have requested a contribution of \$5,500 from the Shire.
- As the grant amount is greater than \$2,000 the maximum grant that can be provided is 1/3<sup>rd</sup> of the project cost. Therefore the grant amount recommended is \$2,666.67.

#### **Dalyellup Beach Playgroup Inc. – Book Worms**

- Project to increase parental awareness and encourage good literary practices at home in order to benefit children.
- Total project cost is \$1,220 with over half the project cost being funded by in kind contributions from the playgroup. The grant is required to purchase the specialist resources such as books and costumes.

#### **Capel Apex Club Inc. – Capel Descent**

- Project is the inaugural river/ocean paddle event along Capel River (from Capel Vale) to river mouth then ocean paddle to Forrest Beach and return to Peppermint Grove Beach.
- Assistance is required with costs such as hire of portaloos, generators, purchase and printing of participant T-Shirts etc.

In summary all of the grant applications meet the Shire's requirements detailed within Policy 21.3 and are therefore recommended to be funded in 2008/09.

### **STAFF RECOMMENDATION**

**That Council approves total funding of \$10,456.28 from Account 123420 (Community Grants Scheme) for the minor community grant applications received from the following organisations for the following projects:**

- **Capel Apex Club Inc. – Renovation of the train and caravan**
- **Boyanup Netball Club – Uniforms and Equipment**
- **Cardinals Junior Football Club Inc. – Shade Shelters**
- **Peppermint Grove Beach Community Association – Scrabble Boards**
- **Lions Club of Capel Inc. – Portable Barbecue**
- **Boyanup Hall Advisory Committee – Storage Cabinet**
- **Ocean Forest Lutheran Fellowship Inc. – Supper Trolley**
- **Dalyellup Beach Cricket Club Inc. – Turf Roller**
- **Dalyellup Beach Playgroup Inc. – Book Worms**
- **Capel Apex Club Inc. – Capel Descent.**

### **VOTING REQUIREMENTS**

Simple majority

**16.3 FINANCE AND RATING SECTION****16.3.1 Lease Agreement for 15 Albatross Crescent, Eaton**

## REPORTING OFFICER

A Ross – Director Corporate and Community Services 27.03.09

DISCLOSURE OF INTEREST Nil

## OWNER/APPLICANT

Shire of Capel

## MATTER FOR CONSIDERATION

Council to consider authorising the Shire President and CEO to sign and seal an agreement to lease Lot 303 on Deposited Plan 38275 (15 Albatross Crescent, Eaton) for the purpose of providing premises for the use of the Capel Dardanup Home and Community Care (HACC) Service.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

## BACKGROUND

HACC have been renting premises at Unit 1, 2 Albatross Crescent, Eaton since October 2002. The current terms of the rental agreement are rent of \$8,250 per quarter paid in advance and the tenant being responsible for all outgoings including rates, electricity and water. The premises being rented consist of three offices, a meeting room, reception area, toilets, kitchen and lounge area with a total floor space of 200 square metres. Staff and clients are now finding these premises provide insufficient area to accommodate staff and to provide social support services for clients. This situation has occurred due to the HACC service almost doubling in size in the past five years.

STATUTORY ENVIRONMENT Nil

## POLICY IMPLICATIONS

Policy 10.3 Common Seal Affixing

## FINANCIAL IMPLICATIONS

The HACC service is fully funded by the Health Department with the Shire of Capel fulfilling the role of sponsor. For 2008/09 the total grant expected to be received from the Health Department to fund recurrent or operating expenditure is \$925,661. The amount budgeted for office expenses is \$33,000 and includes rent, electricity and water. However, actual expenditure will exceed budget as following the sale of the property earlier this financial year rent has increased to \$33,000 from \$25,000 per annum.

The rental charge for the new premises is \$85,000 per annum and the agreement states rent will be adjusted by the increase in the Perth CPI or 3%, whichever is the greater. The increased rent charges of over \$50,000 per annum will be funded from the Health Department grant. Health Department staff have been involved in discussions regarding the change in premises and are aware of the increased costs and have indicated a willingness to fund this increase.

#### STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 includes within the Core Business area of Community Services, the strategy to provide facilities and services that satisfy community needs.

#### CONSULTATION

Health Department staff have been consulted regarding the suitability of the new premises and the cost implications relating to modifying the building and operating the building.

#### COMMENT

The lease agreement is a standard form of lease that outlines items such as the lease term (10 years), rent (\$85,000 per annum), lease commencement date (1 April 2009), review dates and conditions, agreed proportion of outgoings (100%), insurance, options for extending the lease term (one option of 10 years), payment conditions, use of premises (any legal use permitted by the Shire of Dardanup), conduct and obligations of lessee, maintenance and repair, lessor's rights, etc. The request to Council to provide approval for the Shire President and CEO to sign the agreement and apply the common seal is purely an administrative need arising from Policy 10.3, Common Seal Affixing. As this is a new agreement rather than a continuing agreement, Council approval is required.

The premises at 15 Albatross Crescent, Eaton were initially constructed as a child care building and were leased by ABC Learning Centres. The building is located on a block of 2,110 square metres and has area sufficient for 15 off street car parking bays and parking for buses. The building has a floor area of 403 square metres. The major benefits of leasing this building are:

- vehicles, including buses, can be kept after hours in a fenced and secured compound rather than kept at staff member's houses as occurs currently;
- the building already provides wet areas and a kitchen that require minimal conversion to meet the needs of staff and clients;
- there is sufficient area to construct 8 offices for staff;
- there is sufficient area to provide room for social support services for clients without disruption to staff;
- there is sufficient additional space available to allow for expansion in both specialised Day Centre activities and client numbers;
- the amount of space available is expected to be sufficient to meet the needs of the expanding HACC service for at least 10 years;
- it is conveniently and centrally located in Eaton for staff and clients;
- the grounds and the building are easy to access;
- the building complies with disability access requirements; and
- maintenance costs are expected to be minimal as the building was only constructed in 2005.

**STAFF RECOMMENDATION**

**That Council authorise the Shire President and the Chief Executive Officer to sign and apply the common seal to the Lease Agreement for Lot 303 on Deposited Plan 38275 (15 Albatross Crescent, Eaton) with West Coast Property Developments Pty Ltd for use by the Capel Dardanup Home and Community Care service.**

VOTING REQUIREMENTS

Simple majority

**16.3.2 Rating Strategy for 2009/10**

## REPORTING OFFICER

A Ross – Director Corporate and Community Services 31.03.09

DISCLOSURE OF INTEREST Nil

## OWNER/APPLICANT

Shire of Capel

## MATTER FOR CONSIDERATION

Council to consider adopting a rating strategy to be applied for 2009/10.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

## BACKGROUND

Council at their meeting on 9 July 2008 adopted the document entitled "Plan for the Future – Major Works 2008/09 to 2011/12". This document proposed that rates would need to increase by a minimum of 8% per annum above the annual rate of growth in properties in order to meet the expenditure demands of a growing local government and also provide prudent and responsible financial management.

## STATUTORY ENVIRONMENT

Section 6.32 of the Local Government Act 1995 states that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.

Section 6.33(1) of the Local Government Act 1995 provides that a local government may impose differential general rates according to a number of characteristics.

Section 6.33(3) of the Local Government Act 1995 states that a local government cannot, without the approval of the Minister, impose a differential general rate that is more than twice the lowest differential general rate imposed.

Section 6.34 of the Local Government Act 1995 states that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.

Section 6.35 of the Local Government Act 1995 states a local government may impose a minimum rate that is greater than the general rate that would be applied for the land and outlines the requirements for this minimum rate.

Section 6.36 of the Local Government Act 1995 requires that a local government before imposing any differential general rates provides at least 21 days local public notice of its intention to do so.

## POLICY IMPLICATIONS

Policy 11.8 Preparation of Budget, outlining the steps and timetable leading to the adoption of the Budget, has relevance.

## FINANCIAL IMPLICATIONS

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure. However, it is allowed to adopt a budget that has a deficit that does not exceed 10% of its rate revenue.

For the 2009/10 draft Budget it is proposed a total of \$5,350,563 be raised from property rates before the application of the 5% payment on time discount. The equivalent amount raised in 2008/09 at rates billing was \$4,815,285.

Determining the amount to be raised from rates at this time of the budget process allows total revenue to be calculated and therefore these available funds can be allocated to operating and capital expenditure demands in order to achieve a balanced budget. The alternative approach is to work in reverse and endeavour to fund expenditure needs by raising sufficient revenue.

## STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007, Core Business Area: Governance, Strategy 1: Provide efficient and effective financial management, has relevance.

## CONSULTATION

At this stage Council are being requested to consider a rating strategy and no consultation is required. When the differential rates are determined Council is required by legislation to advertise the proposed rates for a period of 21 days prior to their adoption by Council.

## COMMENT

The purpose of the rating strategy is to provide Council's preferred position on the following:

- differential rating;
- annual percentage rate increases; and
- minimum rates.

### Differential Rating

Differential rating has been adopted in order to spread the rate burden equitably and associate rating with land zoning. The following five differential rating categories are in use:

1. Residential, covers rating of land zoned as Residential, Special Rural Area 5, Rural, Recreation, Special Use, Railway and Foreshore Protection as well as properties within the Town Centre zoning that are used predominantly for residential purposes and where no commercial activity is occurring. Rates are calculated on the basis of the property's Gross Rental Value (GRV) valuation. This category raises the majority of rates in the townsites and localities of Capel, Boyanup, Peppermint Grove Beach, Gelorup, Gwindinup and Dalyellup.
2. Commercial and Industrial, covers land zoned as Light Industry, Town Centre, Special Use and Public Purpose. This category allows Council to rate these properties using a different rate to other categories, on the basis the properties require a different level of service from the Shire due to the commercial/light industrial nature of their activities. Rates are calculated on the basis of the property's GRV valuation. At this stage the GRV of individual properties is used to differentiate properties rather than establishing a different rate in the dollar to the residential categories.

3. Special Rural, covers properties zoned Special Rural Areas 1, 1A, 2, 3 and 4. The predominant use of these properties is residential and therefore rates are calculated on the basis of the property's GRV valuation.
4. Rural, covers properties that are rated on an unimproved valuation (UV) basis and whose predominant use is rural. Property zonings include Rural, Special Use, Railway, Public Purpose, Special Rural Area 6 and Mining.
5. Land Use Commercial, covers land rated on a UV basis that are used predominantly for a non rural commercial purpose. These non rural commercial ventures require a higher level of service than rural farming properties and have been differentiated for this reason.

Within the Residential and Commercial rating categories there is the opportunity to differentiate on the basis of land being vacant or developed. This provides the opportunity to have a lower (or higher) rate in the dollar and/or minimum rate for vacant and developed land. Whilst the justification for this approach may be that vacant land requires less local government services, it is considered to be simpler and more equitable to use the differentiation provided by the property's GRV to determine its property rate.

The opportunity for further differentiation between properties in Dalyellup and other areas is allowed for in the Residential category. However, the valuations of individual properties are considered to provide sufficient differentiation rather than applying a different rate.

At this stage rates in the dollar and minimum rates for all of the GRV rating categories are the same as the valuation of individual properties are relied upon to provide differentiation. This approach effectively means the Shire actively applies three differential rating categories rather than five categories. However, it is proposed the five categories be retained as they provide flexibility in the future if required.

#### Annual Percentage Rate Increases

Factors such as the growth of the Shire, need for additional resources to meet growth demands, the rising cost of labour and materials, previous rate increases approved and a perception of the affordability of a reasonable rate increase are some of the factors taken into account when considering the percentage by which rates in the dollar and minimum rates have to be increased.

It has also been widely recognised that increasing rates by a factor equivalent to the increase in the Consumer Price Index (CPI) is not prudent financial management as the CPI provides a good estimate of a household's expectation of the price changes (increases) to the goods and services they consume but it does not provide a good estimate of the cost pressures faced by local government.

Since 2005/06, the WA Local Government Association (WALGA) have advocated that the Local Government Cost Index (LGCI) provides a better representation of the cost of goods consumed by local government. The LGCI provides an improved measure as in addition to taking into account household expenditure it takes into account some of the other areas that local government are involved such as road construction and maintenance and the materials that are used in these activities. It does this by taking 70% of CPI and 30% of the General Construction Index which measures changes in general construction activity costs.

The following table provides details of CPI, LGCI and rate increases for the past five years. When examining this table it should be noted the rate increases for each financial year use as a guide the previous year's CPI and LGCI changes.

	2004/05	2005/06	2006/07	2007/08	2008/09
CPI change from June to June	3.2%	4.2%	4.0%	3.6%	3.7% (*)
LGCI for the year		6.6%	5.4%	5.0%	4.4% (*)
Rate Increase	4%	4.5%	6.0%	6.0%	9%

(\*) CPI and LGCI change is for the period of 12 months from December 2007 to December 2008

Prior to last year Council adopted the principal of rate increases greater than the change in CPI and have also used the LGCI as a guide for the rate increase. The justification for rate increases exceeding the change in CPI is that the CPI basket of goods is not representative of the services provided by local government and the LGCI provides a more appropriate guide. This rationale is considered to be prudent financial management and is also supported by WALGA as a means of ensuring the financial sustainability of local government.

Last year Council accepted a greater increase as the "Plan for the Future – Major Works" document estimated that annual rate increases of 8% are the minimum required to fund:

- loan principal and interest repayments for construction of new or replacement community facilities;
- increased road works expenditure;
- increased expenditure on maintaining parks, gardens and reserves;
- employment of staff required to provide services for a rapidly growing Shire; and
- general increases in costs of materials and contracts.

Although staff proposed a rate increase of 8% Council resolved to increase rates by 9% (minute reference SC0605) with the additional 1% raised to be allocated to the 2008/09 roads programme.

For 2009/10 it is proposed Council consider agreeing to increase rates by 8%. An increase of this magnitude is consistent with Council's future financial planning. Should Council agree to an increase of this magnitude details of the rates in the dollar for each category will be provided to Council for their approval at a future meeting.

#### Minimum Rates

When calculating rates, legislation allows a minimum rate amount to be applied if the result of calculating the property value and the rate in the dollar is too low. This minimum rate amount represents the minimum charge for ratepayers provided local government services.

In past years there has been a concerted effort to increase the minimum rate and for residential ratepayers this minimum rate has increased from \$465.00 in 2004/05 \$615.00 in 2008/09. This represents an increase of 32% over five years or an average increase of just over 6% per annum. However, when compared with the minimum rates of other local governments in the immediate area the minimum rate amount is still considerably lower and represents very good value for money for the services provided.

Residential Rate Comparison with Other Local Governments – 2008/09

	Bunbury	Busselton	Collie	Dardanup	Donnybrook	Capel	Capel (2009/10)
Year of Valuation	2008	2005	2006	2007	2006	2006	2006
Minimum Rate	\$718.00	\$761.00	\$645.00	\$762.00	\$586.00	\$615.00	\$700.00
Rate in \$ (cents)	8.8155	11.2560	10.5500	7.7214	8.8312	6.1047	6.5931

Apart from Donnybrook-Balingup the minimum residential rates of the Shire's immediate neighbours all currently exceed \$700. As property valuations for both Bunbury and Dardanup have only been recently updated, it is unlikely their minimum rates would decrease. On the other hand, Busselton are scheduled to be provided updated property valuations this year and this may result in their minimum rates being adjusted.

Preliminary rate modelling has assumed a minimum rate of \$700.00 for all GRV rating categories and \$750.00 for all UV rating categories. These rates represent an increase of \$85.00 compared to the minimum rates applied in 2008/09. In percentage terms the increase is about 13% for all rate categories. Whilst higher than the 8% increase being proposed as the general rate increase, the proposed minimum rates are still considered to be reasonable when compared with other local governments. The proposed amounts also represent a fair minimum burden upon ratepayers for the local government services provided.

Should Council agree to this proposal, further details of the minimum rates for each rate category will be provided to a future meeting for Council's review and approval.

**Summary**

Preliminary rate modelling based on an 8% increase to all rates in the dollar and an \$85.00 increase to all minimum rates has identified that the total rate yield would be \$5,350,562 before the 5% payment on time discount. This rate yield is based on 6,408 assessments and represents an increase of 0.8% in the number of assessments in the properties database since rates were billed in 7 August 2008.

The increase in the number of properties is much lower than previous years when a growth rate of 4% to 5% has been the norm and reflects the general slowdown in the number of residential lots being released.

In dollar terms the increase to the rate yield is expected to be \$535,277. Preliminary expectations are that:

- over half of this increase will be required to fund increases in labour costs including the employment of new staff;
- about 10% will be required to fund increased electricity charges, particularly with street light tariffs increasing by 30%;
- it is hoped about 20% should be able to be provided to road works or provided to reserves for future years' expenditure; and
- the balance will be required to meet increases in loan principal and interest repayments for the construction of new and replacement community facilities as well as general increases expected in the cost of materials and contracts.

Should the rating strategy as outlined be approved, the intention is for staff to provide a balanced budget for consideration at a Special Meeting in June 2009.

**STAFF RECOMMENDATION**

**That Council approve a rating strategy for the 2009/10 draft Budget that includes an 8% increase to rates in the dollar for all rating categories and an \$85.00 increase to all minimum rates.**

VOTING REQUIREMENTS

Simple majority

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