

Shire *of* Capel

AGENDA

COUNCIL MEETING Wednesday, 09 April 2008

Commencing at 4.30pm, in Council chambers at the
Shire Offices, Forrest Road, Capel.



Experience the
Shire of Capel



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FINANCIAL INTEREST

(Effective 1 July 1996)

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

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

Councillors should declare an interest:

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

A member who has declared an interest must not:

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

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

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

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SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 09 APRIL 2008 COMMENCING AT 4.30PM.

PF Sheedy.

PF Sheedy
CHIEF EXECUTIVE OFFICER

7 April, 2008

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**
- 4 **PUBLIC QUESTION TIME**
- 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 – 26.03.08
- 9 **ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION**
- 10 **PETITIONS/DEPUTATIONS/PRESENTATIONS**
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13 ENVIRONMENTAL HEALTH SERVICES REPORTS**13.1 ENVIRONMENTAL HEALTH SECTION Nil****14 PLANNING AND DEVELOPMENT SERVICES REPORTS****14.1 BUILDING SERVICES SECTION Nil****14.2 PLANNING SERVICES SECTION****14.2.1 Draft Overall Development Plan – Lot 104 and Pt Lot 16 Bussell Highway, Gelorup (C5.2.G.17v3)**

REPORTING OFFICER

G Bishop– Senior Planning Officer - Strategic 01.04.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

EM Jenour/Peter D Webb & Associates

MATTER FOR CONSIDERATION

A draft Overall Development Plan Report (ODP) has been submitted for Pt Lot 16 and Lot 104 Bussell Highway, Gelorup for the endorsement of Council. Endorsement of the ODP is required prior to approval of any new land use or development proposal for the subject land. The draft ODP document incorporates details of a proposal to establish a Takeaway Food Outlet (Hungry Jacks) at the northern end of the site which has been the catalyst for preparation of the ODP.

ATTACHMENTS

- Development Concept Plan of March 2002 (from amendment No 15 to Town Planning Scheme No 7)
- Draft Overall Development Plan.

APPLICANT'S SUBMISSION

The need to prepare an ODP at this time has been driven by the desire to seek approval of a Hungry Jack's takeaway food outlet on portion of the land so the applicant's submission has two main components as follows:

Overall Site

The most important function of an ODP is to provide a coordinated approach to the development of the site as a whole as separate stages of development take place. The draft ODP for the site provides information on issues including building location, landscaping, setbacks, access, traffic management, car parking and signage. In this regard the draft ODP in summary comprises:

- The location of the existing and future relocated combined service station, convenience store and post office in the southern portion of the site
- A Tourist Service Centre centrally located to include a range of tourist based uses and facilities including information and produce shop, art & craft studio and sales, outdoor rest area and restaurant
- A Hungry Jacks Fast Takeaway Food Restaurant in the northern portion of the site

- New site access management arrangements which include vehicular access from Meadow View Road near the Sleaford Drive end, a roundabout treatment for the intersection of Sleaford Drive and Meadow View Road, retention of the existing access on Maynard Parade in the south and relocation and conversion to entry only of the northern most access on Bussell Highway adjacent to the Caltex Service Station site. The ODP report includes a Traffic Impact Assessment prepared by Transcore traffic consultants which makes recommendations on appropriate traffic management responses to the issues raised by the development of the site
- Provision of 93 permanent car parking bays over the whole site including some drive through car parking for the fast food restaurant
- Retention of tree buffer along the eastern Meadow View Road frontage which includes preservation of most existing trees and planting of additional trees.

Proposed Takeaway Food Outlet

In addition to the aspects of the Draft ODP described above, the applicant has submitted detailed plans showing how a proposed Hungry Jacks fast food restaurant could be developed. The details of this proposal are summarised below:

- A total floor space of 230m² is proposed accommodating 90 dining seats in three areas being the main restaurant, a party room and an outdoor area, patron and staff toilet facilities, kitchen and associated facilities, drive-through and servery areas, staff training, delivery and storage areas and an enclosed bin room
- The building layout will run generally perpendicular to Bussell Highway with a children's playground, and entry facing Bussell Highway
- The building will be of a single storey construction and be in the current standard corporate colours and design of Hungry Jacks stores. It is proposed to be constructed with concrete tilt-up panels and flat steel roof
- The building is proposed to be setback 30m from Bussell Highway, 34m from Sleaford Drive and 20m from Meadow View Road. The applicant has indicated that the setback to Bussell Highway is required to retain the established native vegetation on the east portion of the site and as a buffer to adjoining residences
- The main access to the site will be via Meadow View Road and an internal service road connection will be provided to the Caltex Services Station portion of the overall site
- A total of 41 car parking bays to service the proposed development which includes 7 drive-through bays and 2 disabled bays. A further 5 parallel bay suitable for towing vehicles will be available adjacent to the service road connection to the Service Station portion of the site
- No reticulated sewer or water is currently available to the site but it is envisaged that these services will be accessed from the Dalyellup East urban development.
- Stormwater is proposed to be retained on-site
- The design of the development will take into account the need to minimise the impact of light spill on residential development to the east and north. Retention of existing vegetation along the eastern boundary is expected to assist significantly in this respect
- A single pylon sign is proposed on the corner of Bussell Highway and Sleaford Drive. It is proposed to be 10m in height and have a surface area of 12.5m² to display the corporate image of Hungry Jack's. Signage panels are also proposed on the building facade.

BACKGROUND

2003 May – Scheme Amendment No.15 was granted final approval, rezoning the subject land from 'Residential R2.5' to 'Special Use – Tourist and Community Service Centre' zone. As part of this amendment a range of permitted uses in addition to comprehensive development standards and requirements were included in the scheme relating to the land.

These included the need for an ODP for the whole site, limitations on floor space for various uses, traffic, access and parking coordination, siting and building details, design guidelines to apply to all stages of the site development, a landscaping plan, a geotechnical report, compliance with the rural character of the area and others.

2003 June – Council resolved to approve internal renovations, landscaping and new signage for the existing Caltex service station on the site.

2005 September (Council Minute OC0923 refers) – Council resolved to agree that a Deed of Covenant is sufficient to satisfy the scheme requirement for amalgamation of Lots 104 and 16 prior to the commencement of any development on the land.

2004-2008 – Shire Planning staff have had various meetings and exchanges of correspondence with the applicant and project team over a number of years with the objective of having a proposal submitted that meets the requirements of the zoning of the land.

STATUTORY ENVIRONMENT

The subject land is zoned 'Special Use – Tourist and Community Service Centre' under Town Planning Scheme No 7 and has a combined area of 1.6986 ha.

Pursuant to Clause 3.4 and Appendix 4 of the Scheme the Special Use Zone for the land specifies the permitted uses as follows:

"The objective of this zone is to allow for a range of uses that provides services to tourists, the traveling public and a limited number of community services for local residents as follows:

- *Art & Craft Studio & Sales*
- *Child Day Care Centre*
- *Convenience Store (Incidental to Petrol Filling Station)*
- *Produce Shop*
- *Incidental Office – required for the administration of the predominant permitted land uses occurring on the lots*
- *Post Office*
- *Petrol Filling Station*
- *Tourist Information*
- *Restaurant*
- *Take-A-Way Food Outlet".*

Also a comprehensive range of Development Standards/Conditions apply to the land through the Special Use zone and are set out in Appendix 4 of the Scheme. These have been structured in a manner that requires the preparation of an Overall Development Plan (ODP) prior to consideration of any separate stages development proposals and then a greater level of detail as part of individual development applications. This approach was conceived in order to allow rezoning of the land to proceed in a context where there was an absence of detailed development proposals to assess at the time. These provisions also refer to the initial Development Concept Plan that was prepared for the site as part of Scheme Amendment No 15. It effectively identifies a range of opportunities and constraints for development of the land. There are eleven Development Standards relevant to development permitted on the site that is set out below in italics. It should be noted that Development Standard 2 lists the matters to be addressed by the initial ODP whilst Development Standards 4-11 set out specific matters to be dealt with prior to the first new development approval being issued and should be considered as a final check list to be addressed by each development application.

There is some duplication between the items listed in 2 and those set out in 4-11 but the intention is that in the first instance attention to the list in 2 should be addressed at an overview level to verify the suitability of the site for development as well as the actions required to coordinate future stages of development.

“DEVELOPMENT STANDARDS/CONDITIONS

- 1 *Development of the site to have regard to the Development Concept Plan (Thompson McRobert Edgeloe Plan 00253-05 dated March 2002).*
- 2 *Any land use or development proposal must be accompanied by an Overall Development Plan at a suitable scale which addresses but is not limited to the following issues:*
 - *Overall site layout*
 - *Description of proposed land uses*
 - *Maximum floor space limit of 400m² for the following combined uses, consisting of 100m² for a Petrol Filling Station, 200m² for a Convenience Store and 100m² for a Post Office*
 - *Maximum floor space limit of 250m² for a Take-A-Way Food Outlet*
 - *Maximum floor space limit of 650m² for the Tourist Service Centre, consisting of 250m² for a Produce Shop, 200m² for a Restaurant and 200m² for the combined uses of Art and Craft Studio and Sales and Tourist Information*
 - *Traffic Management Plan that integrates vehicle access and egress and internal traffic circulation*
 - *On-site parking requirements*
 - *The position of the Take-away food outlet to show specifically how car parking and vehicle circulation associated with servicing and a drive-through facility will be accommodated*
 - *Landscaping, buffering and aesthetics and the preparation of a landscape plan*
 - *Building materials and general built form*
 - *Service provisions for the development in respect to water supply, effluent and stormwater disposal*
 - *Methods of minimising noise, odour and risk in relation to adjoining residential properties. Particular attention is to be given to the potential impacts associated with the proposed Petrol Filling Station use*
 - *Compliance with the Waters and Rivers Commission Water Quality Protection Notes for a Priority 3 Source Protection Area.*
- 3 *All development shall generally comply with an Overall Development Plan, as endorsed by the Council and prepared in accordance with point 2 above.*
- 4 *Development Design Guidelines to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. These guidelines are to include but not be limited to the following matters:*
 - *Land use*
 - *Built Form*
 - *Building Orientation*
 - *Use of consistent architectural materials and architectural theme*
 - *Signage*
 - *Fencing*
 - *Lighting*
 - *Roof Pitch*
 - *Establishment of criteria for building design of those buildings which face the special residential area*
 - *Removal of the existing service station building unless its retention and refurbishment is justified to Council satisfactorily.*
- 5 *A Landscape Plan to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. The landscaping plan to include but not be limited to the following matters:*

- *general site layout*
 - *grassed and paved areas*
 - *areas to be landscaped, including verges*
 - *species of plants to be used*
 - *ongoing maintenance.*
- 6 *A Geotechnical Report to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. The report to include but not be limited to the following matters:*
- *identification of the highest known winter water table*
 - *fill requirements for the site*
 - *identification of the most suitable type and location of effluent disposal systems to service the proposed development*
 - *identification of the location and size of any additional drainage basins.*
- 7 *Prior to development commencing, a traffic management plan is to be prepared addressing access/egress, turning lanes and general traffic safety from the site to the satisfaction of Council and Main Roads Western Australia.*
- 8 *All buildings shall be of a design and constructed of materials that will compliment and enhance the rural character of the locality and be to the satisfaction of Council.*
- 9 *Prior to the commencement of development Lot 104 and Pt Lot 16 to be amalgamated.*
- 10 *Prior to development commencing, a survey of the site in the vicinity of the existing service station shall be conducted to determine the extent of any contamination of soil and groundwater and if necessary a Site Remediation Validation Report shall be prepared and implemented to the satisfaction of the Department of Environmental Protection.*
- 11 *All development is to be connected to a reticulated water supply or provision of a potable water supply to the satisfaction of Council and the Department of Health Western Australia."*

Clause 7.11.2 (d) provides that a building setback line of 40m from the edge of the Bussell Highway reserve shall apply. Service Roads may be constructed within this building setback area.

Clause 8.10.1 provides that if a development the subject of an application does not comply with a standard prescribed by the Scheme, Council may grant planning consent subject to any conditions the Council thinks fit, if it is satisfied:

- If approved, the development would be consistent with the orderly and proper planning of the locality or the future development of the locality
- The non-compliance will not have adverse effect upon the occupiers or users of the development or the inhabitants of the locality or the likely future development of the locality.

The land is zone Urban under the Greater Bunbury Region Scheme and the proposals are consistent with that zoning.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed development of the site has the potential to significantly impact on road and drainage infrastructure under Council's control. It is therefore essential that any development both in the short and long term meets the cost of any necessary upgrading of associated infrastructure.

Structure plans of which an ODP is an example require considerable time to adequately assess and Council is authorised to charge a fee for such assessments pursuant to the Town Planning (Local Government Planning Fees) Regulations - 2000. Considerable time has been consumed to date in getting to the current point of the preparation and assessment of the submission and it is expected that further time will be used after public consultation and final adoption of an ODP. In accordance with the Regulations it has been calculated that a fee of \$7394.8 plus GST should be charged. It will be recommended that the applicants should be required to pay the assessed fee prior to the proposal being advertised for public comment.

STRATEGIC IMPLICATIONS

Shire of Capel Land Use Strategy

The subject land is located within Planning Unit BU6 under the Shire of Capel Land Use Strategy. The overall objective for the Unit is "To provide for urban expansion whilst conserving significant areas of natural environmental value." The proposal to develop the subject land is generally consistent with this.

Shire of Capel Strategic Plan

The draft ODP and development of the site generally is considered consistent with the following Key Objectives/Outcomes of Core Business Area 2: Land Use:

Facilitate economic land use opportunities

Notwithstanding this there are a range of matters that will be detailed in the 'Comment' section of this report that will require additional attention and modification of the ODP to ensure compliance with the following Key Objectives:

- Ensure that development of district is sustainable
- Maintain the special attributes/character of the district by continuing to provide a balance of rural and urban land development opportunities in a safe and attractive environment
- Achieve sustainable waste management.

CONSULTATION

The Special Use Zone does not specify that Council should follow any particular requirement for public consultation prior to adopting an ODP. However given the prominent location of the site and the relationship to adjoining residential land and Bussell Highway it would be prudent for Council to provide for a public comment period. Such a comment period would also be used to consult relevant government departments such as Main Roads WA, Planning and Infrastructure, Public Health and Water. Consultation is also appropriate given the fact that the draft ODP seeks to vary the location of some of the activities on the land relative to the Development Concept Plan referred to in the Special Use Zone. Considering that the proposed uses have already been identified in the zoning and the issues before Council essentially relate to the layout of the activities on the site a consultation period of 35 days would be appropriate.

COMMENT

The following comments and discussion will outline the various aspects of the draft ODP and the compliance or otherwise with the requirements of the Scheme:

Variance from Development Concept Plan

Development of the site is required to have regard to the Development Concept Plan referred to in Development Standard 1. That plan effectively shows the opportunities and constraints to development of the site and gives some general guidelines as to how these matters should be treated. The draft ODP varies from the Development Concept Plan in the following ways:

- The location of the takeaway food outlet is proposed for the northern part of the site (previously attached to a relocated service station in the south of the site). The new location ensures that traffic entering, exiting and moving around the site will be less concentrated in one section of the site than would have been the case if the service station and takeaway food outlet were a combined development. The more scattered nature of development on the site will also lessen any visual and amenity impacts compared to a concentration of development in one section of the site
- Relocation rather than closure of the northern most existing driveway on Bussell Highway adjacent to the Caltex service station. It is proposed to shift the driveway approximately 30m north and to reduce its width and orientation to create an 'in only' driveway. It is recommended in the Traffic Impact Assessment undertaken by Transcore that this should be undertaken in conjunction with the first stage of development. The draft ODP also proposes that a service road connection will be provided between the takeaway food outlet and the Service Station along the western side of the site adjacent to Bussell Highway
- Increased parking particularly along the service road adjacent to the Bussell Highway frontage in the north of the site adjacent to the proposed fast food outlet
- Slight relocation of the Tourist Service Centre to a more central location. This will now separate the more intensive uses of the service station to the south and the takeaway food outlet to the north. It will enable visitors to have ready access to these uses and better disperse traffic over the whole site rather than concentrating it in one area. The Tourist Service Centre is envisaged to effectively operate as the hub of the site for tourists/visitors
- Removal of the 'Possible Day Care, Community/Public Use Building in the north east corner of the site as it is no longer considered to be feasible or necessary. The report does suggest that it can be considered for location in the centre of the site in proximity to the Tourist Service building if it is ever determined to be desirable
- The draft ODP continues the proposal to relocate the Service Station consistent with the original Development Concept Plan which was prepared for the Amendment No 15 to the Scheme. However there is a possibility of the retaining the Service Station in its current location in conjunction with the rearrangement of onsite traffic flows particularly having regard to the improvement to site access management achieved by the relocation of the driveway mentioned above.

One of the intentions of the original agreement to the rezoning of the land through Amendment No 15 was to provide for a long term improvement to the access and egress to the site particularly as it relates to the Service Station. It was felt at the time that this would be best achieved through relocation of the Service Station in conjunction with the closure of the existing northern most driveway.

However since that time the speed limit on Bussell Highway has been reduced to 80km allowing for the standard for the length of a slowing lane to a relocated driveway to be met whilst still staying an acceptable distance south of the Sleaford Drive intersection. The “in only” format of the relocated driveway will eliminate the currently unsafe movement of vehicles from the existing northern two way driveway (drivers exit onto Bussell highway then cross to the right hand side southbound carriageway before performing a “U” turn at the median opening). It is understood that Caltex have accepted that this improvement should be undertaken as soon as practical and not later than with the first stage of the development of the ODP (the new takeaway food outlet). In this way the benefit of improved traffic safety can be achieved in the short term rather than waiting for a complete redevelopment of the Service Station which is not likely to happen under the current site lease arrangement with the land owner before 2014.

The ODP should clearly note the requirement for reconfiguration of the northern most driveway in conjunction with the first stage of new development which will include a service road connection to the service station portion of the site. The new driveway arrangement will also require the prior approval of Main Roads WA.

- Development Standard 4 of the Special Use Zone requires the “Removal of the existing service station building unless its retention and refurbishment is justified to Council’s satisfaction”. The current submission effectively avoids addressing the issue and more effort would be required to properly address compliance with all the site planning consequences that would flow from attempting to keep the existing building in the long term. Although the proposed relocation of the driveway is a step in the right direction it would be appropriate to note in the ODP that further detailed explanation and justification in relation to achieving the requirement of the zoning will be required prior to any further refurbishment or extension of the Service Station activity in its current location
- Creation of a new driveway onto Meadow View Road approximately 20m from the corner of Sleaford Drive and the intersection of Sleaford Drive and Meadow View Road being controlled through the installation of a roundabout. These proposals have flowed from consideration of the traffic management implications of the development and its access to the northern end of the site and the intention to provide for traffic lights at a future four way intersection on Bussell Highway associated with the urban development in Dalyellup East. The original Development Concept Plan envisaged a new access to the northern end of the site off Sleaford Drive but after proper consideration of road design standards that requiring setbacks from major intersections such as will occur at Bussell Highway, Main Roads WA determined that any new access would have to be from Meadow View Road. This in turn led to a need to consider managing traffic at the corner of Sleaford Drive so a roundabout has been proposed.

Floor Areas

Clause 2 of the Development Standards for the Special use Zone sets maximum floor space limits for all land use components including the takeaway food outlet which is to be 250m² in order to ensure the nature and function of the site as a whole remained within a local commercial context. The WA Planning Commission required this approach to setting of these standards as a condition of the progress of the Amendment No 15 rezoning so it is important to comply with them. The draft ODP identifies the floor areas for each of the main building components and the detailed floor plan for the takeaway food outlet shows 230m² which confirms compliance with a floor area 20m² below the maximum permitted.

Setbacks

A reduced setback of 32m (from 40m) to Bussell Highway has been requested for the proposed takeaway food outlet building. The applicant has provided a range of reasons for this reduction which comprise:

- The reduced setback enables the protection of the mature trees along the eastern boundary of the site which will act as a buffer to the adjoining residential properties to the east
- The setback is similar to other commercial setbacks in the area
- A fast food outlet of this size, design and orientation cannot be established any further from Bussell Highway given the constraints of the site and that even with a reduced setback the rear of the building will be close to the eastern boundary.

In addition the draft ODP shows a setback of 17m for the future petrol bowsers associated with the relocated service station or if it remains in the current location the setback is 10m to the closest bowsers. The original Development Concept Plan did envisage the reduced setback to the bowsers. In any event it should be noted that the 40m setback to Bussell Highway is required by the 'Highway Protection Area' provisions of the Scheme and it was established in the 1980's in consultation with Main Roads WA to protect the future need for widening of the highway. Since that time Bussell Highway has been upgraded once by construction of a dual carriageway without land being resumed from the site. Under the Greater Bunbury Region Scheme further provision has been made for widening through a reservation which is located on the western side of the Highway so one of the principle reasons for the 40m setback no longer exists. The draft ODP shows that there is adequate space available within the proposed setback to provide for effective traffic circulation and parking on the site. The visual and other amenity impacts of the reduced setbacks will need to be considered in conjunction with landscape treatments at the time of development applications for each stage. Therefore the variations to the highway setback standard are considered to be acceptable. The proposed setbacks can be considered as variations to the Scheme standard pursuant to clause 8.10.1 at the time of dealing with specific development applications for each stage.

Traffic Management

The Scheme standards relating to the site require the preparation of a Traffic Management Plan as part of the ODP prior to development commencing to the satisfaction of Council and Main Roads WA. The essential points of access as now proposed on the draft ODP have been describe in detail above in the section headed Variance to the Development Concept Plan. These modifications largely flow from the recommendations of a Traffic Impact Statement for the proposal which has been provided by Transcore Consultants. The assessment concludes with certain recommendations as to how traffic and pedestrian management issues should be dealt with and these are reflected in the draft ODP. The recommendations relating to pedestrians are mainly related to provision of safe pedestrian crossings on the main service road within the site and to the site from the adjoining local streets by providing for refuges in splitter islands at the road junctions at each end of Meadow View Road. Transcore also recommends that the Shire and the proponent should develop a strategy to implement footpaths along the northern, eastern and southern boundaries of the site to improve pedestrian safety. This should be noted to be a condition of approval for various the stages of the development and should be at the cost of the various developers.

The actual implementation of the access, internal and external traffic management and pedestrian path recommendations will in the main need to be undertaken with the first stage of development of the ODP and an appropriate notation of that should be recorded in the ODP report and subsequently applied as conditions of approval on the first stage of development.

Car Parking

The ODP report proposes that a total of 93 parking bays will be provided for all of the future activities. This will be made up of 41 bays for the take away food outlet (includes 2 disable persons bays) plus 7 drive through bays, 26 bays for the Tourist Service Centre, 3 tour coach bays, 10 towed vehicle bays and 13 standard and 8 browser bays for the service station. Provision of that number of bays overall would technically exceed the minimum standards required by the Scheme. However it would be prudent to assess the performance of the various stages of parking provision depending on the detail of each development application in relation to the use of floor space to ensure that all the actual parking demands are met onsite.

It is noticeable that the existing service station site and adjoining Maynard Parade Road is used for all day parking by persons who car pool and work in more distance parts of the region. Whilst it is not necessarily the responsibility of the developers to provide for such parking the use of parking by customers during the day can be affected by all day parking. This could lead to a need for some management of parking if peak commercial demands for parking conflicts with all day peaks. It may well be that a public benefit could be achieved by the provision of some communal parking rather than the public building site suggested in the original Development Concept Plan. A notation to this affect should be made on the ODP.

Landscaping, Buffering and Aesthetics

The most significant aspect of the draft ODP in terms of the development standard relation to landscaping, buffering and aesthetics is the retention of the majority of the native vegetation along the eastern boundary of the site. This vegetation provides a substantial buffer to residences opposite on the eastern side of Meadow View Road and therefore will limit impact from the proposed takeaway food outlet and tourist service centre in the central and northern portions of the site. This existing vegetation will also provide an attractive backdrop for the development of the site.

One issue that could affect the retention of existing vegetation as proposed will be the need to fill the site to a level that provides sufficient grades for drainage of the site and to provide adequate separation from the winter watertable levels to allow for onsite soakage of stormwater. There will be a need to manage fill around existing trees to avoid threatening their health and that should be noted in ODP.

It is considered that additional landscaping detail will be required in the following parts of the site:

- a) On the north west corner (including the road reserve). This area is the most visible portion of the site for south moving traffic along Bussell Highway. The presentation of this corner will be critical to the visual amenity and character of the whole site. Low water use native vegetation with signage as a subordinate use would be the most preferred visual outcome; and
- b) Any other areas not used for buildings and pedestrian or vehicular pavements to be planted in a consistent theme in order to provide a visual link across the site. The treatment of parts of the site not to be used in the first stages should be specified.

Development Standard 5 requires preparation of a Landscape Plan prior to the first development approval so the need to address the abovementioned matters should be noted in the ODP.

Buildings Materials, Built Form, Signage and Design Guidelines

It would have been preferable that detailed Development Design Guidelines as required by Development Standard No 4 were prepared with the ODP but they can technically be prepared as a further step in the progression towards the issue of the first development approval. However as a minimum the ODP must comply with Standard No 2 by clearly identifying and committing to a range of possible site finishes discussed with the applicant as a general standard over the whole site which would ensure all stages of development achieve a level of consistency and give some recognition to the prominent position of the site.

The design and presentation of buildings and development on the site is a significant consideration of the Special Use Zone development standards relating to the site. This reflects the location of the site adjacent to the low density residential area and in broader terms a rural locality which is now rapidly changing to urban in Dalyellup East. The Scheme provisions require that the ODP should address the issues of building materials and general built form. Further the Development Standard No 4 requires the preparation of Development Design Guidelines prior to the issue of the first development approval (see Statutory Environment section of this report). Standard No 8 requires that all buildings be of a design and constructed of materials that will compliment the rural character of the locality to Council's satisfaction. The passage of time and the rate of urban development since the preparation of the original rezoning do make the reference to the rural character somewhat obsolete but the significance of the site on the entrance to the Gelorup and Dalyellup localities remains the same.

There will be an unavoidable tension between a desire for a consistent design across the site and the desire of large franchise and specialist businesses like take away food and fuel outlets to use well established corporate building designs, colours and signage. They wish to maintain what they consider to be their "brand" that is advertised to be readily recognised by consumers. The architects for Hungry Jacks have proposed the use of two tone cream/beige and charcoal colour in the facades of all building in place of the standard red, yellow and orange used on some of their premises. Similar colours would be applied to the tourist service building in the centre of the site. The Caltex Service Station colour is predominantly white with the red canopy edge which is reasonable clean and unobtrusive.

The building form of two of the structures being Hungry Jacks and Caltex Service Station is dominated by corporate designs being essentially rectangular outlines with flat rooves that have a prominent façade treatment around the roofline. More recently the architectural design of the Hungry Jack's buildings has been improved with the introduction of pitched features in the roof lines and removal of bland façade panels. Being typical modern commercial structures they are constructed using tilt up panels. The future tourist service building in the centre of the site has the potential to provide a visual anchor and whilst it is likely to have tilt up panel construction it is proposed that it should have a pitched metal roof.

As mentioned above in discussion on landscaping the opportunity does exist to establish consistency across the site with the non building features of the development. This should include pavement materials and colours, site furniture such as any seating, fencing, bollards, lighting and minor onsite directional signage. The ODP should give clear direction to this effect.

Development Standard 4 requires among other things that guidelines for signage are addressed. The ODP report makes the point that the site has a frontage of 230m and that it would not be unreasonable to have more than one signage structure along it. One positive aspect of the corporate branding approach is that the designs are generally simple and clean. Signage used by lessees is strictly controlled and limited to the corporate theme thus avoiding a proliferation of signage that can be associated with other commercial activity. The Caltex Service Station has one main sign structure and it is proposed that Hungry Jacks would have one 10m high pylon sign at the corner of Sleaford Drive and Bussell Highway along with the name Hungry Jacks on the side and front elevations of the roof. When the tourist service centre building is developed it is likely to contain several separate business activities. It will be important that signage for them is controlled and coordinated into one main freestanding sign that could address the Highway naming the businesses. Any other signage should be attached to the building but subordinate to its design.

The ODP should clearly state a requirement for such control and coordination through a signage strategy for the whole site. In summary signage directed to the Highway should be contained on the site, be limited to three freestanding signs consisting of two corporate logo type signs associated with the takeaway food outlet and service station and one other displaying the names of businesses occupying the tourist service centre. Any other signage should be limited to approved corporate signage systems, panel on buildings and minor directional signage intended to show the desired traffic and pedestrian movement arrangements onsite. No temporary or mobile signs shall be permitted.

Servicing

Utility services for the existing service station consist of onsite stormwater disposal and onsite effluent disposal via an aerobic treatment unit using surface irrigation. The water supply comes from a bore on the landowners property north of the site. Initially it was envisaged that a similar effluent system could be used for new stages of development and that the bore water supply would be extended with additional storage and treatment systems. Recent experience with the service station has shown that onsite systems can be difficult to manage when rapid growth in business activity and high patronage peaks occur. A consultant's report for the takeaway food outlet has shown there is some difficulty in predicting the likely demand and therefore the size of a suitable onsite effluent disposal system. It has been concluded that with the establishment of reticulated water and sewer systems in Dalyellup immediately to the west of the site it would be desirable to arrange for connections to those utilities. A central sewer pump site has been identified on the ODP to facilitate the connection of future stages of development. It would also be possible for the existing service station to connect when the main connections are established. The ODP should make the connection to reticulated water and sewer services a requirement for new stages of development and any refurbishment or redevelopment of the service station.

Development Standard 6 requires the preparation of a Geotechnical Report for the site prior to the first development approval to assess matters like the depth to water table and the suitability of the site to cater for onsite effluent disposal and its capacity for onsite stormwater absorption. A connection to sewer does simplify the matter to some extent but it will still be necessary to determine the capacity of the site to absorb all stormwater. A consultants report has estimated volumes for the storage and soakage of stormwater onsite and a final fill level to achieve separation from ground water will have to be informed by the geotechnical assessment. Any final ODP should clearly note this requirement for each stage but initially to provide a coordinated approach to finished site levels.

Noise, Odour, Risk and Amenity

The design approach to minimise the impact on residential amenity with reference to controlling light spill, landscaping, minimising disturbance associated with emptying bins, and provision of waste management and cleaning systems to ensure a clean and odour free facility are discussed in relation to the takeaway food outlet being the first stage of new development. However, the ODP should record these or similar design actions as guidelines for all stages of development on the site.

Water Quality Protection Area

The site is located within a Water Source Protection Priority 3 Area and is required by the Scheme provisions to comply with the Water Quality Protection Notes formulated by the Department of Water (previously Water and Rivers Commission) as part of the formulation of the ODP. The ODP does not refer to this requirement and should therefore do so.

Conclusion

The draft ODP has been in the course of preparation for several years and has been subject to considerable delay as the proponents attempted to understand the sequence of planning required by the Special Use Zone being that an ODP had to be prepared and adopted prior to the issue of any development approvals. This difficulty in understanding stemmed from the fact that the drive for any approval initially came from the desire to obtain a development approval for a Hungry Jack's takeaway food outlet rather than to address the overall site planning issues listed in Development Standard 2 of the zoning. The draft ODP is now in a form that it is appropriate to invite public and government agency comment prior to seeking to finalise it for adoption. Apart from dealing with any issues that may arise from a consultation period, prior to final adoption of the ODP it would need record or address the various matters that have been identified above as things that should be noted for action. An orderly way for this to be done would be to add a new section to the final ODP report at the end which could be headed Implementation Actions with an introductory statement to the effect that the specific actions or additional information are required with development applications or will be imposed as conditions of approval as the case may be.

STAFF RECOMMENDATION

That Council resolves to advise the applicant that:

- 1 It is prepared to endorse the draft Overall Development Plan (ODP) for Lot 104 and PT Lot 16 Bussell Highway, Gelorup ODP for the purpose of public and government agency consultation for a period of 35 days.**
- 2 Any final adoption of the ODP will be required, apart from addressing any matters that may arise out of the public consultation, to include a final implementation section in the report which clearly sets out all of the actions which will be required to be undertaken with applications for new development or as conditions of approval to them. Such matters will include but will not necessarily be limited to:**
 - (a) A requirement for the relocation and reconfiguration of the existing northern driveway on Bussell Highway in conjunction with the first stage of new development and subject to approval from Main Roads WA;**

- (b) Any review of the possible retention of the existing service station building shall demonstrate that the requirements of the Development Standards of the Special Use Zone have been met and that in particular with the new driveway arrangements and internal traffic management that public safety and convenience is at an acceptable standard;
 - (c) Traffic and pedestrian management improvements will be implemented relevant to each stage of development with both onsite and external works to be identified in detail and all works to be undertaken at the developers cost;
 - (d) In lieu of the public building site provision is to be made for a public parking area for use by commuters who car pool;
 - (e) That a detailed landscape plan will be required to coordinate finishes for each stage and which will ensure coordination of low water use vegetation types, treatment of road verges, materials and colour of vehicle and pedestrian pavements, site lighting, bollards and onsite directional signage;
 - (f) Signage controls and guidelines consistent with preventing a proliferation of adhoc or uncoordinated signs;
 - (g) That all development shall be connected to a public reticulated water supply and sewer;
 - (h) An overall design for levels of fill that provides for coordination between stages of development and adequate separation from the winter water table and onsite stormwater storage and soakage. Consideration shall be given to the management of fill around existing trees in order to avoid threat to their health;
 - (i) Guidelines for the whole site to control noise, light and odour;
 - (j) Compliance with Department of Water requirement for the protection of a Priority 3 Source Protection Area; and
 - (k) Building design guidelines that allow for corporate branding whilst providing guidance on colours and the parameters for the general built form of the three major buildings proposed.
- 3 An assessment fee of \$ 7394.80 plus GST is required to be payed prior to proceeding to advertising.

VOTING REQUIREMENTS

Simple majority

14.2.2 Amendment No 43 – Town Planning Scheme No 7 (C5.37.043)

REPORTING OFFICER

A Dykstra - Planning Officer (Temporary) 03.04.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Consideration of submissions received during the advertising of the proposed Scheme Amendment and determination of whether to proceed to seek the final approval of the Hon. Minister for Planning and Infrastructure.

As recommended by the Seniors Housing Committee (SHC) and Council, the Chief Executive Officer has been authorised to instigate a Scheme Amendment for lot 10 Thomas Street, Boyanup (the Site) consisting of amending the Scheme maps by changing the zoning and density code from "Residential R10/R15" to "Special Use" to facilitate a future Aged Persons Village for persons over the age of 55.

ATTACHMENTS

Location Plan – Attachment Page 01
Schedule of Submissions – Attachment Page 02

APPLICANT'S SUBMISSION

As a result from a need for seniors' housing within the Boyanup townsite being established by Council, the current zoning of the Site and its R Code density is required to be changed in order to allow up to 12 two and three bedroom units to be constructed on the Site (including the three existing units).

BACKGROUND

December 2003 – With an ageing population within the Shire, Council established that there is an opportunity to look at providing for additional accommodation. Council resolved (Minute OC1214 refers) to establish a Senior Housing Advisory Committee to investigate the construction of additional seniors units in Boyanup and Capel.

April 2007 – The Seniors Housing Committee (SHC) endorsed a proposal for Council to instigate action to construct six units on the Site and strata title the development inclusive of the existing units (Recommendation SHC0404 refers).

August 2007 – the SHC resolved to rescind the previous decision (SHC0404) and adopt the following recommendation (SHC0805):

1. *A public forum be held in Boyanup to clarify matters such as level of interest, support for the purchase of units, type of units required, is need immediate or in the future, sale of units to be at market price and any other matters raised;*

- 2 *The Chief Executive Officer be authorised to instigate a scheme amendment for lot 10 Thomas Street Boyanup to change the current zoning and R Code density to allow for a maximum of twelve two and three bedroom units to be constructed on the site, including the current units (an additional nine); and*
- 3 *Once the scheme amendment is completed, tenders be called for the sale of the land, excluding the land occupied by the existing units, on the basis that all the units on the site, including the existing units, would be strata titled and that the units would be occupied by at least one person over the age of 55 in each unit*
- 4 *Once the scheme amendment is completed and prior to selling the lot, Council construct attached carports for existing units 1 and 3 and construct a stand alone carport for existing unit 2 on land opposite it.*
- 5 *The Seniors Housing Advisory Committee further consider the most appropriate unit design.*

August 2007 – Council resolved (OC0814 and OC0815) to receive the minutes of the SHC held on 14 August 2007 and endorse the SHC recommendations. Council also approved an unbudgeted amount of \$5,000 in the 2007/2008 budget for Scheme Amendment costs.

December 2007 – Minute OC1206 refers – Council resolved in part to adopt the following recommendation:

In pursuance of Section 75 of the Planning and Development Act, 2005 to agree to amend Town Planning Scheme No 7 by:

- (a) Amending the Scheme Maps by rezoning lot 10 Thomas Street, Boyanup from “Residential Zone” with a Density Code R10/R15 to “Special Use Zone”; and
- (b) Modifying the Scheme text by introducing at Appendix 4 Permitted Uses and Development Standards/Conditions.

In view of the above resolution, staff proceeded with the formal advertising process.

STATUTORY ENVIRONMENT

Town Planning Scheme No 7

The lot is zoned “Residential” and coded ‘R10/R15’ pursuant to Town Planning Scheme No 7 and has a total area of 3557m².

Planning and Development Act and Regulations

Having initiated a scheme amendment Council is required to comply with the procedural requirements of the Planning and Development Act 2005 and the Town Planning Regulations 1967 (as amended).

Planning and Development Act 2005 (The Act)

Section 87 (1) Subject to compliance with the consultation requirements of Sections 83, 84, 85 and 86 of the Act, a local planning scheme amendment prepared or adopted by a local government is to be submitted to the Minister for the approval of the Minister.

Section 87(2) The Minister may, in relation to a local planning scheme amendment submitted to the Minister under subsection 87(1):

- (a) approve of the amendment;
- (b) require the local government concerned to modify the amendment in such a manner as the Minister specifies before the amendment is resubmitted for the Minister's approval; or
- (c) refuse to approve of the amendment.

Town Planning Regulations 1967

It is to be noted that whilst the new Planning and Development Act 2005 (mentioned above) is now in operation since 9 April 2006, no changes have as yet been made to the regulations.

17(1)(a) Within 42 days (or such period as approved by the Minister) of the closure of the advertising of the amendment Council is required to consider all submissions and in respect of each submission consider whether the amendment should be modified or whether the submissions should be rejected.

17(2) After considering the submissions received or if no submissions Council is required to pass a resolution to either:

- (a) Adopt the amendment with or without modification; or
- (b) That it does not wish to proceed with the amendment.

Where no submissions are received, and Council resolves to adopt an amendment without modification it may proceed to execute the documents in accordance with Regulation 22.

Regulation 22(1) states that the three copies of the amendment submitted for final approval shall be executed by the responsible authority by affixing of the seal.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

The Shire will be required to meet all administrative and advertising costs.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Plan 2003-2007

In Core Business area 1, the general objective is to provide and improve sustainable infrastructure to service the changing needs of the community.

In Core Business Area 2 - Land Use the Shire of Capel's objectives include to:

- Ensure that development of the district is sustainable
- Facilitate economic land use opportunities
- Plan for a choice of urban living opportunities.

Core Business Area 4 – Community Services – also refers. Objectives include provision of appropriate local government services which recognise the diverse needs of the community. Action Plan 1.3 refers which includes preparing a 5 year Recreation/Community Infrastructure plan that incorporates seniors' facilities.

The subject proposal is generally consistent with these objectives. From a broader strategic perspective it is regarded the Amendment will help foster the development of a range of housing types and densities within the Shire which are presently limited.

CONSULTATION

In accordance with the Town Planning Regulations and the Act, the amendment was advertised for a 42 day period ending on 4 April 2008. At the time of completion of this report, no submissions were received from residents in the locality.

In addition to the above, comments were also requested from the Health Department of WA, the Department of Water, Water Corporation, Western Power, Telstra, Department of Environment and Conservation and West net Energy. Two of the above responded with no objections and provided advisory comments which are detailed in the attached schedule of submissions. The advisory comments from Westnet Energy and the Department of Environment and Conservation are in the main relating to matters usually addressed as a condition of subdivision.

Comment was also requested from the Environmental Protection Authority which determined that the amendment is not required to be formally assessed under Part IV Division 3 of the Environmental Protection Act 1986.

COMMENT

Commensurate with the background section of this report, it has been established that there is a need for seniors' housing within the Boyanup and Capel townsites. Rezoning the Site to achieve a higher density for the purpose of an Aged Persons Village (as defined under Appendix 1 the Scheme) is consistent with orderly and proper planning in that such a land use is central and within walking distance to the town centre and community facilities.

At the time of writing this report (3 April) no objections were received to the Scheme Amendment proposal. However should any additional submissions be received by closure of advertising (4 April), they will be tabled at the Council meeting for consideration and recommendation.

Given the nature of the submissions received to date it is unlikely that any objections will be received and Council may now decide to proceed with the amendment without modification.

STAFF RECOMMENDATION

That Council resolves:

- 1. In accordance with Regulation 17 (1) (a) of the Town Planning Regulations 1967 (as amended) to adopt the comments and recommendations contained in the Schedule of Submissions shown at Attachment Page 02;**
- 2. In accordance with Regulation 17(2) (a) of the Town Planning Regulations 1967 (as amended) to resolve to proceed with Amendment No 43 to Town Planning Scheme No 7, without modification by;**
 - (a) Amending the Scheme Maps by changing the zoning of lot 10 Thomas Street, Boyanup depicted as "Residential" with a Density Code R10/R15 to "Special use".**
 - (b) Modifying the Scheme text by introducing at Appendix 4 the following:**

Land Particulars	Permitted Uses	Development Standards/Conditions
<p>Lot 10 Thomas Street, Boyanup</p>	<p>Aged Persons Unit Accommodation “Aged Persons” shall have the same meaning as prescribed under the Residential Design Codes</p>	<p>1. Development to be generally in accordance with a Guide Development Plan adopted by Council. 2. Council may approve minor variations to the adopted Guide Development Plan. 3. The development shall include a range of two and three bedroom units 4. All development shall be in accordance with the Residential Design Codes with the application of the R25 density code. 5. The density bonus for Aged Persons dwellings under the Residential Design Codes may be applied to the development, however is limited to a maximum of 12 units (inclusive of the existing three units).</p>

- 3. Pursuant to Regulation 22(1) authorise the President and Chief Executive Officer to execute the amendment documents by signing and affixing the Shire’s seal; and**
- 4 Forward the amendment to the WA Planning Commission for endorsement and subsequent forwarding to the Minister for Planning and Infrastructure for final approval.**

VOTING REQUIREMENTS

Simple majority

15 TECHNICAL SERVICES SECTION

15.1 TECHNICAL SERVICES REPORTS Nil

16.1 GOVERNANCE

16.1.1 Community Forum – Boyanup

REPORTING OFFICER

PF Sheedy – Chief Executive Officer 25.03.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Endorsement of actions proposed by the CEO in regards to the matters raised at the community forum on 27 February 2008.

ATTACHMENTS

Details of issues raised at the community forum.

APPLICANT’S SUBMISSION

Detailed in the Comments section below.

BACKGROUND

The issues detailed in the attachment are a number of the matters raised by members of the community at the forum that required follow up /further action and recorded by the staff.

STATUTORY ENVIRONMENT Nil

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

There are no financial implications at this time other than staff time for research, costing of proposals and reports to Council.

Financial costs would be incurred in future budgets should Council decide to proceed with any of the suggested projects (boat ramp, access way, beach pontoon etc).

STRATEGIC IMPLICATIONS

The Shire of Capel Strategic Plan 2003 – 2007 has relevance to a number of the issues raised at the meeting such as, Strategy 1 ‘Plan the provision and maintenance of safe and efficient transportation systems’ and Strategy 2 ‘Plan, provide and maintain a safe, efficient and environmentally sustainable road and ancillary drainage system’ of Core business area1 Infrastructure.

CONSULTATION

A number of the matters detailed in the attachment and others taken on board by staff will require further discussion and contact with individual community members to address their concerns.

COMMENT

The turnout for the forum was outstanding and obviously the residents of Boyanup welcomed the opportunity to talk to Councillors and senior staff about a number of issues and concerns that they had and it provided some valuable interaction on a number of these issues. The opportunity for council to also clarify its stance/position on a number of issues was also beneficial.

Whilst a number of the matters raised have not been listed, due to them being addressed with individual person, like the other centres, it is important that Council gives consideration to all the community related matters raised at the forum and then to provide a response back to the community as to what action will be taken. Whilst the community may not always agree with the actions taken by Council it is important to communicate these decisions back to the community.

Therefore the attachment includes a list of all the community related matters raised at the forum, which required further consideration by Council, with an appropriate response as recommended by staff. Some of which will require further consideration and research will additional reports back to the community at a later date, whilst others provide an immediate response. Where questions were satisfactorily responded to on the night, they have not been included.

Once endorsed by Council it is proposed to have the attachment, with any amendments, included in the next addition of the Boyanup Post.

STAFF RECOMMENDATION

That Council endorse the actions (responses) proposed by the Chief Executive Officer, as detailed in the attachment, in regards to the matters raised at the community forum at Boyanup on 27 February 2008, and that it be included in the next edition of the community newspaper circulating in the area.

VOTING REQUIREMENTS

Simple majority

16.1.2 WALGA – SSS Draft Report – The Journey: Sustainability Into the Future

REPORTING OFFICER

PF Sheedy – Chief Executive Officer 26.03.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Western Australian Local Government Association (WALGA)

MATTER FOR CONSIDERATION

Council is requested to consider the report and provide comment/support/opposition on the proposal for a shift to 'The Regional Service Model' and the 61 recommendations detailed in the draft SSS Report 'The journey: Sustainability Into the Future'.

ATTACHMENTS

A copy of the sixty one recommendations from the Report with suggested responses.

APPLICANT'S SUBMISSION

The Systemic Sustainability Study (SSS) was created out of a request from Member Councils in 2004 to investigate sustainability in the sector. Independent research carried out in 2006 found that 58% of Western Australian Councils were unsustainable given their current source revenue, and made a number of recommendations for action.

The sector, through a SSS Taskforce and five separate Working Groups, has considered these recommendations, culminating in a draft plan proposing a new structure to improved delivery of services to communities while retaining local representation.

The Draft Report is open for feedback and comment from Local Governments and key stakeholders for the next six weeks. Following this period, the final report will go through the May Zone process before being considered by State Council in early June.

BACKGROUND

The public release of this Paper is a concluding stage of the extended research, investigation and consultation process known as the Systemic Sustainability Study for Local Government in Western Australia.

The beginnings of those processes can be dated from 2004 when, as part of the lead up to the 2006 State election both major political parties made statements heralding the future reform of the Local Government Sector. This resulted in a 2004 AGM motion requesting the WA Local Government Association (WALGA) to conduct a Structural Reform forum. The consequent forum, held in November 2005, featured Jeff Kennett sharing his experience in Victoria and Brian Dollery of New England University who presented a number of versions of 'cooperative regionalism' which were positively received by the audience.

The Northern Country Zone of WALGA held its AGM/Conference in March 2004 on the theme 'Amalgamate, Cooperate or Disintegrate'. The 2005 WALGA AGM passed a resolution for WALGA to lead the development of a framework that would assist individual Councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capabilities and capacities of individual communities and regions. In late 2005 WALGA appointed a three member panel chaired by Professor Greg Craven, then of Curtin University of Technology to research and investigate the sustainability of Local Government in Western Australia.

This Systemic Sustainability Study Panel (The SSS Panel) was supported by the commissioning of a report by Access Economics, Local Government Finances in Western Australia (June 2006). Based on the analysis by Access Economics and from their extensive consultation with Local Government representatives from throughout WA, the Panel framed 41 Recommendations for further action. The Association formed a Taskforce of its State Council to oversee the process. This Taskforce resolved to carry forward the SSS Panel recommendations. The Panel Report *In Your Hands* (The SSS Panel Report) was released in December 2006 and referred for further input from an industry forum 'The Journey' in April 2007. The WALGA Taskforce then convened 5 Working Parties made up of Councillors and senior Local Government managers from across the state. These Working Parties addressed the following themes from the SSS Panel Report:

- Leadership for change
- Finance
- Revenue
- Services
- Capability.

The working parties concluded their investigations and reported to the WALGA Taskforce in December 2007 and January 2008. This paper is constructed around the outputs of these working parties, with Sections dealing with each of the identified themes.

STATUTORY ENVIRONMENT Nil

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

The adoption and implementation of the recommendations in this report and decisions by Council to embrace 'The Regional Model' for service delivery would result in financial contributions being required to fund:

- The establishment and ongoing operation of a Regional Council
- The Local Government Independent Assistance Commission (0.5% of rates)
- A bureau to manage an infrastructure asset management program (1% of state road funding per annum) and collection and management of road infrastructure data (\$3,000 per annum per local government)
- The ongoing compulsory training of Councillors
- The Industry Training Fund (1% of payroll).

In addition further costs could be incurred to provide all the additional reports, documentation etc proposed, including employee cost.

Financial benefits could be the provision of additional State and Federal Funding, transferring of responsibilities back to State and Federal agencies and funding from the Training Fund for Councillor and staff training.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Plan 2003 – 2007, Core Business Area 5 'Governance' and Strategy 5 'Provide effective governance' are relevant to this item. The Actions under this Strategy are also very pertinent to this item, being;

5.1 Provide adequate funding for all councillors to attend appropriate training and educational courses to enhance their corporate governance skills.

5.2 participate in appropriate regional resource sharing opportunities to benefit the community.

5.3 Review effectiveness of elected member representation model.

CONSULTATION

Whilst the WALGA SSS Taskforce Working Groups have engaged in substantial consultation with industry representatives and local governments will now have the opportunity to be part of the consultation process it is not envisaged that any wider consultation is required.

As the Chief Executive Officer I have ensured that all employees are aware of the draft report and have provided them with an overview of its contents. It will be important that employees are kept fully informed of any future implications of the report.

COMMENT

The key issues within the Report are the 10 Year Plan, The Regional Model and the sixty one recommendations in the attachment. As a result I have devoted a large part of the following paragraphs to providing some detailed information about the first two points and then provided a brief reference to each of the five areas covered by the various working group.

Against each recommendation in the attachment a suggested response from Council back to WALGA has been provided.

The whole Report is based around the theme that *"Local Government will implement and maintain a governance model that integrates effective service delivery (on a regional basis) with appropriate political representation (on a local basis)"*.

Overview

The firmly held view in the Report was that the core strength of Local Government lies in its representational base for the aspirations and expectations of local communities. While for numerous and pressing reasons reform was absolutely necessary, measures which sacrificed this strength should not be advocated.

A combination of evidence and opinion has led to the conviction that a major shift in the functional arrangements for the delivery of services by local government is required. In the Plan, that major shift in the platform for the delivery of services and functions is designated 'The Regional Model'. A key driver to the move to the Regional Model is the recognition of the increasing difficulties faced by Local Government in securing the numerous skills sets. Many of them required as a prerequisite for delivery of services and functions stipulated by law as the responsibility of Local Government as a sector.

Achievement of The Regional Model will not occur without genuine commitment by Local Government to properly support and strategically engage with the Regional Model. For this reason it is positioned as the key outcome of the 10 Year Plan.

The challenges to Local Government embodied in the 10 Year Plan and its Regional Model are not avoided in the document. They are substantial but overcoming them is considered central to the retention of quality of life for the community served by Local Government. Repeatedly in the document the fiscal imbalance impacting upon Local Government and associated increasing cost transfers and service demands were raised as key issues requiring debate and resolution. The Regional Model poses a significant opportunity by advocating Local Government's role as a catalyst for change in these underlying dynamics.

Local Government in Western Australia is confronting a strategic moment where it can choose to take responsibility for its own sustainability and effect change now or settle for the status quo. In any event it is not possible for Local Government to avoid taking deliberative decisions on its future. The risk is that unless positive actions are evident change is likely to be forced on the sector into the future.

The 10 Year Plan

The SSS Panel found that there were widespread problems associated with financial sustainability, service delivery and capability issues throughout the sector. While none of these issues in and of themselves are forecast to result in the failure of individual local Governments, they are impairing the ability of the sector to meet its responsibilities. The 10 Year Plan provides Local Government as a whole with the means to address these deficiencies. The intended result is heightened capability in delivery of functions and services in the short term and the improvement, extension and enhanced sustainability of arrangements into the future.

To be successful the 10 Year Plan will require continued leadership, both from WALGA and from individual Local Governments. Whilst presenting challenges, the opportunity is to create a future built on proven existing strengths. The success of the Plan will hinge on the willingness of Local Government to find common ground and to engage in reform. This common ground will be found when local communities define affinities of interest that can manifest and deliver their mutual aspirations. The strength of the proposed model relies on change occurring voluntarily and arising organically in a collaborative process through the sector.

A 10 Year Plan is proposed that provides the Local Government sector with vital components of an industry led reform program that has the potential to rejuvenate the sector while retaining the best aspects of the current system. This is supported by a Regional Model that sets out a blueprint for a more sustainable and influential Local Government sector better able to represent the aspirations of the community.

Voluntary amalgamation remains a valid policy option for individual Local Governments to consider and adopt as they see fit. Under the Plan it seems highly likely that with time and the experience of working more closely through regional arrangements, closer affinities of interest will emerge which are sufficient to warrant voluntary mergers of existing Local Governments.

The 10 Year Plan proposes the creation of a new institutional framework to support the transformational change, the investigation of a new Local Government Independent Assistance Commission and possible implementation of a Local Government Finance Authority and discussion on a Local Government Standard Office.

The 10 Year Plan is a voluntary model that requires active and concerted engagement from many Local Governments to be effective. The Regional Model must not simply be another layer of bureaucracy; it will need to create substantial organisations that enhance the ability of participating Local Governments to represent and deliver services to their communities.

There is a strong need for substantial investment by the State Government into the new model. There is also a very strong need for support from the State Government in funding the functional reform of the sector. While the Regional Model will improve the financial condition of many Local Governments, it involves fairly substantial up-front investment costs. These up-front costs are beyond the political or administrative capacity of many individual Local Governments to implement given their current problems with financial sustainability. It has been estimated that \$30m is required to support the reform process embodied in the 10 Year Plan.

Investment from the State Government needs to take two forms. The first should assist in the creation of a strong and efficient Local Government sector as detailed in the Regional Model. The second should address the accumulated infrastructure backlog that has developed under the current arrangements.

The Regional Model

The Regional Model is proposed as a transition mechanism for Local Government in Western Australia. It embodies a variety of elements to deliver proposals contained within various other sections of the Draft Report. The Model is not a 'one size fits all' response. It is driven by the need to place Local Government on a more sustainable footing while ensuring that communities receive the services which underpin their quality of life.

Focusing Local Government reform around the concept of the Regional Model is significantly different to imposed structural reform initiatives in that it is not driven by a reduction in Local Governments for the sake of simple cost savings, nor does it suggest that there is a 'one size fits all' solution. The objective of the Regional Model is to improve the ability of Local Government to actually meet the expectations of the communities, at both local and regional levels, through retention of existing representation arrangements supported by enhanced capability for improved service delivery. If Local Government ignores the potential efficiencies that can be gained through embracing the functional reforms contained in the Regional Model, then it risks doing a disservice to its communities and potentially not makes best use of scarce public funds.

The Regional Model could present an entirely different approach which integrates effective service and infrastructure planning and delivery (on a regional or state-wide basis) with appropriate political representation (on a local basis). The Regional Model also permits Local Governments to retain certain services for local delivery as appropriate to their circumstances. It also contemplates the ability to expand service offerings with the default of first undertaking an analysis of the sustainability of the proposal and the best mechanism for its delivery.

In return for Local Government transferring a degree of their institutional independence, they are able to improve the quantity and quality of the services they provide to their communities. The objective is not to cut costs by reducing the number of people in the sector.

The Regional Model maintains the existing Local Government boundaries while proposing both regional and state-wide platforms to plan and deliver some services. The delivery of these services will stay within the control of the participating Local Governments, but another organisation will be charged with producing the services on behalf of the consortium. WALGA State Council has endorsed the existing WALGA zone boundaries for the definition of a region for the early stages of the transition process (see pages 179-182 of Report). These boundaries align very closely with the Regional Development Commission boundaries.

The Regional Model following full implementation over a 10 year period (10 Year Plan) would be as follows:

- Local Governments, some having undergone voluntary amalgamation during the course of the transition, made up of 5 or 6 highly skilled and remunerated councillors
- Regional Local Governments, made up of delegates/representatives of the Local Governments participating in the regional grouping. It is proposed that there be one delegate/representative from each Local Government and that again they be adequately skilled and remunerated for their role
- Significant change in WALGA's governance systems and representational arrangements to reflect the new accountabilities of the Regional Model
- A mix of local, regional and state-wide service platforms in place
- A new range of institutional frameworks to support the remodelled Local Government sector which may include, based on the proposals in this paper, the following:
 1. A Local Government Independent Assistance Commission to offer a full range of advisory and support services to the sector;
 2. A Local Government Finance Authority to support the financial needs of Local Government, including the management and funding of infrastructure through regional mechanisms; and
 3. A Local Government Standards Office to create and oversee standards of performance within Local Government.

The Regional Model involves the reduction in the number of Councillors and compulsory training and professional development with appropriate remuneration to reflect the changing nature of administering larger and more complex Local Governments. There needs to more focus on Councillors developing the required skills such as strategic planning, financial and asset management and contemporary corporate governance.

Leadership

There are no recommendations within this section as its content is about challenging Local Government to provide direction and leadership, which can be best summed up with the following quote:

"Is Local Government in WA satisfied to remain mired in settings which were of a deeply doubtful utility at the close of the last century? Or is it willing to confront the challenges of internal reform and the prospect of being the catalyst for improvement in services and infrastructure for the communities it professes to serve?"

Finance

This section has 18 recommendations (1-18) dealing with issues relating to:

- Strategic Plans, Asset Management Plans, key performance indicators:
- Collection of comparative financial data
- Annual community financial reports
- Comparative financial indicators
- Debt and Debt management
- Asset management program
- Establishment of a bureau service for the collection and management of road infrastructure data
- Regular revaluation of infrastructure assets
- Creation of a Local Government Finance Authority.

Revenue

This section has 15 recommendations (19-33) dealing with issues relating to:

- Revenue capacity (rates, fees and charges, grants and contributions and profit from business enterprises)
- Establishment of the Independent Local Government assistance Commission
- Best practise rate setting process
- Use of the Local Government Cost Index
- Commonwealth Financial Assistance Grants
- Developer Contributions for Community Infrastructure
- Long term asset management plans
- Local Government forming corporate entities
- Formation of a Local Government Independent Assistance Commission (WALGA).

Services

This section has eight recommendations (34-41) dealing with issues relating to:

- The sustainability of Local Government
- Legislative changes for general competence powers, sharing of CEO's, tendering requirements
- Establishment of a bureau service to look at service options
- WALGA support for sector reform.

Capability

This section has 19 recommendations (42-60) dealing with issues relating to:

- Legislative changes for regional local government structures
- State and Federal funding to establish regional service provision(WALGA)
- Regional workforce planning
- Mandatory training for new Councillors and refresher training for existing
- Establishment of an Industry Training Fund
- Flexible employment options
- External intervention by State Government.

Conclusion

Having attended a number of workshops and forums where there has been significant discussion on the merits of the Report it would appear that there is not a strong level of support for the Regional Model promoted in the Report due to the lack of detail that is provided as to how it will operate, what the structure will be and how it will be funded. There are also the concerns that this will only lead to another layer of bureaucracy that will operate just like a large Local Government and that it will require the injection of funds from the Local Government partners, funds that they do not currently have spare.

The other major concern that has been raised is that the Report that has been commissioned by WALGA is promoting WALGA as the body that will take on a number of new roles and many representatives have concerns about the potential size that WALGA will become. If one accepts that it is WALGA's ongoing role to support Local Government in this State in an advisory and service provision role then this would be an acceptable outcome. If one takes the view that this should be the role of the Department of Local Government and Regional Development, then this is not an acceptable outcome for WALGA to expand.

Whilst there is a lack of detail in some areas, in my view this first stage is about identifying the support or otherwise of Local Government for the overarching principle, being 'Regional service provision and local decision making'. Once this first step has been progressed and if there is a favourable response then there is a requirement for WALGA to move forward and provide more detailed information on how the Regional Model, Commissions, Authorities will operate.

Whilst I still have some doubts about the ability or will of the State Government to instigate structural reform of Local Government in this State after the next State election in the short term, there is no question that the longer Local Government in this state takes no action to reform itself the more likely it is that the State Government will take action and force it upon us.

Council needs to understand very clearly that if the Report is supported by a majority of Local Governments in this State and is then taken to the State Government by WALGA as the way forward for Local Government in this State there will be some significant funding and resource issues that all Local Governments will have to be prepared to address to implement the Model. This may in itself lead to the voluntary amalgamation of some Local Governments by default due to them being unable to meet these new demands. Some people have taken the view that this is a clear intention of the Report.

Therefore the question arises as to what Local Government has to do to determine its own destiny and in the context of this Report, in my view, this Council has the following options:

1. Do not support the Report, take no action and carry on with business as usual hoping that the State Government will leave us alone. (A highly unlikely long term outcome and unacceptable to a State Government in my view);
2. Continue with 'business as usual' by progressing opportunities for regional resourcing/cooperation (i.e. waste) on an adhoc basis with other Local Governments in the region. (Again not a long term outcome that I believe a State Government will accept);

3. Advise WALGA that whilst Council supports some of the Reports recommendations and the overall concept of the Report in principle, it requires more detailed information on how the following would operate and what the cost implications are, before commenting further.
 - The Regional Model
 - Local Government Independent Assistance Commission
 - Local Government Finance Authority
 - Local Government Standards Office
 - Bureau Service providers
 - Industry Training Fund.

4. As outlined in the Report and Model as an option:
 - Make the determination that given its current and projected future growth that it considers that in the long term the Shire of Capel considers it is a sustainable Local Government in its own right
 - Seek the support of the Shires of Dardanup and Harvey (who Council considers are in a similar situation to Capel) for a joint deputation to the State Government to seek its endorsement of this outcome. This would also involve the Local Governments continuing to explore opportunities for resource sharing/cooperation in the provision of services to its communities.

Finally Councillors should peruse the responses contained in the recommendations in the attachments, especially those relating to Councillors (47-54) to ensure that they are in agreement with the responses provided.

STAFF RECOMMENDATION 1

That Council endorse the responses to the recommendations from the WALGA Draft 'The Journey: Sustainability Into The Future' Report as outlined in the attachment

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION 2

That Council:

- 1 Advise WALGA that whilst Council supports some of the Reports recommendations and the overall concept of the Report in principle, it requires more detailed information on how the following would operate and what the cost implications are, before commenting further;**
 - **The Regional Model**
 - **Local Government Independent Assistance Commission**
 - **Local Government Finance Authority**
 - **Local Government Standards Office**
 - **Bureau Service providers**
 - **Industry Training Fund.**

2 As outlined in the Report and Model as an option:

- **Make the determination that given its current and projected future growth that it considers that in the long term the Shire of Capel considers it is a sustainable Local Government in its own right**
- **Seek the support of the Shires of Dardanup and Harvey (who Council considers are in a similar situation to Capel) for a joint deputation to the State Government to seek its endorsement of this outcome. This would also involve the Local Governments continuing to explore opportunities for resource sharing/cooperation in the provision of services to its communities.**

VOTING REQUIREMENTS

Simple majority

16.2 COMMUNITY SERVICES SECTION Nil

16.3 FINANCE AND RATING SECTION

16.3.1 Plan for the Future – Major Works

REPORTING OFFICER

A Ross – Manager Corporate and Community Services 01.04.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Council to consider approving for advertising purposes, a Plan for the Future – Major Works for the period 2008/09 to 2011/12.

ATTACHMENTS

Plan for the Future – Major Works 2008/09 to 2011/12

APPLICANT'S SUBMISSION Nil

BACKGROUND

It is a legislative requirement that a Plan for the Future be prepared at least every two years and be considered by the local government. The last plan for the future was adopted by Council at its meeting on 14 June 2006 (minute reference OC0611).

The requirement to prepare a plan for the future of the district replaces the previous need to prepare a Plan of Principal Activities.

STATUTORY ENVIRONMENT

Section 5.56 of the Local Government Act 1995 states that local government is to plan for the future of the district and that any plans made are in accordance with any regulations made about planning for the future of the district.

Regulations 19C and 19D of the Local Government (Administration) Regulations 1996 (as amended) prescribe the requirements for preparing a plan, consulting with the community and specifies that a plan for the future is to apply for each financial year after the year ending 30 June 2006.

POLICY IMPLICATIONS

Policy 11.8 – Preparation of Budget, has some relevance as it outlines the timetable leading to the adoption of the annual budget and the Plan of the Future in a broad sense represents a significant portion of future year's annual budgets.

FINANCIAL IMPLICATIONS

Each activity described in the Plan for the Future has a major impact upon council's financial position in terms of their annual operating expenditure or revenue and their once off capital expenditure and funding. These financial implications are detailed in the tables included in the Plan.

STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 includes within the Core Business area of governance, the strategy to provide efficient and effective financial management.

CONSULTATION

It is intended that advertisements advising of the availability of the Plan and inviting submissions will be placed in local papers from the week ending 11 April 2008. Submissions are invited to be received until 4.00pm 16 May. The Plan will also be available for viewing at the Shire's libraries, administration office and on the web site.

COMMENT

The contents and format of a Plan for the Future have not been prescribed by the Department of Local Government and consequently the format presented to Council is similar to the previous Plan of Principal Activities. Ultimately it is intended that this document would become one of the overriding strategic documents for the organisation, encompassing a series of visionary statements concerning the development of the Shire as well as a long term financial plan that places proposed initiatives within the overall financial context of the Shire.

The recently released SSS draft report, "The Journey: Sustainability Into the Future", by WALGA proposes the Local Government Act be changed to require local governments to prepare Strategic and Financial Plans for a minimum of 10 years. Should these suggested changes be enacted it may be appropriate to incorporate the 10 year financial plan within the plan for the future.

Community consultation for this plan as presented to Council will involve advertising its availability and seeking comments. Any comments will be provided to Council for consideration. However, when time and resources allow, future plans may be developed with a more extensive community consultation process in order to obtain greater community input. It should be noted that some of the larger projects included within this plan have been developed following extensive community consultation, such as the redevelopment of the Capel and Boyanup recreation grounds.

The Plan for the Future – Major Works provides a four year forecast of expenditure and funding for Council's major activities. It includes the 2007/08 budget as the commencing year. The Plan is subtitled The Five Rs – Roads, Recreation, Rubbish, Redevelopment and Rates, as these are the plan's areas of focus. Traditionally local government has been considered to be the three Rs – roads, rates and rubbish. However, the development and maintenance of recreation facilities such as parks, gardens and reserves is becoming a more significant budget item. The area of Redevelopment refers primarily to activity necessary to construct replacement and new community infrastructure and is obviously significant due to the cost of these items and their demand for funding.

A summary of the activities included in the document follows, however the document describes in detail possible activities that may occur for each area and for which reasonable cost and funding estimates could be included at the time the document was prepared.

Plant, Equipment and Light Vehicle Replacement, refers to the program to replace and changeover light fleet and mobile plant, including HACC vehicles and bushfire brigade vehicles. In the case of HACC vehicles changeover costs are fully funded by the Health Department's annual HACC grant and for bushfire brigade vehicles the full replacement cost is funded by FESA's Emergency Services Levy. The changeover cost of mobile plant is funded from the plant replacement reserve and light vehicles are funded from rates.

Roads and Civil Works Program, represents the program to maintain and construct roads and associated infrastructure. Not included is the non-cash cost of infrastructure provided by the developers of subdivisions as its inclusion does not need aid comparison or analysis. Road works are based upon the road preservation program adopted by Council on 24 April 2007 (OC0421) and is obviously subject to change depending upon budget deliberations. The plan shows that Council's contribution towards the construction and maintenance of roads is expected to increase from just over \$1 million in 2007/08 to over \$1.5 million in 2011/12.

Waste Management, represents the activities required to collect and dispose of waste. The plan has assumed that the Capel transfer station may be completed in 2007/08 however it is appearing increasingly likely that this project will be carried over to the following year. All waste management services are provided on a user pays basis and results in this activity being unique in that it contributes funds to Council. However, this contribution is used to fund administration and public works overhead costs for waste management.

Parks, Gardens and Reserves, represents the activities required to develop and maintain passive and active recreation reserves and public open space. The operating expenditure required for this activity is second only to road maintenance and reflects the increasing cost of maintaining tracts of public open space that are provided to Council as well as the watering systems used to reticulate turfed areas. Provision has been made for various capital works such as new playgrounds and ovals. However, details of the cost implications and the timeframe for some of these developments is at this stage unknown.

Asset Construction and Acquisition, represents an indicative asset construction and development schedule. The objective of this activity is to ensure that Council funds (i.e. rates) are not used to fund asset construction. The sources of funds for these projects are grants, loans, contributions and reserves. As these external sources are relied upon long lead times are required to properly develop these projects in order to source and obtain external funding, particularly grants. The plan shows a large number of major projects to be developed at some stage over the next four years. However, many of the projects mentioned are not fully committed at this stage and are subject to feasibility, costs and benefits and detailed design studies.

Property Rates, have been included to provide an indication of the rate of rate growth required to fund operations. Whilst not specifically highlighted in the plan analysis that has been conducted has shown that rate increases of the magnitude mentioned are the minimum necessary to meet the increased cost of road works and recreation included in the plan as well as allowing sufficient funds to satisfy expected increases in labour and material costs.

Loan Borrowing and Repayments, outlines existing loan principal and interest repayment commitments as well as the proposed loan borrowing program to fund specific capital projects. Loans are proposed for projects including drainage upgrades, Capel Infant Health Centre and playgroup building refurbishment, Boyanup and Capel sports pavilions, possible administration building works and a second Community Centre in Dalyellup. Borrowing funds for major projects is preferred to using general rate revenue as it allows loan servicing costs to be allocated over future generations of ratepayers and over the life of the asset.

Reserve Funds, are a key source of funding for many activities and details of reserve fund movement are included to provide an indication of the funds that are being set aside and used each year.

The plan also includes a summary of expenditure and funding for all of the principal activities. The key item of financial data to be obtained from this summary is that the net amount of funds contributed to Council from these major activities is expected to increase from \$1.6 million in 2007/08 to almost \$3 million in 2011/12. This increase is attributable to the growth in the rate base and annual rate increases and would be used to fund the operating expenditure demands of the remainder of the organisation.

STAFF RECOMMENDATION

That Council approve for advertising the Plan for the Future – Major Works 2008/09 to 2011/12.

VOTING REQUIREMENTS

Simple majority

16.3.2 Budget Requests – Councillors and Community

REPORTING OFFICER

A Ross – Manager Corporate and Community Services 03.04.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Council to review requests from Councillors and the community for inclusion in the draft 2008/09 budget.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

BACKGROUND

During 2002 it was resolved to include requests from Councillors and the community as an agenda item for an Ordinary Meeting whereas previous year's practice had been to convene a special Council meeting.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

POLICY IMPLICATIONS

Policy 11.8 – Preparation of Budget, has been followed.

FINANCIAL IMPLICATIONS

Any requests approved by Council will be included in the 2008/09 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.

STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 includes within the Core Business area of governance, the strategy to provide efficient and effective financial management.

CONSULTATION

An article placed in the December 2007 issue of the Community Newsletter, distributed to all ratepayers, invited budget requests from the community to be submitted for consideration by Council.

COMMENT

Community Requests

Submissions from the community were invited to be received until 1 February 2008. However, staff were prepared to accept submissions after this date if they were received.

Following are the requests received or that were provided to staff during the course of the year. A staff comment regarding whether the item should be included in the draft budget for 2008/09 is provided in italics for each item.

- The Dalyellup Beach Community Association on behalf of the organising group for the Dalyellup Founders Day Fair have requested Council consider providing a contribution of \$2,000 towards the 2008 event to be held on 23 November. This event is very popular in the community and has a total budget of \$22,000 of which \$15,000 is obtained from Satterley Property Group and the balance from grants and contributions. *The popularity of the event justifies some financial support from Council and the contribution of \$2,000 is supported and will be considered in the 2008/09 draft budget*
- A Peppermint Grove Beach resident requested the pontoon that was at this location be replaced. *A Councillor has also submitted this request and it is proposed the pontoon be considered in the 2008/09 draft budget*
- A Capel resident has requested a bike rack be installed at the Erle Scott reserve as a number of bikes are left near the information bay each day during school hours. *The cost of a bike rack and concrete footing has been estimated to be \$2,500 and will be considered in the 2008/09 draft budget*
- A Dalyellup resident requested a 'petanque' pitch be constructed in Dalyellup to cater for 20 to 30 people who play this sport. *The Shire currently lacks suitable areas for such a pitch and will need to consider the request for the future*
- The Elgin Hall Committee have requested the Shire mow the lawns at the Elgin Hall each month. *The Elgin Hall is leased to Elgin Community Hall Inc. until 31 August 2020. The lease agreement is for the building. Surrounding areas such as the lawns have traditionally been maintained on an as required basis by the Shire, normally following a request from the committee. Regular mowing of the lawns will need to be either included in the mowing schedule or contracted. Being a Shire asset that is highly visible, regular maintenance of the surrounding lawns is justifiable and should be included in the draft budget*
- Residents of Gelorup have requested that drainage and gravel resheet works be progressed for Brookdale Road. *This request will be considered as part of the annual review of the 5 year Road Works Programme*
- A Peppermint Grove Beach resident requested that road works be undertaken to reconstruct and widen Ludlow north Road. *This request will be considered as part of the annual review of the 5 year Road Works Programme*
- A Peppermint Grove Beach resident requested that the cul-de-sac head for Sandune Drive be reconstructed. *This request will be considered as part of the annual review of the 5 year Road Works Programme*
- A Gelorup resident requested that the cul-de-sac head for Greendale Place be resealed. *This request is expected to be completed in 2007/08*
- The principal of the Capel Primary School, Dr Steve Thomas MLA and the Capel Primary School P & C have requested that traffic calming devices and crossing points be installed on Barlee Rd and parking bays on House Rd. *Traffic counts will be required and an agreement with EDWA is also required. At this stage it is proposed a design be prepared in 2008/09*

- Capel Bowling Club have requested that the gravel roads adjacent to the bowling club be sealed to prevent the spread of dust and gravel caused by vehicle traffic. *The roads are only internal roads for the Recreation Ground and are in reasonable condition and receive relatively little use, therefore road sealing is not considered to be a priority at this stage*
- A Capel resident has requested that Hutton Rd be sealed. *Sealing is not considered to be a priority at this stage.*
- Capel residents have requested the installation of dual use paths on Roe Rd and Spurr St. *These requests will be considered as part of the annual review of the DUP Program.*
- Residents of Gwindinup have requested that Shenton and Gwindinup roads be sealed. *This request needs to be considered as part of the annual review of the 5 year Road Works Programme.*
- A Boyanup resident has requested the construction of Junction Street be included in future budgets to allow residents improved access to their properties. However until this occurs Settlers Road funds be used to construct an access to their property across the rail and road reserves and that a fence be erected across the unmade road reserve in front of their block to allow them to maintain this area. *The request is being investigated as there are legal issues associated with residents using the railway reserve. Subject to the outcome of these investigations it is not proposed to provide a budget allocation at this stage.*

Councillor Requests

A memorandum inviting budget requests from Councillors was sent on 2 January 2008 and requested responses by 13 February 2008. This target was extended to allow councillors more time to provide requests. The following requests were received and a staff comment is provided in italics for each request. Also included are requests received from Councillors in previous years that were unable to be considered due to lack of funds or some other reason.

Cr Bell requested that:

- The budget for maintenance of rural roads needs to be increased and in particular gravel roads need more frequent grading, gravel shoulders of bitumen roads need more frequent grading, road verges need to be sprayed, intersections need to be slashed or sprayed and potholes in bitumen roads need to be repaired. *This request has been provided to the Manager Technical Services for consideration when formulating the 2008/09 road maintenance budget*
- Wild Radish on road reserves be sprayed to prevent this weed encroaching onto private properties. *Weed spraying is undertaken by a contractor and they will be advised to spray road verges known to have infestations of wild Radish.*

Cr Caratti requested that:

- Reticulation be installed for the Erle Scott Reserve in Capel. *This request was included in the 2005/06 draft Budget but was unable to be funded due to other priorities. Last year it was stated that any reticulation of the Capel Town Park needs to be considered in the context of an overall reticulation plan for this reserve and that a bore may need to be installed or the reuse of waste water considered. Regrettably no progress has been made on preparing such a plan and based on forward financial projections it would appear unlikely these works could be budgeted until 2011/12 at the earliest*

- Part of the costs of publishing Mr Maidment's Memoirs be underwritten by the Shire. *Council at their meeting on 24 October 2007 (minute reference OC1018) agreed to advance Dianne Dench \$2,000 to assist with the publication of Memories of a Memorable Man – Ron Maidment. Furthermore, Council resolved that staff liaise with the author and report back to Council regarding Council providing further funding or having further involvement with the publication of the book. At this stage staff have had some discussions with the author but are not yet in a position to report to Council.*
- \$2,000 be allocated for signage and other items not provided by the Department of Environment and Conservation for the Tuart Forest Interpretative Centre on Higgins Road. *It was previously agreed the Shire would construct 2 carparking bays and a turnaround area subject to DEC agreeing to fund the development of the interpretive facility (refer minute OC0909, 12/9/07). The construction of these bays, etc is scheduled to be completed in 2007/08. It may be worthwhile agreeing to a minor allocation to demonstrate the Shire is financially partnering with State Government for the benefit of the wider community and also to match the recent contribution received from Leschenault Timber Industries for the Higgins Rd Interpretation Centre.*

Cr Fuller-Hill requested that:

- Various works to the Peppermint Grove Beach Community Centre such as enclosure of the western side of the undercover outdoor area, flyscreens on the front door and 3 phase external power points for events. *Enhancements to the community centre building to improve its use are justifiable and therefore a minor budget allocation is supported*
- Various works to create an outdoor area at the Peppermint Grove Beach Community Centre. These works are dependent upon the preparation of a concept plan for the building and its relationship with the adjoining Hayfield recreation space and could include the installation of children's and infant's playgrounds, shade structure, sand pit, fencing, extension of the filled area to the north and east of the building, extension of pavers and a timber pergola area. *A budget allocation to extend the paving on the northern side of the building is supported as a first stage to the development. However, any larger budget allocation at this stage would be pre-empting the outcomes of the concept designs that are being prepared for the community centre and adjacent recreation area*
- A concept plan for a future look out and interpretation area on top of Stirling Hill be prepared. *This item is noted but it is not proposed a budget allocation be made at this stage*
- The pontoon that was located at Peppermint Grove Beach be replaced. *Quotes are being obtained and a budget allocation for a pontoon is proposed*
- "Stinger" nets be installed during summer at Peppermint Grove Beach using the pontoon as an anchor point. *The installation of nets is not supported for a number of reasons including cost, maintenance and installation. The Shire of Busselton have advised it costs at least \$8,000 each year to purchase 300 metres of net and the nets are high maintenance as they are subject to vandalism and algae growth also degrades their effectiveness. Additionally they need to be well secured and installed and maintained by someone with a dive ticket*
- Options be investigated for the installation of a temporary roll out boat ramp or similar at Peppermint Grove Beach. *It was agreed at the Peppermint Grove Beach community forum to investigate and report on this proposal in greater detail. It is unlikely this investigation will be able to commence until some time in 2008/09*
- Ludlow North Road reconstruction be completed. *This request will be considered as part of the annual review of the 5 year road works programme*

- Beach shade structures be installed at Peppermint Grove Beach. *Council resolved at their meeting on 12 March 2008 (minute reference OC0308) that a report investigating the insurance and other costs associated with beach shelters be provided to Council. At this stage information is still being gathered for this report. Although the insurers have advised they do not have a preferred position regarding the installation of shelters it has been identified that other local governments (Stirling, Mandurah, Rockingham, and Albany) do not provide beach shelters, although Stirling does issue a licence for the hire of sunshades at Scarborough and Trigg beaches. No budget allocation is proposed at this stage subject to the report being provided to Council*
- Increased presence of Community Rangers is required at Peppermint Grove Beach. *Community Rangers patrol all areas of the Shire on a regular basis and attend incidents when requested. It is not planned to increase the number of community rangers at this stage*
- Interpretation signage, etc for Mallokup Bridge. *Council resolution OC0109 on 24 January 2007, required the Manager, Technical Services, to liaise with MRWA to identify a suitable location and parking bay for interpretive signage. A plaque and signage or similar will need to be installed to achieve this resolution and funds will need to be allocated in 2008/09.*

Cr Gibson requested that:

- Recycling bins be located outside of the Capel and Boyanup post offices. *New posts will need to be installed to allow two bins to be appropriately secured and keys will also need to be issued to Green Recycling. Costs associated with these tasks are relatively minor*
- An allocation for climate change equivalent to approximately 1% of rates be included in the draft budget. *The staff intention is to allocate the same amount in the 2008/09 budget for climate change initiatives that was allocated in 2007/08. An amount of \$40,000 was previously agreed to be allocated by Council (OC0416, 11/4/07).*

Cr J Scott requested that:

The Austin Road conservation area that was established with a 2000 Olympics Grant be regularly slashed and maintained by Council in order to support the work done by Capel LCDC. *Staff preference would be to undertake some limited maintenance of the road verge and rely upon the LCDC to maintain the remainder as it is a conservation area.*

Cr M Scott requested that:

The cricket pitch at the Boyanup Memorial Park be replaced. *Due to the limited demand for the use of this facility there is considered to be insufficient justification to progress this project at this stage.*

Cr Smith requested that:

- An airconditioner be installed in the Gelorup library. *The cost of a reverse cycle airconditioner is \$2,500 and its installation is supported for the comfort of the volunteers operating this community library*
- Airconditioning be installed in the Gelorup Community Centre. *The airconditioning of the building has been previously requested and it was estimated at the time the cost would exceed \$20,000. It is likely costs would now be much greater and expenditure of this magnitude can not be justified at this stage*

- Work to replace the retaining walls for the Gelorup Skatepark be completed. *Staff have advised that there is no safety imperative for the remaining retaining walls to be replaced. Over \$12,000 was spent to replace retaining walls and install a hand rail at the Gelorup Skatepark in 2007/08 and was partly funded from the Gelorup Community Facilities Reserve. This reserve has now been exhausted so any funding for further works will need to be funded by Council. As the retaining wall works are not considered to be urgent it is proposed they not proceed in 2008/09*
- Two flag poles be installed outside the Gelorup Community Centre. *Flag poles have been quoted to cost from \$310 to \$1,050 depending on whether they are tapered and whether cables are internal or external. Installation is an additional cost. Assuming un-tapered poles with external cables are preferred the cost to install two poles, including bases, would be in the order of \$1,000. It is suggested the Gelorup Community Centre Management Committee consider this project rather than the Shire*
- The small stove in the kitchen at the Gelorup Community Centre be replaced. *The cost of a replacement stove is \$1,500.*

A summary of requests from Councillors and the community that are suggested to be included in the Draft Budget is provided in Table 1. This table includes a "Decision" column with the suggested amount that should be included in the draft budget for 2008/09. This "Decision" is a staff recommendation that may be varied by Council. Similarly Council are welcome to add other items to this table for inclusion in the draft budget.

Table 1: Budget Requests

Requestor	Details	Staff Comment	Decision
DBCA	Contribution to Founders Day Event for 2008.	A popular event in Dalyellup and is considered worthy of support.	Draft Budget - \$2,000
Capel resident	A bike rack be installed at the Erle Scott Reserve.	A number of bikes are left at the information bay each day.	Draft budget - \$2,500
Elgin Community Hall Inc.	Lawns at the Elgin Hall to be mowed each month.	Although the hall is leased, the lease does not include the surrounds. Regular mowing of the lawns is justified due to the building visibility.	Draft budget - \$1,500
Capel Primary School, et al	Traffic calming devices on Barlee Rd and parking on House Rd	An agreement with EDWA is required for the parking and at this stage it is proposed a design be conducted.	Draft Budget - \$1,500
Cr Bell	Rural Road maintenance needs to be increased.	Will be considered as part of road maintenance and road works programmes.	Draft Budget – road works & road maintenance
Cr Caratti	Contribute to publication of the Maidment Memoirs.	A report to Council will be prepared in accordance with the previous Council resolution.	Draft Budget - \$2,000 (carry over from 07/08)
	Signage, etc for Tuart Forest Interpretive Centre.	Providing a contribution demonstrates financial partnership.	Draft Budget - \$1,000

Requestor	Details	Staff Comment	Decision
Cr Fuller-Hill	Modifications to the Peppermint Grove Beach Community Centre.	A budget allocation to progress minor works is considered to be appropriate.	Draft Budget - \$3,000
	Development of an outdoor area at the Peppermint Grove Beach Community Centre.	Extension of the paving on the northern side of the building could be regarded as the first stage of development.	Draft Budget - \$7,000
	Replacement of the pontoon.	This facility was popular and well used and its replacement is justified.	Draft Budget – \$10,000
	Interpretative signage for the Mallokup Rd Bridge.	To achieve Council resolution OC0109, 24/1/07 a budget will be required for interpretation signage.	Draft Budget – \$2,000
Cr Gibson	Install recycling bins outside the Capel and Boyanup Post Offices.	Supported, costs of installing poles, etc are relatively minor.	Draft budget - \$1,000
	An allocation for climate change equivalent to approximately 1% of rates.	Council had previously agreed to include an amount of \$40,000 and it is the intention of staff to continue this allocation.	Draft budget - \$40,000
Cr J Scott	Maintain the Austin Rd conservation area	Limited maintenance of the road verge only is supported.	Draft Budget – verge maintenance
Cr Smith	An airconditioner be installed in the Gelorup Library.	The room is relatively small and an airconditioner would improve the comfort of the volunteers.	Draft Budget - \$2,500
	Small stove at the Gelorup Community Centre be replaced.	Minor item and is required to replace stove that is at the end of its useful life.	Draft Budget - \$1,500

STAFF RECOMMENDATION

That the Councillor and Community budget requests detailed in Table 1: Budget Requests be included in the 2008/09 draft budget.

VOTING REQUIREMENTS

Simple majority

16.3.3 Unbudgeted Expenditure – Records Officer

REPORTING OFFICER

A Ross – Manager Corporate and Community Services 20.03.08

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Council to consider approving unbudgeted expenditure to employ a Records Officer to initially provide relief for the incumbent Records Officer during a period of extended leave at the end of this financial year.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

BACKGROUND

The increased record keeping demands upon the Shire resulting from the legislation of the State Records Act 2000, State Records standards and the implementation of an Electronic Records Management System (ERMS) has created the need to consider employing a second Records Officer. Preliminary plans for the 2008/09 budget have allowed for this position on a part-time basis (48 hours per fortnight).

The present Records Officer is intending to take 6 weeks leave from 30/6/08 to 8/8/08 and this will mean there will be no one in the organisation with records office experience since the role changed after the introduction of the ERMS. This situation is a risk to the organisation and various options have been examined including training other staff or employing a temporary resource for the period of leave. However, these options are not considered to be viable due to a lack of resources.

STATUTORY ENVIRONMENT

Section 6.8 of the Local Government Act 1995 requires a local government not incur any expenditure that is not included in its budget.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

The position of a Records Officer is expected to be a level 4 position with an annual full time equivalent salary for 2007/08 in the range of \$39,246 to \$41,645. Should the position be filled later this year, the unbudgeted expenditure for 2007/08 for salaries and superannuation would be in the order of \$3,300. This cost is based on a person being employed as a level 4, step 1 salary on a full-time basis for the four weeks of June 2008.

For 2008/09 it is anticipated the position would change to part-time when the Records Officer returns from leave in August.

STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 has no specific action plan concerning this matter. However, core business area 5: Governance and strategy 1: “ensure effective human resource management” is relevant.

CONSULTATION

Nil

COMMENT

With the implementation of the Electronic Records Management System (ERMS) in October 2007 the role and duties of the Records Officer have substantially changed compared with the previous, predominantly manual, system that was used. While the previous system was in operation the Shire had a number of staff able to fulfil the Records Officer role during periods of absence. While these officers may not have been able to complete all the tasks they were at least able to ensure records were distributed and recorded. Unfortunately the complexity of the new system and the need to rigorously follow procedures in order to ensure documents are correctly recorded in the system means there are no longer officers with adequate training or available time to provide this assistance.

This situation poses a risk to the organisation as without a properly trained Records Officer, records would not be properly recorded, maintained or distributed and compliance with legislative and other requirements would reduce. To minimise this risk and to deal with the increasing workload a second Records Officer has been budgeted for 2008/09 on a part-time basis. However, it is necessary to employ this position earlier than expected so they can be adequately trained to provide relief for the incumbent Records Officer while they are on leave.

STAFF RECOMMENDATION

That Council approve unbudgeted expenditure in 2007/08 of up to \$4,000 in account 1422 to employ a Records Officer to be trained to fulfil the Records Officer role while the incumbent is on extended leave in early 2008/09.

VOTING REQUIREMENTS

Absolute majority

