

SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 28 JUNE 2006 COMMENCING AT 4.30PM.



PF Sheedy
CHIEF EXECUTIVE OFFICER

23 June, 2006

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 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**
- 7 CONFIRMATION OF MINUTES**
 - 7.1 Special Council Meeting – 14.06.06
 - 7.2 Ordinary Council Meeting – 14.06.06
- 8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Mr Lewis Winter, City of Bunbury, will be attending the meeting to provide Council with additional information on the Flood Early Warning Project.
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

11 ENVIRONMENTAL HEALTH SERVICES REPORTS

11.1 ENVIRONMENTAL HEALTH

11.1.1 Mosquito Management Strategy, Public Comment (H.5.2)

REPORTING OFFICER

Colin Dent-Principal Environmental Health Officer

Date: 07.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Receive comments on the Shire of Capel’s Mosquito Management Strategy.

ATTACHMENTS Nil

APPLICANT’S SUBMISSION

BACKGROUND

The draft Mosquito Management Strategy was adopted by Council at the meeting on 12 April 2006 (OC0404/06), as part of that consideration the Strategy was advertised for public comment with the comment closing on 31 May 2006.

STATUTORY ENVIRONMENT

There is an requirement under the provisions of Part IX of the Health Act 1911 for local governments to control the spread of infectious diseases within its boundaries.

If a local government chooses not to enforce the provisions of the Act, for example the implementation of a program to control infectious diseases, Section 35 of the Health Act 1911 allows the Executive Director, Public Health, to require the local government to enforce the provisions of the Act. If, for whatever reasons, the local government does not enforce the provisions of the Act the Executive Director, Public Health may appoint some person to perform such duty, and shall order that the cost of performing that duty shall be met by the local government.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

A total of \$220,700 has been allowed in the draft 2006/07 budget for mosquito control. Of this \$123,200 is available as grants from the Mosquito Control Advisory Committee and the Department of Health.

STRATEGIC IMPLICATIONS

The operation of a mosquito management strategy meets the objective of Core Business area 3, Health and Environment; continue to participate in programs to control mosquitoes, of Council Strategic Plan.

CONSULTATION

The draft Mosquito Management Strategy was advertised for comment in the local press with comment closing on 31 May 2006.

COMMENT

A total of six (6) comments were received, two (2) were from the same organisation. The comments were all expressing concern about the proposed strategy and its perceived effects on the natural environment and human health. All the comments related to the use of the larvicide S-methoprene and the perceived threat to the health of the wetlands in Capel.

The comments also encouraged Council to take steps to increase the health of the wetlands. As a body Council does not have much input into the health of the wetlands, whilst staff can certainly offer advice the main responsibility lies with the landowners.

The larvicide to be used, S methoprene, is a synthetic hormone that specifically targets mosquito larvae. The hormone is registered for use in Australia, and in the rest of the world, for mosquito control. The World Health Organisation recommends its use in rainwater tanks to prevent mosquito breeding in high risk mosquito areas. Apart from a small set of findings regarding adverse reactions in America, the results do not appear to have been replicated elsewhere and there does not appear to be a large body of evidence to suggest that the use of the larvicide has any long term effects on either aquatic life forms or human health.

However, there should always be caution when applying any chemical to areas as sensitive as wetlands. As part of the permission from the Department of Environment and Heritage, the Shire of Busselton must carry out a study on the effects of the larvicide on the invertebrates in the Vasse-Wonnerup wetlands. It is proposed to extend that study to sections of the Capel wetlands. The results from both theses studies should clarify the effect of the larvicide not only on mosquito larvae but also on the macro invertebrate population.

It must be stressed that there will not be wholesale application of larvicide over the 600 hectares of wetland that are known mosquito breeding habitat within the Shire of Capel. The only larvicide application will be where there is a known concentration of mosquitoes carrying either Ross River or Barmah Forest Virus. If there is no virus present there will not be any treatment, no matter how many complaints are received from the public. Mosquito management is about threats to public health, not lifestyle issues.

STAFF RECOMMENDATION

That Council acknowledges the comments in the submissions and that whilst it notes the concerns raised, it has a statutory duty of care under the provisions of the Section IX of the Health Act 1911, to control the spread of infectious diseases within the Shire of Capel and that the proposed Mosquito Management Strategy is the best method of achieving the aim of reducing the incidence of Ross River and Barmah Forest Virus in the Shire.

VOTING REQUIREMENTS

Simple majority

11.1.2 Contiguous Local Authority Group, Shire of Busselton & Shire of Capel (H.5.3)

REPORTING OFFICER

Colin Dent-Principal Environmental Health officer

Date: 08.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shires of Busselton & Capel

MATTER FOR CONSIDERATION

To join with the Shire of Busselton to form a Contiguous Local Authority Group (CLAG) for the purposes of operating a joint mosquito management strategy.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION

That Council agree to form a Contiguous Local Authority Group with the Shire of Busselton for the purposes of mosquito control. By forming such a group the Busselton/Capel CLAG can apply to the Mosquito Control Advisory Committee (MCAC) for part funding of any chemical used for mosquito control and the Department of Health for the cost of helicopter hire.

BACKGROUND

Council staff has had meetings with Busselton staff over several years about forming a CLAG. Until now Capel Shire has not been in a position to form such a group as there was no definable program in place for the management of mosquitoes within Capel Shire. With a draft program in place, now is an opportune time for both Councils to combine to not only be able to both access any available funding, but to also conduct a joint program in areas where our interests coincide.

STATUTORY ENVIRONMENT

There is a requirement under Part IX of the Health Act 1911, for local government to control the spread of infectious diseases within its boundaries.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

Contiguous Local Authority Groups are set up under the provisions of the Health Act 1911 and are administered by the Mosquito Control Advisory Committee. CLAG will be obliged to set up trust funds into which ten (10) percent of their annual budget for mosquito control will be deposited and carried over if not used in a financial year. Funds accumulated in this manner will then be used during epidemics when greatly increased levels of control activity will be required. The CLAG are required to submit annual financial returns to the Department of Health.

Under the current Mosquito Control Advisory Committee (MCAC) guidelines the Committee will meet 50% of the costs of the larvicide, currently \$10,000 a tonne, whilst the Department of Health would fund up to 100% of helicopter application costs, currently \$1040/hour. This funding is only available if the Shire has received permission from the MCAC to form a CLAG. The costs of all pre and post treatment monitoring and ground based applications of larvicide would need to be met by the Shire.

A total of \$220,700 has been allowed in the draft 2006/07 budget for mosquito control. Of this \$123,000 is available as grants from the Mosquito Control Advisory Committee and the Department of Health.

A Contiguous Local Authority Group Reserve is also to be set up; the purpose of the reserve is to fund the operation of a joint mosquito management program with the Shire of Busselton. An amount of \$5,000 will be placed in the reserve during the 2006/07 financial year.

STRATEGIC IMPLICATIONS

The implementation of a Mosquito Management Strategy fulfils the requirements of Core Business Area 3: Health and Environment, Strategy 1 sustainably manage environmental health programs. Continue to participate in programs to control mosquitoes.

CONSULTATION

The Draft Mosquito Management Strategy was advertised for comment, with comment closing on 31 May 2006. See item 11.1.1 in this agenda.

COMMENT

The Shire of Busselton has been classed as a CLAG by the Mosquito Control Advisory Council Committee for some years. Capel staff has also made an application to the Mosquito Control Advisory Committee for Capel to become a CLAG to ensure that we have access to funding for the 2006/07 financial year. Once the formal application on behalf of both Councils is made it is merely a matter of combining the two CLAGs and the financial arrangements into one account.

STAFF RECOMMENDATION

That Council agree to form a Contiguous Local Advisory Group with the Shire of Busselton for the purpose of mosquito control in the mosquito breeding habitats within the two Shires and that an application be forwarded to the Mosquito Control Advisory Committee of the Department of Health for the formation of such a Contiguous Local Authority Group.

VOTING REQUIREMENTS

Simple majority

12 PLANNING AND DEVELOPMENT SERVICES REPORTS

12.1 BUILDING SERVICES

12.2 PLANNING SERVICES

12.2.1 Residential Subdivision – Lot 11 South Western Highway, Boyanup (C5.1.B.80)

REPORTING OFFICER

I Hastings – Planning Officer (Temporary) Date: 20.05.06
C Burwood – Senior Planning Officer Date: 22.05.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

S & G Teschner/TME

MATTER FOR CONSIDERATION

Subdivision of Lot 11 South Western Highway into two (2) lots comprising 2736m² and 1159m² with access and frontage proposed from South Western Highway and Bridge Street respectively. The larger lot is proposed to contain an existing residence and outbuildings.

ATTACHMENTS

Location/Subdivision Plan – Page 01

APPLICANT’S SUBMISSION

A plan of subdivision has been submitted showing the proposed lot layout. Various justification has been provided for the application including compliance with the relevant Residential Design Code requirements, that the lots will be fully serviced and that there are no physical or other constraints to the subdivision.

BACKGROUND

Public Open Space Acquisition Boyanup - In considering the requirements outlined in the Policy Section of this report relating to Public Open Space contributions it should be noted that in July 1994, the Council purchased an 8 hectare portion of land immediately south of the Memorial Park to enable expansion of the park, at a cost of approximately \$100,000 (plus legal and survey costs of approximately \$5000).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

The application has been referred to Council for comment and recommendation from the Western Australian Planning Commission (WAPC). The Planning and Development Act requires Council to respond within 42 days. If no response is made it is presumed that Council has no comment to make.

Section 153(2) of the Act allows the WAPC to require Public Open Space where an application proposes to create more than three lots.

Town Planning Scheme No. 7

The subject lot is zoned Residential R10/15 and has a total land area of 3,895m².

Clause 5.3.4.1 states, “In areas coded R10/R15 the R10 development standards shall apply unless the site is connected to a reticulated sewerage system.” As the lot has the potential to be provided with a sewerage service, it is possible to consider the proposal in the context of R15 standards and requirements.

The provisions of Clauses 5.3.1 and 5.3.2 relating to the Scheme objectives in controlling development in the Residential Zone are applicable to the assessment of this proposal.

POLICY IMPLICATIONS

Engineering Policy 16.2 Relating to Guidelines for Subdivisional Development

The policy includes setting subdivision development standards

Western Australian Planning Commission Policy DC 2.3 – Public Open Space

The provisions of Policy DC 2.3 advise under what circumstances the Commission will require a 10% Public Open Space contribution for subdivisions. Under this policy 3 or more lots is considered to warrant a contribution towards the provision of public open space needs in the locality.

Statement of Planning Policy No. 3.1 – Residential Design Codes of WA

Based on the assumption that a deep sewerage connection can be obtained, the proposed lot areas accord with those specified under the R Codes for an R15 density being a minimum of 580m² averaging 666m². The lots are also required to achieve a minimum frontage of 12 metres which has been achieved.

It is noted that the larger lot of 2736m² has sufficient land area to potentially accommodate a 3-4 unit group dwelling development. A development proposal would need to be received to confirm the suitability of the lot for this scenario.

FINANCIAL IMPLICATIONS

The approval of the subdivision and eventual development will result in additional vehicle movements on both roads and hence increased maintenance and demands on facilities and services.

It is also likely that the development will need to dispose of drainage waters into the street system which will require drainage infrastructure upgrades.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Plan 2003-2007

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 rural and urban living opportunities.

The subject proposal is generally consistent with these objectives. From a broader strategic perspective it is considered that the subdivision will help foster the development of a range of housing types and densities within the town notwithstanding that the proposal does not realise the full subdivision potential of the land.

CONSULTATION

Discussions with the Manager of Operational Services indicate the following:

- (a) The front (South Western Highway) portion of Lot 11 contains an open drainage trench that originally formed part of the locality drainage system. Upgrading of the system has meant that the drain in lot 11 is no longer important to the locality but may have some importance to the further development of the proposed lot 112 in the future.
- (b) The South Western Highway footpath system is in need of extension in this locality to provide appropriate pedestrian access to community facilities.
- (c) As identified with other subdivision proposals in Bridge Street, the Bridge Street road surface is deteriorating and the street drainage system is need of upgrading.
- (d) Soils in this locality are typically clay which creates drainage problems. Filling and drainage of the new lot 111 will need to be considered.

COMMENT

Future Subdivision and Development Potential

Whilst complying with the relevant requirements of the R15 density code as specified in the Residential Design Codes, the proposed subdivision has the potential to sterilise the future subdivision potential of the lot in accordance with this density. Under the R15 coding the lot could potentially accommodate up to 5 residential freehold or strata lots. The current subdivision proposes 2 lots with the lot sizes and configuration largely dictated by the existing dwelling and outbuilding. Whilst creation of two large lots is not necessarily of concern it is considered important to ensure that potential for future urban infill and consolidation through subdivision of the lot is not prevented by the design of the subdivision. This is particularly the case where reticulated sewerage and water exists in Boyanup and where land is in close proximity to the Boyanup town centre. Given the proposed larger lot has the potential to accommodate an additional 2-3 lots and/or grouped or single dwellings in the future (total of 3-4) it is considered pertinent to maximise road access options to this lot. This would ideally be achieved by ensuring that the lot, in addition to the South Western Highway frontage also has access to Bridge Street at the rear and could be achieved via the provision of a battleaxe leg to the larger lot from Bridge Street. This would ensure that future subdivision and development of the larger lot either through subdivision or grouped dwelling development would have minimal impact on South Western Highway with the majority of traffic generated by the site gaining road access via Bridge Street. From a road and pedestrian safety perspective this is a significantly more preferable outcome than forcing future traffic from the site to gain access on to South Western Highway.

Public Open Space

Whilst it is not consistent with the Town Planning Development Act (2005) or the WAPC Policy DC2.3 to impose a requirement for the proposed subdivision to contribute Public Open Space (POS) given it proposes less than 3 lots, it is appropriate that the owner be advised that any further subdivision (strata or freehold) of the land (i.e. resulting in 3 lots in total) would require such a POS contribution in the form of a cash-in-lieu payment. The provision of this contribution would also assist in the offsetting of funds previously expended in the acquisition of additional public open space adjacent to the Memorial Park, as outlined in the Background Section of this report.

STAFF RECOMMENDATION

That Council resolves to:

- 1 Advise the Western Australian Planning Commission that it is not prepared to approve the subdivision application as proposed as it limits the opportunity for the future subdivision and development of the proposed lot 112. Council considers that the maximum utilisation of fully serviced land resources in the Boyanup Town is an important sustainability objective. It is also important that where lots fronting a highway currently have access to a secondary road, that the option for continued access to the secondary road be retained in accordance with the intent of Clause 7.3 of Town Planning Scheme No. 7.**

- 2 Advise the Western Australian Planning Commission that it would however be prepared to recommend approval to a subdivision proposal which provides lot 112 with a battleaxe leg connection to Bridge Street and the approval subject to the following conditions:**
 - (a) The provision of a minimum of a 6 metre wide battleaxe leg connecting the proposed Lot 112 to Bridge Street;**
 - (b) The land being filled and/or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Capel, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Crown and in accordance with its requirements;**
 - (c) The proposed lots being connected to a reticulated sewerage system and scheme water supply to the satisfaction of the Water Corporation;**
 - (d) Road verges to be stabilised on completion of the fill/drain works to the satisfaction of the Shire of Capel;**
 - (e) Satisfactory arrangements being made with the Shire of Capel for the provision of crossover(s) to service the lots as shown on the approved plan of subdivision.**
 - (f) The applicant/owner contributing to the provision of a dual use path on the South Western Highway adjacent to the frontage of the subdivision area to assist in connecting the subdivision to community facilities, to the satisfaction of the Shire of Capel.**
 - (g) Satisfactory arrangements being made for the upgrading of Bridge Street and its associated drainage system to the specification and satisfaction of the Shire of Capel.**
 - (h) All buildings having the necessary clearance from the new boundaries as required under the relevant legislation.**

- 3 Request the WAPC to note and advise the applicant that Council has not recommended that a Public Open Space contribution is required in respect of the subdivision notwithstanding the potential for further subdivision of proposed lot 112. However, Council will request a contribution to Public Open Space in respect to the total area of lot 11 at such time as further subdivision takes place for lot 112.**

VOTING REQUIREMENTS

Simple majority

12.2.2 Rural Subdivision and Amalgamation – Lots 7 and 8 Boyanup West Road, Stratham (C5.1.N.71)

REPORTING OFFICER

C Burwood – Senior Planning Officer

Date: 22.06.06

DISCLOSURE OF INTEREST Nil**OWNER/APPLICANT**

N Filipacchi, R. Digesta, L Scott

MATTER FOR CONSIDERATION

It is proposed to subdivide approximately 500m² from lot 8 (100.9663ha) and amalgamate it into the adjoining lot 7 (3678m²).

ATTACHMENTS

Location/Subdivision Plan - Page 01.

APPLICANT'S SUBMISSION

The proposed boundary adjustment is in order to incorporate a water tank currently on lot 8 that provides part of the water supply to lot 7. The extra portion of land would also benefit the use and enjoyment of lot 7. The 4m x 8m recess in the south west corner is required in order to accommodate sufficient turning area for farm machinery on the adjoining lot 8.

The applicant justifies the proposal on the following grounds:

1. The proposal does not affect the agricultural production of the adjoining lot as this portion is currently unused.
2. Does not break down the larger agricultural lot in a manner that will affect its viability.
3. Resolves an anomaly with the water supply to lot 7 being on the adjoining lot.
4. Is a minor boundary adjustment creating no additional lots.

BACKGROUND

September 1984 – The Shire of Capel advised the (then) Town Planning Board it had no objection to the proposed amalgamation of locations 2639 and 647 and the subdivision of a 3000m² portion of land (current lot 7) surrounding an old house. It was apparent that Location 647 had two houses and the proposal would assist in providing a separate title for one of the dwellings.

October 1984 – The (then) Town Planning Board of WA refused the application to amalgamate Locations 2639 with 647 and subdivide the 3000m² portion of land surrounding the old house.

February 1985 – an appeal to the Minister for Planning by the applicant against the Town Planning Board's decision was upheld by the Minister for Planning as there were two houses on the one location and the amalgamation of the existing locations meant that no additional lots would be created.

STATUTORY ENVIRONMENT

Both lots 7 and 8 are zoned Rural under Town Planning Scheme No. 7 (the Scheme).

Clause 5.7.1 of the Scheme states that in the Rural Zone, Council's objective in the assessment of subdivision referrals is, in part, to preserve the character of the rural area and discourage the removal of prime agricultural land from agricultural production.

Clause 5.7.2 states that Council's policy in assessing subdivision application referrals from the Western Australian Planning Commission is, in part, to have regard to:

- (a) The objective set out above and any adopted Town Planning Policy; and
- (b) The need to provide for land to be held in lots that are suitable for the long-term use of the land for Rural Pursuits.

POLICY IMPLICATIONS

Town Planning Policy 15.7 - Subdivision of Rural Land

The objective of the policy is as per the objective stated under Clause 5.7.1 of the Scheme.

When Council is asked for comments on subdivision applications it will give regard to the 'policy statements'. The following policy statements have some relevance, at least in giving guidance as to intent in the overall policy in relation to this application:

- 1 *Assess each application in the light of the principles and objectives of the policy;*
- 2 *Seek to avoid precedents in the creation of new lots that may lead to pressure for subdivisions of similar lots in the future.*
- 3 *Will recommend approval of subdivision and amalgamation applications designed to facilitate farm build up*
- 5 *Not recommend approval of subdivision and amalgamation (resubdivision) applications which will*
 - (a) *Result in the breakdown of existing large lots*
 - (b) *Involve the creation of a new lot on the basis of amalgamating small or impractical lots such as former closed road reserves or residential size lots created in the past to contain an existing dwelling.*
- 6 *Not recommend approval of subdivision applications which will create lots that are smaller than the prevailing large lot size for land zoned rural in the locality.*

Town Planning Policy 15.9 – Land Use Strategy

The Land Use Strategy includes the subject land within Planning Unit CA4 – Capel Agricultural.

The Objective of the area is to protect prime agricultural land and manage the location of competing land uses.

The major issues affecting the unit include the protection of prime agricultural land (grazing land and intensive agriculture), ad hoc rural subdivisions and expansion of the Capel urban area.

Desirable uses include allowance for controlled expansion of the Capel urban area, grazing – dairy, beef and intensive agriculture on suitable soils. Undesirable uses include fragmentation of existing rural lots.

Development guidelines applicable state that there will be a general presumption that agriculture has a priority over other forms of land use. Other development guidelines include that subdivision of lots in the Rural Zone will not be supported other than in accordance with the West Australian Planning Commission and Council Policy.

FINANCIAL IMPLICATIONS Nil

STRATEGIC IMPLICATIONS

Strategic Plan 2003-2007

Core Business Area 2

The Shire of Capel's objectives are, in part, to:

- Protect the natural and built environment
- Ensure that development of the district is sustainable
- Facilitate economic land use opportunities.

The Shire will pursue the objectives to achieve a number of outcomes, which include providing for a choice of rural and urban living opportunities and economically active agricultural land use.

CONSULTATION Nil

COMMENT

As indicated under the Background Section of this report it is apparent that the small lot 7 was originally created in 1984 as a result of the subdivision and amalgamation of two larger lots (location 647 – 40ha and 2639 – 60ha).

The purpose or reasons behind this specific application is not necessarily envisaged by the specific statements contained in Council's adopted policy on the Subdivision of Rural Land and therefore Council needs to determine whether it is consistent with the intent of Clause 5.7.1 of the Scheme. The Scheme provisions state that the objective in the assessment of subdivision referrals is to 'preserve the character of the rural area' and 'discourage the removal of prime agricultural land from agricultural production'.

In giving regard to the above, it is considered that the application to subdivide 500m² from the larger lot 8 will not have significant impact on the farming use of lot 8, nor will it impact on the character of the area.

The fact that the application involves both subdivision and amalgamation also supports the application in that it cannot be used as a precedent for other rural subdivisions which have the intent of creating new lots.

STAFF RECOMMENDATION

That Council resolves to recommend to the Western Australian Planning Commission that the subdivision and amalgamation application should be approved subject to both the subdivision and amalgamation actions taking place on the same Deposited Plan of Survey.

VOTING REQUIREMENTS

Simple majority

12.2.3 Amendment No. 23 – Town Planning Scheme No. 7 - Dalyellup East Rezoning (C5.37.023)

REPORTING OFFICER

C Burwood – Senior Planning Officer	Date 22.06.06
G Bishop – Manager Planning and Development Services	Date 22.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Riverview Nominees (WA) Pty Ltd, Ironbridge Holdings Pty Ltd, Dalyellup Beach Pty Ltd, ED & JA Morgan and Topshore Enterprises Pty Ltd, Riding for the Disable Association Inc., Ocean Forest Lutheran College Inc./Thompson McRobert Edgeloe.

MATTER FOR CONSIDERATION

The Western Australian Planning Commission has advised that the Hon. Minister for Planning and Infrastructure has required the modifications set out at Attachment Pages 01 to 03 to be undertaken to the proposed Scheme Amendment No. 23 prior to being prepared to grant final approval to the Scheme Amendment:

ATTACHMENTS

Schedule of Modifications required by the Minister - Attachment Pages 01-03

APPLICANT'S SUBMISSION Nil

BACKGROUND

Minute No.OC0402 of 2005 refers. Council resolved to initiate an amendment to Town Planning Scheme No. 7 to include the East Dalyellup land holdings into the Dalyellup Development Zone and to introduce specific provisions to apply to the subject land to deal with coordinating subdivision and subdivider obligations. Council also adopted a modified draft of the Dalyellup East Local Structure Plan for purpose of inviting public comment in conjunction with the scheme amendment.

Minute OC0809 of 2005 refers. Council resolved to modify Amendment No. 23 in accordance with the directive of the WAPC prior to advertising the amendment.

Minute OC1115 of 2005 refers. Council considered submission received during the advertising of amendment number 23 and in part resolved the following:

- 1 Pursuant to Regulation 17(1)(a) to adopt the comments and recommendations schedule set out in the schedule of submissions on Amendment No. 23.
- 2 Pursuant to Regulation 17(2) (a) of the Town Planning Regulations 1967 (as amended) to resolve to proceed without modification to adopt Amendment No. 23 to Town Planning Scheme No. 7.
- 3 If the Minister for Planning agrees to grant final approval, authorise the President and Chief Executive Officer, pursuant to Regulation 22(1), 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 for final approval.

STATUTORY ENVIRONMENT

Through an amendment to the Scheme the Dalyellup East land will be brought under the Dalyellup Development Zone and special provisions will be added to address the issues of coordinating subdivision and subdivider obligations. The proposed Scheme Amendment also establishes the statutory process for approval of a Structure Plan.

The subject land is currently zoned Rural under Town Planning Scheme No. 7 (the Scheme). It is held in six different ownerships (two are not subdividing land owners) and has a total area of 234.92ha.

Town 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). The following requirements apply at this time:

Regulation 21(1)(c) states that where the Hon. Minister has required the responsible authority to modify an amendment before approval will be given, the Commission will advise the local authority accordingly.

Regulation 21(2)(c) and (e) states that within 42 days of being notified the responsible authority shall comply with the modifications required by the Hon. Minister and forward three copies of the amendment to the Commission for final endorsement.

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

The Scheme Amendment has policy implications insofar as the implementation of this document will require that all of the Shire's operational policies be brought to bear at the appropriate stage of the development.

FINANCIAL IMPLICATIONS

The Financial Implications of the amendment were outlined within item OC1115 of the meeting of the 23 November 2005, and requires no further consideration under this item.

STRATEGIC IMPLICATIONS

The Strategic Implications of the amendment were outlined within item OC1115 of the meeting of the 23 November 2005, and requires no further consideration under this item.

CONSULTATION

Consultation undertaken for the amendment was outlined within item OC1115 of the meeting of the 23 November 2005, and requires no further consideration under this item.

COMMENT

Most of the modifications required by the Minister (see Attachment Pages 01 -03) will assist in clarifying the responsibilities of the various land owners within the Dalyellup East Area and therefore no objections are raised to these modification requirements. However modification 7 which applies to Special Provision 2(a) has among other things added the word East before Dalyellup in describing the area for which the Community Facilities Development Plan shall be prepared by the Shire.

From past discussion with the DPI officer who worked on the Amendment assessment the intention of modifying Special Provision 2(a) was to align the wording with a similar clause that will be created through Amendment No. 25 which will apply the Urban Development Zone to land in the Capel Townsite. That clause requires that a Community Facilities Development Plan is prepared for the Capel townsite and then a proportion of the costs are to be applied to the subdivision of the land the subject of the amendment. The modification to 2(a) should be worded to require a plan to be prepared for the Dalyellup locality and the allocation of cost should refer to Development Precinct No 1 – Dalyellup East. A recent discussion with the DPI has resolved that this matter can be clarified at the time the Hon Minister signs the final document.

Modification 12 is more difficult in that it seeks to collect funds for the upgrading of Parade Road outside of the structure plan area north of Centenary Road for an unspecified length taking into account factors most of which have nothing to do with the development of Dalyellup East. The modification reads:

“Subdividing land owners shall, at the time of creating new lots, contribute to a Parade Road upgrading fund. Contributions shall include such funds and works as are reasonably assessed by the Western Australian Planning Commission to be an equitable share of meeting the cost of upgrading works north of Centenary Road for an unspecified road pavement design having regard to:

- 1 The necessity to ensure connection of Parade Road across municipal boundaries
- 2 The extent of existing development
- 3 Anticipated traffic volumes
- 4 Future structure planning and development potential north of Centenary Road
- 5 The proposed future Preston to Ocean Environmental Corridor
- 6 Any other matter that the Commission may consider relevant.”

The modification seeks to establish a process, including the holding of funds with no responsible authority nominated but which is to be assessed by the Western Australian Planning Commission. The operation of the proposed clause is probably impractical and has been brought into the amendment without proper consideration of the circumstance and no opportunity for open discussion. This modification is in response to the submission by the City of Bunbury and mainly seeks to address a future funding shortfall for upgrading of Parade Road which the City of Bunbury will face mainly due to Regional Planning decisions which were outside of its influence. In particular the City’s opportunity to recoup contributions for road upgrading from urban development has been limited by the creation of the Preston to Ocean Environmental Corridor. The City and the Commission should resolve any such shortfall as part of any implementation of the Greater Bunbury Region Scheme proposals.

STAFF RECOMMENDATION

That Council resolves to advise the Western Australian Planning Commission that whilst the modifications 1 to 11 it has recommended to the Hon Minister for Planning and Infrastructure are acceptable, modification 12 is not practical or reasonable as it nominates criteria for contributions to the upgrading of Parade Road for an unspecified length which are mainly outside of the influence of the development of Dalyellup East. The modification seeks to address a funding shortfall for upgrading of Parade Road which the City of Bunbury will experience due to Regional Planning decisions which were outside of local government influence. Council considers that the City of Bunbury and the Commission should resolve any such shortfall as part of any implementation of the Greater Bunbury Region Scheme proposals and therefore requests that the Commission reconsiders the implications of the modification and recommend to the Hon Minister that it be deleted.

VOTING REQUIREMENTS

Simple majority

13 OPERATIONAL SERVICES REPORTS

13.1 OPERATIONAL SERVICES

13.1.1 Restricted Access Vehicle Permit – Cutts Transport Pty Ltd and TeeCee Transport Pty Ltd (T.1.29)

REPORTING OFFICER

TM Brockman – Operations Administration Officer

Date: 19.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Cutts Transport Pty Ltd and TeeCee Transport Pty Ltd

MATTER FOR CONSIDERATION

Approval to operate Restricted Access Vehicles (RAVs) on Roberts, Mallokup, King and Hansen Roads, Capel.

APPLICANT’S SUBMISSION

Applications from both companies appear as Attachments 1 and 2 to this item.

ATTACHMENTS

1. Application from Cutts Transport Pty Ltd.
2. Application from TeeCee Transport Pty Ltd.

BACKGROUND

Cutts Transport Pty Ltd were given approval by Council in 2001 to operate B-double combinations on this route to service Capel Farms. The approval was subject to compliance with specific operating conditions regarding speed, times of operation and vehicle configuration.

STATUTORY ENVIRONMENT

The sole authority to issue permits for the operation of RAVs on all roads is vested in the Commissioner of Main Roads WA. Where the road concerned is not under Main Roads WA jurisdiction approval is also sought from the appropriate local government. Once a route has been designated as suitable for a particular vehicle configuration a common endorsement is issued by Main Roads WA which allows any transport operator to gain a permit to operate on that route, with the appropriate vehicle combination, without any further reference to the local government.

In exceptional circumstances (normally at the request of local government) permits may be restricted to specific operators or specific tasks and operators can be required to meet a number of requirements such as reinstatement of damage, speed restrictions, curfews etc.

POLICY IMPLICATIONS

Policy 16.1 - Extra Mass Permits –This policy sets out the vehicle configuration and roads within the Shire which have a common endorsement for RAVs. Permits for extraordinary circumstances which are not covered by this policy are reported to Council for approval.

FINANCIAL IMPLICATIONS

Financial implications are difficult to quantify. With the exception of traffic to Capel Farms virtually all traffic on this route are light vehicles as the Mallokup Bridge is load rated at 5 tonnes gross. There has been no appreciable, determinable increase in road maintenance costs during the 5 years that this road has been used by permit vehicles. The intersection of King and Mallokup Roads was reconstructed at Capel Farms expense prior to the use of permit vehicles and Hansen Road was upgraded by Council in the latter part of 2000 as part of the annual road programme.

STRATEGIC IMPLICATIONS Nil

CONSULTATION Nil

COMMENT

The approval for this route expires on 30 June 2006. It is apparent that TeeCee Transport has taken over all refrigerated transport operations previously conducted by Cutts Transport Pty Ltd, as confirmed by Cutts Transport in their letter attached. Effectively, the level of permit vehicle activity will not increase as TeeCee Transport and Cutts Transport have simply divided the existing transport task between them. As the permit has so far operated without incident, both companies could be permitted to continue using this route under the existing conditions.

STAFF RECOMMENDATION

That Council approve the use of Roberts Road, Mallokup Road (Roberts Road to King Road), King Road (Mallokup Road to Hansen Road) and Hansen Road by Restricted Access Vehicles, operated by Cutts Transport Pty Ltd and TeeCee Transport Pty Ltd, under the following conditions;

- **B-Double configuration only**
- **The vehicles being restricted to a maximum speed of 50 Kmh**
- **The vehicles not to operate during times when school buses use Mallokup and Roberts Roads**
- **The approval being valid for a period of two years to 30 June 2008.**

VOTING REQUIREMENTS

Simple majority

13.1.2 Accrued Leave – Greg Donovan, Truck Driver

REPORTING OFFICER

RJ Evans – Manager Operational Services

Date: 22.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Greg Donovan, a level 4 truck driver in the works construction team has for various reasons not taken all of his annual leave each year to the point where he has accumulated accrued leave of 236 hours as of the 31 May 2006. At his employment anniversary date of 30 June 2006, he will accrue a further 152 hours making a total of 388 hours.

Council approval is sought to pay out 228 hours of the accrued annual leave.

APPLICANT’S SUBMISSION

The applicant has submitted a written request to have 228 hours of his annual leave cashed out to enable him to manage a financial hardship that he has encountered.

ATTACHMENTS

Model Deed of Agreement to be used for payment of accrued annual leave.

BACKGROUND

Greg Donovan has been spoken to on a number of occasions to manage his accrued annual leave and despite the best intentions he has been unable to reduce the amount before accruing a further 152 hours on his employment anniversary.

STATUTORY ENVIRONMENT Nil

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

Council has a reserve account for accrued annual leave into which funds are transferred each year to ensure that sufficient funds are available to meet the existing accrued leave liability. Payment of any accrued annual leave would be met from this reserve fund.

STRATEGIC IMPLICATIONS Nil

CONSULTATION

Discussion has occurred between Greg Donovan and his Supervisor on several occasions in regards to addressing the issue of accrued leave. Advice had been sought on a separate occasion from Council’s Industrial Relations Advocate, FitzGerald Strategies. I have discussed the matter with the Chief Executive Officer (CEO).

COMMENT

Greg Donovan is a reliable and conscientious worker who rarely takes sick leave and unfortunately due to personal reasons has been unable to manage his annual leave entitlement. He has also found himself in a financial situation that he is unable to resolve without external assistance. He is seeking assistance by cashing in his accrued annual leave.

Council’s Industrial Advocate, FitzGerald Strategies indicated that he usually does not recommend that a shire engage in the practice of cashing out leave entitlements unless they have an EBA or AWA that makes special provision for this practice, however he does receive numerous requests for assistance to do so and has drafted a pro forma Deed Of Compromise for use in such cases.

Cashing out of annual leave entitlements was an item for discussion during the negotiations for the current Operations EBA, however it was deleted from the overall offer. The Agreement does allow for self funded annual leave.

Following discussion with the CEO we are both of the opinion that annual leave is an entitlement which should under normal circumstances be used for rest and recreational purposes. He is very aware that agreement to such a practice may create the impression that Council is openly supportive of the practice and will therefore only support further requests to Council where there are exceptional circumstances. In this instance we both consider that there are valid reasons for the request to be made to Council and would request that Council look favourably on the matter.

STAFF RECOMMENDATION

That Council approve payment of 228 hours of accrued annual leave to Greg Donovan, subject to the Deed of Agreement being signed by both parties.

VOTING REQUIREMENTS

Simple majority

14 FINANCE AND COMMUNITY SERVICES REPORTS

14.1 GOVERNANCE

14.1.1 Western Australian Local Government Association – Member Vacancies (A.2.22)

REPORTING OFFICER

PF Sheedy – Chief Executive Officer

Date: 16.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Western Australian Local Government Association (WALGA)

MATTER FOR CONSIDERATION

Council is required to consider the vacancies and nominate any interested Elected Members or Staff.

ATTACHMENTS

Summary of current vacancies.

APPLICANT’S SUBMISSION

WALGA has advised that the current round of vacancies for various Committees is now open, with nominees being required to complete the relevant nomination form and return it by 21 July 2006.

BACKGROUND

The vacancies have become available as a result of the expiry of existing members term, the existing member resigning from the position or the creation of new committee vacancies.

STATUTORY ENVIRONMENT Nil

POLICY IMPLICATIONS

Policy 12.3 – ‘Travel Expenses – Members’ clause 1(f), indicates that Council will reimburse travel expenses where Members of Council attend meetings as a consequence of an appointment to a committee.

FINANCIAL IMPLICATIONS Nil

STRATEGIC IMPLICATIONS Nil

CONSULTATION Nil

COMMENT

If any Councillors are interested in being nominated to any of the following positions, an indication prior to the Council meeting would be appreciated. Further details of each committee are available from the Chief Executive Officer.

Details of the various committee vacancies are as follows:

1 WA Local Government Superannuation Plan Trustee Board

Vacancy: One Country Member
 Term: Four Years
 Meetings: Twice Monthly
 Duration: 4 - 5 hours
 Location: Perth
 Fees: Directors receive \$15,000pa and a fee of \$450 per Board meeting and \$300 per committee meeting attended.

2 DLI Community Titles Advisory Committee

Vacancy: One Member
 Term: Two Years
 Meetings: Every two months
 Duration: 2 hours
 Location: Subiaco
 Fees: Reimbursement of out-of-pocket expenses in relation to attending meetings will be paid at Public Sector rates.

3 Library Board of Western Australia

Vacancy: One Country Member
 Term: Four Years
 Meetings: Monthly
 Duration: 3 hours
 Location: Perth
 Fees: Reimbursement of travel expenses.

STAFF RECOMMENDATION

That Council nominate interested Councillors and meet appropriate travel costs as per Policy 12.3, where not provided by a Committee.

VOTING REQUIREMENTS

Simple majority

14.2 COMMUNITY SERVICES

14.2.1 Flood Early Warning Project Wellington Catchment (L.3.1)

REPORTING OFFICER

PF Sheedy – Chief Executive Officer

Date 19.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

City of Bunbury

MATTER FOR CONSIDERATION

In principle support for the upgrading of the current Flood Early Warning Monitoring System in the Wellington Catchment with the installation of an additional 12 rainfall sites (currently 9), modification to 17 river level sites and five radio repeater sites over a three year period. Should the Federal and State funding applications be successful Council will be requested to contribute \$5,500 (cash and in-kind) each year for three years.

ATTACHMENTS

Plan detailing the proposed upgrades.

APPLICANT’S SUBMISSION

The City of Bunbury has submitted an application to the Natural Disaster Mitigation Program for Federal support of this project. There is very strong commitment from the Bureau of Meteorology (BoM) along with enlistment of the newly formed Department of Water for their partnership support.

The City of Bunbury seeks your “in principle” support of this project. With the support of all local governments in the Wellington catchment area the individual cost to each local authority would be negligible (approximately \$5,500/year over 3 years) compared with the enormous benefits it would have in providing protection from flood through an effective early warning system for our respective communities.

BACKGROUND

Bunbury, Collie, Brunswick Junction, Donnybrook, Boyanup and other townships within the Preston and Collie River catchments are vulnerable to riverine flooding with warning times in most cases less than 9 hours. The extent of levee banks, training works and the adoption of the recommended guidelines for sound development on the floodplain has reduced the effects of flooding. However, there is an inherent flood risk of widespread inundation, especially during major and extreme flood events.

An additional flood risk issue for these communities and infrastructure is the potential failure of large private dams in the upper reaches of the Preston and Collie River catchments – especially during heavy rainfall events that exceed their design rainfall. At present there is no State legislation in relation to the design rainfall criteria, construction and maintenance of private dams that do not meet the ANCOLD criteria for referable dams.

At a recent meeting with the BoM concerns were shared that there have been several events within Australia in recent times that indicate a significant change in weather patterns. This has resulted, in among other things, rainfalls causing extensive flooding on an unprecedented scale. Although not wanting to appear alarmist, the BoM indicated that these recent events should be viewed very closely as to indications of what might be expected in the future.

Although there are many high cost works that could be addressed to mitigate the flood threat, the primary objective of emergency management at this point in time is to have an affordable and effective early warning system in place so as to protect the community from death and serious injury. As a secondary objective, flood early warning would assist in gearing up resources and actions thus reducing damage to assets and property.

STATUTORY ENVIRONMENT Nil

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

A financial contribution of \$3,000 cash and \$2,500 in-kind will be required in the financial years 2007/08 – 2009/10 should Federal and State funding applications be successful.

STRATEGIC IMPLICATIONS

Strategic Plan 2003-2007, Core Business Area 4 ‘Community Services’ Key Objective ‘to endeavour to make the Shire of Capel a safe place to live, work and visit’ would be applicable to this matter.

CONSULTATION

Lewis Winter outlined the project at the Bunbury Wellington Group of Councils CEO’s meeting and it received support.

COMMENT

Lewis Winter, Community Ranger at City of Bunbury who is responsible for Emergency Management has indicated that the Shire of Capel currently has four rainfall sites, with three river level sites being modified. In addition a number of the sites are proposed further upstream in adjacent shires which could have an impact on this Shire.

This is an excellent example of regional cooperation which has the potential to provide benefits to Shire of Capel community members both from the upgrading of existing sites within the Shire and the improvement of sites in other local government areas that have the potential to impact on this Shire and should be supported by Council.

Finally as indicated by the City of Bunbury an application was submitted this year to the Federal Government under the Natural Disaster Mitigation Program, but it was not successful and it is proposed to resubmit the application next year with advice on the application being provided in May/June 2007.

STAFF RECOMMENDATION

That Council advise the City of Bunbury that it supports the proposed Flood Early Warning Project for the Wellington Catchment and subject to it obtaining Federal and State funding, Council would be prepared to include \$5,500 (cash and in-kind) in its 2007/08, 2008/09 and 2009/10 annual budgets as a contribution towards the project.

VOTING REQUIREMENTS

Simple majority

14.3 FINANCE AND RATING**14.3.1 Waste Collection Fees (C.1.1)**

REPORTING OFFICER

Andrew Ross – Manager Finance and Community Services Date: 19.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT Nil

MATTER FOR CONSIDERATION

Council to consider a request from Cleanaway to increase the fee for rubbish collection to take into account rising fuel costs.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION

The following are the contents of a letter dated 22 May 2006, from Cleanaway:

“Further to previous correspondence and our meeting on Friday, 19 May 2006, Cleanaway is writing to formally request a review of the refuse collection rate, due to the significant movement of fuel process over recent times.

Cleanaway's contract with the shires of Capel, Dardanup and Harvey commenced on 1 July 2002. Cleanaway tendered for the work in February 2002, based upon prevailing fuel prices, along with a qualification, whereby Cleanaway reserved the right to renegotiate rates, should fuel prices change materially. Reasons for including such a qualification included the fact that the council's price adjustment formula was based solely on CPI and that there had been geopolitical instability in the Middle East, i.e., Iraq conflict, a major oil producing region.

Fuel costs comprise a major component of Cleanaway's operating costs. As at 25 March 2002, Cleanaway's price for fuel delivered to the Malaga depot was X\$ per litre (amount provide in confidence). As at 3 April 2006, this rate had increased to Y\$ per litre, an increase of over 50%. Meanwhile the refuse collection rate has increased from \$1.15 to \$1.29, when projected to 1 July 2006, which equates to an increase of approximately 13% over the period.

Based upon the Australian Bureau of Statistics CPI formula, fuel is given a weighting of 3.78% of the overall basket of goods and services. Given that council specified CPI alone as the basis for the price adjustment formula, Cleanaway foresaw the possibility that further geopolitical unrest in the Middle East might adversely affect the price of diesel and attempted to mitigate this risk by qualifying our position. Additional reason for qualifying our position is relatively low weighting, i.e. 3.78% of the overall basket of goods and services that the CPI attributes to changes in the fuel costs.

As such Cleanaway requests that the price adjustment formula be reviewed and one of the following options be adopted:

1. Review the rise and fall formula to reflect a spilt of 85% of the rise and fall being attributed to CPI along with 15% being based upon changes in the price of diesel fuel, for future adjustments.

2. Review the rise and fall formula to reflect a split of 85% of the rise and fall being attributed to CPI along with 15% being based upon changes in the price of diesel fuel for the 2006-2007 year.
3. The application of a fuel levy for the 2006-2007 year.

Cleanaway would be happy to meet with Council's financial management and/or address Council in an effort to clarify and expedite this issue."

BACKGROUND

Council at its meeting on 22 May 2002 (minute reference OC0519), authorised the President and CEO to sign and affix the common seal of the Shire of Capel to the contract agreement with Cleanaway for the supply of waste containers, kerbside collection and transport of waste materials to designated landfill sites. This action was the result of Council agreeing to accept the joint tender for these services at their meeting on 16 January 2001 (minute reference OC0102). Council partnered with the Shires of Dardanup and Harvey for the provision of these services although individual contracts with Cleanaway have been signed.

Council's contract with Cleanaway commenced on 1 July 2002, and the initial contract term is 120 months or 10 years. The contract may be extended with the agreement of the contractor and may be terminated or amended with at any time by the mutual consent of both parties.

Following a meeting on 19 May 2006, with representatives of the Shires of Capel, Dardanup and Harvey, Cleanaway advised in a letter dated 22 May 2006, that they were seeking a review of the refuse collection rate due to the significant movement of fuel prices.

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995 states that a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Part 4 (Regulations 11 to 24) of the Local Government (Functions and General) Regulations 1996 prescribe the requirements and processes for tenders.

POLICY IMPLICATIONS

FINANCIAL IMPLICATIONS

On 1 May 2006, Cleanaway advised Council by facsimile that their fee for collection of waste would be increase to \$1.29 per service from 1 July 2006. This increase was based on the movement in the Consumer Price Index from the 31 March 2002 to 31 March 2006, applied against the tender price per service of \$1.15.

The service fee for 2006/07 is 4% higher than the fee for 2005/06 and has been incorporated in the 2006/07 Budget. Based on an estimated 3,700 collections each week a total cost of \$248,196 has been included in the Budget. This cost is fully recovered by the rubbish collection charge of \$135.00 that has also increased by about 4% compared to last year's fee of \$129.00.

As Council's objective is to ensure the cost of waste collection and disposal is fully funded on a user pays basis any further increase to Cleanaway's charges will need to be matched with a corresponding increase to Council's waste collection charge. If this did not occur an imbalance in the Budget will result.

STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007

Associated with the strategy 1 of core business area 3, Health and Environment. This strategy is to sustainably manage environmental health programs and includes the area of waste management.

CONSULTATION

Council's Principal Environmental Health Officer has met with the officers responsible for waste management for the Shires of Dardanup and Harvey to discuss whether an increase is warranted and to determine a consistent strategy.

COMMENT

Council's contract with Cleanaway specifies that in Clause 1.7 that the specified fee for the first 12 month period be adjusted by CPI. Clause 23.7.1 specifies the mechanism to be used to apply the CPI adjustment to the specified contract fee. The contract does not specify any alternative to this mechanism and since the contract has been in force CPI adjustments have been applied annually to the specified contract fee of \$1.15 per service. However, Clause 6.3 does allow the contract to be terminated or amended by mutual consent and clause 23.7 states that any variation or adjustment of the contract price will not invalidate the contract.

In summary although the contract specifies that CPI must be used to amend the contract fee, other clauses allow the contract price to be amended provided it is done so by mutual consent. Therefore, Council must determine whether Cleanaway's representations are sufficient to justify amending the method used to alter the specified contract fee for future years.

With respect to the assertions made in Cleanaway's letter that Cleanaway reserved the right to renegotiate rates should fuel prices change materially, no notice to this effect was included in the contract documentation. Whilst this is Cleanaway's understanding, Council staff are not adverse to considering changes to the collection fee as they recognise that fuel costs are a major component of Cleanaway's costs and that fuel prices have risen significantly since the contract came into effect.

However, as Council's 2006/07 budget has almost been completed it is the preference of staff that any revision to the waste collection fee be negotiated to take effect for the 2007/08 financial year and future years. This will also allow time to discuss an appropriate price adjustment formula with Cleanaway and to bring this back to Council for approval.

Some other points for Council to consider are that Council's recycling contractor, Green Recycling, have at this stage not requested a fee increase although their contract also provides for an annual fee adjustment based upon CPI. Staff are also aware that the Shire of Dardanup have agreed to increase Cleanaway's fees and to incorporate this increase within their 2006/07 Budget. Finally, to the best knowledge of staff, Cleanaway have not approached the City of Bunbury proposing a fee increase.

STAFF RECOMMENDATION

That Council advise Cleanaway that:

- 1. in accordance with clause 6.3 of the contract it would be prepared to amend the contract;**
- 2. the service price be retained at \$1.29 for 2006/07;**
- 3. following receipt from Cleanaway of their consent to amend the contract that staff commence negotiations to determine a service price adjustment formula for 2007/08 and future years that better reflects changes in the cost of fuel; and**
- 4. any revised service price adjustment formula be provided to Council for approval.**

VOTING REQUIREMENTS

Simple majority

14.3.2 Discretionary Donation – Australian Association of Environmental Education (A.2.27)

REPORTING OFFICER

Andrew Ross – Manager Finance and Corporate Services Date: 19.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT Nil

MATTER FOR CONSIDERATION

Possible donation to the National Conference of the Australian Association of Environmental Education

ATTACHMENTS Nil

APPLICANT'S SUBMISSION

An e-mail was received from Sandra Woollorton on 1 June 2006 requesting that council consider a contribution to a conference being held in the Shire of Capel. The contents of her e-mail are as follows:

“I wish to request \$2000 from the Shire of Capel to enable us to reduce our conference registration fee for delegates from within the Shire. Although our registration fee has not yet been set, it is likely to be about \$500 for the three day conference. We will use the money to support five people from within the Shire to attend, allowing each participant to contribute \$100 to demonstrate commitment. The conference offers an outstanding and unique opportunity to build local capacity in the field of Environmental Education and Education for Sustainability.

The conference is at <http://www.promaco.com.au/conference/2006/a2e2/>. It is the national conference of the Association of Environmental Education, which is being hosted by the south-west branch, at the Bunbury Cathedral Grammar School during 3 – 6 October. We are extremely fortunate to be hosting this conference in our shire. It is only the second time in the 25 years of the association that the conference has been held in Western Australia and to our knowledge, the first time it has ever been held in a small shire.

So far, we have the support of the Commonwealth Department of Environment and Heritage (\$35,000), Edith Cowan University (Education for Sustainability Expertise organisational facilities and resourcing), Iluka (\$2000), Griffin Coal (\$1,100) and the City of Bunbury (the civic reception for all delegates). We have also requested \$5000 community support from the Lotteries Department.

The conference will be of great educational benefit to all delegates, particularly those from the south-west and our own shire. The first day keynote speaker, Professor Sohail Inayatullah is a futurist. He will present his lectures on options for developing sustainable futures, and will hold a series of workshops to demonstrate how local groups and organisations can develop visions, strategies and action plans towards sustainability. The second day keynote speaker is Associate Professor Pierre Horwitz, whose specialty is biodiversity values protection in the south-west, which is of particular interest to our shire at present in relation to the plethora of current issues especially beach preservation, wetlands restoration, forest values and issues around water. The final day speaker is Ms Molly Olsen who is a specialist community development consultant in the field of the strengthening local economies for sustainable futures, considering the fuel price rise and the resultant push towards localisation.”

BACKGROUND

Council were advised of this request for a donation at the Special Council Meeting on 14 June 2006, to discuss the draft budget for 2006/07. Council requested that rather than deal with the request as part of the draft budget an item be provided to Council with the details of the request.

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

Policy 11.1 Donations to Charitable Organisations, is not applicable.

FINANCIAL IMPLICATIONS

Council's 2005/06 Budget provides for \$1,500 for Council Discretionary Donations (refer to account 0222 and Council minute OC0423/05). Of this amount \$500 is notionally allocated as a contribution to the Lord Mayor's Distress Relief Fund, should such a fund be declared during the year.

An amount of \$1,200 of Council's discretionary budget for donations for 2005/06 has been allocated so far with donations of \$500 to the Rural Financial Counselling Service, \$300 to the Rotary Club of Bunbury, \$200 to the South West Senior's Expo and \$200 to the Children's Leukaemia Foundation via the Harvey Rotary Club.

Should Council agree to provide a donation to the Australian Association of Environmental Education an amount of \$300 is available in the 2005/06 budget for Account 0222.

STRATEGIC IMPLICATIONS

Strategic Plan 2003 – 2007 has no specific action plan concerning this matter. However, Core Business Area: Governance, Strategy 3: Provide efficient and effective financial management and the Core Business Area of Community Services both have relevance.

CONSULTATION

Nil

COMMENT

The submission from the Association requesting a contribution of \$2,000 is straight forward and the suggestion that the amount be used to subsidise registration fees for delegates from the Shire has some merit. The immediate economic benefit to the Shire of such a conference is limited in terms of businesses from within the Shire obtaining any benefit from expenditure on goods and services, such as accommodation. Therefore, apart from the conference being held within the Shire of Capel there does not appear to be any reason to justify the Shire providing a contribution and particularly not one of the amount requested. However, Council has the opportunity to contribute the balance of its discretionary donations budget for 2005/06 of \$300 to the conference.

STAFF RECOMMENDATION

That Council approve a donation of \$300 to the Australian Association of Environmental Education for its national conference to be held at the Bunbury Cathedral Grammar School from 3 to 6 October 2006.

VOTING REQUIREMENTS

Simple majority

14.3.3 Financial Statements for 31 May 2006 (A.4.29)

REPORTING OFFICER

Andrew Ross – Manager Finance and Community Services Date: 21.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT Nil

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for May 2006.

ATTACHMENTS

Financial Statements for May 2006.

APPLICANT'S SUBMISSION Nil

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 31 March 2005 and became effective from 1 July 2005, have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triannual financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

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

Regulation 34 of the Local Government (Financial Management) Regulations 1996 states:

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

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

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Associated with the Strategic Plan 2003 – 2007, core business area of Governance and Strategy 3: Provide efficient and effective financial management.

CONSULTATION Nil

COMMENT

The monthly financial report comprises the following information:

- Statement of Financial Activity (in the format of the Rate Setting Statement presented in the annual budget)
- Balance Sheet
- Explanatory notes, similar in format and content to those presented in the annual budget and the annual financial report. Notes will be provided on the composition of balance sheet items as well as disposal of assets, borrowings, reserves, rates and ratios
- A year to date variance analysis that highlights accounts and areas whose year to date actual expenditure varies to the year to date budget by at least plus or minus 10%
- Capital works programme, showing actual expenditure to budget for each capital works project (road, building, vehicle, etc)
- Summary of cash and investments.

At 31 May 2006, Council's net current assets position was a surplus of \$1,193,487 and was after a net operating result of \$2,782,555 was recorded. Council's cash and investments position has decreased by \$108,157 compared to last month, with \$6,497,244 available although about \$4.8 million has been restricted for specific purposes. The receipt during May of funds from the draw down of the \$150,000 loan for the Peppermint Grove Beach Community Centre and the final grants commission instalment for the year provided some much needed funds and offset the draw on funds resulting from major works in progress such as the Capel LIA project, Capel Skatepark and Capel tip post closure works. Council's financial ratios (note 12) continue to be positive despite the decrease in cash and investments.

On a year to date basis operating revenue is 16% or \$1,352,458 above budget. Compared to the annual budget 101% of revenue has been received. Operating expenditure is 8% or \$539,175 higher than the year to date budget. 98% of the annual operating expenditure budget has been spent. As reported previously, operating expenditure is over budget on a year to date basis in the following areas:

- Education and Welfare due to higher than budget expenditure for HACC to meet increased demand for services. This expenditure is funded by an increased grant from the Health Department
- Community Amenities due to the post closure work for the Capel landfill site
- Recreation and Culture due to the cost of operating Community Centres and maintaining parks, gardens and reserves exceeding budget primarily as a result of a need to complete required repairs and maintenance
- Transport due primarily to the non-cash allocation of depreciation being higher than budget.
- Economic Services due primarily to the amount refunded as verge deposits far exceeding budget, however this amount is matched by income.

As the result of a combination of over budget revenue items and projects not proceeding and being carried forward to 2006/07 it is anticipated the end of year net current assets position will be in surplus by over \$150,000. Areas of over budget revenue that have benefited Council's financial position include:

- gross rates income is expected to exceed budget by \$106,773
- interest on investments is expected to exceed budget by \$148,000 although two thirds of this gain is provided to reserves
- income from property and rating enquiries is expected to exceed budget by \$21,743
- rubbish collection and related charges are expected to exceed budget by \$27,969
- planning and subdivision income are expected to exceed budget by \$33,633
- building permit income is expected to exceed budget by \$70,000.

Capital works expenditure of \$352,602 was incurred in the month of which the major items were:

- Road works expenditure of \$131,308 and included \$51,383 being spent on the asphalt reconstruction of West Road, \$42,219 on the bitumen reconstruction of part of Gavins Road, Ray Street, Buchanan Road and the Goodwood Rd/Spurr St intersection, \$5,825 on the bitumen reseal of Hasties Road
- \$64,000 paid to Mains Roads for preliminary works on the Mallokup Road Bridge construction project
- Expenditure on parks and gardens infrastructure included \$54,019 to install a new bore and pump for the Capel Recreation Ground and \$70,714 for the Capel skate park
- Expenditure on buildings included \$2,308 for the Dalyellup Community Centre, \$10,229 for project management and landscaping for the Peppermint Grove Beach Community Centre, \$9,600 for design and consultant costs for the Capel Hall and Library project
- \$146,953 was spent on plant and vehicles and included the purchase of a vehicle for HACC and the changeover of a truck. This cost was offset by \$74,045 in sale proceeds for the truck that was replaced.

Major capital works projects that are still to be completed this year include the Capel skate park and the construction of the carpark at the Dalyellup oval. Projects that have been deferred include the Capel Transfer Station, Capel town centre underground power project, drainage works and connection to sewerage of the Capel aged homes and the Jack and Mary Kitchen Community Centre. The main reason for their deferral is the delay being experienced obtaining designs, plans and specifications. All of these projects will be carried over to 2006/07.

A review of the Balance Sheet and the attendant notes indicates that there are no adverse trends evident in the year to date financial statements at 31 May 2006.

STAFF RECOMMENDATION

That Council adopt the financial statements for the period ending 31 May 2006, as attached.

VOTING REQUIREMENTS

Simple majority

14.3.4 Write Off of Minor Sundry Debtors (A.4.34)

REPORTING OFFICER

Andrew Ross – Manager Finance & Community Services Date: 20.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT

Shire of Capel

MATTER FOR CONSIDERATION

Council approval is requested to write off minor sundry debts that are considered to be uncollectible.

ATTACHMENTS Nil

APPLICANT’S SUBMISSION Nil

BACKGROUND

Invoices have been raised for the recovery of various amounts owed to Council. Action to collect these amounts has been unsuccessful for various reasons.

The last write off approved by Council was for 5 debtors totalling \$1,198.00 at Council’s meeting on 7 November 2005 (refer minute OC1112).

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 6.12(1)(c) allows a local government to write off any amount of money owed to the local government.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

An expense incurred to write off bad debts totalling \$408.90.

STRATEGIC IMPLICATIONS

Associated with the Strategic Plan 2003 – 2007, core business area of Governance and Strategy 3: Provide efficient and effective financial management.

CONSULTATION

Communication with debtors has been unsuccessful with respect to obtaining payment for the outstanding debts.

COMMENT

The fees and charges as detailed below cannot be recovered and the reasons for their non-recovery are detailed. Each debt has been followed up with statements and final letters of demand and in some cases visits from the Community Ranger. Some of the debtors have now moved and their forwarding address is unknown. The outstanding debt could be followed up with a Court Summons at a cost of about \$60.00 and this cost may be recoverable from the debtor. However, in most cases the process and cost of undertaking this action is considered to be uneconomic compared to the value of the outstanding debt and the likelihood of successfully obtaining payment is not high.

In the case of debts associated with library books and fees the members have been banned from being able to use the library facilities in the Shire. For debts associated with unpaid rubbish tip fees, the debtors are banned from using the facility until they pay their outstanding debt. Debts associated with animals that have been impounded are difficult to resolve if the owner does not claim the animal and it is re-homed or euthanased.

Debtor	Amount	Debt Description	Write off reason
H Hoggart (H077)	\$285.00	Outstanding pound fees, sustenance fees and costs incurred to euthanase the impounded dog.	Debt has been outstanding since July 2005 and relates to the seizure fee for a dog, sustenance for 9 days and the cost to euthanase the unclaimed dog. It is unlikely payment for this debt will be obtained due to its age and the unreliability of the debtor. However, there is another more recent debt for \$165 for seizure fees and 7 days sustenance for a dog that has since been re-homed. This debt will be followed up more actively.
J Jackson (J038)	\$31.55	Unreturned books plus administration fee	Outstanding since 12/10/2005. Debtor has moved and is ignoring all correspondence relating to this debt. Amount does not warrant further action.
J Larwood (L034)	\$42.35	Unreturned books plus administration fee	Outstanding since 4/11/2005. Debtor has moved and is ignoring all correspondence relating to this debt. Amount does not warrant further action.
K Meredith (M077)	\$20.00	Unreturned book plus administration fee	Outstanding since 24/8/2005. Debtor is ignoring all correspondence relating to this debt. Amount does not warrant further action.
A Sproule (S114)	\$30.00	Unreturned books plus administration fee	Outstanding since 31/8/2005. Debtor has moved and is ignoring all correspondence relating to this debt. Amount does not warrant further action.

STAFF RECOMMENDATION

That Council write off the following amounts for outstanding sundry debtors accounts.

H Hoggart (Debtor H077)	\$285.00
J Jackson (Debtor J038)	\$31.55
J Larwood (Debtor L034)	\$42.35
K Meredith (Debtor M077)	\$20.00
A Sproule (Debtor S114)	\$30.00

VOTING REQUIREMENTS

Simple majority

14.3.5 Accounts Due and Submitted for Authorisation

REPORTING OFFICER

NI Schmid – Finance Officer

Date 22.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT Nil

MATTER FOR CONSIDERATION

Adoption of accounts to be paid.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg 13(2)).

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund.

STRATEGIC IMPLICATIONS Nil

CONSULTATION Nil

COMMENT

Accounts due and submitted for authorisation are as follows:

Chq	Name	Description	Amount
37703	A & L Printers	Newsletters & Envelopes	3510.00
37704	Amity Signs	Signage	521.40
37705	Skipper Trucks	Service Fire Truck	635.30
37706	SAI Global Limited	Australian Standards	196.61
37707	Allglove Industries	Fire Fighting Gloves	1746.36
37708	Alphawest Services Pty Ltd	Cabling Work, PC's & IT Support	5716.70
37709	ACROD (WA Division)	ACROD Parking Permit	16.50
37710	ARRIX	Cleaning Contractor	2219.26
37711	Big W	Purchase Library Books	75.65
37712	Bunbury Machinery	Replace Stolen Items	13157.10
37713	Bunbury Mower Service	Purchase Pole Pruner	1579.60
37714	Bell Fire Equipment Company	Replacement Parts & Repairs	2642.24

Chq	Name	Description	Amount
37715	Busselton Toyota	Service Vehicle	389.92
37716	Bunbury Formwork	Semi-Mountable Kerb	2062.50
37717	B & B Street Sweeping	Street Sweeping	2536.60
37718	Triset Boss Pty Limited	Rate Notices	1562.00
37719	Bensons Chainsaw Centre	Purchase Chainsaws & Pole Saw	3723.00
37720	Bunbury Holden	Service Vehicle	249.74
37721	Bunbury Curtain Centre	Blinds - PGB Community Centre	775.00
37722	Busselton Mower World	Replacement Blades	755.25
37723	Bunnings	Hardware Purchases	14.36
37724	Bunbury Tyre & Exhaust	Replacement Tyres	1139.00
37725	Bullivants Pty Ltd	Gate Sling	55.00
37726	Boyanup Auto Repairs	Repairs to Vehicles	477.20
37727	Blackwoods Atkins	Tool Box & Tools	1383.43
37728	Bill Express Ltd	Bill Payment Fees	255.08
37729	Corporate Express Bunbury	Stationery	2898.09
37730	Capel Hardware	Hardware	2182.60
37731	Courier Australia International	Courier Costs	359.87
37732	Coates Hire Service	Hire Roller	2783.50
37733	Cullity Timbers	Materials - Construction of Temporary Offices	1611.91
37734	B & J Catalano Pty Ltd	Gravel	37163.56
37735	Coastal Hire	Hire of WC	169.68
37736	J Cooper	Hire of CCTV Cameras	2400.00
37737	Carbone Bros Pty Ltd	Crushed Limestone	106750.09
37738	CJD Equipment Pty Ltd	Service Loader & Parts	4448.70
37739	Colroys Country Kitchen	HACC Volunteers Fuel & Catering	636.17
37740	Des Air	Repairs to Air Conditioners	809.16
37741	Dick Smith Electronics	Network Cable Adaptors	29.97
37742	Department of Land Information	Title Searches	24.00
37743	Eaton Hardware	HACC Hardware Supplies	252.38
37744	Ezydrive Roadside Post Product	Guide Posts	2780.00
37745	ECA Systems Pty Ltd	Re-Design of Electrical Services - Capel Hall	4840.00
37746	Farmco Boyanup	Hardware Supplies	248.52
37747	Fennessy's	Service Vehicle	242.85
37748	Geomedia	CD'S 'In The Zone'	245.00
37749	Hydro Vac Industrial Cleaning	Street Sweeping	841.50
37750	Hanson Construction Materials	Scalps	441.89
37751	Harbecks Civil & Drainage	Sewer Extension - West Street Capel	5280.00
37752	Insight CCS Pty Ltd	Call Centre Charges	209.58
37753	J&P Group Of Companies	Waste Bin Service	49.68
37754	Kelyn Training Services	Basic Worksite Traffic Management & Traffic Control Training	290.00
37755	State Library of WA	Lost/Damaged Books	20.70
37756	Western Australian Local Government Association	2006 Local Government Remuneration Survey	110.00
37757	LGNET	Advertising	121.00

Chq	Name	Description	Amount
37758	Landscape Development	Dalyellup POS Maintenance	20807.52
37759	Lotex Filter Cleaning Service	Filters	207.90
37760	Leeuwin Transport	Courier Costs	80.04
37761	Malatesta	Asphalt	14400.74
37762	McGarry Associates Pty Ltd	Pre-Tender Review of Design Development Estimate	1870.00
37763	Mainspray	Spray Verges & Drains	4608.95
37764	Mercury Fire Safety Pty Ltd	Fire Fighting Foam	1188.00
37765	Malatesta Greenwaste Recycling	Chip Greenwaste	22077.00
37766	National Hire Trading	Hire Bobcat	1443.08
37767	Neat N Trim Uniforms Pty Ltd	Staff Uniform	1263.00
37768	Nightguard Security Service	Security Patrols - Dalyellup Beach	564.40
37769	Piacentini & Son Pty Ltd	Hire Grader for Firebreaks at Fire	363.00
37770	Prestige Products-Busselton	Cleaning Products	344.96
37771	Pioneer Credit Management Services	Rates Recovery Expenses	100.27
37772	Perth Management Services	Rent - Dalyellup Library	2099.54
37773	Pirtek	Hose Assembly	179.16
37774	Picton Tyre Centre Pty Ltd	Repairs to Tyres	632.00
37775	Banks Pest & Weed Control	Spray Bee Hives	431.20
37776	Rural Press Regional Media	Advertising	84.62
37777	SJ Roadworks	Signage Hire - Traffic Control	3828.00
37778	Rinker Australia Pty Limited	Pipes & Headwalls & Rings	7751.92
37779	Records Maintenance & Storage	Records Maintenance & Storage	220.00
37780	South West Distributors	HACC Refreshments	149.20
37781	Spencer Signs	Signage Dalyellup Community Centre	217.80
37782	Capel IGA	Refreshments	12.90
37783	St John Ambulance	HACC - 1st Aid Course	135.00
37784	Southern Lock & Safe	Padlocks & Keys	169.99
37785	Solver Paints	Banner Paint - Banners in the Terrace	211.40
37786	Hagemeyer Australia	Replacement Equipment	1418.48
37787	State Law Publisher	Advertising	256.80
37788	SOS Office Equipment	Meterbilling - Ld160	545.02
37789	SITA Australia Pty Ltd	Empty Bin	297.00
37790	SW Precision Print	Recycling Calendars, Envelopes & Flyers	17438.00
37791	Jacqui Sherriff	Heritage Interpretation Plan - Claim 2	5720.00
37792	South West Stump Removal	Remove 2 Stumps	242.00
37793	Thompson McRobert Edgeloe	Gelorup Drainage Review - Tps 3 Claim 6	3684.84
37794	Totally Workwear	Staff Uniform	868.25
37795	Tiltforce Transport	Tow Vehicle to Pound	95.70
37796	Department of Land Information	GRV Interim Valuations	2929.52
37797	Vogue Furniture	HACC Office Furniture	769.00

Chq	Name	Description	Amount
37798	Work Clobber Bunbury	Staff Uniform	228.60
37799	West Country Office Machines	Ink for Copier	144.40
			\$345714.40

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 28 June 2006, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P. J. Heedy

CHIEF EXECUTIVE OFFICER

STAFF RECOMMENDATION

That the Schedule of Accounts covering vouchers 37703 to 37799, a total of \$345714.40, be authorised for payment.

VOTING REQUIREMENTS

Simple majority

14.3.6 Accounts Paid During the Month of May 2006

REPORTING OFFICER

NI Schmid – Finance Officer

Date 02.06.06

DISCLOSURE OF INTEREST Nil

OWNER/APPLICANT Nil

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month.

ATTACHMENTS Nil

APPLICANT'S SUBMISSION Nil

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg 13(1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

POLICY IMPLICATIONS Nil

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund.

STRATEGIC IMPLICATIONS Nil

CONSULTATION Nil

COMMENT

Payments made during the month of May 2006 are as follows:

Chq/EFT	Name	Description	Amount
EFT330	Focus	Lease of Lanier Photocopier	331.69
EFT331	Focus	Lease of Lanier Photocopier	402.65
EFT338	Westnet Pty Ltd	Dalyellup ADSL	59.95
EFT339	Westnet Pty Ltd	Capel ADSL	119.90
EFT340	Caltex Australia	Fuel	12865.05
37353	ANZ Banking Group	Loan Payment	21793.76
37354	Apex Club Of Capel Inc	Annual Donation	220.00
37355	Boyanup Hall Advisory Committee	Hall Cleaning	420.00
37356	Boyanup Lions Club	Boyanup Cemetery Maintenance	1470.00
37357	Boyanup CWA	Annual Donation	220.00
37358	Bunbury Forum Promotional Fund	Gift Vouchers – Inzone	25.00

Chq/EFT	Name	Description	Amount
37359	Builders Registration Board of WA	BRB Levy	1624.50
37360	1st Capel Scout Group	Annual Donation	220.00
37361	Capel CWA	Annual Donation	220.00
37362	Capel RSL	Annual Donation	550.00
37363	Content Living	Kerb Deposit Refund	300.00
37364	1st Capel Guides	Annual Donation	220.00
37365	Gelorup Community Management Committee	Management & Booking Fees	622.18
37366	Dale Alcock Homes	Kerb Deposit Refund	300.00
37367	Andrew Dykstra	TP Assessment Services	1787.50
37368	Department Of Environment	Annual Licence Capel Landfill Site	360.98
37369	FPC Magazines Subscriptions	Renew Country Style Subscription	68.00
37370	Deanna Giumelli	Reimburse School Holiday Activity Expenses	371.34
37371	Grand Cinemas	Movie Tickets - School Holiday Activities	64.00
37372	Green Recycling	Kerbside Recycling Collection	14688.48
37373	WALGA	Advertising	1216.25
37374	Local Government Community Services Assoc WA	LGCSA Membership	110.00
37375	Capel Lions Club	Annual Donation	220.00
37376	Ocean Forest Lutheran College	50% Electricity Cost	308.90
37377	Q-Zar	School Holiday Activities	182.70
37378	Royal Flying Doctors Society	Annual Donation	220.00
37379	St John Ambulance Association - Capel	Annual Donation	1200.00
37380	Salvation Army	Annual Donation	220.00
37381	SITA Australia Pty Ltd	Empty Bin	198.00
37382	Capel Senior Citizens	Annual Donation	220.00
37383	South West Rubber Stamps	Self-Inking Stamp	21.89
37384	C Palmer	Refund Hall Bond	150.00
37385	Three Water Cruises Pty Ltd	HACC Social Support Outing	870.00
37386	Westcourt Limited	Kerb Deposit Refund	300.00
37387	JEM Truck Sales	Purchase New Truck	137530.80
37388	Just Fix It Now Handyman Service	HACC Handyman Services	770.00
37389	Frances Matthews	Reimburse Travel & Accommodation Expenses	171.25
37390	Australia Post	Postage	1099.26
37391	Australia Day Council of WA	Achievement Medallions	84.00
37392	N & E Anderson	Crossover Contribution	300.00
37393	Drake-Brockman PM	Rates Refund	38.29
37394	Bunbury Taxis Co-Operative Ltd	HACC - Transport for G Spry	111.10
37395	P & M Buswell	Crossover Contribution	300.00
37396	Building & Construction Industry Training Fund	BCITF Levy	8004.48
37397	Badgers Embroidery	HACC – Embroider Names onto Uniforms	52.80
37398	Bunnings Building Supplies	PGB Arts Project Hardware	38.63
37399	MS Barker	Hall Bond Refund	150.00
37400	Coates Hire Service	Hire of Steel Roller	1359.24
37401	Capel Newsagency	Milk & Newspapers	142.80
37402	Cleanaway	Rubbish Collection	25869.63
37403	Capelite Cafe	Catering	321.75

Chq/EFT	Name	Description	Amount
37404	Shire of Capel	Petty Cash	170.55
37405	Paul Sheedy	Reimburse Expenses - Perth Trip	35.60
37406	Canprint Communications	BCA 2006 Subscription	220.00
37407	Capel Boarding Kennels	Pound Services	695.00
37408	J Cotterill & K Taylor	Crossover Contribution	300.00
37409	Dale Alcock Homes	Kerb Deposit Refunds	1200.00
37410	Shire of Dardanup	HR Officer Expenses	7932.77
37411	Dwellingup Adventures	Hire of Staff & Equipment - School Holiday Activities	1478.00
37412	JR & JL Drummond	Crossover Contribution	300.00
37413	ECA Systems Pty Ltd	Design & Documentation of Electrical Services – Capel Hall Redevelopment	8910.00
37414	Fogwood Pty Ltd	Crossover Contribution	300.00
37415	Australian Taxation Office	FBT	2354.82
37416	Go West Tours	Bus Hire – School Holiday Activities	2484.31
37418	PE & ID Hunt	Crossover Contribution	300.00
37419	ISM Consulting Trust	Feasibility Study - Boyanup Memorial Park	8250.00
37420	Jumor Wastewater Service & Repairs	Unscheduled Maintenance – Fire Shed	994.35
37421	Jamic Engineering	Security Cage for Depot	4046.90
37422	Just Fix It Now Handyman Service	HACC Handyman Services	605.00
37423	CP Jones & Company	Tip Truck Hire	616.00
37424	Green Recycling	Kerbside Recycling	9903.80
37425	Kirkman Mr JE	Rates Refund	48.13
37426	Landscape Development	Dalyellup Pos Maintenance	24564.95
37427	Leeuwin Transport	Courier Costs	93.86
37428	Malatesta Road Paving & Hot Mix	Prime - West Road	4026.29
37429	G & M Myles	Crossover Contribution	300.00
37430	PB & CLM McKenzie	Crossover Contribution	300.00
37431	Neat N Trim Uniforms Pty Ltd	Staff Uniform	308.00
37432	3 Australia	Paging System Charges	761.10
37433	LJ & SL O'Brien	Crossover Contribution	300.00
37434	Parkland Garden Centre	Flowers & Fertilizer	92.40
37435	Pioneer Road Services Pty Ltd	Hot Mix Footpaths - Capel	1061.79
37437	Reid Evans Superannuation Fund	Crossover Contribution	300.00
37438	South West Women's Health & Information Centre Inc	Refund of Hall Bond	150.00
37439	Capel IGA	Refreshments	110.94
37440	Hagemeyer Australia	Shovels & Post Hole Digger	177.10
37441	Synergy	Electricity	10891.85
37442	Jacqui Sherriff	Heritage Interpretation Plan	3685.00
37443	T Stirton	Crossover Contribution	300.00
37444	SJ & LA Saunders	Crossover Contribution	300.00
37445	Shaddicks Lawyers	Legal Expenses	382.80
37446	Smith Constructions	Dalyellup Community Centre	1481.70
37447	Extensions	HACC Catering	110.10
37448	NK & PJ Thomson	Crossover Contribution	300.00
37449	Village Carpet Care	Dry Carpets - Damaged by Water	330.00
37450	L & A Van Wyk	Crossover Contribution	300.00
37451	Water Corporation	Water Usage	343.80

Chq/EFT	Name	Description	Amount
37452	Westrac Equipment	Replace Windscreen	553.71
37453	Wingmaker Sailshades	Sailshades Removed for Winter	308.00
37454	P & L Wright	Crossover Contribution	300.00
37455	A & L Printers	Receipt Books	270.00
37456	Amity Signs	Signage & Hardware	2606.80
37457	Skipper Trucks	Repairs to CP611	754.70
37458	- 37532 April 2006 Creditors	See 24 May 2006 Agenda	
37533	Bunbury Formwork	Flush Mount Kerbing – Buchanan Rd	11550.00
37534	Compass Ford	Service & Repairs	226.35
37535	Capelite Cafe	Catering	278.85
37536	Capel Crane Hire	Remove Press Box - Capel Rec Ground	775.50
37537	Custom Service Leasing Ltd	HACC & Brigade Fuel	2982.10
37538	Paul Sheedy	Conference Expenses	60.00
37539	Carbone Bros Pty Ltd	Clay	8806.82
37540	Dale Alcock Homes	Kerb Deposit Refund	300.00
37541	Andrew Dykstra	TP Assessment Services	2145.00
37542	Esplanade Hotel Fremantle	Conference Accommodation	330.00
37543	Australian Taxation Office	BAS	25207.00
37544	Jamic Engineering	Manufacture Secure Tie Down Points & Fit to New Truck	302.50
37545	Main Roads Department	Mallokup Bridge Works	70400.00
37546	Roland McCallum Architect	Refund Duplicate Building Permits	2727.28
37547	3 Australia	Paging System Charges	1635.89
37548	Police Licensing	Order Special Series Plates	130.00
37549	RTT - Road Transport Trainers	Bus Driving Lessons	100.00
37550	RTT - Road Transport Trainers	Bus Driving Lessons	100.00
37551	Telstra Corporation Ltd	HACC Rent & Calls	199.88
37552	D & K Thomas Electrical	Supply & Fit Pump Control Cubicle at Capel Rec Ground	10098.00
37553	Transport Payment Centre	Registration Renewals	699.30
37554	WA Country Builders	Building Licence Refund	1571.92
37555	Westec Roof Plumbers	Repair Leak – Dalyellup Community Centre	165.00
37556	Council On The Ageing	Membership Fee Renewal	250.00
37557	Eaton Hardware	HACC Hardware	640.43
37558	Just Fix It Now Handyman Service	HACC Handyman Services	660.00
37559	Capel Horse & Pony Club	Sports Participation Scheme	300.00
37560	Department of Land Information	Application for Balance of Title – MC Morris	80.00
37561	Department of Land Information	Transfer Fee – MC Morris	90.00
37562	Besafe Building Inspections	Construct & Install Office Partitioning	1200.00
37563	Capelite Cafe	Catering	452.65
37564	Discount Auto Parts	Replace Tyres on HACC Trailer	239.10
37565	G Hitchcock	Refund Overcharged Fees	75.04
37566	Just Fix It Now Handyman Service	HACC Handyman Services	825.00
37567	WALGA	Advertising	1188.82
37568	Officeworks Bunbury	HACC Stationery	7.10
37569	OSA Group	HACC Employee Assist Program	774.40
37570	G Porter	Dog Rego Refund	20.00
37571	Genelle Pennington	Dog Rego Refund	57.00

Chq/EFT	Name	Description	Amount
37572	Reface Industries	Library Stationery	77.11
37573	J Richards	Kerb Deposit Refund	300.00
37574	South West Distributors	HACC Cleaning Products	387.65
37575	Scott Park Homes	Kerb Deposit Refunds	900.00
37576	SOS Office Equipment	Meterbilling	601.70
37577	South West Rubber Stamps	Self Inking Stamps	71.40
37578	Social Club Books Pty Ltd	Library Books	27.50
37579	Karen Smamaniotto	Refund Hall Bond	150.00
37580	Telstra Corporation Ltd	Rent & Calls	2551.12
37581	Ventura Homes	Kerb Deposit Refund	300.00
37582	NI Wende	Kerb Deposit Refund	300.00
37583	Andie Gell	Refund Hall Bond	150.00
37584	Department of Land Information	Discharge of Mortgage – MC Morris	80.00
37585	Australian Services Union	Payroll Deductions	396.00
37586	Shire of Capel	Payroll Deductions	1417.96
37587	Child Support Agency	Payroll Deductions	583.08
37588	Shire of Donnybrook/Balingup	Payroll Deductions	195.00
37589	WALGS Plan	Superannuation Contributions	46801.23
			\$550957.55

03.05.06	SHIRE OF CAPEL PAYROLL PAYMENTS	\$66,445.98
17.05.06	SHIRE OF CAPEL PAYROLL PAYMENTS	\$68,142.21
31.05.06	SHIRE OF CAPEL PAYROLL PAYMENTS	\$63,626.67

\$198,214.86

02.05.06	TRANSFER TO MUNICIPAL ACCOUNT	\$200,000.00
04.05.06	TRANSFER TO MUNICIPAL ACCOUNT	\$100,000.00

\$300,000.00

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 28 June 2006, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P. F. Heedy

CHIEF EXECUTIVE OFFICER

STAFF RECOMMENDATION

That:

- 1 The Schedule of Accounts covering vouchers EFT330, 331, 338 to 340, 37353 to 37457 and 37533 to 37589, totalling \$550957.55 paid during the month of May 2006 be received;**
- 2 Payroll payments for the month of May 2006, totalling \$198214.86 be received; and**
- 3 Transfers to and from investments as listed, be received.**

VOTING REQUIREMENTS

Simple majority

