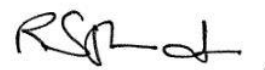




ORDINARY COUNCIL MEETING

Wednesday 26 MAY 2021

MINUTES



ROBERT STEWART
ACTING CHIEF EXECUTIVE OFFICER



SHIRE OF CAPEL

ORDINARY COUNCIL MEETING – 26 MAY 2021

MINUTES

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The meeting was declared open at 6:00pm and the following Acknowledgement of Country was made:

'The Shire of Capel acknowledges the Traditional Custodians, the Wardandi people, and their continuing connection to the land, waters and community. We pay our respects to members of all communities and their cultures; and to Elders, past, present and emerging.'

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

PRESENT:

Councillor – Shire President	M Southwell
Councillor – Deputy President	K Andrew
Councillor	D Kitchen
Councillor	R Mogg
Councillor	K Noonan
A/Chief Executive Officer	R Stewart
A/Director Infrastructure and Development	K McKeachie
A/Director Community and Corporate	S Chamberlain
Executive Services Officer	T Stowell
Executive Services Officer	B Facey

LEAVE OF ABSENCE:

Councillor	M Scott
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APOLOGIES:

Councillor	D Clews
Councillor	S Schiano

MEMBERS OF PUBLIC - Gallery:
MEMBERS OF PUBLIC - Via YouTube:

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Public Question Time began at 6:00pm.

A Steinbrenner –Stirling - ICR101715

Question 1

Following the deputation by George Turner and Anthonia (Toni) Steinbrenner at the April council meeting, and taking into consideration the petition of 829 signatures tabled in the Legislative Council , Western Australian parliament on Wednesday, May 12, is the Shire of Capel ready to support the campaign of the Capel Road Safety Action Group to lower the speed limit to 80kph on Bussell Highway between Capel Drive in the north and Spurr Street in the south.

Officer response:

Thank you for your question. A similar question, including a deputation from the Capel Road Safety Action Group, was raised at the Ordinary Council Meeting (OCM) of 28 April 2021.

In response to those questions the Shire responded that any direct action by the Shire at this time is both unnecessary and premature until community consultation can be carried out based upon a full understanding of the issues to be addressed and the options available.

The Shire of Capel is aware that MRWA has been conducting investigations over recent years related to the possible need for, location and design of multiple interchanges along the Bussell Highway. These are related to a view by MRWA that (as traffic volumes increase) the section of Bussell Highway from south of the Bunbury Outer Ring Road interchange down to Busselton City will require interchanges (at some time in the future) to provide for safe access and crossing points to this high speed network (similar to a rural freeway standard).

In the coming decades, traffic volumes similar to Friday afternoons are anticipated to become the norm throughout the week resulting in growing challenges in providing safe and effective access from side roads, in particular right turn movements. As a result, all existing intersection and driveway access arrangements with Bussell Highway will be under review where those not planned to have an interchange would either close (with alternative local access provided) or become left in-left out (due to the 'Control of Access' regulations pertaining this standard of highway).

The Shire has been assisting MRWA in these early investigations, but is aware that (to date) no firm decisions have been made as to what the future entrance to the Capel townsite might look like. One option is for an elevated interchange to be constructed at the southern Capel Drive intersection to provide safe access for the Capel community as well as access across the highway to the coast/Peppermint Grove Beach community.

A motion was also presented at the last OCM following the presentation by the Capel Road Safety Action Group. The motion was lost as shown below:

Ordinary Council Meeting - 28 April 2021

'OC094/2021 – MOTION – 18.1

Moved Cr Mogg, Seconded Cr Noonan.

That the Council send a letter to the Minister for Transport and the Commissioner of Main Roads WA advocating support for the Capel Road Safety Action Group and their concerns.

Lost 2/5

For – Councillors Mogg and Noonan.

Against – Councillors Andrew, Clews, Kitchen, Schiano and Southwell.'

Based upon these factors, it can be stated that the Shire of Capel has sympathy for the objectives of the Capel Road Safety Action group, but Shire of Capel is not ready to support the campaign of the Capel Road Safety Action Group at this time.

Public Question Time concluded at 6:05pm.

RECORDING OF THE VOTE OF ALL MEMBERS PRESENT

OC095/2021 – MOTION / COUNCIL DECISION

Moved Cr Southwell, Seconded Cr Andrew.

That in accordance with section 5.21 (4) of the Local Government Act, the vote of all members present be recorded following each vote at this meeting of the Council.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

5 APPLICATION FOR LEAVE OF ABSENCE

Nil.

6 DECLARATIONS OF INTEREST

Cr Kitchen declared a Financial Interest in item 13.5 Boyanup Saleyards with the nature and extent of the interest being that he has a beneficial interest in the sale of cattle.

Cr Kitchen declared a Proximity Interest in item 14.3 Meadowbrook Lifestyle Village Development Application Amendment with the nature and extent being that condition 9 is in proximity to a property a closely associated person owns.

Cr Kitchen declared an Impartiality Interest in item 14.6 Fire Control Officer Appointment with the nature and extent being he is a bush fire volunteer.

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil.

8 CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting – 28 April 2021 - (OC096/2021)

(OC096/2021) CONFIRMATION OF MINUTES / COUNCIL DECISION – 8.1

Moved Cr Andrew, Cr Kitchen.

That the Minutes of the Ordinary Meeting of the Council held on 28 April 2021 be confirmed as a true and correct record.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

9 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Cr Mogg presented a certificate of appreciation from the Capel Hockey Club acknowledging the Shire's support.

Cr Southwell made the following statement:

On the matter of my personal involvement with Volunteer Bush Fire Brigades

I wish to begin by saying how disappointed I am that I need to make a statement like this. It is unfortunate, and I think lowers this community that that there exists, unfortunately, a small group of failed Council election candidates and their associates who it seems are so aggrieved and bitter about the outcome of the last Council election they have set out to attack me on social media, to criticise me and this Council, defame me, lodge persistent trivial complaints about me and harass me here using question time on occasions.

This is bullying behaviour, and it has become relentless.

I can handle it, but as I have touched on previously, this has an impact on those close to me and therefore has become untenable.

At first, I tried engaging with and responding to this small gang of people. This just led down a poisonous rabbit-hole. So, I exited social media and tried ignoring them. Then I gave them what they want and announced I will not recontest the Council elections later this year. But even this seems not to have satisfied what I call the cabal. But it seems no matter what I do, I am forced to deal with continuing vexatious allegations and complaints.

This nasty cabal has of late found fertile ground in a rather innocuous comment I made when speaking with a reporter following the Council meeting on January 25 this year, during which I withdrew a Motion relating to the mishandling of an injured volunteer at a fire north of Boyanup.

While being interviewed on the issue after the meeting, I told reporters, by way of context, that I myself had been a volunteer fire fighter in the past and was at that time currently a member of a Brigade.

Those statements were true to the best of my belief. I am not a liar.

I shouldn't have to do this, but I will take this opportunity to explain the background and timeline of the events in question. I hope by doing so, reasonable and fair-minded people will see those were perfectly legitimate statements for me to make and we may then, hopefully, be able to find some clear air so that Council can move on to the more important work we are doing to change the culture and shift our focus to bringing the best assets of the Shire to the fore for the betterment of all in our community.

About 18 years ago, when I moved from Perth to Bridgetown with my young family, I lived for a while at the farm owned by my father and mother-in-law near Maranup Ford between Bridgetown and Nannup. My father-in-law was a member of the local Bush Fire Brigade, the Maranup Brigade. The Captain of this brigade at the time was a neighbour of ours, Mr Hugh Browne. In those days, nearly every property owner had what was called a 'fire unit', a demountable set up of a water tank, hoses and petrol-powered pump which you could slip on and off the back of a ute as required. I soon acquired a ute and a fire-unit.

After Mr Browne and I had become acquainted, he asked if I would 'sign up' to the local Volunteer Bushfire Brigade. I agreed and subsequently attended one or two meetings

and training sessions. I was also issued with some PPE which included a yellow fire-resistant coat and helmet. Over the ensuing years, I attended and helped to fight several wildfires in the Bridgetown district.

Anyone who may wish to see verification of the foregoing may contact Mr Hugh Browne at his business the Maranup Ford Caravan Park.

In 2016, we moved to our present home in Gelorup and in 2017, I was elected to this Council. I had always intended to one day join the local Volunteer Brigade. In November last year I was contacted by Mr Jeff McDougall and his wife Ms Glenys Malatesta. Jeff is a Fire Control officer and the Gelorup Brigade's representative on the Shire's Bushfire Advisory Committee, or BFAC as it is known. Glenys is the Brigade Captain.

Mr McDougall and Ms Malatesta invited me to their home on November 3 to brief me about events which occurred at a fire in North Boyanup at the end of last year during which Ms Malatesta suffered a serious burn to her hand.

As a result of our discussion and the information I had been given about the events I brought a couple of motions to Council.

During that meeting, they invited me to join the Gelorup Brigade and I agreed. They asked me to attend the next Brigade meeting on December 7, during which they would 'sign me up'.

On the day of the meeting, Mr McDougall sent a text to me, reminding me to attend the meeting at 5.30pm, which I did.

During this meeting, the chairman asked if there was any objections to signing me up as a member of the Brigade. There were none, and the membership paperwork was completed and signed after the meeting by myself and Ms Malatesta.

On December 20 I received a text message from Ms Malatesta which said; 'I thought you might want to know that Jeff and reference to the Gelorup Brigade was abused by the Elgin Brigade two hours ago.

I responded with a text which asked: 'What did they say?'

Ms Malatesta replied: 'Threatened Jeff not to talk to you, and our Brigade to shut up. Our whole Brigade backs you.'

On December 29 I received an email from the Brigade which had me listed in the address line along with all other members, advising that the next Brigade meeting would be on Monday January 4.

I attended the January 4 meeting and participated in discussions and voting.

Two days later, on January 6 I had an email exchange with the Shire Acting CEO Mr Robert Stewart. In essence, I asked him why I had not yet received official confirmation of my membership of the Brigade.

Mr Stewart advised that everything appeared in order, but said the only 'wrinkle' was that I was yet to complete mandatory training requirements. He mentioned the shire was also waiting for a police clearance certificate, which was also required.

I dealt with both matters that same day. I sent Mr Stewart a copy of my current police clearance certificate. I also sent Mr Stewart a copy of advice I had received from DFES which said prospective members were expected to join a Brigade first, before commencing training modules.

I received an email from Mr Stewart at 3.39pm that same day (January 6) which said *'when we receive the police check, we can process your application and you would then be a member of the Brigade.'*

Therefore, nearly three weeks later at the January Council meeting when I spoke to reporters I held a reasonable belief that I had both once been a member of the Maranup Volunteer Bushfire Brigade, and that I had recently become a member of the Gelorup Brigade.

Two days after the interview, on January 27, I was handed a letter from the Acting CEO which said the committee of the Gelorup Bushfire Brigade had met to consider my application and rejected it. I was completely blindsided and baffled by this, given that I had been accepted by and welcomed into the Brigade in early December. The letter says these were the grounds given for this decision:

1. There was *'animosity'* between myself and *'various other parties'* who were not identified.
2. *'Perceived ill feeling towards the Gelorup Brigade by others'*, again unidentified.
3. My *'demonstrated inability to separate Brigade issues with Shire business.'*

I appealed this strange and probably unprecedented action to this Council, which to my astonishment endorsed it. I realise I am supposed to support decisions by this Council, but I had declared an interest and hence did not take part in this matter and have not yet been able to bring myself to review the recording of the debate.

I am still lost for words, so will finish there.

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 11.1 *Cr Mogg was invited to move the following motion pursuant to Clause 4.12 of the Shire of Capel Standing Orders Local Law 2016:*

Moved Cr Mogg, Seconded Cr Noonan.

That subject to a report being prepared by the Acting CEO demonstrating feasibility for:

1 A second flagpole being installed adjacent to the flagpole already in place at the entrance to the Council's administration building at 31 Forrest Road Capel specifically to fly the Australian Aboriginal Flag; and

2 The word 'kaya' being placed at all Council buildings and library entry doors, adequate budget allocation for the 2021/2022 financial year be made.

IN BRIEF

To install another flagpole next to existing Nation flagpole one, that's in front of Shire and Council building, to house the Aboriginal flag. Also, to place the Wadandi word KAYA at all Council building and Library entry doors.

Shows feasibility support and that the request aligns with our Shire/Council Reconciliation Policy Plan.

This Motion request will help bring our Shire up to date with other Local Government departments demonstrated current action, that's apart of LG policy practice. Will be one action working towards an inclusive and progressive Council and Shire.

OC097/2021 – AMENDMENT / COUNCIL DECISION – 11.1

Moved Cr Noonan, Seconded Cr Mogg.

That the words 'subject to confirmation of the local Noongar Elders' be inserted after the words 'doors' in point 2.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

The substantive motion was put.

OC098/2021 – SUBSTANTIVE MOTION / COUNCIL DECISION – 11.1

Moved Cr Mogg, Seconded Cr Noonan.

That subject to a report being prepared by the Acting CEO demonstrating feasibility for:

- 1. A second flagpole being installed adjacent to the flagpole already in place at the entrance to the Council's administration building at 31 Forrest Road Capel specifically to fly the Australian Aboriginal Flag; and**
- 2. The word 'kaya' being placed at all Council buildings and library entry doors subject to confirmation of the local Noongar Elders,**

adequate budget allocation for the 2021/2022 financial year be made.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

12 QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13 CHIEF EXECUTIVE OFFICER REPORTS

13.1 Annual Meeting of electors – Consideration of Resolutions – (OC099/2021)

Location: Capel
Applicant: Nil
File Reference:
Disclosure of Interest: Nil
Date: 13.05.21
Senior Officer: Acting Chief Executive Officer, R Stewart
Attachments: Nil.

PROPOSAL

To consider resolutions adopted at the Annual Meeting of Electors held on 3 March 2021.

OFFICER'S RECOMMENDATION

That:

1. Resolution AE03/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:
'That a vote of appreciation be recorded in the minutes for the Shire employees who have carried out their responsibilities in a timely and professional manner in what has been a difficult COVID-19 year with other necessary distractions'.
be endorsed and the motion be communicated to all staff and a letter of appreciation be sent to Mr B Hearne.
2. Resolution AE04/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:
'That the Capel Shire develop a strategy, standards and procedures for pro-active, regular constructive communication measures with Capel shire residents that will guide provision of objective and factual information to inform and engage all residents across all areas of the Shire of Capel on current council decisions, developments, opportunities and challenges'.
be endorsed and referred to the A/CEO to report back to the Council on the preparation of a revised Communication Plan.
3. Resolution AE06/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:
'That consideration be given for the installation of lighting in Ferndale Park Dalyellup'.
be noted and referred to the Acting Director Infrastructure and Development for further investigation including community consultation and concept design as part of the preparation of the 2021/2022 Annual Budget.

BACKGROUND

The Annual Meeting of Electors was held on 3 March 2021 at the Dalyellup Community Centre, Dalyellup. It was attended by 31 electors in person and 19 electors via You Tube.

The minutes of the meeting were referred to the meeting of the council held on 31 March 2021. At that meeting it was resolved:

'That:

1. Motions of the General Meeting of Electors held on 3 March 2021 be received; and
2. The Acting Chief Executive Officer be requested to provide a report to the Council on each of the Motions carried at the next Ordinary Council Meeting'.

STATUTORY ENVIRONMENT

Pursuant to section 5.27 of the Local Government Act 1995 (the Act) a general meeting of electors is to be held once every financial year.

Further, pursuant to section 5.33 of the Act decisions made at an electors' meeting are to be referred to the next ordinary meeting of the council and any decision made in response to those decisions of the electors' meeting are to be recorded in the minutes.

POLICY IMPLICATIONS

The Council's Policy Manual is silent regarding General Meetings of Electors.

RISK IMPLICATIONS

Should no actions be taken with relation to decisions at the general meeting of electors, the council would be in breach of section 5.33 of the Local Government Act 1995. Although no particular penalty applies in this regard, the likelihood of reputational damage would be considered high.

FINANCIAL IMPLICATIONS

Budget

No particular financial impact relates to the adoption of the recommendation in this report for the current budget. However, subsequent reports to the council are likely to involve expenditure.

Long Term

The matters referred to in this report may involve expenditure in the future.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications relating to this matter.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028.

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Objectives:

- 1.3 Creating a more connected community.
- 1.4 Building a culture of collaboration and a stronger, safer and happier community.
- 1.5 Council keeps in regular communication with residents, workers and stakeholders.

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

Community Objectives:

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

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Objectives:

- 5.1 Urban development to be sustainably integrated to our unique natural environment,

heritage and character.

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

CONSULTATION

No external consultation has occurred in respect of the recommendations outlined in this report.

COMMENT

Resolution AE03/2021 and the suggested action is self-explanatory.

Resolution AE04/2021 has been commenced administratively through the development of a style guide for both internal and external communication.

Although the style guide has now been completed and distributed to staff, it is acknowledged that it only forms a small sum of the development of a communication strategy.

The development of a corporate style guide is the first step towards organisation-wide consistent communications.

The development of a communication strategy is broader than just community consultation. It must encompass mass media, digital design (graphic design), digital strategy (including data analytics and experience design), web design, media relations, community relations, corporate and social responsibility, public affairs, crisis management, employee relations, brand, marketing and advertising.

Each communications sub section has its own target audience and stakeholders. It needs its own strategy with appropriate channels, tactics and outcomes.

The communication strategy should be an informing strategy to the strategic community plan. This will take time – but ensure engagement methods are effective in reaching each target audience. It will help build brand awareness, earns trust with our target audience, engage customers and form a foundation for crisis communication.

VOTING REQUIREMENTS

Simple majority

OC099/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 13.1

Moved Cr Andrew, Seconded Cr Kitchen.

That:

1. Resolution AE03/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:

**'That a vote of appreciation be recorded in the minutes for the Shire employees who have carried out their responsibilities in a timely and professional manner in what has been a difficult COVID-19 year with other necessary distractions'.
be endorsed and the motion be communicated to all staff and a letter of appreciation be sent to Mr B Hearne.**

2. Resolution AE04/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:

**'That the Capel Shire develop a strategy, standards and procedures for pro-active, regular constructive communication measures with Capel shire residents that will guide provision of objective and factual information to inform and engage all residents across all areas of the Shire of Capel on current council decisions, developments, opportunities and challenges'.
be endorsed and referred to the A/CEO to report back to the Council on the preparation of a revised Communication Plan.**

3. Resolution AE06/2021 from the Annual Meeting of electors held on 3 March 2021 as follows:

**That consideration be given for the installation of lighting in Ferndale Park Dalyellup'.
be noted and referred to the Acting Director Infrastructure and Development for further investigation including community consultation and concept design as part of the preparation of the 2021/2022 Annual Budget.**

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

13.2 Policy Review – Policy 2.34 Internal Control – (OC100/2021)

Location: Capel
Applicant: Shire of Capel
File Reference: CM.PO.1
Disclosure of Interest: Nil
Date: 10.05.21
Author: Strategic Governance and Risk Coordinator, T Kettle
Senior Officer: Acting Chief Executive Officer, R Stewart
Attachments: Nil

PROPOSAL

To review and adopt the Council’s Internal Control Policy (the policy).

OFFICER’S RECOMMENDATION

That Policy 2.34 Internal Control Policy:

INTRODUCTION

~~Internal controls are systems of policies and procedures that safeguard assets, facilitate accurate and reliable financial reporting, promote legislative compliance and ensure effective and efficient operations. Internal controls support continuous improvement, the avoidance of re-work and the attainment of quality outcomes.~~

Internal controls are systems of policies and procedures that:

- **safeguard assets;**
- **facilitate accurate and reliable financial reporting;**
- **promote legislative compliance; and**
- **ensure effective and efficient operations.**

~~Internal controls support continuous improvement, the avoidance of re-work and the attainment of quality outcomes. This policy provides a framework for the establishment of documented internal controls. that are implemented based on risk management policies and principles.~~

Internal controls address all functions of the business as well as the statutory activities of the Council.

OBJECTIVE

1. The Shire of Capel internal control framework is based on a risk management approach that includes regular review and identification of the risks that exist within Council activities. Internal controls are an integral part of the Risk Management Framework and are applied to each key risk activity.
2. Active management of internal controls ~~will~~ **assists the** Council in carrying out activities in an efficient and effective manner in order to achieve strategic objectives, comply with legislation and policies, safeguard assets and secure the accuracy and reliability of financial records.

POLICY STATEMENT

1. Council is committed to a culture that emphasises integrity, ethical values and competence.
2. The Chief Executive Officer is responsible for developing and maintaining an internal control framework.

3. All employees ~~will play a part in~~ **contribute to** the internal control framework and are responsible and accountable for documenting and implementing systems, controls, processes and procedures in their own area of responsibility.

POLICY APPLICATION

This Policy applies to the whole local government: ~~all~~ Councillors and ~~all~~ employees.'

be endorsed.

BACKGROUND

The Shire of Capel Policy Manual requires policies to be reviewed every two years. The review ensures policies remain relevant, reflecting any recent legislative changes or current trends and follow best practice.

The Internal Controls policy was adopted in 2019 (33/2019) in response to a recommendation by Moore Stephens (Moore Australian) in the Shire of Capel 2018 Regulation 17 Audit. The recommendation was to introduce a policy that provided evidence of the Council's commitment to internal controls, to mitigate the potential risk of a lack of strategic direction for implementation of internal controls throughout the organisation.

This policy has historically sat within section 2 – Corporate Services. The realignment of the governance function under the CEO in 2019, requires the transfer of some Corporate Services policies to the CEO Division. This policy has been relocated to the Governance and Risk Section and reviewed accordingly.

STATUTORY ENVIRONMENT

Local Government Act 1995 s2.7

2.7 Role of council

- (2) Without limiting subsection (1), the council is to –
(b) determine the local government's policies.

POLICY IMPLICATIONS

There will be changes to the Shire of Capel Policy Manual resulting from this item.

RISK IMPLICATIONS

The proposed amendments reduce Council risk by simplifying or clarifying various policy statements and reducing the possibility of misinterpretation.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications relevant to this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

Internal controls are vital to the good governance and continuous improvement of all organisations and are essential to the Shire’s social, economic and environmental sustainability.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience *‘Ensure open, transparent and effective good governance.’*

Community Objective:

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

CONSULTATION

Consultation was undertaken with the Director Community and Corporate, Acting CEO and Governance Officer.

COMMENT

#	Policy	Proposed changes
	Internal Controls	Amendments to wording and sentence structure to improve clarity.

The policy provides for the development of an appropriate system of internal controls by the CEO and supports legislative compliance, risk management and continuous improvement. Effective internal controls include:

- delegations of authority;
- documented policies and procedures;
- trained and qualified employees;
- system controls;
- regular internal audits;
- documentation of risk identification and assessment; and
- regular liaison with auditor and legal advisors.

The policy is compliant with legislative requirements and best practice. However it is presented with amendments to the wording and sentence structure based on plain English principles. The amendments improve the clarity and accessibility of the policy.

The relocation of policies from the Corporate Services section, improves the governance structure of the policy manual and reduces the large number of policies within the Corporate Services section.

VOTING REQUIREMENTS

Simple majority

OC100/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 13.2

Moved Cr Kitchen, Seconded Cr Noonan.

That Policy 2.34 Internal Control Policy:

'INTRODUCTION

Internal controls are systems of policies and procedures that:

- **safeguard assets;**
- **facilitate accurate and reliable financial reporting;**
- **promote legislative compliance; and**
- **ensure effective and efficient operations.**
-

Internal controls support continuous improvement, and the attainment of quality outcomes. This policy provides a framework for the establishment of documented internal controls.

Internal controls address all functions of the business as well as the statutory activities of the Council.

OBJECTIVE

- 1. The Shire of Capel internal control framework is based on a risk management approach that includes regular review and identification of the risks that exist within Council activities. Internal controls are an integral part of the Risk Management Framework and are applied to each key risk activity.**
- 2. Active management of internal controls assists the Council in carrying out activities in an efficient and effective manner in order to achieve strategic objectives, comply with legislation and policies, safeguard assets and secure the accuracy and reliability of financial records.**

POLICY STATEMENT

- 1. Council is committed to a culture that emphasises integrity, ethical values and competence.**
- 2. The Chief Executive Officer is responsible for developing and maintaining an internal control framework.**
- 3. All employees contribute to the internal control framework and are responsible and accountable for documenting and implementing systems, controls, processes and procedures in their own area of responsibility.**

POLICY APPLICATION

This Policy applies to the whole local government: Councillors and employees.'

be endorsed.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

13.3 Policy Review – Policy 1.3 Elected Member Travel Expenses – (OC101/2021)

Location:	Capel
Applicant:	Shire of Capel
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	10.05.21
Author:	Strategic Governance and Risk Coordinator, T Kettle
Senior Officer:	Acting Chief Executive Officer, R Stewart
Attachments:	Nil

PROPOSAL

To review and adopt the Elected Member Travel Expenses Policy (the policy).

OFFICER'S RECOMMENDATION

That Policy 1.3 Elected Member Travel Expenses Policy as follows:

INTRODUCTION

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

OBJECTIVE

To establish the ~~basis upon which Council will reimburse~~ **framework for reimbursement of** travel expenses to Councillors, under Section 5.98 of the *Local Government Act 1995* (Discretionary Expenses).

POLICY STATEMENT

Nominated council representative is the shire president, unless the shire president requests another councillor to attend in their absence.

1 ~~Council~~ **The Shire** will reimburse travel expenses where **a** Councillors attends:

- Annual, Special and General meetings of Electors;
- Annual Community Forums of Electors;
- Officially convened Council Civic receptions;
- Visits by Federal or State Government Ministers;
- Council authorised meetings with government agencies and other councils;
- Conferences approved by **the** Council, through a resolution duly passed at a Council meeting;
- Seminars, workshops and training courses approved by the Chief Executive Officer (CEO);
- **Mandatory training required under the *Local Government Act 1995*;**
- Meetings attended as a consequence of an appointment to a committee, organisation or board, through a nomination by **the** Council, where no travel allowance is paid by that committee, organisation or board;
- Meetings attended as a delegate or authorised representative of **the** Council;
- Commemorative Ceremony functions (ANZAC service, Australia Day etc.) as a nominated Council representative. ~~The President will be deemed to be the nominated~~

~~Council representative', unless the President requests another Councillor to attend in his/her absence;~~

- ~~• Private Citizenship Ceremonies as a nominated Council representative. The President will be deemed to be the 'nominated Council representative' unless the President requests another Councillor to attend in his/her absence; and~~
- The President or nominee attending the annual dinners of other Councils.

2 Reimbursement of travel expenses *will not be paid* where Councillors attend:

- Social engagements (sporting clubs, community groups and other organisations' functions);
- Meetings, functions etc. where they are not the 'nominated Council representative'; or
- Road inspections that have not been convened by a resolution of **the** Council.

3 ~~Where acting as a Council representative, and Travel by motor vehicle to a destination outside the Shire of Capel is required, travel should be undertaken by Council vehicle where available and appropriate, otherwise private vehicle use is allowed~~ **acceptable.**

4 Councillors using private vehicles ~~in accordance with this policy~~ may claim for reimbursement of expenses at the rate contained in the *Local Government Industry Award*, applicable at the date of travel. **Councillors must submit a completed claim form**

5 ~~Where appropriate, Travel will be provided by air and will normally be at economy rates but may be upgraded to business class only in recognition of any physical disability of the attendee.~~

6 Councillors travelling to a destination to which air travel would normally be appropriate ~~may choose to use private vehicles in accordance with this Policy~~ **may travel by private vehicle instead of by air travel, however. The** amount claimed in reimbursement is not to exceed the cost of a normal full economy airfare.

7 **Reasonable costs** of vehicle hire, taxi fares and parking which are reasonably required ~~and incurred in attending conferences, seminars, training courses, meetings and functions,~~ will be reimbursed ~~by the Council~~ on production of a receipt and completion of an appropriate Shire claim form.

8 Reimbursement of travel expenses are to be paid only on receipt of a formal claim from a Councillor ~~and~~ **Councillors must submit a completed claim form and the reimbursement** will be calculated on the number of kilometres between the Councillor's principal place of residence or work within the Shire to the venue and return.

A suitable claim form will be provided ~~by the Director Community & Corporate~~ upon request.

POLICY APPLICATION

The policy applies to all current elected members during their term of office as Councillors on the Shire of Capel.'

be endorsed.

BACKGROUND

The *Local Government Act 1995* (the Act) requires the Council to determine the local government's policies. The Shire of Capel Policy Manual requires policies to be reviewed every two years. The review ensures policies remain relevant, reflecting any recent legislative changes or current trends and follow best practice.

The policy was adopted in 1999 (SC0722) and last reviewed in 2017 with statements 4, 6 and 7 added to improve controls and clarity.

STATUTORY ENVIRONMENT

Local Government Act 1995 s2.7

2.7 Role of council

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions
- (2) Without limiting subsection (1), the council is to –
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS

There will be some changes to the Shire of Capel Policy Manual resulting from this item.

RISK IMPLICATIONS

The proposed policy amendments reduce Council risk by clarifying various policy statements and reducing the possibility of misinterpretation.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications relevant to this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

This policy provides a framework for reimbursement of travel expenses incurred by councillors in the performance of their duties. The reimbursement assists councillor attendance at meetings, training, events and ceremonies, contributing to councillor development and community engagement.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience '*Ensure open, transparent and effective good governance.*'

Community Objective:

1 Community works collaboratively to strengthen its 'network of networks'.

1.3 Creating a more connected community.

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

1.5 Council keeps in regular communication with residents, workers, and stakeholders.

CONSULTATION

Consultation was undertaken with the A/CEO and Governance Officer.

COMMENT

#	Policy	Proposed changes
	Travel Expenses	Amendments to wording and sentence restructure to improve clarity.

The policy is compliant with relevant legislation and Shire policies and continues to provide councillors with a framework to be appropriately reimbursed for travel expenses.

The policy is presented with amendments to the wording and sentence structure based on plain English principles. The amendments improve the clarity and accessibility of the policy.

VOTING REQUIREMENTS

Simple majority

OC101/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION– 13.2

Moved Cr Noonan, Seconded Cr Kitchen.

That Policy 1.3 Elected Member Travel Expenses Policy as follows:

'INTRODUCTION

Councillors may incur many expenses while performing their duties, including vehicle use. No person serving on Council should be financially disadvantaged in their role as a Councillor, as such a situation may preclude members of the community from seeking public office.

OBJECTIVE

To establish the framework for reimbursement of travel expenses to Councillors, under Section 5.98 of the *Local Government Act 1995* (Discretionary Expenses).

POLICY STATEMENT

***Nominated council representative* is the shire president unless the shire president requests another councillor to attend in their absence.**

1 The Shire will reimburse travel expenses where a Councillor attends:

- **Annual, Special and General meetings of Electors;**
- **Annual Community Forums of Electors;**
- **Officially convened Council Civic receptions;**
- **Visits by Federal or State Government Ministers;**
- **Council authorised meetings with government agencies and other councils;**
- **Conferences approved by the Council, through a resolution duly passed at a Council meeting;**

- **Seminars, workshops and training courses approved by the Chief Executive Officer (CEO);**
- **Mandatory training required under the *Local Government Act 1995*;**
- **Meetings attended as a consequence of an appointment to a committee, organisation or board, through a nomination by the Council, where no travel allowance is paid by that committee, organisation or board;**
- **Meetings attended as a delegate or authorised representative of the Council;**
- **Commemorative Ceremony functions (ANZAC service, Australia Day etc.) as a nominated Council representative;**
- **Private Citizenship Ceremonies as a nominated Council representative; and**
- **The President or nominee attending the annual dinners of other Councils.**

- 2 Reimbursement of travel expenses *will not be paid* where Councillors attend:**
- **Social engagements (sporting clubs, community groups and other organisations' functions);**
 - **Meetings, functions etc. where they are not the 'nominated Council representative'; or**
 - **Road inspections that have not been convened by a resolution of the Council.**
- 3 Travel by motor vehicle should be undertaken by Council vehicle where available and appropriate, otherwise private vehicle use is acceptable.**
- 4 Councillors using private vehicles may claim for reimbursement of expenses at the rate contained in the *Local Government Industry Award*, applicable at the date of travel. Councillors must submit a completed claim form**
- 5 Travel by air will be at economy rates, but may be upgraded to business class only in recognition of any physical disability of the attendee.**
- 6 Councillors may travel by private vehicle instead of by air travel, however the amount claimed in reimbursement is not to exceed the cost of a normal full economy airfare.**
- 7 Reasonable costs of vehicle hire, taxi fares and parking incurred attending conferences, seminars, training courses, meetings and functions, will be reimbursed on production of a receipt and completion of an appropriate Shire claim form.**
- 8 Councillors must submit a completed claim form and the reimbursement will be calculated on the number of kilometres between the Councillor's principal place of residence or work within the Shire to the venue and return.**

A suitable claim form will be provided upon request.

POLICY APPLICATION

The policy applies to all current elected members during their term of office as Councillors on the Shire of Capel.'

be endorsed.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

The following item was deferred from the April Ordinary Meeting of Council as per Council Decision OC078/2021 dated 28 April 2021.

13.4 Daablone Vista Basketball Court

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 06.04.21
Author: Strategic Governance and Risk Coordinator, T Kettle
Senior Officer: Acting Chief Executive Officer, R Stewart
Attachments: Acoustic Test – Sound Engineering Report - Confidential

PROPOSAL

To consider further proposals for resolving the noise management issues associated with the basketball court at Daablone Vista Park in Dalyellup.

OFFICER'S RECOMMENDATION

That:

1. Pursuant to clause 2.8(g) of the Shire of Capel Property Local Law Local Public Notice of the Council's intention to determine that the playing of ball sports at Daablone Vista Basketball Court between 7pm – 7am Monday to Saturday and 7pm – 9am Sunday and Public holidays is to be prohibited, inviting submissions.
2. The matter be reconsidered after the completion of the submission period but no later than the Ordinary Meeting of the Council to be held on 30 June 2021.

BACKGROUND

At the November 2020 Council Meeting OC239/2020 the Acting CEO was authorised to undertake investigations regarding Daablone Vista Park and the playing of basketball at that location.

Shire staff conducted an aural investigation of the noise complaints and the level of the noise. The assessment concluded that if the activity occurs after 7PM and before 7AM on any day the noise would unreasonably interfere with the comfort or amenity of the occupants of nearby homes, by disturbing sleep or similar enjoyment of living in the home where and at the time noise can be heard.

At the February 2021 Council Meeting a report was presented to the Council that assessed a variety of options for removing the basketball ring. Council decision OC034/2021 defeated a motion to remove the ring.

The Shire is continuing to liaise with affected residents to resolve the noise issues. This report recommends regulating behaviour at the basketball court within specified times, under the Shire of Capel Local Government Property Local Law (local law).

Local Law Proposal

The *Local Government Act 1995* (the Act) empowers Councils to make local laws. Local laws of allow a local government to control and regulate activities within district boundaries to ensure good governance over matters of municipal concern.

The Shire of Capel Local Government Property Local Law enables the Shire to make a determination that specifies how local government property may be used, including prohibiting an activity on certain days or during certain times.

The procedure for making a determination requires the local government to give local public notice of the determination and accept submissions within 21 days of the publication. If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

The Shire may then erect signs to give notice of the determination that applies to the property. Failure to comply with the determination may result in a modified penalty up to \$500.

Sound Engineer Report

An independent acoustic report (the report) has been received by the Shire (Attachment 1).

The report summary states:

- 0.1 *ND Engineering's opinion is that the basketball impact noise, impulsiveness, due to both bouncing of a basketball on the court and bouncing off the backboard emanating from Daablone Park and being received at the Main Bedroom of [REDACTED] [REDACTED] Dalyellup WA exceeds the L_{Amax} assigned noise levels at Reference A by at least 5 dB(A) to 16 dB(A) depending upon the time of day.*

This report highlights the Shire may be in breach of the *Environmental Protection (Noise) Regulations 1997* for permitting noise emissions that exceed legislative standards.

It is stressed that the report was not commissioned by Shire staff.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.5 Legislative power of local governments

- (1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Environmental Protection (Noise) Regulations 1997

6. Regulation of noise from public places

(1) The emission of noise from public places is regulated as follows under the power described in item 15 of Schedule 2 of the Act —

(a) public places are to be treated as premises to which sections 51, 75, 79, 80, 81, 81A, 82, 90, 92, 93, 95 and 99 of the Act apply; and

(b) in respect of any particular emission of noise from a public place, the person who is causing or permitting that noise to be emitted is to be treated as the occupier of that public place for the purposes of sections 51, 75, 90, 92, 93 and 95 of the Act; and

(c) the requirements prescribed by regulations 7 and 11 for the emission of noise from public places are, subject to these regulations, prescribed standards for the purposes of section 51 as applied by this regulation.

(2) A person must not fail to comply with section 51, 79, 80, 81 or 82 of the Act as applied by sub regulation (1). Penalty: \$5 000.

Shire of Capel Local Government Property Local Law

Procedure for making a determination

2.2 (1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that –

(a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;

(b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and

(c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

Discretion to erect sign

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

Determination to be complied with

2.4 A person shall comply with a determination.

Activities which may be prohibited on specified local government property

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –

(g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

(a) the days and times during which the activity is prohibited;

Signs

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause

Schedule 1

Prescribed Offences

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	500
4.6(2)	Failure to comply with sign on local government property	500

POLICY IMPLICATIONS

Shire Compliance Policy is applicable to ensuring compliance of external stakeholders with legislation the Shire administers.

RISK IMPLICATIONS

This report is subject to Shire Policy 2.28 Risk Management Framework. An assessment of the potential implications has been undertaken with the following risks identified:

- Operational – moderate;
- Reputational – moderate;
- Legal – moderate;
- Environment – moderate; and
- Customer Service – moderate.

The Shire is required to comply with statutory obligations under relevant legislation. Failure to do so creates the risk of enforcement actions against the Shire. Failure to resolve this matter contributes to ongoing associated risks.

FINANCIAL IMPLICATIONS

Budget

The cost of advertising a local law determination would be approximately \$350.00. Installation of signs would be approximately \$400-500.00 and staff resourcing costs for the enforcement of the local law.

Long Term

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

SUSTAINABILITY IMPLICATIONS

The removal of this asset would reduce the number of basketball courts in Dalyellup, providing a reduction in active sports spaces in Dalyellup. There are a two other half court basketball rings within two kilometres of Daablone Vista Park. The social public health benefit of the basketball court requires assessment against the impact of noise on the environment.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028

The Leadership Experience, *'Open, transparent, and effective good governance'*.

Community Objectives:

- 1.3 Creating a more connected community.
- 1.4 Building a culture of collaboration and a stronger, safer, and happier community.

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

Community Objective:

- 2.1 Council works in partnership with the community in providing appropriate services and facilities.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Objective:

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

CONSULTATION

Consultation was undertaken with relevant community stakeholders and Shire staff with the A/CEO, Operations Services, Technical Services, Building and Health Services.

COMMENT

Shire officers have continued to seek a resolution with affected residents since a report was presented to Council at its February 2021 Ordinary Meeting.

The initial aural investigations by Shire Health Officers identified the level of noise may be able to be mitigated by regulating the activity to 7pm – 7am Monday to Saturday and 7pm – 9am Sunday and Public Holidays. The proposal to use the Local Law would allow the Shire to provide signage and attempt regulate noise to the prescribed times. Associated instances of alleged antisocial behaviour remain a matter for local WA Police.

The Shire subsequently received the Acoustic Report that highlights the noise emissions exceed the permitted noise levels under the *Environmental Protection (Noise) Regulations 1997*, at all times of the day. Any action taken by the Shire that permits the noise to continue may result in compliance and enforcement penalties from Department of Water and Environment (DWER).

The Officers recommendation, when moved and seconded, was subsequently defeated following notice of a Foreshadowed motion.

The foreshadowed motion was moved and seconded and subsequently deferred until the meeting of 26 May 2021. It is suggested that the foreshadowed motion be again deferred to allow the trial of a sound attenuating backboard, which has been ordered but not yet delivered.

VOTING REQUIREMENTS

Simple majority

The officer's recommendation was defeated, the foreshadowed motion became the substantive.

FORESHADOWED MOTION – 13.4

Moved Cr Noonan, Seconded Cr Mogg.

That in light of the Noise Report attached to the Officer's report, relating to noise of basketball being played on Daablone Vista POS exceeding assigned noise levels:

- 1. The basketball ring, pole and backboard installed at Daablone Vista POS be now removed.**
- 2. A Council workshop or workshops be held to discuss replacement amenities/facilities for the removed basketball equipment.**

OC102/2021 – PROCEDURAL MOTION /COUNCIL DECISION

Moved Cr Southwell, Seconded Cr Andrew.

That pursuant to the Shire of Capel Standing Orders Local Law 2016, clause 1.1(a) the motion be deferred until the Ordinary meeting of the Council scheduled for 30 June 2021 to allow for further consideration.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

Cr Kitchen declared a Financial Interest in item 13.5 Boyanup Saleyards with the nature and extent of the interest being that he has a beneficial interest in the sale of cattle.

Cr Kitchen left the room at 6:28pm.

13.5 Boyanup Saleyards

Location:	Boyanup
Applicant:	Not Applicable
File Reference:	LI.LD.135
Disclosure of Interest:	Nil
Date:	14.05.21
Author:	Strategic Governance and Risk Coordinator, T Kettle
Senior Officer:	Acting Chief Executive Officer, R. Stewart
Attachments:	Nil

PROPOSAL

To endorse advertising for the disposition of Crown Reserve 27193 and 27194, (Boyanup Cattle Saleyards) under section 3.58 Local Government Act 1995.

OFFICER'S RECOMMENDATION

That:

- 1) The Acting CEO be authorised to give local public notice of the proposed disposition by lease of the land known as the Boyanup Cattle Saleyards, situated on reserve 27193 and reserve 27194 Boyanup to Elders Rural Services Limited and Nutrien Ag Solutions Limited (WALSA) for a period of 10 years plus a 10 year extension.
- 2) The notice referred to in part 1) above shall invite submissions on the proposed disposition.
- 3) All submissions received shall be subsequently referred to the Council no later than the Ordinary Meeting of the Council scheduled for 28 July 2021.

BACKGROUND

Crown Reserves 27193 and 27194 were vested in the Shire of Capel for the purposes of stock saleyards and parking in 1964 and 1967 respectively.

Operating as the West Australian Livestock Salesmen's Association (WALSA) Elders Rural Services Limited and Nutrien Ag Solutions Limited, have leased the Boyanup Cattle Saleyards from the Shire since 2002.

The Minister for Primary Industries and Regional Development, Hon A. MacTiernan MLC and the West Australian Meat Industry Authority (WAMIA) sort the support of the Council in 2019 for the negotiation of suitable terms to review the current lease; examine the possibility of a new lease; and examine strategic options for the operation of the facility into the long term.

At its 27 November 2019 Ordinary Meeting the Council resolved (195/2019):

'That Council authorise the CEO to write to the state Minister for Regional Development and other necessary entities indicating Council's in-principle support for:

- The continuation of sale yard operations at the current Boyanup location;

- The continuation of any necessary negotiation to develop options and contingencies to facilitate long term planning for sale yard operations at Boyanup;
- Indicate the Shire of Capel's preparedness to negotiate a future lease and agreements to support the continuation of saleyard operations; and
- That the Council authorise the CEO and Cr Scott to negotiate the terms of a draft future lease agreement, with any proposed lease to be brought back to Council for final approval.'

Shire Officers have been working with external stakeholders to investigate and facilitate the continued leasing and operation of the Boyanup Cattle Saleyards.

STATUTORY ENVIRONMENT

Local Governments are required to advertise any proposed disposition of property (including leasing), by local public notice and invite submissions for 14 days under the *Local Government Act 1995* section 3.58.

Local Government Act 1995 – Section 3.58

3.58 Disposing of Property

- (2) Except as stated in this section, a local government can only dispose of property to –
- (a) The highest bidder at a public auction; or
 - (b) The person who at a public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
- (a) it gives local public notice of the proposed disposition –
 - (i) describing the property concerned,
 - (ii) giving details of the proposed disposition, and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of the proposed disposition that are required by subsection (3)(a)(ii) include –
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition and
 - (c) the market value of the disposition
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

There are no current Shire Policies relevant to this matter.

RISK IMPLICATIONS

This report is subject to Shire Policy 2.28 Risk Management Framework. An assessment of potential implications has been undertaken with the following risks identified:

- Financial – Moderate
- Legal – Low
- Reputation – Moderate
- Compliance – Low

The risks associated with advertising the disposition of the Boyanup Cattle Saleyards is low to moderate and are acceptable subject to appropriate controls. The current lease expires in June 2022 and a new lease is required to mitigate the risk of the site being left unattended.

FINANCIAL IMPLICATIONS

Budget

There are minor costs incurred in preparation of a new lease document: approximately \$3,000.

The cost of Local Public Notice to advertise the proposed lease agreement will be approximately \$350.00.

Long Term

The existing lease yields \$77,706 per annum. The Shire has indicated that any lease renewal fees will need to be subject to a Council decision, but that as a starting point the Shire should be no worse off than the current arrangements.

There is continued economic benefit to the district of a continued operation at this site. There are likely costs of a disruptive and significant nature to the local economy if operations discontinue at the current site.

SUSTAINABILITY IMPLICATIONS

The ongoing lease of the property provides the Shire with an annual income that is used for other purposes. The regular stock sales are an important opportunity for social interaction and create economic opportunities for local businesses.

There have been ongoing environmental management issues at the site, relating to the disposal of effluent and the site will require extensive clean-up and rehabilitation once cattle sales cease. The Shire of Capel notified the (then) Department of Environment and Conservation in 2006 under the requirements of the *Contaminated Sites Act 2003* that the site was likely to be contaminated with animal waste. However, there has not yet been any formal investigation into the extent of the issue. There is no Memorial on the title under the Act.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience '*Ensure open, transparent and effective good governance.*'

Community Objectives:

- 1.1 Community works collaboratively to achieve a positive future, by maintaining and strengthening its 'network of networks'.
- 1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:

- 2.2 Celebrates the community's diversity of residents and visitors including their contribution to cultural and economic sustainability.
- 2.3 The special characteristics of the town centres are fostered.

The Economic Experience '*Responsible and progressive local economic development*'.

Community Objectives:

- 3.1 The community capitalises on its unique attributes and location.
- 3.3 Each town centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.
- 3.5 Activities, new business and developments are encouraged.

CONSULTATION

The Shire has been in consultation with the Office of the Minister Primary Industries and Regional Development, the Department Primary Industries and Regional Development, WALSA and other external stakeholders.

Internal consultation has been ongoing with the A/CEO, Director and A/Director Infrastructure and Development, Director and A/Director Community and Corporate and relevant Shire officers.

COMMENT

The Shire has been working with stakeholders to advance the renewal of a lease agreement and the development of a long-term plan for the Boyanup Cattle Saleyards. To continue this process the Shire is required to advertise the proposed disposal of the land and invite submissions for 14 days under the *Local Government Act 1995*.

Consultants are currently undertaking a property valuation to ascertain the market value to be advertised. Authorising the A/CEO to proceed to advertising upon receipt of the property valuation, is prudent to provide efficiency.

A subsequent report will provide an opportunity for the Council to consider the submissions received and conduct a thorough assessment of the benefits and risks associated with continuing to lease the Boyanup Cattle Saleyards.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 13.5
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That:

- 1) The Acting CEO be authorised to give local public notice of the proposed disposition by lease of the land known as the Boyanup Cattle Saleyards, situated on reserve 27193 and reserve 27194 Boyanup to Elders Rural Services Limited and Nutrien Ag Solutions Limited (WALSA)for a period of 10 years plus a 10 year extension.
- 2) The notice referred to in part 1) above shall invite submissions on the proposed disposition.
- 3) All submissions received shall be subsequently referred to the Council no later than the Ordinary Meeting of the Council scheduled for 28 July 2021.

Loss of Quorum

The Acting CEO advised that a quorum was no longer available and that the matter could therefore not be considered. The meeting proceeded to the next business.

Cr Kitchen returned to the room at 6:29pm.

14 INFRASTRUCTURE AND DEVELOPMENT REPORTS**14.1 Policy Review – Policy 5.3 Shade and Sunsmart Policy – (OC103/2021)**

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	10.05.21
Author:	Acting Principal Environmental Health Officer, N.Milner
Senior Officer:	Acting Director Infrastructure and Development, K. McKeachie
Attachments:	Nil

PROPOSAL

To consider and review Policy 5.3 Shade and Sunsmart Policy and adopt minor changes.

OFFICER'S RECOMMENDATION

That Policy 5.3 Shade and Sunsmart as follows:

INTRODUCTION

Local government is in a unique position to assist in the prevention of skin cancer at the community level to ensure that the community has access to facilities and services that provide protection from ultraviolet (UV) radiation.

OBJECTIVE

Provide guidance to the Council to reduce community exposure to ultraviolet (UV) radiation. Guidance may include consideration of measures outlined in the Cancer Council Western Australia document '*The Shade Handbook: A practical guide for shade development in Western Australia 2012 2020.*'

~~Guide Source – <https://www.cancerwa.asn.au/resources/2013-03-06-theshade-handbook-web.pdf>~~

<https://www.cancerwa.asn.au/resources/2020-12-03-THE-SHADE-HANDBOOK-FINAL.pdf>

POLICY STATEMENT**The Council will:**

1. ~~Council~~ Recognises that there are opportunities to improve the provision of shade across existing and new council developed facilities.
2. ~~Ensure that~~ Consideration of shade ~~the~~ provision is made **of shade**, in the assessment of development applications relating to urban and open spaces where relevant.
3. Increase the provision of sustainable, quality shade at particular sites within the Shire including parks, playgrounds, sporting and recreational facilities and early childhood services. Children's play areas will be considered a high priority for shade provision.
4. Ensure that consideration of shade is made when renovating existing infrastructure, facilities and landscaping.

5. Take advantage of existing campaigns and strategies to promote 'sun safe and sun smart' behaviours to Shire employees and to the community, including messages through newsletters, brochures and posters.
6. Promote the importance of sun protection in pre-event publicity and literature including events flyers, tickets and programs.

POLICY APPLICATION

The application of this policy is to be considered in conjunction with the associated Council Policies and guidelines will apply throughout the Shire of Capel to all outdoor areas.'

be endorsed.

BACKGROUND

The *Local Government Act 1995* requires the Council to determine the local government's policies. Shire of Capel Policy 2.1 (Policy Manual) requires that policies be reviewed every 2 years.

Policy 5.3 Shade and Sunsmart was adopted OC0404 18.04.12 and last reviewed 12.12.17.

STATUTORY ENVIRONMENT

Local Government Act 1995 s2.7

2.7 Role of council

- (1) The council –
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions
- (2) Without limiting subsection (1), the council is to –
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Public Health Act (2016) s 45

45. Local public health plans

- (1) A local government must prepare a public health plan (a **local public health plan**) that applies to its local government district.
- (2) A local public health plan must be consistent with the State public health plan.
- (3) A local public health plan may be prepared in conjunction with a plan for the future of the local government district prepared under the *Local Government Act 1995* section 5.56.
- (4) A local public health plan must –
 - (a) identify the public health needs of the local government district; and
 - (b) include an examination of data relating to health status and health determinants in the local government district; and
 - (c) establish objectives and policy priorities for –
 - (i) the promotion, improvement and protection of public health in the local government district; and
 - (ii) the development and delivery of public health services in the local government district; and
 - (d) identify how, based on available evidence, the objectives and policy priorities referred to in paragraph (c) are proposed to be achieved; and
 - (e) describe how the local government proposes to work with the Chief Health Officer and other bodies undertaking public health initiatives,

- projects and programmes to achieve the objectives and policy priorities referred to in paragraph (c); and
- (f) include a strategic framework for the identification, evaluation and management of public health risks in the local government district and any other matters relating to public health risks in the local government district –
 - (i) that the local government considers appropriate to include in the plan; or
 - (ii) that are required to be included in the plan by the Chief Health Officer or the regulations; and
 - (g) include a report, in accordance with the regulations, on the performance by the local government of its functions under this Act.
- (5) A local government must review its local public health plan each year and may amend or replace it at any time.
 - (6) Unless it is sooner replaced, a local public health plan must be replaced at the end of the period of 5 years after it was prepared.
 - (7) A local government must prepare its first local public health plan not later than 2 years after this section comes into operation.

POLICY IMPLICATIONS

This Policy aligns with Policy 5.9 Public Health Priorities and development of the Shire of Capel Public Health Plan.

RISK IMPLICATIONS

The risk of adopting this policy is low as it does not commit the Shire to expenditure outside that of its current budget processes. There is a medium risk that not adopting the policy may delay or lead to a failure in the Shire towards improving the community's health status.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications relevant to this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

This agenda item has positive sustainability implications as the provision of shade has been identified as an important component in the design and creation of safe and healthy communities as a priority in the State Public Health Plan for WA 2019-2024.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience '*Ensure open, transparent and effective good governance.*'

Community Objectives:

- 1.2 Respond to key challenges, global factors and local impacts together.
- 1.4 Building a culture of collaboration and a stronger, safer and happier community.

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

Community Objectives:

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

The Environmental Experience, *'Preserve and enhance the natural and built environment'*

Community Objectives:

- 4.3 As a community we come together to respond to environmental challenges and risks.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

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

CONSULTATION

Updated reference material provided by consultation with key Public Health Plan stakeholder, Cancer Council WA.

COMMENT

In line with the ongoing progression towards completing a Local Public Health Plan, mandated by the Public Health Act (2016), the Shire will continue to make improvements in providing the community with access to services and facilities that provide protection from UV radiation through the creation of shaded environments and initiatives at Shire of Capel controlled activities and events. It is important to be aware that outdoor temperature does not affect UV radiation levels, which can be high enough to cause damage to skin even on cool or cloudy days.

VOTING REQUIREMENTS

Simple majority

OC103/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION- 14.1

Moved Cr Noonan, Seconded Cr Kitchen.

That Policy 5.3 Shade and Sunsmart Policy as follows:

'INTRODUCTION

Local government is in a unique position to assist in the prevention of skin cancer at the community level to ensure that the community has access to facilities and services that provide protection from ultraviolet (UV) radiation.

OBJECTIVE

Provide guidance to the Council to reduce community exposure to ultraviolet (UV) radiation. Guidance may include consideration of measures outlined in the Cancer Council Western Australia document '*The Shade Handbook: A practical guide for shade development in Western Australia 2020.*'

<https://www.cancerwa.asn.au/resources/2020-12-03-THE-SHADE-HANDBOOK-FINAL.pdf>

POLICY STATEMENT

The Council will:

- 1. Recognise that there are opportunities to improve the provision of shade across existing and new council developed facilities.**
- 2. Consider the provision of shade, in the assessment of development applications relating to urban and open spaces where relevant.**
- 3. Increase the provision of sustainable, quality shade at particular sites within the Shire including parks, playgrounds, sporting and recreational facilities and early childhood services. Children's play areas will be considered a high priority for shade provision.**
- 4. Ensure that consideration of shade is made when renovating existing infrastructure, facilities and landscaping.**
- 5. Take advantage of existing campaigns and strategies to promote 'sun safe and sun smart' behaviours to Shire employees and to the community, including messages through newsletters, brochures and posters.**
- 6. Promote the importance of sun protection in pre-event publicity and literature including events flyers, tickets and programs.**

POLICY APPLICATION

The application of this policy is to be considered in conjunction with the associated Council Polices and guidelines will apply throughout the Shire of Capel to all outdoor areas.'

be endorsed.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

14.2 Child Family Care Centre – Lot 9 South Western Highway, Boyanup – (OC104/2021)

Location:	Lot 9 (36) South Western Highway, Boyanup
Applicant:	Shirley- Ann Mitchell
File Reference:	PA11/2021
Disclosure of Interest:	Nil
Date:	19.01.021
Author:	Planning Officer, D Moltoni
Senior Officer:	Acting Director Infrastructure and Development, K McKeachie
Attachments:	1. Site Plan 2. Schedule of submissions

PROPOSAL

To consider and approve a development application for a Child Family Care Centre land use at Lot 9 (36) South Western Highway, Boyanup.

OFFICER'S RECOMMENDATION

That in accordance with Clause 68 (2) (b) in Schedule 2, Part 9 of the Deemed Provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, Development Approval be granted for a Child Family Care Centre at Lot 9 (36) South Western Highway, Boyanup, subject to conditions.

BACKGROUND**Background**

May 1984 - Building permit issued for carport.

December 1994 - Building permit issued for sunroom addition.

No previous planning approvals have been issued on the site.

The proposal is for a Child Family Care Centre with the following key components:

- The proposed hours of operation are from 6am to 7pm, seven (7) days per week. Children may arrive or depart within these hours. Overnight care is also offered seven (7) days of the week including public holidays.
- Four (4) parking bays are proposed to be provided as indicated on the site plan (see Attachment 1). There is considered to be adequate space for two (2) parking spaces for the existing dwelling in accordance with the deemed-to-comply standards of the Residential Design Codes (Rcodes) that will be separate from the parking bays proposed for the Child Family Care Centre use.
- The proposed age range of children to be cared for on the site is age three (3) years up to a maximum of 12 years old.
- A maximum of six (6) additional children are proposed to be cared for on the site at any time. The proponent has a single child living on the site.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 60 (a) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) requires the development approval of the Local Government prior to the commencement of the development.

In accordance with Clause 68 (2) (y) of the deemed provisions of the Regulations the Local Government must have due regard to any submissions received on the application.

Shire of Capel Town Planning Scheme No.7

The subject land is zoned Residential R10/15 within Town Planning Scheme No. 7 (TPS7) and has an area of 982m².

A Child Family Care Centre is a discretionary 'AA' use which means that the use is not permitted unless the Council has granted planning consent. TPS7 defined the land use as follows:

'Means land and buildings used for daily or occasional care of children in accordance with Community Services (Child Care) Regulations 1988.'

Draft Local Town Planning Scheme No.8

Draft Local Town Planning Scheme 8 (LPS8) is being advertise for public and agency comment until 9 June 2021.

Within draft LPS8 the site is proposed to be zoned Mixed Use Residential. This new zone is proposed to provide for a variety of residential and commercial developments and land uses.

POLICY IMPLICATIONS

There are no current Shire Policies relevant to this matter.

RISK IMPLICATIONS

The level of risk associated with the application is considered 'Low'.

Should the Council resolve to refuse the proposal, or impose conditions to which the proponent objects, the applicant may lodge a review of the decision with the State Administrative Tribunal (SAT).

FINANCIAL IMPLICATIONS

Budget

The applicant has paid a planning application fee of \$328.

Long Term

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

SUSTAINABILITY IMPLICATIONS

A Child Family Care Centre is expected to provide a local child care option for residents of Boyanup and the surrounding region. This is likely to assist some members of the community to participate in the work force while parenting young children.

The proposal is primarily for a land use and includes no works other than required upgrades to the existing crossover. There are not expected to be any impacts on the natural or built environment should approval be granted.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience *'Ensure open, transparent and effective good governance.'*

Community Objectives:

1.3 Creating a more connected community.

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

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

Community Objectives:

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

2.2 Celebrates the community's diversity of residents and visitors including their contribution to cultural and economic sustainability.

2.3 The special characteristics of the Town Centres are fostered.

2.4 Community safety is recognised as paramount.

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Objectives:

3.2 Local businesses and retailers serve the needs of the local community and visitors.

3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.

3.5 Activities, new business and developments are encouraged.

CONSULTATION

The application was advertised for comment to adjoining landowners and referred to Main Roads Western Australia (MRWA) in accordance with Clause 64 (3)(a) of the Regulations.

Advertising of the application attracted five (5) submissions with two (2) submissions raising concerns, and three (3) submissions in support of the proposal as detailed and assessed within the Schedule of Submissions (see Attachment 2).

The three (3) submissions in support of the proposal were received after the closing of the consultation period. These submissions have also been given due regard.

COMMENT

Context and compatibility with existing and proposed zoning

The site and adjoining properties are zoned Residential R10/15. The site is also located in close proximity (30 metres to the North East) to the commercial centre of Boyanup. The home-based proposal is considered to be compatible with the mix of residential and commercially zoned properties.

While LPS8 is in the process of being advertised, the proposed 'Mixed Use Residential' zoning of the site and the surrounding properties provides for a variety of commercial and residential development and land uses. While TPS8 can only be given due regard following the closing of the consultation period 9 June 2021, the proposal is considered consistent with LPS8.

Scale of the of the activity

The proposal is considered to be of a low scale. A maximum of seven (7) children, including one child of the proponent are proposed to be at the site at any time. At this proposed scale, the proposal is not expected to detrimentally impact the amenity of surrounding residents greater than a family with multiple children and working parents living on the site.

Traffic

Parents and carers are proposed to drop off and pick up children beginning at 6am and finishing as late as 7pm. Given that a maximum of seven (7) children are proposed to be at the site at any time, the scale of the land use is expected to generate only a small number of 12 additional vehicle movements each day above the 8 to 10 vehicles normally associated with a dwelling. In accordance with MRWA traffic data, South Western Highway in close proximity to the site carries an average in the order of 8,000 vehicles per day. Given the level of exiting highway traffic, the minor additional traffic increase potentially generated by the proposal is not expected to impact on to the amenity or health of surrounding residents.

VOTING REQUIREMENTS

Simple majority

OC104/2021 - OFFICER'S RECOMMENDATION – 14.2

Moved Cr Noonan, Seconded Cr Andrew.

That in accordance with Clause 68 (2) (b) in Schedule 2, Part 9 of the Deemed Provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, Development Approval be granted for a Child Family Care Centre at Lot 9 (36) South Western Highway, Boyanup, subject to the following conditions:

- 1. Development shall be in accordance with the approved development plans dated 15 February 2021.**
- 2. Pickup and drop off of children shall take place between the hours of 6am and 7pm seven (7) days per week.**
- 3. Prior to the commencement of the land use hereby approved, detailed engineering plans for the upgrade of the access to ensure two way vehicular movement to South Western Highway are to be submitted to and approved by the Local Government in consultation with Main Road Western Australia and thereafter implemented at the cost of the applicant.**
- 4. All vehicles associated with Child Family Care Centre use shall be parked within the lot boundaries.**
- 5. No more than seven (7) children, including the operator's own children may be cared for within the premises used for the purposes of a Child Family Day Care at any one time.**
- 6. No person shall be employed by the Child Family Care Centre who is not a resident at the property.**

Advice Notes

- 1. A Building Permit is required for any proposed change of building classification whether any works are proposed or not, in addition to planning requirements. The reclassification will consider Building Code specific requirements for eg: fire separation, amenity, equal access including all requirements for Disability (Access to Premises-Buildings) Standards 2010.**

Note any reclassification works require compliance with the current Building Code of Australia. Advice should be sought from a registered building surveyor in the early design stages regarding Building Code requirements as any required alterations are site specific and can result in significant works to be undertaken.

- 2. The applicant will need to conform to the requirements of the Food Standards Code in the event that food is proposed to be prepared for the operation of the Child Family Care Centre.**

Additionally, the registration as a Food Premises as per the Food Act 2008 and Food Regulations 2009 will be required prior to the premises opening, and an application is to be submitted including floor plan showing fixtures and fittings to the Shire's Environmental Health Division for assessment and approval.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

Cr Kitchen declared a Proximity Interest in item 14.3 Meadowbrook Lifestyle Village Development Application Amendment with the nature and extent being that condition 9 is in proximity to a property a closely associated person owns.

Cr Kitchen left the room at 6:32pm.

14.3 Meadowbrook Lifestyle Village Development Application Amendment

Location:	Lot 201 (33) Turner Street, Boyanup
Applicant:	Halsall & Associates Town Planning Consultants
File Reference:	PA59/2021
Disclosure of Interest:	Nil
Date:	13.04.21
Author:	Manager Planning Services, K Muste
Senior Officer:	Acting Director Infrastructure and Development, K McKeachie
Attachments:	1. Application letter and 2015 planning approvals 2. 2016 approval for variations to Conditions 7 and 11

PROPOSAL

To consider amending the existing Meadowbrook Lifestyle Village Development Approval to delete a development contribution condition as requested within Attachment 1.

OFFICER'S RECOMMENDATION

That:

1. In accordance with Clause 68 (2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Development Approval be granted to delete Condition 9 as an amendment to Planning Consent for the Lifestyle Village at Lot 201 Turner Street Boyanup as determined by the Council at its 23 September 2015 Ordinary Meeting.
2. The applicant be advised that Condition 9 of the Greater Bunbury Region Scheme Planning Approval for the Lifestyle Village at Lot 201 Turner Street Boyanup as determined by the Council at its Ordinary Meeting held 23 September is no longer required to be complied with.

BACKGROUND

September 1995 – Planning Consent granted under delegated authority for 3 family type group dwellings, 3 single room grouped dwellings and a recreation/facility building.

November 1998 – Rezoning (Amendment No.1) of the site to include Additional Uses of Respite Centre, Multi-Purpose Building, Arts and Crafts and Holiday Accommodation gazetted. Residential R10/R15 and Foreshore Protection zoning retained.

July 2001 – Survey Strata application submitted to the WAPC to subdivide one of the existing dwellings from site. The Council (decision OC0521) did not support the application and the WAPC refused the application.

July 2001 – The Council (decision OC0711) resolved to adopt rezoning documents (Amendment No.14) for the land. The rezoning proposed to include the use 'Short Term Accommodation' in lieu of the current use 'Holiday Accommodation'. This change in use was to facilitate uses such as lodging houses, which included backpackers' hostels.

February 2004 – proposals for outdoor concerts received and considered but did not eventuate.

April 2004 – Section 39 and 40 certificates provided for liquor licence application for a restaurant.

March 2005 – Planning Consent (under delegated authority) was granted to increase the seating capacity of the restaurant to 150 people and to use the 'Stables' building as a Reception Centre for up to 70 people.

February 2009 – The Council (decision OC0214) resolved to initiate Amendment No. 46 to facilitate the development of an Aged Persons Village incorporating associated facilities and recreational areas. The amendment was referred to the Environmental Protection Authority (EPA) for consideration.

October 2009 – The EPA requested modifications to the amendment prior to commencing advertising. The Council resolved to adopt the suggested modifications, which varied from the February 2009 resolution. The modifications suggested by the EPA resulted in the need for a number of additional provisions relating to Water Management, Foreshore Management and Noise Management.

April 2010 – The Council (decision OC0406) resolved to adopt Scheme Amendment No. 46. Final approval was granted by the Minister for Planning in September 2010.

June 2013 – The Western Australian Planning Commission (WAPC) purchased from Preston Green Pty Ltd Lot 200 (Foreshore Area) reserved for Regional Open Space in accordance with the Greater Bunbury Region Scheme.

August 2015 – The Council (decision OC0814) endorsed a Development Guide Plan and Design Guidelines as the basis of assessing a planning application for the subject site.

September 2015 – The Council (decision OC0905) resolved to grant local and Greater Bunbury Region Scheme planning consent (development approval) for a lifestyle village comprising 181 land lease areas.

January 2016 – The Council (decision OC0110) resolved in accordance with Section 31 of the State Administrative Tribunal Act 2004 to vary Condition 7 and 11 of the planning consent granted 23 September 2015 (see Attachment 2).

September 2019 – Receivers and Managers appointed for the owners of the site trading as Meadowbrooke Estate and Meadowbrooke Lifestyle Village.

In addition to the above, the site has been subject to a range of separate minor development applications approved under delegated authority for signage and a minor amendment to the Development Guide Plan to accommodate a larger shed.

The lifestyle village has been approved to contain 181 lifestyle village dwellings and a range of facilities in accordance with the current development approval (see Attachment 2.).

The lifestyle village has been partially developed to include a range of facilities and 17 dwellings.

STATUTORY ENVIRONMENT

Shire of Capel Town Planning Scheme No. 7 (TPS7)

Within TPS7 Lot 201 Turner Street, Boyanup is zoned Special Use and Appendix 4 states as follows:

"The Uses permitted will be in accordance with the interpretation of Aged Persons Village under the Scheme and the adopted Development Guide Plan relating to the zone. The following uses are listed as being permitted within the zone:

- Residential R40 – Aged Persons Accommodation
- Guest house/short term accommodation
- Community Centre
- Caretakers dwelling
- Car parking
- Administration Office”.

Appendix 4 also provides the capacity for the Council to determine and approve other uses that are considered to be ancillary and incidental to the objective of the zone, stating:

"Ancillary and incidental uses, Recreation Public, Recreation Private and Public Amusement uses may at the discretion of Council be approved in the zone for use of patrons and visitors, not being residents of the zone, subject to compliance with any standards, conditions or requirements specified by Council in conducting the use.

In considering the discretionary uses, the Council may invite public comment in accordance with Clause 8.2.3 of the Scheme prior to determining the use”.

Scheme Amendment No. 65 and Development Contribution Plan

In August 2020 Scheme Amendment No. 65, that introduced Development Contribution Plan (DCP) provisions within TPS7 was approved by the Minister for Planning and gazetted. This has allowed the Council to collect development contributions from subdivision and development within the Capel townsite and Dalyellup.

As presented to Councillors at a briefing in February 2021, Boyanup was required to be deleted from the DCP by the Minister for Planning due to a lack of growth and the potential impact of contributions on development within the town.

Prior to removal of Boyanup from Scheme Amendment No. 65 the following infrastructure and administration items were originally proposed to be funded:

1. Boyanup Recreation Ground Master Plan – Stage 1 (\$3,436,112);
2. Boyanup Recreation Ground Master Plan – Stage 2 (\$3,720,178);
3. Public open space/parks development – East Boyanup (\$2,881,713); and
4. Administration of the DCP – 1% of per lot rate.

The Council in April 2018 (decision OC0406) resolved to delete items 2 and 3 above from Scheme Amendment No. 65 and the DCP due to reduced Boyanup population growth rates.

Draft Local Planning Scheme No. 8

Draft Local Planning Scheme No. 8 (LPS8) is being advertised for public and agency comment until 9 June 2021.

Within draft LPS8 Lot 201 is proposed to be rezoned to Residential R40 with the following additional planning controls:

- Additional Use (AU7) to permit additional land uses of Car Park, Office and Recreation Private with associated conditions to reflect lifestyle village facilities;
- Special Control Area (SCA3) - Flood Prone Land; and
- Special Control Area (SCA4) – Transport Corridors.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 77 of Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) provides the local government with the ability to amend or cancel a development approval as follows:

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) to amend or delete any condition to which the approval is subject;
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) to cancel the approval.

Greater Bunbury Region Scheme

Under the Greater Bunbury Region Scheme (GBRS) Lot 201 is zoned Urban and abuts land reserved for Primary Regional Roads, Regional Open Space, and Railways. The original application was a type of development that was not exempt from requiring planning approval under the GBRS, and therefore a GBRS application was required.

The Shire has delegation to determine an application in accordance with the GBRS where it accepts the advice and recommendations of state referral agencies which in this case were the Department of Planning Lands and Heritage (DPLH), Main Roads WA (MRWA) and the Public Transport Authority (PTA).

In determining the original application, the comments provided by the DPLH recommended the application be referred to the then Department of Parks and Wildlife and the Department of Water to ensure the development did not negatively impact upon the adjacent Regional Open Space. Additionally, it was noted that a Foreshore Management Plan was required to be referred to the then Department of Parks and Wildlife and the Department of Water for advice and recommendation.

The Council resolved in 2015 to grant and issue separate Local Government and GBRS development approvals. This practice of issuing separate approvals is no longer implemented as the DPLH subsequently confirmed that single joint local government and GBRS approvals are to be issued. Given the past practice, consultation was undertaken with the DPLH to confirm the correct process to amend the current GBRS approval. DPLH confirmed the condition in question relates to a contribution being made by the proponent to the Shire of Capel towards community facilities. Clause 30 of the GBRS stipulates that a planning approval can only be amended prior to the commencement of development, which does not apply in this case as construction of the lifestyle village has commenced. Notwithstanding this position, the DPLH further advised that if the Shire is satisfied that the condition has been complied with or it is no longer required to be complied with, that it may make a resolution and issue a letter to that effect, leaving the original GBRS approval in place without change.

POLICY IMPLICATIONS

The proposal to amend the original approval has been considered in the context of the following State Planning Policies:

- State Planning Policy 3.6 Development Contributions for Infrastructure.

RISK IMPLICATIONS

The level of risk associated with the application is considered 'Low' to 'Medium'.

In the event that the Council does not support the amendment to the development approval, the applicant may lodge a review of the decision with the State Administrative Tribunal (SAT).

FINANCIAL IMPLICATIONS

Budget

The application to amend the current development/planning approvals did not require the payment of an application fee or advertising in accordance with Clause 77 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Of the \$245,000 development contribution required by Condition 9, the applicant has paid \$23,581.92 for 17 approved dwellings.

Long Term

As presented to the Council in 2015, the development if progressed as approved is likely to result in increased demands on facilities and services within Boyanup. This position is reflected in the Development Guide Plan and current development approval that require the applicant to make contributions to the Shire's community facilities and infrastructure. The basis of this original position and subsequent changes to development contributions for Boyanup are detailed as follows.

Community Facilities

In accordance with Condition 9 of the current approvals, the applicant is required to provide a community contribution of \$245,000 at a rate of \$1,353.60 per dwelling (indexed to inflation). The report to the Council in 2015 stated it is likely that the funds collected in accordance with the condition will be spent in accordance with the Community Facilities and Services Plan adopted by the Council in 2013 that was prepared to inform the preparation of a development contribution plan.

Infrastructure

As a continuation of the provisions of the Development Guide Plan and being a condition of approval, the applicant will be providing for the following infrastructure works to support the project:

- Dual use path linkages between the site and Bridge Street (via the existing Railway crossing) in consultation with the Public Transport Authority;
- Upgrade of Turner Street, including the provision of a foot path connecting to South Western Highway and drainage infrastructure; and
- Implementation of management actions as detailed in the Foreshore Management Plan.

Whole of Life

Through fulfilling conditions of the development approval, additional infrastructure will be provided that will require ongoing maintenance and replacement. Additionally, should the Council consider acceptance of a management order over Lot 200 there will also be ongoing maintenance costs associated with the Foreshore Reserve.

SUSTAINABILITY IMPLICATIONS

In accordance with Appendix 4 of TPS7 the development approval attracted a condition requiring the applicant to prepare a Sustainability Outcomes and Implementation Plan to address matters including energy efficiency, solar orientation, water use, water sensitive landscaping and water harvesting. Following completion of the development the applicant is required to provide an audit to demonstrate compliance with the condition.

Had the development been completed and Boyanup not been removed from the DCP the community facilities contribution provided by the developer would have provide for increased infrastructure within the town.

The preparation and implementation of an approved foreshore management plan will have environmental benefits for the Preston River and wider catchment.

The proximity of the development site to the facilities and services of the town centre has important social and economic benefits for the town. As raised in submissions when the original application was advertised, local business owners expect residents of the development, together with their visiting families to bring more business to town.

STRATEGIC IMPLICATIONS

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Objectives:

- 1.1 Community works collaboratively to achieve a positive future, by maintaining and strengthening its 'network of networks'.
- 1.3 Creating a more connected community.
- 1.4 Building a culture of collaboration and a stronger, safer and happier community.
- 1.6 Council is effective and efficient in the financial management stewardship of community assets.

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

Community Objectives:

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

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Objectives:

- 3.1 The community capitalises on its unique attributes and location.
- 3.2 Local businesses and retailers serve the needs of the local community and visitors.
- 3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.

The Infrastructure Experience, *'To ensure safe, sustainable and efficient infrastructure and transport networks.'*

Community Objectives:

- 5.1 Urban development to be sustainably integrated to our unique natural environment, heritage and character.
- 5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.
- 5.3 Working together to meet the needs of changing infrastructure requirements.
- 5.4 Community needs a safe and efficient transport network including public transport.
- 5.5 Locals are able to 'age in place'.

The original application was considered in the context of the following policies, strategies and plans:

- Boyanup Townsite Strategy;
- Boyanup Transport Infrastructure Study;

- Urban Landscape Strategy;
- Boyanup Public Open Space Strategy;
- Boyanup Heritage and Rail Precinct Master Plan;
- Boyanup Memorial Park Master Plan; and
- Meadowbrook Development Guide Plan.

The Meadowbrooke Development Guide Plan is a form of local development plan that includes the following relevant land use note:

- A contribution is to be made to the Shire towards community facilities to the specification and satisfaction of the Shire of Capel.

CONSULTATION

The proposal to amend the approval has not been subject to community consultation.

Consultation was undertaken with DPLH to confirm the correct process to amend the GBRS approval.

COMMENT

Basis of the current \$245,000 Development Contribution condition

The current condition was applied based on the following:

- The requirement of the DGP for a contribution towards community facilities;
- Facilities provided for residents within the Meadowbrook Lifestyle Village would not be available for community or public use. A contribution was to be paid in lieu of providing public access to onsite facilities; and
- Funds would likely be spent in accordance with the Community Facilities and Services Plan (CFSP) adopted by Council in 2013 as the key basis of a Development Contribution Plan.

The DGP and CSFP were adopted based on the preparation and proposed finalisation of a DCP that originally proposed Boyanup infrastructure projects to be funded from developer contributions, grants and Shire funds.

Justification for deletion of the Development Contribution condition

Amendment of the approval to delete the development contribution condition as requested is justified for the following reasons:

- Boyanup has been deleted from the DCP provisions of TPS7 whereby the Shire has no capacity or authority to apply development approval conditions requiring development contributions to fund the listed Boyanup projects within the CSFP;
- Prior to the above occurring, the Council deleted and effectively reduced the number and value of Boyanup projects to be funded within the draft DCP;
- The WAPC will not apply a DCP development contribution condition to subdivision approvals for land within Boyanup;
- Retaining the condition to apply to future lifestyle village dwellings is considered inequitable as no other developments or subdivisions within Boyanup will now attract a similar condition;

- Should the condition be retained and development contributions collected, the Shire would have insufficient funds to construct infrastructure in accordance with the CSFP within a reasonable timeframe.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 14.3
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That:

1. In accordance with Clause 68 (2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, Development Approval be granted to delete Condition 9 as an amendment to Planning Consent for the Lifestyle Village at Lot 201 Turner Street Boyanup as determined by the Council at its 23 September 2015 Ordinary Meeting.
2. The applicant be advised that Condition 9 of the Greater Bunbury Region Scheme Planning Approval for the Lifestyle Village at Lot 201 Turner Street Boyanup as determined by the Council at its Ordinary Meeting held 23 September is no longer required to be complied with.

Loss of Quorum

The Acting CEO advised that a quorum was no longer available and that the matter could therefore not be considered. The meeting proceeded to the next business.

Cr Kitchen returned to the room at 6:33pm.

14.4 Tender 21.06 'Tree Pruning, Mulching and Removal of Trees' – (OC105/2021)

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 06.05.21
Author: Manager Operations, J Sleer
Senior Officer: Acting Director Infrastructure and Development, K McKeachie
Attachments: 1. Request for Tender 21.06 Tree Pruning, Mulching and Removal of Trees
2. RFT 21.06 Tender Evaluation Worksheet – Confidential

PROPOSAL

To consider acceptance of the tender from Arbor Guy as the successful tender for the Shire of Capel Tender 21.06 'Tree Pruning, Mulching and Removal of Trees'.

OFFICER'S RECOMMENDATION

That the tender received from Arbor Guy for the Shire of Capel Tender 21.06 'Tree Pruning, Mulching and Removal of Trees' be accepted.

BACKGROUND

25 November 2021 OC235/2020
The Council endorsed Shire Policy 2.8 - Purchasing

STATUTORY ENVIRONMENT

Section 3.57 of the Local Government Act 1995 applies.

3.57. Tenders for providing goods or services

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

Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996* applies.

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less.

Shire Policy 2.8 – Purchasing applies.

Section 3 Purchasing Thresholds and Practices.

3.1 Defining the Purchasing Value

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- a. The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- b. Wherever possible, purchasing activity for the same **category of supply** is aggregated into single contract arrangements to achieve best value for money and efficiency in future purchasing activities, where the requirements are able to be satisfied by a single supplier.

A **category of supply** can be defined as groupings of similar goods or services with common supply and demand drivers, market characteristics or suppliers.

3.2 Purchasing Value Assessment

The Purchasing Value is to be based on the following considerations:

- a. Exclusive of Goods and Services Tax;
- b. The actual or estimated total expenditure for the proposed supply, including the value of all contracts extension options and where applicable incorporate all TCO considerations;
- c. Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period; and
- d. For a Category of Supply, the Purchasing Value Assessment is to be based upon the average annual accumulative purchase value across the previous three (3) financial years.

POLICY IMPLICATIONS

The following Shire of Capel Policy Applies:

Policy 2.8 - Purchasing

RISK IMPLICATIONS

The statutory risk is High

The Shire's combined expenditure on tree pruning over the last three financial years has been \$834,745. If the RFT is not endorsed the Shire will be non-compliant with Shire policy 2.8-Purchasing and section 3.57 of the Local Government Act.

FINANCIAL IMPLICATIONS

Budget

The RFT provides a fixed schedule of rates for 12 months. Works involving trees are currently individually quoted. Quotes are based on an estimate by the contractor as to the value of the task. There may be potential savings in having a fixed schedule of rates.

Having a Contract in place will make sure the Shire is compliant with the Local Government Act, and Shire Policy 2.8-Purchasing.

Long Term

Having a contract in place for tree pruning and removal will reduce administration time for Shire staff as they will not need to obtain individual quotes.

SUSTAINABILITY IMPLICATIONS

Environmental

The contract requires correct arboreal practices to be employed when tree pruning. There is provision within the contract for arborist inspections and reports. Using best practice informed by arborist reports will ensure health and retention of trees within the Shire of Capel.

Economic

Potential savings from having a 12-month fixed schedule of rates for tree pruning.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-2028

Leadership Experience '*Open transparent and effective good governance.*'

Community Objective:

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

CONSULTATION

During the formation of the RFT consultation was conducted with relevant Shire of Capel staff.

COMMENT

The need for this tender arises from the requirements of Shire of Capel policy 2.8– Purchasing. This policy stipulates:

'c) Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three-year period.

d) For a Category of Supply, the Purchasing Value Assessment is to be based upon the average annual accumulative purchase value across the previous three (3) financial years.'

The combined spend on tree pruning, mulching and removal of trees for the last three years has been \$834,745.

A three-week tender period via the Shire of Capel Tenderlink Portal was held. Once the tender period closed, a tender ranking process was undertaken with three Shire staff conducting independent assessments of all four tenders.

Evaluation criteria was set, with a score allocated to each criterion. Scores assigned to tenders against each criterion.

These criteria are:

- Relevant Experience;
- Key Personnel Skills and Experience;
- Tenderers Resources;
- Demonstrated Understanding; and
- Cost

A scenario model based upon the historical expenditure on this class of activity was developed in order to assess the actual or estimated total expenditure for the proposed supply. This model derived an estimated number of hours of work performed in return for the payments made over a period of three years.

Tenderers were required to provide their hourly rates for items listed in a schedule of rates.

An overall cost estimate for each tender was derived by multiplying the unit rates provided by the Tenderer by the modelled number of hours of work likely to be procured.

The scores were then tallied with the Tenderer whose weighted attributes were considered the most advantageous to the Shire, and whose overall cost would be the lowest, being nominated as the successful tenderer.

The assessed scores per Tenderer are as follows:

Tenderer	SCORE TOTAL (Quality + Cost)	
	Score	Rank
Arbor Guy	83.52	1
Norcape Tree & Contracting Services	80.33	2
South West Tree Safe	73.64	3
West Coast Tree Care	63.43	4

VOTING REQUIREMENTS

Simple majority

OC105/2021 - OFFICER'S RECOMMENDATION – 14.4

Moved Cr Kitchen, Seconded Cr Noonan.

That the tender received from Arbor Guy for the Shire of Capel Tender 21.06 'Tree Pruning, Mulching and Removal of Trees' be accepted.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

14.5 Renaming of Maidmarian Street – (OC106/2021)

Location:	Capel
Applicant:	John and Rose Phillips
File Reference:	RD0446.1
Disclosure of Interest:	Nil
Date:	04.05.21
Author:	Acting Manager Technical Services, T van Beem
Senior Officer:	Acting Director Infrastructure and Development, K McKeachie
Attachments:	Letter dated 01 April 2021 from Residents

PROPOSAL

To consider a request to rename Maidmarian Street, Dalyellup to remove potential for confusion with Maidment Parade.

OFFICER'S RECOMMENDATION

That:

1. Initial consultation with the residents of Maidmarian Street, Dalyellup with a view to achieving consensus for renaming of the road be endorsed;
2. A further report be prepared for the Council's consideration at the conclusion of consultation, but no later than September 2021.

BACKGROUND

A request has been received from a resident to rename Maidmarian Street, Dalyellup to remove potential for confusion with Maidment Parade.

STATUTORY ENVIRONMENT

The following Legislative framework applies:

- Local Government Act 1995;
- Land Administration Act 1997, Part 2 – General administration,
 - Division 3 – General;
 - Section 26. *Constitution, etc. of land districts and townsites;*
 - Section 26A. *Names of roads and areas in new subdivisions.*
- Land Information Authority Regulations 2007
- Policies and Standards for Geographical Naming in Western Australia (V01/2017)

POLICY IMPLICATIONS

Council Policy 2.33: Asset Management applies.

Council Policy 2.28: Risk Management Framework applies.

RISK IMPLICATIONS

The Risk associated with this matter is medium:

Where conflicts between road names occur, it is possible for public safety issues to arise due to confusion in the location of residences. In particular, the rapid and effective deployment of emergency services can be compromised.

In mitigation of the above, the name of Shire of Capel road reserve number 240446 was confirmed as 'Maidmarian Street' in May 2004 with the first Lot clearances in January 2005.

Since that time, the letter received from the applicants (on 5 April 2020) is the first formal advice of a naming conflict with 'Maidment Parade' that the Shire has received. The incidence rate of actual conflicts occurring in this case is therefore considered low, however the potential consequences of actual conflict occurring is considered high.

FINANCIAL IMPLICATIONS

Budget

There are no budget implications relevant to this proposal in the current financial year.

Long Term

Should a name change to one (or both) of these roads eventually take place, the following future costs may arise:

- Application, lodgement and transfer fees for changing of a road name to Landgate (\$295.00 inclusive of Goods and Services Tax (GST) per application). In some cases, this fee can be waived by Landgate where a significant public safety issue can be demonstrated.
- Application fees to Landgate for issue of new Titles for Lots affected by the name change; and
- Replacement of street signage name blades including installation (in the order of \$100.00 per blade).

SUSTAINABILITY IMPLICATIONS

- Transportation: Emergency, delivery and postal services may all experience loss of time/materials without clear road name references. Additional fuel consumption may occur due to back-tracking should vehicles be misdirected.
- Social: Exact and available road names are essential for emergency services including delivery of humanitarian aid, search and rescue and warning of natural disasters. Secure access to these services can provide comfort to residents and promote a sense of well-being.

Road naming can be an expression of identity for a locality or region, and aid in effective communication among residents.

STRATEGIC IMPLICATIONS

The following strategic objectives of the Community Strategic Plan 2018 -2028 apply:

The Leadership Experience, 'Open, transparent and effective good governance'.

Community Objective:

1.3 Creating a more connected community.

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

Community Objectives:

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

2.4 Community safety is recognised as paramount.

The Economic Experience, 'Responsible and progressive local economic development.'

Community Objective:

- 3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.

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

Community Objectives:

- 5.2 As a community, we work to ensure our ongoing enjoyment of our quality of life.
5.3 Working together to meet the needs of changing infrastructure requirements.
5.4 Community needs a safe and efficient transport network including public transport.

CONSULTATION

Advice on the procedures, and recommended approach to correction of this historical naming conflict was received from Landgate.

COMMENT

The Shire of Capel received a letter from Mr and Mrs Phillips of 19 Maidment Parade on 5 April 2021. The intent of the letter is to inform the Council of perceived safety and amenity issues caused by a conflict in the names of two Gazetted roads in Dalyellup; 'Maidment Parade' and 'Maidmarian Street'.

Due to the relative similarity of the two named roads, issues such as misdirection of mail and contractors has occurred. It is considered likely that the prevalence of such misdirection has increased in line with increased reliance upon Global Position System (GPS) based systems such as Google Maps (among others).

'Maidment Parade' was confirmed as the name of Shire of Capel road reserve number 240338 in January 1998. This came about as a result of the approval of Dalyellup Stage 1A subdivision by the Western Australian Planning Commission (WAPC). The first Lot clearances for residential construction were issued in December 1999.

'Maidmarian Street' was confirmed as the name of Shire of Capel road reserve number 240446 in May 2004. This came about as a result of the approval of Dalyellup Stage 12B subdivision by the Western Australian Planning Commission (WAPC). The first Lot clearances for residential construction were issued in January 2005.

Section 2.3.1 'Existing duplicated or similar sounding names' of the current Landgate guideline (*Policies and Standards for Geographical Naming in Western Australia (V01/2017)*) states that:

Road names submitted for approval cannot be:

- homonymous, for example similar in spelling to an existing road name
- similar in sound to an existing road name
- in the same locality as an existing road name
- in an adjoining locality
- in the same local government area
- duplicated more than six times in the metropolitan area, three north and three south of the Swan River
- duplicated more than 15 times within Western Australia
- less than 10km from the existing duplication in the metropolitan area
- less than 50km from an existing duplication in rural areas.

These exclusions shall also apply to similar sounding or written names, and to those within similar sounding localities even if they are more than 10km away, for example Forrestfield / Forrestdale, Woodbridge / Woodridge, Fremantle / East Fremantle etc. Road name duplication should be avoided in adjoining local governments

It is evident from the above that the conflict between 'Maidment Parade' and 'Maidmarian Street' would preclude selection of the latter name under the current Landgate Policy. Specifically, these road names would fail to meet the requirements of bullet points one, two, three and five of Section 2.3.1.

It should be noted that (as these road names have already been previously approved by Landgate under the Policy applicable at the time) there is no legislative requirement for the Shire of Capel to act. This report has therefore been prepared in order for the Council to determine whether the public safety risk that the conflicting names present is of sufficient extent as to warrant action by the Shire.

'Maidment Parade' is 3095 metres (@3.1km) in length and supports 71 residential properties. 'Maidmarian Street' is 312 metres (@0.3km) in length and supports 20 residential properties.

Given the relative lengths of the two roads in question, and the number of ratepayers likely to be affected by any change, it is recommended that the Council should consider amendment of 'Maidmarian Street'. The potential disruption to a large number of long established property Titles and the additional costs which may need to be borne by the Shire would make amendment of 'Maidment Parade' prohibitive.

Advice received (verbally) from Landgate recommends that the following process is undertaken, should the Council wish to proceed:

1. Undertake initial consultation with the residents of 'Maidmarian Street' to gain consensus for change. This consultation should include:
 - o agreement of issues such as costs for reissue of Titles to affected Lots; and
 - o opportunity for community input into the proposed new name for the road.

Further to the advice received from Landgate, minor modification of the existing name (e.g. insertion of a space to become 'Maid Marian Street') would not be considered an acceptable solution by Landgate. Significant differentiation would therefore be required.

2. Should no consensus be reached, the Shire has the right to approach the Minister for Lands for a Determination, where a significant public safety risk can be demonstrated. It is not clear (based solely upon the advice provided in their letter) that the evidence of risk provided by the applicants would be sufficient to meet that standard. Further investigation would be required.

VOTING REQUIREMENTS

Simple majority

OC106/2021 - OFFICER'S RECOMMENDATION – 14.5

Moved Cr Noonan, Seconded Cr Kitchen.

That:

- 1. Initial consultation with the residents of Maidmarian Street, Dalyellup with a view to achieving consensus for renaming of the road be endorsed;**
- 2. A further report be prepared for the Council's consideration at the conclusion of consultation, but no later than September 2021.**

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

Cr Kitchen declared an Impartiality Interest in item 14.6 Fire Control Officer Appointment with the nature and extent being he is a bush fire volunteer.

14.6 Fire Control Officer Appointments – (OC107/2021)

Location: Whole of Shire
Applicant: Shire of Capel
File Reference: ES.SP.1
Disclosure of Interest: Nil
Date: 13.04.21
Author: Emergency Services Coordinator, A Ciric
Senior Officer: Acting Director of Infrastructure, K McKeachie
Attachments: Nil

PROPOSAL

To appoint Fire Control Officers for the Shire of Capel.

OFFICER'S RECOMMENDATION

That:

1. The following Bush Fire Brigade Volunteers be appointed as Fire Control Officers:

*Chief Bush Fire Control Officer—Chris Scott
Deputy Chief Bush Fire Control Officer—Murray Scott*

Bush Fire Control Officers—

Gelorup: Jeff McDougall, Graham Briggs; Neill Rowlandson Elgin: Chris Scott, Barry Bell, Murray Scott; Boyanup: Brian Smith, Daniel Tait, Capel: Peter Dunlop; Kevin Scott. Stirling: Mark Roberts; Shire of Capel: Andriena Ciric, Mark O'Connor, Edwin Moore, Jason McNabb, Donna Pead, Andrew Ryder.

2. All previous appointments be cancelled.

BACKGROUND

The primary role of Fire Control Officers is to take reasonable measures considered necessary for protecting life and property and for the control and extinguishment of Bushfire. The duties include taking control of fires within the brigade area and issuing permits to burn during the restricted burning period.

STATUTORY ENVIRONMENT

Bushfires Act 1954 – Section 38 Local Government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Shire of Capel Fire Brigades Local Law

3.6 Holding of Annual General Meeting

A Bush fire Brigade is to hold its annual general meeting prior to 30 June each year

POLICY IMPLICATIONS

All Law, Order and Public Safety Policies (4.1 to 4.22) are broadly impacted by the recommendation in this report. Policy 4.3 specifically relates to Bush Fire Control Officer Appointments

FINANCIAL IMPLICATIONS

Budget

There are no unbudgeted financial implications for the Shire in relation to this matter.

Long Term

There are no long-term financial implications for the Shire in relation to this matter.

SUSTAINABILITY IMPLICATIONS

The following sustainability implications apply:

Social: The establishment and enforcement of measures that mitigate the risk of bush fire is an important function in the wellbeing and safety of the Community.

Economic: There are no economic sustainability issues.

Environmental: There can be impacts on the environment as emergency service functions focus on the preservation of human life. In this regard ensuring the appointment of fire control officers to take measures considered necessary for prevention of bushfires and protecting life and property in the case of an outbreak of bushfire.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 -2028

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Objective:

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

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

Community Objectives:

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

2.4 Community safety is recognised as paramount.

The Environmental Experience, *'Preserve and enhance the natural and built environment.'*

Community Objectives:

4.2 Our unique bush, forests, rivers and beaches are valued and protected to preserve the natural environment.

4.4 Council provides leadership and a responsive plan to manage our drying climate and increasing storm and fire risk.

CONSULTATION

The Bush Fire Advisory Committee (BFAC) considered the appointment of Fire Control Officers at a special meeting held on the 13 April 2021.

Membership of the BFAC comprises representatives of the Boyanup, Capel, Elgin, Gelorup and Stirling Bush Fire Brigades, Department of Biodiversity Conservation and Attractions (DBCA), Department of Fire and Emergency Services (DFES), a Council delegate and the Shire of Capel Emergency Services Coordinator.

COMMENT

The appointment of Fire Control Officers has largely remained unchanged from the previous year, with the additional appointment of Kevin Scott following Neale Scott's resignation from the Capel Bush Fire Brigade, Daniel Tait following the resignation as FCO by Trevor Brockman and the appointment of Neil Rowlandson & Graham Briggs for Gelorup to provide more flexibility and availability of FCOs in the Gelorup area.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 14.6
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Moved Cr Noonan, Seconded Cr Andrew.

That:

- 1. The following Bush Fire Brigade Volunteers be appointed as Fire Control Officers:**

Chief Bush Fire Control Officer—Chris Scott

Deputy Chief Bush Fire Control Officer—Murray Scott

Bush Fire Control Officers—

Gelorup: Jeff McDougall, Graham Briggs; Neill Rowlandson Elgin: Chris Scott, Barry Bell, Murray Scott; Boyanup: Brian Smith, Daniel Tait, Capel: Peter Dunlop; Kevin Scott. Stirling: Mark Roberts; Shire of Capel: Andriena Ciric, Mark O'Connor, Edwin Moore, Jason McNabb, Donna Pead, Andrew Ryder.

- 2. All previous appointments be cancelled.**

Cr Southwell moved the following Procedural Motion:

That pursuant to the Shire of Capel Standing Orders Local Law 2016, clause 13.9 that the member no longer be heard.

The Procedural Motion lapsed due to lack of a seconder.

Cr Southwell moved the following Procedural Motion:

That pursuant to the Shire of Capel Standing Orders Local Law 2016, clause 13.4 that the motion now be put to a vote.

The Procedural Motion lapsed due to lack of a seconder.

OC107/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 14.6

Moved Cr Noonan, Seconded Cr Andrew.

That:

- 1. The following Bush Fire Brigade Volunteers be appointed as Fire Control Officers:**

Chief Bush Fire Control Officer—Chris Scott

Deputy Chief Bush Fire Control Officer—Murray Scott

Bush Fire Control Officers—

Gelorup: Jeff McDougall, Graham Briggs; Neill Rowlandson Elgin: Chris Scott, Barry Bell, Murray Scott; Boyanup: Brian Smith, Daniel Tait, Capel: Peter Dunlop; Kevin Scott. Stirling: Mark Roberts; Shire of Capel: Andriena Ciric, Mark O'Connor, Edwin Moore, Jason McNabb, Donna Pead, Andrew Ryder.

- 2. All previous appointments be cancelled.**

Carried 4/1

For – Councillors Andrew, Kitchen, Mogg and Noonan.

Against – Councillor Southwell

The debate on the following item was adjourned from the April Ordinary Meeting of Council as per Council Decision OC086/2021 dated 28 April 2021.

14.7 2021/22 Bush Fire Prevention Order (BF004/2021) – (OC109/2021)

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	EM.BFAC.2
Disclosure of Interest:	Nil
Date:	13.04.21
Author:	Emergency Services Coordinator, A. Ciric
Senior Officer:	Acting Director Infrastructure and Development, K McKeckie
Attachments:	Bush Fire Prevention Order (BFPO)

PROPOSAL

To reconsider the Bush Fire Prevention Order (BFPO), as attached to the agenda.

RECOMMENDATION

That:

1. The Bush Fire Prevention Order as attached be adopted.
2. Notice to owners of land within the district by publishing the Bush Fire Prevention Order in the *Government Gazette* be given.
3. Distribution of the Bush Fire Prevention Order with the Rates Notice and media outlets be authorised.

BACKGROUND

On an annual basis, and in accordance with the provisions of the Bush Fires Act 1954, the Council considers the Bush Fire Prevention Order that specify standards required of landowners and occupiers to mitigate the risk of bush fires in the community.

The Shire’s Bush Fire Advisory Committee (BFAC) considered the Bush Fire Prevention Order at its meeting held on the 23 February 2021. The committee resolved (BF003/2021) that the ‘2021/22 Bush Fire Prevention Order as attached, with the amendment to the first dot point under the heading “Rural zoned properties must:” to say “Maintain a twenty (20) metre wide low fuel zone or a two (2) metre wide firebreak around all haystacks”. Additionally, to remove dates throughout the Bush Fire Prevention Order to only have the respective day and month applicable’.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 - Section 25 - Burning during prohibited times and restricted times

- (1a) Notwithstanding anything contained in subsection (1) a local government may, by notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.

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

Bush Fires Act 1954, section 33 –

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire

POLICY IMPLICATIONS

The following policy of the Council is relevant to this item:

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

RISK IMPLICATIONS

Without determining requirements for bushfire prevention there is a risk of high fuel loads within the Shire of Capel that significantly increase fire behaviour and insufficient access for Bush Fire Brigades during response activities. In turn following any inquiry or incident review may be critical of the local government in its failings to require bushfire prevention on private land.

FINANCIAL IMPLICATIONS

Budget

The cost associated with advertising, gazettal and distribution of the BFPO with the annual rates notice can be met within the municipal budget.

Long Term

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

SUSTAINABILITY IMPLICATIONS

The Department of Agriculture's *Bulletin 4870, Climate change*, cites that 'drier conditions have increased the length of the fire season in South West WA' and 'As WA becomes warmer with more and longer hot spells, drier and possibly windier in summer fire danger ca be expected to increase with less time between fires' (p 42-43). Essentially fire across the landscape in Western Australia is expected to be more frequent with greater intensity.

It is important based on the weather data and science that the Shire is responsive to the increased risk and adjust mitigation measure required accordingly.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-28

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Community Objectives:

- 1.1 Community works collaboratively to achieve a positive future, by maintaining and strengthening its 'network of networks'.
- 1.2 Respond to key challenges, global factors and local impacts together.
- 1.4 Building a culture of collaboration and a stronger, safer and happier community.

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

Community Objectives:

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

The Economic Experience, *'Responsible and progressive local economic development.'*

Community Objective:

- 3.3 Each Town Centre and its facilities meet the needs of residents and visitors and are presented to a welcoming standard.

The Environmental Experience, *'Preserve and enhance the natural and built environment.'*

Community Objectives:

- 4.3 As a community we come together to respond to environmental challenges and risks.
- 4.4 Council provides leadership and a responsive plan to manage our drying climate and increasing storm and fire risk.

CONSULTATION

Feedback on the 2020/21 BFPO and inspection process was sought from:

- Community Rangers involved with the compliance of the Bush Fires Act s33 BFPO notice.
- Emergency Services Coordinator
- Administration staff dealing with customer enquiries and disputes; and
- Shire Corporate and Strategic Communications Coordinator.

Review of the proposed BFPO included consultation from:

- Bush Fire Advisory Committee
- Chief Bush Fire Control Officer
- Department of Fire and Emergency Services
- Emergency Services Coordinator
- Community Rangers involved with the compliance of the Bush Fires Act;
- Shire Corporate and Strategic Communications Coordinator

COMMENT

It is acknowledged that the proposed BFPO represents a significant change in the approach to fire prevention by including a low fuel zone 20 metres around habitable buildings. The low fuel zone is based on guidance material from Department of Fire and Emergency Services (DFES), ensuring a fuel loading of less than two (2) tonne per hectare alongside the standard requirements of previous BFPOs. This low fuel zone is often also referred to a Building Protection Zone (BPZ).

In the 2011 Keelty report, *A Shared Responsibility, The Report of the Perth Hills Bushfire February 2011 Review*, there was an emphasis as the title suggests that fire management is a

'shared responsibility' between agencies, local governments and landholders, but furthermore that it is necessary that there is a shared understanding of fire risk and mitigation.

Recommendation 8 of the Keelty report states

'Local governments continue to include information on bushfire risk and preparedness with rates notices.'

Recommendation 38 of the Keelty report states

'Local Governments institute a comprehensive program to assess fuel loads and bushfire preparedness on private properties. The program should give reference to creation and maintenance of a Building protection Zone in line with FESA guidelines.

This program should be implemented and managed under the Bush Fires Act 1954, in a manner similar to the firebreak inspection program.'

In previous versions of the BFPO there has been the use of definition low fuel zone, but this definition has not been consistent with the guidelines of DFES or fire agencies. The inclusion of the requirements for the low fuel zone or BPZ in the proposed 2020/21 is intended to align the definition with the appropriate standard and at a local level implement the recommendation to local government by the Keelty Report.

Property sizes and zoning

Special Rural zoned properties and residential properties have been separated as no special rural lots are under 4048m² and this also allows for residential zoned properties to opt to maintain their entire property as a low fuel zone in lieu of firebreak requirements.

Burning information

In relation to the format of the Bush Fire Prevention Order in previous versions of the BFPO there was a mixture of burning off information and fire prevention requirements required by owners to undertake across the document. To simplify this information the fire prevention requirements by owners have been included on one side of the page and the burning regulations and requirements are detailed on the reverse of the page.

Preparedness information

Information on alerts and warnings during a bushfire have been included for the purpose of community information

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 14.7
--

Moved Cr Noonan, Seconded Cr Kitchen.

That:

- 1. The Bush Fire Prevention Order as attached be adopted.**
- 2. Notice to owners of land within the district by publishing the Bush Fire Prevention Order in the *Government Gazette* be given.**
- 3. Distribution of the Bush Fire Prevention Order with the Rates Notice and media outlets be authorised.**

OC108/2021 – AMENDMENT / COUNCIL DECISION

Cr Kitchen moved, Seconded Noonan.

That the words 'Prevention Order' be deleted and replaced with the words 'Mitigation Notice' and the appropriate changes be made to the attached notice.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

The Amendment became the Substantive Motion.

OC109/2021 – COUNCIL DECISION – 14.7

Moved Cr Noonan, Seconded Cr Kitchen.

That:

- 1. The Bush Fire Mitigation Notice as attached be adopted.**
- 2. Notice to owners of land within the district by publishing the Bush Fire Mitigation Notice in the *Government Gazette* be given.**
- 3. Distribution of the Bush Fire Mitigation Notice with the Rates Notice and media outlets be authorised.**

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

15 COMMUNITY AND CORPORATE REPORTS

The following item was deferred from the April Ordinary Meeting of Council as per Council Decision OC091/2021 dated 28 April 2021.

15.1 Fees and Charges for 2021-22 – (OC110/2021)

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	05.05.21
Author:	Director Community and Corporate, S Chamberlain
Senior Officer:	Acting Chief Executive Officer, Robert Stewart
Attachments:	2021-22 Proposed Fees & Charges Schedule

IN BRIEF

To recommend Fees and Charges for the forthcoming Financial Year be referred to the 2021/22 Draft Budget.

RECOMMENDATION

That the proposed Fees and Charges as outlined in the attachment be included in the 2021-22 Draft Budget.

BACKGROUND

The Council's 'Preparation of Integrated Financial Plan and Budget' timetable (Policy 2.7) provides for the review, preparation and approval of the draft schedule of Fees and Charges prior to the budget meeting

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
**Absolute Majority required*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –
 - (a) The expenditure by the local government; and
 - (b) The revenue and income, independent of general rates, of the local government; andThe amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Local Government Act 1995, Section 6.16

6.16 Imposition of Fees and Charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
**Absolute Majority required*
- (2) A fee may be imposed for the following –
 - (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) Supplying a service or carrying out work at the request of a person;
 - (c) Subject to section 5.94, providing information from local government records;
 - (d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) Supplying goods;
 - (f) Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
 - (a) Imposed* during a financial year; and
 - (b) Amended* from time to time during a financial year.**Absolute Majority required*

Local Government Act 1995, Section 6.17

6.17 Setting Level of Fees and Charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –
 - (a) The cost to the local government of providing the service or goods; and
 - (b) The importance of the service or goods to the community; and
 - (c) The price at which the service or goods could be provided by an alternate provider

Local Government Act 1995, Section 6.19

6.19 Local Government to give Notice of Fees and Charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) Its intention to do so; and
- (b) The date from which it is proposed the fees and charges will be imposed.

Other legislation (i.e.: *Freedom of Information Act 1992, Emergency Service Levy Act 2002, Caravan Park & Camping Ground Regulations 1997, Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Waste Avoidance & Resource Recovery Act 2007, Planning & Development Act 2005, Building Act 2011*) specifies certain fees and charges that may be adopted by Council, and the fee threshold.

POLICY IMPLICATIONS

Policy 2.7 – Preparation of Integrated Financial Plan & Budget.

RISK IMPLICATIONS

The risk implications for this item are considered low as the Council has already adopted the majority of fees and charges included in this item in previous budget years. Many fees have been retained at the 2020-21 level and therefore the revenue impact is considered minimal when taken in the context of the budget as a whole.

FINANCIAL IMPLICATIONS

Budget

The fees and charges when adopted will determine the amount of revenue received during the 2021-22 financial year for certain areas. This income is forecast in the draft budget income projections.

Long Term

There will be minimal long-term financial implications associated with adopting the fees and charges, other than the longer-term affordability of certain services that incur a fee. As no assets or infrastructure are being created, there are no whole of life costs relevant to this item.

SUSTAINABILITY IMPLICATIONS

There are no environmental impacts expected from the adoption of fees and charges, other than the potential for dumping of waste in areas other than designated rubbish disposal sites. The increased fees and charges are not expected to have any social impact on the use of Shire services.

Increases to fees and charges will result in increased economic benefit to the Shire and whilst the increases will need to be paid by the users of the services, the extent of the increases are not expected to cause any undue economic hardship.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2022

The Leadership Experience, *'Open, transparent and effective good governance.'*

Community Objective:

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

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

Community Objective:

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

CONSULTATION

Shire departments involved with the administration of the various services involved have been consulted and have provided their input to the proposed schedule of fees and charges.

COMMENT

The schedule attached shows the total fees including GST proposed for 2021-22 draft budget inclusion. The comments detailed below summarise the changes within the General-Purpose Funding areas.

Fees and charges that are set by other Government regulations are noted as such and the relevant legislation are also identified. These fees are only changed if it has been directed by the Government organisation.

If a fee or charge is to be increased, it is proposed that in general the starting point for the increase be in accordance with the Local Government Cost Index (LGCI) for the 2021-22 financial

year, which is expected to rise from 1.4% to 2.0%, as per WALGA's Economic Briefing Summary March 2021. The assumption being that the cost of the service has increased by LGCI and therefore to recover this cost, income must increase by at least the equivalent amount. The estimated LGCI increase to be applied is 2.0% and represents the percentage change in the major cost areas including wages and salaries, road and bridge construction, non-residential building, consumer prices, machinery and equipment, and electricity and street lighting.

To simplify the reporting and charging of fees, fee increases in many cases have been rounded up to the nearest dollar.

The Local Government Cost Index (LGCI) increase of 2.0% has been applied across all fee categories, other than those areas regulated by other legislation, or where comments to the contrary appear. This is to ensure that at a minimum, the cost increase forecast for 2021-22 is reflected across the board in all services and are offset by an equivalent increase in service fee.

There have been various changes to allocated income general ledger accounts, in light of the 2.0% LGCI increase.

The following details are some of the more significant changes made to the Schedule of Fees and Charges.

Governance

- Fees have either been retained at 20-21 financial year levels or increased by LGCI of 2.0%.

Law, Order & Public Safety

- Fees have either been retained at 2020-21 financial year levels, due to fees set by regulations or increased by LGCI of 2.0%.

Health

- The food vendor's licence, lodging house licence and fees for keeping of birds have all been increased by the LGCI and rounded up to the nearest \$1.00.
- All fees associated with administration of the Food Act, including notification, registration, and inspection, have been increased by 2.0% LGCI and rounded up to the nearest \$1.00.

Public Buildings

- Fees associated with public buildings have been retained at 2020-21 financial year levels.

Education & Welfare

- Fees have increased by LGCI of 2.0% with Refundable Bonds being retained at the 2020-21 level.

Community Amenities

Household refuse removal fees have been retained at 2020-21 levels.

	2 bin collection	3 bin collection
	\$	\$
Refuse Collection	191	254
Green waste and Hard waste		31
Hard waste	13	
Refuse site charge	80	80
	284	365

The annual refuse site levy has been retained at the 2020-21 level of \$80.00. This levy is collected and held in a Waste Management Reserve to maintain: -

1. transfer and refuse site capital works programs;
2. waste collection and disposal services;
3. waste and contaminated site rehabilitation programs; and
4. regional waste services within the Shire.

During quarter 4 2021, a Waste Officer will be conducting a review of the Transfer Station fees and charges, including this levy, which may result in a recommendation early 2022, for the Council to consider and adopt an adjustment in fees and charges within this service area.

- The fee to supply a waste bin for rubbish removal at a community event has increased from \$5.50 to \$50.00 to gap the true cost of providing this service, which is currently calculated at \$100.00.
- The cost per organic bag has been retained at \$5.50.
- Several new fees for Green Waste disposal were added for the 2019-20 financial year to more accurately reflect and monitor operational requirements and provide clarity to users. These are detailed in the table below and to date, have been successful in delivering their desired outcomes.

Fee description	Charge (including GST) \$
Car or Utility vehicle (Load size 0 - 1.0 m3)	12.00
Trailer 6X4 or 7x5 - no sides (Load size 0 - 1.0 m3)	12.00
Trailer 6x4 or 7x5 with sides (Load size 1.0 - 2.5 m3)	18.00
Trailer 8x5 - no sides (Load size 1.0 - 2.5 m3)	18.00
Trailer 8x5 - with sides or small truck (Load size 2.5 - 5.0 m3)	35.00
Truck (Load size > 5.0 m3)	50.00

- For the Capel Waste Transfer Station, other fees have been increased by LGCI of 2.0% and rounded to the nearest dollar. However, a complete review of these charges will be completed in quarter 4 2021, which may result in a recommendation early 2022, for Council to consider and adopt an increase in fees and charges within this service area.
- Statutory Town Planning Fees are set by the Department of Planning and the maximum fees that are applicable are currently included within the Schedule. However, there has been significant change in the format for this section, to aid clarity of planning regulation information.
- Non-statutory planning fees have been increased by LGCI of 2.0%.
- Cemetery Fees have been increased by the LGCI of 2.0% and rounded up to the nearest \$1.00 except for reserving a grave or niche which have remained at 2020-21 levels. However, it is considered that these fees need to be completely revised in 2022/23.

Recreation & Culture

- Daily charge fees for the hire of halls and community centres in Boyanup, Gelorup and Dalyellup will increase by LGCI and have been rounded up to the nearest \$1.00. The hourly hire rate, prior to any concessions, will increase by \$1.40 from \$67.80 to \$69.20 and the daily hire rate will increase by \$14.00 from \$678.00 to \$692.00.
- For the hire of the Capel Hall, it is proposed to also increase this fee by 2.0% LGCI but keeping the hire fee lower than the other Shire halls, to attempt to stimulate demand.
- The fees introduced for the Gelorup Community association to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by LGCI of 2.0%. The fee will now be \$609.00 which is an annual increase of \$12.00. Based on a review of the historical usage of this hall by the Gelorup Community Association, this is a representative fee for usage.
- The fees introduced for the Peppermint Grove Beach Community Association to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by LGCI of 2.0%. The fee will now be \$609.00, which is an annual increase of \$12.00.
- The fees introduced for the Dalyellup Beach Seniors Association Inc. (previously Dalyellup Beach Community Association) to allow the group to use the centre on a regular basis for meetings, coffee mornings, markets and fundraising events have been increased by the LGCI 2.0%. The fee will now be \$3,003.00 which is an annual increase of \$59.00.
- A further exemption has been included in the Other Concessional & Fee Waiver Hire Options category, which enables Not for Profit community groups, charitable, welfare or community service organisations who are conducting annual Christmas functions to recognise the support of their volunteers, to hire the facilities at no charge (i.e.: Boyanup CWA, Senior Citizens, etc.).
- The BOND category has changed to aid clarity for service users and to also reflect the risk associated with the nature of the hire i.e. higher BOND rate applied for events where alcohol will be sold and/or consumed.
- The fee charged to Shire Playgroups has remained unchanged at \$8.00.
- The fee for use of lighting at the Capel, Boyanup and Dalyellup Recreation Grounds has been increased by the 2.0% and will now be \$15.00 per tower per hour (was \$14.00). This fee takes into account electricity usage and replacement of light bulbs.
- Recreation facilities and ground usage have been increased by the 2.0% and rounded to the nearest dollar.
- In libraries, the fee for Lost or Damaged Books has been changed to include the true replacement value of the book.
- All other fees have been retained at 2020-21 levels.

Transport

- The rural property numbering fee has been increased by the 2.0% and rounded up to the nearest \$1.00.
- The sale of Number Plates – Police Licensing Fee has been retained at the 2018-19 rate of \$200.00 to aid affordability and attract new sales.
- Road closure fees have been increased by a LGCI factor of 2.0%.

Economic Services

- The various building control fees have been amended as per the schedule notes. In the main, they are either governed by regulation or increased by a LGCI factor of 2.0%.
- A fee for an Additional Pool Inspection has increased by 2.0% year on year to \$177.00 which is an increase of \$4.00 on 2020-21.
- The demolition site clean-up bond has been retained at 2020-21 level at \$5,000.00.
- Fees for Rehabilitation Bonds have been increased by a LGCI factor of 2.0% and rounded to the nearest dollar.
- The annual swimming pool inspection fee is currently set at \$14.60 per annum. However, as this charge was not collected during this financial year (2020/21) considering Covid-19 control measures, it is proposed that a double annual fee be levied for 2021/22 (\$29.20) to recoup for uncharged services during 2020/21.

Other Property & Services

- Standpipe, Private Works, Supervision and Other Fees have been increased by a LGCI factor of 2.0% and rounded up to the nearest \$1.00.

Overall, the changes to fees and charges proposed for the 2021-22 financial year will result in forecast increased revenue of approximately \$26,618 when compared to the 2020-21 budget.

VOTING REQUIREMENTS

Simple majority

OC110/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION- 15.1

Moved Cr Clews, Seconded Cr Schiano.

That the proposed Fees and Charges as outlined in the attachment be included in the 2021-22 Draft Budget.

Carried 5/0

*For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.
Against – Nil.*

15.2 Shire of Capel Event Sponsorship Funding – Event Service Agreements – (OC111/2021)

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	GF.GP.13
Disclosure of Interest:	Nil
Date:	28.04.21
Author:	Manager Community Services, J O’Neill
Senior Officer:	Director Community and Corporate, S Chamberlain
Attachments:	Attachment 1 - Event Service Agreement – template (Draft) Attachment 2 - Event Sponsorship Acquittal Report – template Attachment 3 – Table of measurable benefits from each event Attachment 4 – Dalyellup Christmas Festival Event Summary Report

PROPOSAL

To consider a proposal to move three (3) historical event service providers from annual event sponsorship agreements to three-year event service agreements.

RECOMMENDATION

That

1. Event service agreements with Hummingbird Promotions (Inc), Ironstone Adventure Riding Club (Inc) and the Dalyellup Collective (Inc) be entered into for the period of three financial years 2021/2022 to 2023/2024 subject to final Shire budget adoption and organisation / event specific Key Performance Indicators (KPIs).
2. The allocation of \$20,000 per annum over three (3) years towards the Dalyellup Collective’s annual four (4) event program commencing 2021/22, with year one (1) to be considered in the draft 2021/22 Community Development Programs budget.
3. The allocation of \$5,000 per annum over three (3) years towards the Capel 200 Trail Ride event to be conducted by Ironstone Adventure Riding Club (Inc) commencing 2021/22, with year one (1) to be considered in draft 2021/22 Community Development Programs budget.
4. The allocation of \$5,000 per annum over three (3) years towards the Capel Makers Trail event to be conducted by Hummingbird Promotions (Inc) commencing 2021/22, to be considered in the draft 2021/22 Community Development Programs budget.
5. Approve Hummingbird Promotion Inc’s request for a full fee waiver of the community hall hire fee of \$4,928 for the Capel, Peppermint Grove Beach and Dalyellup Community Centres inclusive from 12pm Thursday 21 April (Bump In) to 12pm Monday 25 April 2022 (Bump Out) for the purposes of the Capel Makers Trail event.

BACKGROUND

A Shire key economic and community development strategy, commencing in 2017, was the development of a formal community event sponsorship scheme. This scheme was set up to recognise the significance that events can play in delivering social, cultural, economic, and promotional benefits to the community, including:

- encourage visitors to the Shire;
- produce economic and / or environmental or social benefits;
- encourage community engagement;
- raise the Shire’s profile as an event friendly location;

- links to the Shire of Capel’s Strategic Community Plan (2018 – 2028);
- are open to the public; and
- occur in the Shire of Capel.

Over the last four (4) years this scheme has grown to become an integral component of the Shire’s community activation strategy, providing seed funding to events in their infancy stages, as well as on-going support as events mature and show an increasing benefit to the Shire and its community. At the Council’s ordinary meeting of February 2020, this scheme was formally recognised via the endorsement (OCO11/20) of a new Council Policy 8.8 – *Event Sponsorship Scheme*.

The Shire measures the effectiveness of annual event sponsorships via an application, agreement, and acquittal process. Subject to funding available, up to two rounds may be considered each financial year. To ensure Shire spending on these events is quantifiable, Officers measure organisational, community, social, economic, and promotional benefits of each event. Event organisers are provided an Event Sponsorship acquittal report template (See Attachment 2), providing a consistent recording and measurement approach.

Three organisations, in particular, have continued to grow their event(s), providing increasing community, social, economic, and promotional benefits to the Shire and its community since 2018. These groups are:

- Ironstone Adventure Riding Club - *Capel 200 Trail Ride 2018, 2019, 2020*.
- Dalyellup Collective - *Dalyellup Christmas Festival 2018, 2019 and 2020* and community capacity building events including *Christmas in July 2019, Bogan Bingo 2020, and Dalyellup Street Party 2020*.
- Hummingbird Promotions - *Capel Makers Trail 2019 and 2021 (2020 was postponed and grant funding was rolled over to support 2021 due to the COVID 19 pandemic)*.

A detailed assessment of the above benefits of these events is outlined in the sustainability implications section of this report and is attached (See Attachment 3).

STATUTORY ENVIRONMENT

There is no relevant legislation applicable to this matter.

POLICY IMPLICATIONS

Council Policy 8.8 Event Sponsorship Scheme. This policy recognises the significance that events play in delivering social, cultural, economic, and promotional benefits to the community, with the Shire of Capel considering requests for grants from organisations for the development and implementation of such activities in the Shire.

RISK IMPLICATIONS

There are no risks associated with this proposal. Service agreements would be written in a manner where successive years consideration of continued funding, with inclusion in the annual draft budget process, would only be triggered by successful completion of the previous event’s KPIs.

FINANCIAL IMPLICATIONS

Budget

The Shire’s 2021/22 draft budget includes an allocation of \$97,000 for Community Development Programs, with the following split:

- \$78,000 for Community Events and Workshops
- \$3,000 for the Volunteers Breakfast
- \$1,000 for Materials
- \$15,000 for the Australia Day Citizenship and Community Awards celebration

The expenditure amount of \$97,000 is proposed to be offset by grants for events and workshops of up to 25% or approximately \$24,000 of total event expenditure.

There are no new financial implications if the Council chooses to endorse the proposed three-year service agreements below. If the draft Community Development Programs budget is adopted, funds will be allocated from the \$78,000 for Community Events and Workshops budget, which has remained at the same value since the 2018-19 financial year.

Long Term

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

SUSTAINABILITY IMPLICATIONS

Community groups and organisations play an important role in the wellbeing of our Shire residents. They provide the chance for people to socialise with like-minded members, develop skills, assist to integrate members of the community and are mostly intergenerational. Local organisations and community groups however, do face difficulties accessing funds for event projects and without assistance, these community-run events are less likely to remain sustainable.

It should also be noted that the various projects run by our local organisations and community groups do have the ability to increase visitor numbers to the region, thus contributing to the Shire's economic growth. To report on the impact of this, with a focus on recent community events: -

<u>Event</u>	<u>Direct Event Spend by Organiser</u>
Dalyellup Christmas Festival 2020	\$82,700
Capel 200 Trail Ride 2020	\$27,055
Capel Makers Trail 2019	<u>\$21,878</u>
TOTAL	<u>\$131,633</u>
LESS Shire annual contribution	<u>(\$25,000)</u>
<u>NET Local economic benefit of</u>	<u>\$106,633</u>

In addition to the direct cash spend of \$131,633 on these events, \$68,675 of in-kind support was also leveraged, highlighting a total event value of \$200,308. Value adding to the Shire's cash (and in-kind) sponsorship, \$47,542 of external funding was also secured across the 3 events.

Other benefits, such as unique event visitor numbers (people visiting the district or region specifically for the purposes of the event), and associated visitor spend (on items such as accommodation, transport, and food) would be a key benefit for the Shire in developing and entering into event service agreements. Shire Officers administering the scheme would be able to redirect their effort towards developing and measuring specific economic outputs from each of these events.

The Ironstone Adventure Racing Club (Inc) have applied an economic multiplier model to the Capel 200 Trail Ride as one of their key event measures. Widely recognised as one of the premier recreational off-road motorcycle events in WA, this event attracts 230 rider entrants on Day 1 and 110 rider entrants on Day 2. At least 75% of riders attend with family / friends / support crew. An average of 50% of riders and families either camp or stay in local accommodation overnight. With an estimated \$200 per rider/crew spend per day, the projected total economic

spend in the Shire of Capel (outside of direct event spend) is estimated at \$150,000 per event per year.

Other key potential sustainability benefits include:

- Increase awareness and sustainability of the Shire’s calendar of community events.
- Free up staff to focus building on additional new event project opportunities.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018-28.

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

Community Objectives:

- 2.1 Council works in partnership with the community in providing appropriate services and facilities.
- 2.2 Celebrates the community’s diversity of residents and visitors including their contribution to cultural and economic sustainability.

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

Community Objectives:

- 3.1 The community capitalises on its unique attributes and location.
- 3.4 Promoting events including arts, culture and sporting events to bring revenue into the Shire.

CONSULTATION

Consultation with the Dalyellup Collective, Ironstone Adventure Riding Club and Hummingbird Promotions to date, have highlighted each as having organisational goals towards a sustainable future for their community events. Each year these organisations submit sponsorship acquittals and evaluations upon the completion of their projects. Three-year event service agreements are a logical step in the right direction towards achieving these goals. This service agreement model is used by other local Councils, due to its economic drivers as detailed in this report and compliments the Shire’s obligation to service community needs, without the requirement to directly lead and manage all key community events.

COMMENT

The proposal to move these 3 event service providers from current annual processes to a more long-term strategic approach has a two-fold effect of providing a level of surety for these organisations, as well as allowing a more strategic approach to event administration by the Shire.

Supporting the increased sustainability of these events and rediverting effort to developing and attracting new event project opportunities, would be a key step in promoting the Shire of Capel as an attractive event tourism destination in coming years.

VOTING REQUIREMENTS

Simple Majority

OC111/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 15.2

Moved Cr Mogg, Seconded Cr Kitchen.

That

- 1. Event service agreements with Hummingbird Promotions (Inc), Ironstone Adventure Riding Club (Inc) and the Dalyellup Collective (Inc) be entered into for the period of three financial years 2021/2022 to 2023/2024 subject to annual Shire budget adoption and organisation / event specific Key Performance Indicators (KPIs), which will be reviewed annually for funds to be considered in subsequent draft budget processes.**
- 2. The allocation of \$20,000 per annum over three (3) years towards the Dalyellup Collective's annual four (4) event program commencing 2021/22, with year one (1) to be considered in the draft 2021/22 Community Development Programs budget.**
- 3. The allocation of \$5,000 per annum over three (3) years towards the Capel 200 Trail Ride event to be conducted by Ironstone Adventure Riding Club (Inc) commencing 2021/22, with year one (1) to be considered in the draft 2021/22 Community Development Programs budget.**
- 4. The allocation of \$5,000 per annum over three (3) years towards the Capel Makers Trail event to be conducted by Hummingbird Promotions (Inc) commencing 2021/22, to be considered in the draft 2021/22 Community Development Programs budget.**
- 5. Approve Hummingbird Promotion Inc's request for a full fee waiver of the community hall hire fee of \$4,928 for the Capel, Peppermint Grove Beach and Dalyellup Community Centres inclusive from 12pm Thursday 21 April (Bump In) to 12pm Monday 25 April 2022 (Bump Out) for the purposes of the Capel Makers Trail event.**

be endorsed.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

15.3 Policy Review – 2.27 Superannuation Policy

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 05.05.21
Author: Director Community & Corporate, S Chamberlain
Senior Officer: Acting Chief Executive Officer, R Stewart
Attachments: Nil

This matter was withdrawn from the Agenda by the Acting CEO.

15.4 Policy Review – Policy 2.26 Council Facility Hire and Usage – (OC112/2021)

Location:	Capel
Applicant:	Shire of Capel
File Reference:	
Disclosure of Interest:	Nil
Date:	12.5.21
Author:	Manager Customer and Business Services, J Meakes
Senior Officer:	Director Corporate and Community, Samantha Chamberlain
Attachments:	Nil

PROPOSAL

To review and adopt the Council Facility Hire and Usage Policy.

OFFICER'S RECOMMENDATION

That Policy 2.26 Council Hire and Usage as follows:

INTRODUCTION

'The purpose of this policy is to ensure efficient, fair and equitable management processes for the use of Shire of Capel facilities, in particular the halls and community centres, collectively referred to as Shire facilities.

Continued usage of Shire halls and community centres is a desired outcome. Benefiting the local and wider community through having access to quality facilities at an affordable and equitable hire charge.

~~The purpose of this Policy is to ensure efficient, fair and equitable management processes for the use of the Shire of Capel facilities, in particular the Halls and Community Centres.~~

~~With this Policy the Shire recognises the desirability of having the Shire Halls and Community Centres used as much as possible by residents and community groups.~~

OBJECTIVE

1. Promote and enable community usage of the Shire venues **facilities** in order to meet a wide range of user needs.
2. Refer to a set of guidelines and procedures that assist in the effective management of Shire venues **facilities**.
3. Promote equitable **and affordable** use of venues **facilities**.

POLICY STATEMENT

1. The Shire supports priority use of managed facilities to locally based organisations, groups, and individuals for community purposes that deliver a direct benefit to the district.

2. Hirers are distinguished as follows:

~~The policy applies to the Shire Halls and Community Centres, in this Policy referred to as Shire Facilities. The Shire of Capel makes a distinction between once off bookings and periodical bookings within a full calendar year, as follows:~~

- a. **Casual Once-off bookings:** a booking for a single / **partial** day or a maximum number of 120 'stand-alone' bookings throughout the year.

- b. **Regular Periodical bookings:** bookings that have regular weekly or monthly frequencies.

3. Bookings and Charges

- a. Application to ~~for the hire of Shire f~~Facilities must be lodged with the **Shire Council** in writing using the appropriate ~~a~~Application fForm(s).
- b. The relevant fees and bonds for the use of **Shire Council** facilities are listed in the Shire of Capel’s annually adopted Schedule of Fees & **and** Charges.
- c. Consideration may be given to requests in writing for concessional hire or the waiver of fees and charges for the use of Shire facilities, where such waivers comply with Council regulations and policies.
- d. Authority is vested in the Chief Executive Officer (CEO) to assess and approve any concessional hire requests or waiving of fees. The CEO may delegate the authority to perform this function to the Director Community & **and** Corporate (Delegation 127).

4. Scheduling

Reservation of facilities may be accepted up to 12 months in advance. Hirers must submit a schedule with the known dates and times of use for the requested period.

- ~~• *Once off use:* reservation of date(s) will not be accepted more than 12 months in advance.~~
- ~~• *Periodical use:* the reservation of dates for periodical use of Shire Facilities will not be accepted more than 3 months in advance. Hirers must submit a schedule with the known dates and times of use for the requested period.~~

5. Conditions of Hire and Usage

Conditions of hire for Shire facilities are provided as part of the application process. These conditions of hire must be observed for the benefit of all users and hirers.

~~Conditions of Hire and Usage of Council Facilities are developed to manage the use of facilities by multiple users and to provide safe and well maintained community facilities. These conditions of hire and usage must be observed by all users and hirers, and are to be included with the Application Form provided to prospective hirers.~~

6. Public Liability

- a. Any legal entity, including but not limited to ~~c~~Companies, ~~b~~Businesses, ~~i~~Incorporated ~~b~~Bodies, ~~s~~Sporting ~~c~~Clubs and ~~a~~Associations of any kind need to have current ~~p~~Public ~~l~~iability ~~i~~nsurance cover of \$10 million or greater before using a Shire facility and must provide evidence of such to the Shire ~~O~~fficers to place on file.
- b. Casual ~~h~~Hirers (other than ~~i~~Incorporated ~~b~~Bodies, ~~s~~Sporting ~~c~~Clubs or ~~a~~Associations), are covered under the Shire of Capel ~~c~~Casual ~~h~~Hirers ~~i~~nsurance (~~\$10 million~~).
- c. ~~O~~ccasional ~~H~~irers who are considered by Council to be “low risk” (other than ~~I~~ncorporated ~~B~~odies, ~~S~~porting ~~C~~lubs, ~~A~~ssociations or ~~C~~asual hirers) are not required to hold any ~~P~~ublic ~~L~~iability ~~I~~nsurance cover.

~~“Low risk” users are those Occasional Hirers whose activity has less than 10 people attending, and where the activity is of an entirely social nature.~~

~~Activities such as:~~

- ~~• organised sporting competitions;~~
- ~~• festivals;~~
- ~~• events;~~
- ~~• fixtures or training;~~
- ~~• bookings where food, alcohol or hot drinks are consumed or sold;~~
- ~~• where heavy equipment, plant or electrical items are used;~~
- ~~• busy bees or similar where building works, renovations or maintenance occurs;~~

~~are not considered to be "low risk".~~

7. Compliance with Acts and Regulations

Hirers **must** ~~shall~~ comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, Liquor Control Act 1988* or any other Act and/or regulation in force at the time of hire and applicable to such hiring and use of the facilities.

8. Other Conditions

Where this Policy is silent on a matter, a decision will be made by the Chief Executive Officer of the Shire of Capel, unless delegated otherwise.

POLICY APPLICATION

The application of this Policy is to be considered in conjunction with the associated procedures and forms'.

be endorsed.

BACKGROUND

The *Local Government Act 1995* requires the Council to determine the local government's policies. The Shire of Capel Policy Manual requires policies to be reviewed every two years. The review ensures policies remain relevant, reflecting any recent legislative changes or current trends and follow best practice.

STATUTORY ENVIRONMENT

Local Government Act 1995 s2.7

2.7 Role of council

- (2) Without limiting subsection (1), the council is to –
- (b) determine the local government's policies.

POLICY IMPLICATIONS

There will be changes to the Shire of Capel Policy Manual resulting from this item.

RISK IMPLICATIONS

The proposed policy amendments reduce Council risk by clarifying various policy statements, removing a potential financial liability to Council and reducing the possibility of misinterpretation.

- Removal of section 6 clause C to reduce the potential liability caused by the Shire approving of groups that are not covered under either their own liability insurance or the Shire owned casual liability coverage. More detailed reasons listed below:
 - The Occasional Hirer category is not defined enough and could be open to different interpretations.
 - The Shire only has Casual Hirer liability insurance so operating outside of this implies that Council are willing to accept the liability.
 - There are only three known groups that fit this category and can be placed into the casual hirer's category with some minor changes to their bookings.
- Inclusion of a statement outlining the Shire's preference of a direct benefit booking over a commercial, where double bookings occur.
- Expansion of the maximum number of casual bookings per year to 12 (up from 10) to match our casual hirer's liability insurance agreement.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications relevant to this matter.

Long Term

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

SUSTAINABILITY IMPLICATIONS

There are no social, environmental or economic sustainability implications relevant to this matter.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

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

Community Objective:

2.1 Council works in partnership with the community in providing appropriate services and facilities

CONSULTATION

Consultation was undertaken by the Manager Customer and Business Services, with the Manager Finance, Manager Community Services and Customer Service Co-ordinator.

COMMENT

The following changes have been made

#	Policy	Proposed changes
1	2.26 (whole document)	Amendments to wording and sentence structure to improve clarity.
2	2.26 Point 1	Added a statement to clarify preference will be given to direct community benefit bookings over commercial.
3	2.26 Point 2	Change of hirer categories from 'Once off' and 'Periodical' to 'Casual' and 'Regular' to line up with internal and insurance terminology.
4	2.26 Point 2 clause A	Extended the maximum number of bookings from 10 to 12 in line with insurance policy.
5	2.26 Point 6 clause C	Removed to mitigate against a potential legal issue. Occasional hirers are not described anywhere and are not part of our existing insurance coverage, making the Shire liable based on accepting this decision. Anyone falling into this group will now be a casual hirer.

The proposed above amendments have been added to simplify the document and remove a large insurance risk to the Shire.

VOTING REQUIREMENTS

Simple majority

OC112/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION- 15.4

Moved Cr Noonan, Seconded Cr Kitchen.

That Policy 2.26 Council Facility Hire and Usage as follows;

'INTRODUCTION

The purpose of this policy is to ensure efficient, fair and equitable management processes for the use of Shire of Capel facilities, in particular the halls and community centres, collectively referred to as shire facilities

Continued usage of Shire halls and community centres is a desired outcome. Benefiting the local and wider community through having access to quality facilities at an affordable and equitable hire charge.

OBJECTIVE

- 1. Promote and enable community usage of the shire facilities in order to meet a wide range of user needs.**
- 2. Refer to a set of guidelines and procedures that assist in the effective management of shire facilities.**
- 3. Promote equitable use of facilities.**

POLICY STATEMENT

- 1. The shire supports priority use of managed facilities to locally based organisations, groups, and individuals for community purposes that deliver a direct benefit to the district.**
- 2. Hirers are distinguished as follows:**
 - a. *Casual bookings:* a booking for a single / partial day or a maximum number of 12 'stand-alone' bookings throughout the year.**
 - b. *Regular bookings:* bookings that have regular weekly or monthly frequencies.**
- 3. Bookings and Charges**
 - a. Application to hire of shire facilities must be lodged with the shire in writing using the appropriate application form(s).**
 - b. The relevant fees and bonds for the use of shire facilities are listed in the Shire of Capel's annually adopted schedule of fees and charges.**
 - c. Consideration may be given to requests in writing for concessional hire or the waiver of fees and charges for the use of shire facilities, where such waivers comply with Council regulations and policies.**
 - d. Authority is vested in the Chief Executive Officer (CEO) to assess and approve any concessional hire requests or waiving of fees. The CEO may delegate the authority to perform this function to the Director Community and Corporate (Delegation 127).**
- 4. Scheduling**

Reservation of facilities may be accepted up to 12 months in advance. Hirers must submit a schedule with the known dates and times of use for the requested period.
- 5. Conditions of Hire**

Conditions of hire for shire facilities are provided as part of the application process. These conditions of hire must be observed for the benefit of all users and hirers.

6. Public Liability

- a. Any legal entity, including but not limited to companies, businesses, incorporated bodies, sporting clubs and associations of any kind need to have current public liability insurance cover of \$10 million or greater before using a shire facility and must provide evidence of such to the shire officers to place on file.
- b. Casual hirers (other than incorporated bodies, sporting clubs or associations), are covered under the Shire of Capel casual hirers insurance.

7. Compliance with acts and regulations

Hirers must comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, Liquor Control Act 1988* or any other act and/or regulation in force at the time of hire.

8. Other conditions

Where this policy is silent on a matter, a decision will be made by the Chief Executive Officer of the Shire of Capel, unless delegated otherwise.

POLICY APPLICATION

This policy is to be considered with all associated procedures and forms.'

be endorsed.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

15.6 Accounts Paid During the Month of April 2021 – (OC113/2021)

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	07.05.21
Author:	Manager Finance, A Mattaboni
Senior Officer:	Director Community and Corporate, S Chamberlain
Attachments:	Nil

PROPOSAL

Accounts paid during April 2021 have been checked and certified by staff as being correct and are submitted for the endorsement of Council.

RECOMMENDATION

That in accordance with Regulation 13(11) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month of April 2021 be received and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT36022 to EF36241, CHQ49475 to CHQ49484 totalling \$1,080,622.05 during the month of April 2021.
- 2 Payroll payments for the month April 2021, totalling \$403,467.14; and
- 3 Transfers to and from investments as listed.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

- (i) The payee's name;
- (ii) The amount of the payment; and
- (iii) sufficient information to identify the transactions;
- and
- (b) the date of the meeting of the council to which the list is to be presented.

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

RISK IMPLICATIONS

Risk is medium. The schedule of accounts is a list available to the public of Council creditors, the amounts paid to these creditors and a description of the transaction.

FINANCIAL IMPLICATIONS

Budget

Payment from Council's Municipal Fund.

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 - 2028

The Leadership Experience *'open, transparent and effective good governance.*

Community Objective:

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

CONSULTATION

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

COMMENT

Payments made during the month of April 2021 are as follows:

EFT36022	01/04/2021	IINET	CAPEL LIBRARY INTERNET	119.94
EFT36023	01/04/2021	WESTNET PTY LTD	DALYELLUP LIBRARY INTERNET	219.98
EFT36024	01/04/2021	DE LAGE LANDEN PTY LIMITED	WIDE FORMAT PRINTER LEASE MONTHLY	155.21
EFT36025	01/04/2021	DE LAGE LANDEN PTY LIMITED	SHIRE PHOTOCOPIER LEASE PAYMENT MONTHLY	1,549.90
EFT36026	08/04/2021	ADVANCED CLEANING SOUTHWEST	SHIRE BBQ CLEANING MONTHLY	3,155.53
EFT36027	08/04/2021	ADAM DAVEY CONSULTING	WORKS REPORTS FOR EARL SCOTT RESERVE AND BOYANUP AND CAPEL TOWN OVALS	247.50
EFT36028	08/04/2021	ANIMAL PEST MANAGEMENT SERVICES	REMOVAL OF POSSUMS IN THE SHIRE ADMINISTRATION ROOF CAVITY	1,155.00
EFT36029	08/04/2021	ARBORGUY	REMOVAL OF DEAD TREES UNDER POWER LINES ALONG BRIDGE STREET BOYANUP	957.00
EFT36030	08/04/2021	BOYANUP HALL ADVISORY COMMITTEE	COVID DONATION	600.00
EFT36031	08/04/2021	BUNBURY MOWER SERVICE	PLANT PARTS	37.50
EFT36032	08/04/2021	BUNBURY AUTO ONE	SHIRE VEHICLE BATTERIES	409.86
EFT36033	08/04/2021	KATHY BLAIR	REIMBURSEMENT WWC	87.00
EFT36034	08/04/2021	WINC AUSTRALIA PTY LTD	STATIONERY	922.28
EFT36035	08/04/2021	SOUTH WEST COMPRESSORS	SERVICE OF COMPRESSOR AT DEPOT	253.22
EFT36036	08/04/2021	ANDRIENA CIRIC	REIMBURSEMENT FOR TRAINING EXPENSES	52.46
EFT36037	08/04/2021	DYMOCKS BUSSELTON	BOOKSTOCK PURCHASES	336.76
EFT36038	08/04/2021	ELLIOTTS IRRIGATION PTY LTD	FILTRATION SERVICES FOR CAPEL CIVIC PRECINCT AND THE GROVE	539.00
EFT36039	08/04/2021	GOLDEN WEST PLUMBING & DRAINAGE	INSTALLATION OF NEW TOILET AT DALYELLUP SPORTS PAVILION	695.75
EFT36040	08/04/2021	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	490.98
EFT36041	08/04/2021	A INGRAM	BOOK STOCK	333.48
EFT36042	08/04/2021	MALATESTA ROAD PAVING & HOT MIX	400 LITRES OF EMULSION	608.00

EFT36043	08/04/2021	MUIR'S MANJIMUP	FLEET VEHICLE SERVICE	344.83
EFT36044	08/04/2021	MCDONALD FENCING	REPAIR PERIMETER FENCE AT WASTE TRANSFER STATION, REMOVE POSTS AND GATE AND STALL NEW GATE WITH WELDED CHAIN AT NORTON PROMENADE AND REMOVE AND DISPOSE OF FENCE AND SUPPLY AND INSTAL 112 METERS OF FARM FENCE FOR POS	6,561.50
EFT36045	08/04/2021	MRIDULA MAHARAJ	FUEL REIMBURSEMENT	90.10
EFT36046	08/04/2021	MARINDUST SALES	SUPPLY OF A COMPLETE SET OF TAPERED SENIOR AFL GOAL POSTS FOR FERNDAL PARK, DALYELLUP	4,774.00
EFT36047	08/04/2021	OFFICE LINE	ADHESIVE STRIPS FOR HISTORICAL PROJECTS	123.20
EFT36048	08/04/2021	OPTUS BILLING SERVICES PTY LTD	OPTUS MOBILE PHONES	1,220.00
EFT36049	08/04/2021	N ROWLANDSON	FUEL REIMBURSEMENT	109.98
EFT36050	08/04/2021	RTW STEEL FABRICATION	SHOP DRAWINGS FOR GRAVE SHORING	3,850.00
EFT36051	08/04/2021	SOUTH WEST TREE SAFE	REMOVAL OF DANGEROUS LOW HANGING BOW OVER NORTON PROM, REMOVAL OF DEAD TREE IN HUTT PARK, BOLEY COURT AND ALBURY COURT AND REMOVAL OF STUMP IN DAABLONE PARK	4,730.00
EFT36052	08/04/2021	SOUTHERN LOCK & SECURITY	KEYS FOR ROLLER SHUTTER CAGE AND 6 KEYS FOR CANTEEN ROLLER SHUTTERS	152.10
EFT36053	08/04/2021	SYNERGY	ELECTRICITY	3,657.78
EFT36054	08/04/2021	SONIC HEALTHPLUS PTY LTD	SONIC HEALTH EMPLOYEE MEDICALS	503.58
EFT36055	08/04/2021	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	2,997.24
EFT36056	08/04/2021	D & K THOMAS ELECTRICAL	REPLACEMENT OF PE CELL AND ADJUSTING OF LIGHT TIMER AT EAST DALYELLUP SPORTS PAVILION	415.37
EFT36057	08/04/2021	TOTALLY WORKWEAR	PPE	699.05
EFT36058	08/04/2021	TOLL TRANSPORT PTY LIMITED	COURIER SERVICES FOR WATER, ASBESTOS AND FOOD SAMPLES TO LABORATORIES IN PERTH	31.13

EFT36059	08/04/2021	TRUE EQUANIMITY YOGA	CANCELLATION REFUND	667.10
EFT36060	08/04/2021	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING AND DRAIN CLEANING	2,496.00
EFT36061	08/04/2021	WORK CLOBBER BUNBURY	PPE	1,384.74
EFT36062	08/04/2021	LORD MAYOR'S DISTRESS RELIEF FUND	DONATION WOOROLOO BUSHFIRE	1,700.00
EFT36063	13/04/2021	BENDIGO BANK BUSINESS CREDIT CARD	MARCH CREDIT CARD TRANSACTIONS: 7.3.2021 – ZOOM - \$84.69 – STREAMING OF COUNCIUL MEETINGS 9.3.2021 – TRYBOOKING - \$30.50 – LIBRARY TRAINING 10.3.2021 – MUSEUMS AUST - \$180.00 – MEMBERSHIP RENEWAL 11.3.2021 – WA GOV - \$649.00 – RENEWAL OF BUILDING SURVEYOR REGISTRATION 16.3.2021 – SAGE PERTH - \$153.52 – TRAINING ACCOMMODATION 21.3.2021 – SAGE PERTH – \$162.61 – TRAINING ACCOMMODATION 21.3.2021 – SAGE PERTH - \$141.40 – TRAINING ACCOMMODATION 24.3.2021 – SIRA - \$330.00 - TRAINING 24.3.2021 – SIDRA - \$330.00 - TRAINING 24.3.2021 – SIDRA - \$330.00 - TRAINING 25.3.2021 – TGE GOOD EGG CAFÉ - \$51.50 – MEETING EXPENSES 27.3.2021 – SPICE ODYSSEE - \$71.00 – MEETING EXPENSES 28.3.2021 – SAGE PERTH \$322.00 – TRAINING ACCOMMODATION 30.3.2021 –CARD FEE \$12.00	2,848.22
EFT36064	14/04/2021	AUSTRALIA POST	PO BOX 476 RENEWAL	335.00
EFT36065	14/04/2021	ACTION KERBING	BARTON LINK FOOTPATH CONSTRUCTION	41,662.50
EFT36066	14/04/2021	A & R MACHINERY	MOWER REPAIRS	605.00
EFT36067	14/04/2021	ASCOT ALUMINIUM	REPLACEMENT OF SCREEN DOOR PEPPERMINT GROVE BEACH COMMUNITY CENTRE	948.00

EFT36068	14/04/2021	AUDIKA AUSTRALIA PTY LTD	FULL AUDIOLOGICAL ASSESSMENT AS PER WORKCOVER REQUIREMENTS	204.05
EFT36069	14/04/2021	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	100.00
EFT36070	14/04/2021	BUNBURY MOWER SERVICE	BRUSH CUTTER AND PARTS	1,042.65
EFT36071	14/04/2021	CONSTRUCTION TRAINING FUND	MARCH 31, 2021 LEVY PAYMENT	167.47
EFT36072	14/04/2021	B & B STREET SWEEPING	2 WEEKLY SWEEPING OF CAPEL ADMIN BUILDING, CARAVAN CARPARK, SKATEPARK AND WALKWAY	482.96
EFT36073	14/04/2021	BOYANUP GENERAL STORE	NEWSPAPER PURCHASES BOYANUP LIBRARY MONTHLY	28.10
EFT36074	14/04/2021	BUNNINGS BUILDING SUPPLIES PTY LTD	LINE MARKING PAINT, HIGH PRESSURE CLEANER AND VARIOUS PARTS	772.00
EFT36075	14/04/2021	BOYLES PLUMBING & GAS	REPLACEMENT OF TWO CISTERNS AT THE BOYANUP LIONS PARK TOILETS, REPAIR FIRE HYDRANT CAPEL COMMUNITY CENTRE, REINSTALL URINAL AND HANDBASIN AT MIDDLE LAKES TOILET BLOCK AND CHECK WATER PUMP AT GELORUP COMMUNITY CENTRE	1,890.75
EFT36076	14/04/2021	BUNBURY PLUMBING SERVICES	PUMPING OF SEPTIC TANK OVER 3 DAYS	1,765.00
EFT36077	14/04/2021	BP AUSTRALIA	7200 LITRES DISTILLATE	9,142.03
EFT36078	14/04/2021	WINC AUSTRALIA PTY LTD	STATIONERY	20.96
EFT36079	14/04/2021	DM & S CURTIN	AIR CONDITIONING SERVICING OF ALL SHIRE AIR CONDITIONERS	5,665.00
EFT36080	14/04/2021	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE	1,274.14
EFT36081	14/04/2021	CAPEL CLEANING	CARRY OUT CLEANING TWICE WEEKLY CAPEL PLAYGROUP AND DALYELLUP COMMUNITY CENTRES, FULL CLEAN AT PEPPERMINT GROVE BEACH COMMUNITY CENTRE, CAPEL PLAYGROUP AND DALYELLUP COMMUNITY CENTRE AND CLEANING OF WINDOWS AT CAPEL PLAYGROUP	1,496.00
EFT36082	14/04/2021	CAPEL NEWSAGENCY	STATIONERY AND NEWSPAPERS FOR SHIRE AND LIBRARY	143.30

EFT36083	14/04/2021	CARBONE BROS PTY LTD	54 TONNES OF LIMESTONE	897.02
EFT36084	14/04/2021	STEVEN PATRICK ENGLISH	BOND REFUND	500.00
EFT36085	14/04/2021	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR BROKEN METER AT PEPPERMINT GROVE BEACH ABLUTIONS AND REPLACEMENT OF TAPS AT BOYANUP COMMUNITY CENTRE	902.00
EFT36086	14/04/2021	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	490.98
EFT36087	14/04/2021	HANSON CONSTRUCTION MATERIALS PTY LTD	BLUE METAL FOR PATCHING AND STOCK	547.47
EFT36088	14/04/2021	JOHN ALBERT HARTNUP	REFUND	820.65
EFT36089	14/04/2021	HARVEY NORMAN AV/IT SUPERSTORE BUNBURY	INK CARTRIDGES FOR PRINTER	124.00
EFT36090	14/04/2021	INTERFIRE AGENCIES PTY LTD	BFB PPE	928.18
EFT36091	14/04/2021	JETLINE KERBING CONTRACTORS	KERB REPAIRS ON 3 SCOTT ROAD CAPEL	2,420.00
EFT36092	14/04/2021	LD TOTAL	DALYELLUP POS MAINTENANCE MONTHLY AND IRRIGATION OPERATION AND MAINTENANCE MONTHLY	105,051.44
EFT36093	14/04/2021	LGISWA	WORKERS COMPENSATION INSURANCE PREMIUM ADJUSTMENT 2019/20	1,983.28
EFT36094	14/04/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	IGNITE MANAGEMENT PROGRAM, LGMA MEMBERSHIP AND COMMUNITY DEVELOPMENT CONFERENCE	3,899.01
EFT36095	14/04/2021	LGRCEU	PAYROLL DEDUCTIONS	143.52
EFT36096	14/04/2021	MALATESTA ROAD PAVING & HOT MIX	PREPARATION OF PAVEMENT ELGIN ROAD	41,326.96
EFT36097	14/04/2021	MUIR'S MANJIMUP	SHIRE FLEET VEHICLE SERVICE	639.78
EFT36098	14/04/2021	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE ON BUSSELTON HWY EASEMENT	176.49
EFT36099	14/04/2021	VIPIN SUNNY	BOND REFUND	150.00
EFT36100	14/04/2021	MG SETTLEMENTS	RATES REFUND	265.38
EFT36101	14/04/2021	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	696.69

EFT36102	14/04/2021	OASIS PLUMBING AND CIVIL	QUARTERLY AEROBIC TREATMENT UNIT MAINTENANCE - PGB COMMUNITY CENTRE, DALYELLUP BEACH, GELORUP COMMUNITY CENTRE AND CAPEL SPORTS PAVILION	2,102.00
EFT36103	14/04/2021	KAREN OLSZEWSKI	WORKING WITH CHILDREN CHECK REIMBURSEMENT	87.00
EFT36104	14/04/2021	PRESTIGE PRODUCTS-BUSSELTON	CLEANING AND TOILETRY PRODUCTS	785.51
EFT36105	14/04/2021	PICTON TYRE CENTRE PTY LTD	SHIRE FLEET VEHICLE TYRE REPLACEMENTS AND PARTS	2,293.30
EFT36106	14/04/2021	PEOPLE SENSE PTY LTD	ONSITE ATTENDANCE FOR EAP COUNSELLING SERVICES FOR STAFF	1,980.00
EFT36107	14/04/2021	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING	60,571.00
EFT36108	14/04/2021	RTW STEEL FABRICATION	4 X STAINLESS STEEL KICK PLATES FOR DALYELLUP SPORTS PAVILION BUILDING	269.50
EFT36109	14/04/2021	SOUTHERN LOCK & SECURITY	SUPPLY AND CUT SHIRE KEYS AND WEEKLY ALARM MONITORING AT BOYANUP AND CAPEL LIBRARY, SHIRE DEPOT, DALYELLUP COMMUNITY CENTRE AND CAPEL AND DALYELLUP SPORTS PAVILION	940.68
EFT36110	14/04/2021	SOS OFFICE EQUIPMENT	SHIRE PHOTOCOPIER METER BILLING	2,249.90
EFT36111	14/04/2021	SYNERGY	ELECTRICITY	31,509.63
EFT36112	14/04/2021	TCS INSTRUMENTS	ROAD TUBE TAPE	269.50
EFT36113	14/04/2021	TOLL TRANSPORT PTY LIMITED	COURIER SERVICES	46.81
EFT36114	14/04/2021	SHIRE OF WAGIN	PAYROLL DEDUCTIONS	80.00
EFT36115	14/04/2021	CHRISTOPHER CHARLES WARD	TRAVEL REIMBURSEMENT FOR TRAINING	109.98
EFT36116	15/04/2021	THE BEHAVIOUR CHANGE COLLABORATIVE	PRESENTATION TO CLIMATE CHANGE AND SUSTAINABILITY COMMITTEE	275.00
EFT36117	15/04/2021	CENTRAL REGIONAL TAFE	CERTIFICATE III LOCAL GOVERNMENT	715.00
EFT36118	15/04/2021	CHANEY SC	RATES	1,100.00
EFT36119	15/04/2021	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BSL MARCH REMITTANCE	18,179.41

EFT36120	15/04/2021	SWAN TRANSIT SOUTH WEST T/A GANNAWAYS CHARTERS AND TOURS	BUS CHARTER FOR SENIORS ACTIVE AGEING TRIP	825.00
EFT36121	15/04/2021	A INGRAM	LEGO PURCHASES FOR LIBRARY	552.80
EFT36122	15/04/2021	JETLINE KERBING CONTRACTORS	ROE ROAD PATH CONSTRUCTION	40,035.31
EFT36123	15/04/2021	LESCHENAULT BIOSECURITY GROUP	RABBIT CONTROL PROGRAM PEPPERMINT GROVE BEACH	3,347.34
EFT36124	15/04/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	FINANCE FOR NON-FINANCIAL PEOPLE	747.50
EFT36125	21/04/2021	AUSTRALIAN HUMAN RESOURCES INSTITUTE	VIRTUAL WORKSHOP	2,700.00
EFT36126	21/04/2021	ADAM DAVEY CONSULTING	BOYANUP OVAL, CAPEL TOWN OVAL AND RECREATION GROUND TURF RENOVATIONS	4,420.04
EFT36127	21/04/2021	ARBORGUY	REMOVAL AND PRUNING OF DANGEROUS BRANCHES	1,144.00
EFT36128	21/04/2021	BOYANUP HALL ADVISORY COMMITTEE	CARETAKING OF BOYANUP HALL	233.25
EFT36129	21/04/2021	BIG W	BOOK STOCK PURCHASES	478.00
EFT36130	21/04/2021	BUNBURY MACHINERY	FLEET VEHICLE SERVICE	824.92
EFT36131	21/04/2021	BUNBURY MOWER SERVICE	PLANT PARTS AND SERVICING	360.00
EFT36132	21/04/2021	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE	934.71
EFT36133	21/04/2021	BOYLES PLUMBING & GAS	REPAIR TOILET BOWLS AT DALYELLUP SPORTS PAVILION AND PRESSURE PUMP AT DOG POUND	652.52
EFT36134	21/04/2021	BUNBURY PLUMBING SERVICES	PUMPING OF SEPTIC TANK AT BOYANUP LIONS PARK AND GREASE TRAP PUMP OUT AT MEMORIAL HALL	733.60
EFT36135	21/04/2021	BIOBAG WORLD AUSTRALIA PTY LTD	30 CARTONS OF 8 LITRE BIO BAG ROLLS	14,828.00
EFT36136	21/04/2021	WINC AUSTRALIA PTY LTD	STATIONERY	323.83
EFT36137	21/04/2021	CAPEL CHAMBER OF COMMERCE INC	MEMBERSHIP FEES	100.00
EFT36138	21/04/2021	CAPEL CELLARBRATIONS	MEETING ELGIN CONSTRUCTION	96.00

EFT36139	21/04/2021	COCKBURN ICE ARENA	INZONE YOUTH EXPENSES	348.00
EFT36140	21/04/2021	CAPEL CLEANING	CLEANING OF DALYELLUP COMMUNITY CENTRE, CAPEL PLAYGROUP, PEPPERMINT GROVE COMMUNITY CENTRE INCLUDING TOUCH POINT CLEANING AT DALYELLUP AND THE PLAYGROUP	990.00
EFT36141	21/04/2021	SCOTTISH PACIFIC BUSINESS FINANCE PTY LTD (CB TRAFFIC)	TRAFFIC MANAGEMENT FOR CONSTRUCTION ON ELGIN ROAD FROM 02-03-21 TO 26-03-21	11,147.40
EFT36142	21/04/2021	CAPEL BUTCHERS	ELGIN ROAD CONSTRUCTION TEAM MEETING	130.00
EFT36143	21/04/2021	CONVIC PTY LTD	PROVISION FOR PREPARING THE DETAILED DESIGN & CONSTRUCTION DOCUMENTS WITH PRETENDER COST ESTIMATE FOR THE DALYELLUP SKATE PARK	32,472.00
EFT36144	21/04/2021	CARPET COURT BUNBURY	REPLACE CARPET AT DALYELLUP COMMUNITY CENTRE IN MEETING ROOM WITH CARPET TILES REMOVE OLD CARPET AND TAKE AWAY	2,783.00
EFT36145	21/04/2021	CARBONE BROS PTY LTD	400 TONNES OF GRAVEL FOR ELGIN ROAD CONSTRUCTION AND REPAIR OF LINE MARKING ON CHARLOTTE STREET	7,290.61
EFT36146	21/04/2021	COLROYS COUNTRY KITCHEN	COUNCIL DINNER	150.00
EFT36147	21/04/2021	GELORUP COMMUNITY INC	CARETAKING	116.50
EFT36148	21/04/2021	DYMOCKS BUSSELTON	BOOKSTOCK PURCHASES	112.99
EFT36149	21/04/2021	ASHLEY PETER DILLON	CAPTIVATE CAPEL MC FEES	600.00
EFT36150	21/04/2021	DALYELLUP COLLECTIVE INC	MINOR COMMUNITY GRANTS SCHEME	980.00
EFT36151	21/04/2021	GOLDEN WEST PLUMBING & DRAINAGE	REPLACEMENT OF 4 X SHOWER HEADS AND UNBLOCKING OF BASINS AT DALYELLUP BEACH ABLUTION BLOCK AND REPLACEMENT OF SEPTIC TANK LIDS AT BOYANUP LIONS PARK, REPAIR SINK AND UNBLOCK TOILET AT ERLE SCOTT RESERVE AND REPAIR LEAKING VALVE IN SHIRE ADMINISTRATION BUILDING	2,744.50

EFT36152	21/04/2021	LD FREEMAN	RATES REFUND	1,180.54
EFT36153	21/04/2021	MCG FIRE SERVICES	TESTING OF BOYANUP AND CAPEL COMMUNITY CENTRE FIRE PANELS	154.00
EFT36154	21/04/2021	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION	754.12
EFT36155	21/04/2021	SA GRAHAM	BOND REFUND	150.00
EFT36156	21/04/2021	HOWSON TECHNICAL	SUPERVISOR WORKS MENTORING	2,612.50
EFT36157	21/04/2021	HOYTS CINEMAS	HOYTS INZONE MOVIE TRIP FOR APRIL SCHOOL HOLIDAYS	450.00
EFT36158	21/04/2021	INSTANT RACKING & STEEL SHELVING	1 DOOR LOCKER FOR DEPOT TOOL SHED	1,080.00
EFT36159	21/04/2021	LUDLOW TUART FOREST RESTORATION GROUP	SUPPLY LABOUR AND MATERIALS TO REPLACE THE LUDLOW SETTLEMENT DISTRIBUTION WATER PIPE UNDER BRIDGE 3448	1,894.20
EFT36160	21/04/2021	LOBOS ADVISORY	CONTRACTOR MANAGEMENT FRAMEWORK ROLL OUT	4,620.00
EFT36161	21/04/2021	MALATESTA ROAD PAVING & HOT MIX	600 LT OF EMULSION	912.00
EFT36162	21/04/2021	MARKETFORCE	CORPORATE ADVERTISEMENTS	11,417.07
EFT36163	21/04/2021	METAL ARTWORK CREATIONS	NAME BADGES	175.07
EFT36164	21/04/2021	NUTRIEN AG SOLUTIONS	HERBICIDE SPRAY CHEMICALS	1,092.52
EFT36165	21/04/2021	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	822.83
EFT36166	21/04/2021	PICTON TYRE CENTRE PTY LTD	FLEET VEHICLE TYRE REPAIR	46.00
EFT36167	21/04/2021	SOUTH WEST TREE SAFE	PRUNING AND TREE REMOVAL AT VIEW COURT	880.00
EFT36168	21/04/2021	STEWART & HEATON CLOTHING CO PTY LTD	PPE FOR BFB	803.78
EFT36169	21/04/2021	SYNERGY	ELECTRICITY	234.70
EFT36170	21/04/2021	SCITECH DISCOVERY CENTRE	SCITECH WORKSHOP SCHOOL HOLIDAYS INZONE ACTIVITY	860.00
EFT36171	21/04/2021	SUE'S DRIVING SCHOOL	YOUTH DRIVER DEVELOPMENT PROGRAM	3,000.00
EFT36172	21/04/2021	SONIC HEALTHPLUS PTY LTD	EMPLOYEE HEALTH MEDICALS	363.00
EFT36173	21/04/2021	SURVEYING SOUTH	SURVEYING AND MARKING OUT ELGIN ROAD	1,584.00

EFT36174	21/04/2021	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	179.30
EFT36175	21/04/2021	TARVIA	REPAIRS TO GAZEBO AT DALYELLUP LAKES	349.80
EFT36176	21/04/2021	TRAINWEST	WORKSHOP FOR DIPLOMA IN WORK HEALTH AND SAFETY	2,200.00
EFT36177	21/04/2021	VILLAGE CARPET CARE	CLEANING OF MAT AT DALYELLUP LIBRARY	70.00
EFT36178	21/04/2021	WORK CLOBBER BUNBURY	PPE	305.02
EFT36179	21/04/2021	THE PRINT SHOP	PRINT COPIES OF DRAFT LOCAL PLANNING STRATEGY AND SCHEME 8	1,886.50
EFT36180	21/04/2021	WOOLWORTHS LIMITED (WA)	DALYELLUP LIBRARY OFFICE EXPENSES	15.89
EFT36181	21/04/2021	AUSTRALIA POST	POSTAGE MONTHLY	2,947.55
EFT36182	21/04/2021	AMPOL	FUEL FOR FLEET VEHICLES	5,122.75
EFT36183	21/04/2021	TELSTRA CORPORATION LTD	DALYELLUP SPORTS PAVILION INTERNET MONTHLY	85.00
EFT36184	28/04/2021	AUSQ TRAINING	BASIC WORKSITE TRAFFIC MANAGEMENT & TRAFFIC CONTROLLER TRAINING	766.00
EFT36185	28/04/2021	BUNBURY MOWER SERVICE	PLANT PARTS	269.10
EFT36186	28/04/2021	BUNBURY AUTO ONE	PLANT TOOL	134.00
EFT36187	28/04/2021	B & B STREET SWEEPING	CAPEL CIVIC PRECINCT STREET SWEEPING MONTHLY AND TO CLEAN UP BROKEN GLASS AT ERLE SCOTT PARK	977.96
EFT36188	28/04/2021	ND & KJ BONEHAM	RATES REFUND	502.76
EFT36189	28/04/2021	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL OF KERBSIDE ORGANIC WASTE AND CONTRIBUTION TO REGIONAL WASTE EDUCATION OFFICER MONTHLY	10,994.26
EFT36190	28/04/2021	BELLROCK CLEANING SERVICES PTY LTD	CLEANING OF SHIRE PUBLIC TOILETS MONTHLY	10,062.58
EFT36191	28/04/2021	CLEANAWAY	DISPOSAL OF KERBSIDE GENERAL WASTE, TRANSPORTATION OF WASTE AND RECYLCING, WASTE AND ORGANICS KERBSIDE COLLECTION INCLUDING PARKS, GARDENS AND RESERVES	117,324.72
EFT36192	28/04/2021	CROSS SECURITY SERVICES	REPAIR DOOR LOCK IN OPEN PLAN AREA AND CHAMBERS HALLWAY IN SHIRE OFFICE BUILDING	136.40

EFT36193	28/04/2021	DM & S CURTIN	REPAIRS TO AIR CON CAPEL CHILDRENS CENTRE	984.25
EFT36194	28/04/2021	CLEANWAYXTRA	SHIRE PUBLIC TOILET CLEANING PRODUCTS	879.85
EFT36195	28/04/2021	CAPEL FRESH IGA	REFRESHMENTS APRIL	695.50
EFT36196	28/04/2021	CIVITEST PTY LTD	CIVI TESTING FOR ELGIN ROAD CONSTRUTION	3,303.96
EFT36197	28/04/2021	SCOTTISH PACIFIC BUSINESS FINANCE PTY LTD (CB TRAFFIC)	TRAFFIC MANAGMENT FOR INTERSECTION MIX ON ELGIN ROAD	1,062.60
EFT36198	28/04/2021	SPORTS ENTERTAINMENT NETWORK PTY LTD	RADIO ADVERTISING	660.00
EFT36199	28/04/2021	CREATING COMMUNITIES AUSTRALIA PTY LTD	STRATEGIC COMMUNITY PLAN CONSULATION AND DEVELOPMENT	7,379.31
EFT36200	28/04/2021	CORPORATE TRAINING SERVICES PTY LTD T/A QUESTAMON	TRAINING WORKSHOPS	2,890.00
EFT36201	28/04/2021	CARBONE BROS PTY LTD	RECONSTRUCTION BOYANUP ROAD WEST	135,031.02
EFT36202	28/04/2021	DIESEL FORCE	CALL OUT TO FIX ELECRICAL PROBLEM IN GRADER	486.60
EFT36203	28/04/2021	DALYELLUP COLLECTIVE INC	REFRESHMENTS FOR COMMUNITY INFORMATION SESSION	120.00
EFT36204	28/04/2021	CJ DAY	RATES REFUND	325.00
EFT36205	28/04/2021	ERG ELECTRICS PTY LTD	SHIRE OF CAPEL LIGHTING INFRASTRUCTURE MAINTENANCE	7,673.60
EFT36206	28/04/2021	EASIFLEET MANAGEMENT	VEHICLE PAYROLL DEDUCTION	993.67
EFT36207	28/04/2021	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE FLUSHING MECHANISMS IN TOILET AT CAPEL PAVILION, REPAIR TOILETS AND BASINS AT ERLE SCOTT RESERVE AND PUMP OUT SEPTIC TANK AT BOYANUP LIONS PARK	1,981.10
EFT36208	28/04/2021	FIT 2 WORK.COM.AU	EMPLOYEE POLICE CHECKS	203.00
EFT36209	28/04/2021	SWAN TRANSIT SOUTH WEST T/A GANNAWAYS CHARTERS AND TOURS	GANNAWAYS BUS APRIL INZONE SCHOOL HOLIDAY PROGRAM	1,065.00
EFT36210	28/04/2021	GAS-IT CONTRACTING	PROVISION OF UNDERGROUND SERVICE LOCATIONS BOYANUP	2,211.00
EFT36211	28/04/2021	A INGRAM	BOOK STOCK PURCHASES	193.89

EFT36212	28/04/2021	CONNECT CALL CENTRE SERVICES	CONNECT CALL CENTRE - AFTER HOURS CALL ANSWERING AND RE-DIRECTION - MONTHLY	381.81
EFT36213	28/04/2021	INSTANT WINDSCREENS PTY LTD	TINTING OF FRONT COUNTER WINDOW AND HR OFFICE	400.00
EFT36214	28/04/2021	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	PROCESSING OF RECYCLING FROM KERBSIDE COLLECTIONS	1,966.99
EFT36215	28/04/2021	KMART AUSTRALIA LIMITED	INZONE APRIL MATERIALS	29.00
EFT36216	28/04/2021	STATE LIBRARY OF WESTERN AUSTRALIA	RECOUP OF FREIGHT COSTS FOR SHIRE OF CAPEL LIBRARIES 20/21	2,814.64
EFT36217	28/04/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	TRAINING WORKSHOP	578.00
EFT36218	28/04/2021	LD TOTAL	MAINTENANCE ON DRAIN BASINS AT DALYELLUP ESTATE, IRRIGATION REPAIRS IN DALYELLUP, TO REMOVE AND REINSTALL THE RUGBY POSTS AT FERNDALE PARK AT AN ALTERNATIVE LOCATION, REPLACE FOOTBALL GOALS AND CRICKET MATS AT LUTHERAN COLLEGE PLAYING FIELDS AND SOFT STARTER ON TRANSFER PUMP MIDDLE LAKES	16,348.21
EFT36219	28/04/2021	LEASE EQUITY TRUST ACCOUNT	DALYELLUP PUBLIC LIBRARY MONTHLY OUTGOINGS	7,258.55
EFT36220	28/04/2021	MALATESTA ROAD PAVING & HOT MIX	CHIP SEAL AROUND ELGIN HALL	3,513.22
EFT36221	28/04/2021	MUIR'S MANJIMUP	FLEET VEHICLE SERVICE	273.97
EFT36222	28/04/2021	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE PROVIDED FOR SAT CASES, LEASES AND STORAGE COMPLIANCE OF USED VEHICLES	9,919.18
EFT36223	28/04/2021	MARKETFORCE	ADVERTISING OF TENDER 21/05 - WIDENING OF RAMSAY ROAD	699.77
EFT36224	28/04/2021	FLOWER BAR BUNBURY	ANZAC WREATHS	360.00
EFT36225	28/04/2021	NIGHTGUARD SECURITY SERVICE PTY LTD	SECURITY PAROL FOR WTS TO BANK, SECURITY PATROLS TO VARIOUS SHIRE BUILDINGS MONTHLY	4,714.71

EFT36226	28/04/2021	OPTUS BILLING SERVICES PTY LTD	SHIRE OFFICE INTERNET	200.00
EFT36227	28/04/2021	PICTON TYRE CENTRE PTY LTD	TYRE REPAIRS FOR SHIRE PLANTS	702.00
EFT36228	28/04/2021	PERON NATURALISTE PARTNERSHIP	SHIRE OF CAPEL CONTRIBUTION TO PRODUCTION OF CAPEL-LESCHEHAULT COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN	15,989.60
EFT36229	28/04/2021	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING	62,016.00
EFT36230	28/04/2021	RETECH RUBBER	URGENT REPAIRS TO FERNDALE PARK SOFTFALL	4,372.50
EFT36231	28/04/2021	SOUTHERN LOCK & SECURITY	KEYS CUT FOR WENTWORTH PARK SHELTER	116.15
EFT36232	28/04/2021	SYNERGY	ELECTRICITY	2,917.56
EFT36233	28/04/2021	SDH PAINTING & DECORATING	PAINTING OF WINDOW FRAMES AT MIDDLE LAKES TOILET BLOCK AND RE-PAINT TOILETS AT CAPEL SPORTS PAVILION	918.50
EFT36234	28/04/2021	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	SHIRE VEHICLE FIRST AID KIT	120.10
EFT36235	28/04/2021	SONIC HEALTHPLUS PTY LTD	EMPLOYEE MEDICALS	797.50
EFT36236	28/04/2021	THINK WATER BUNBURY	RETICULATION PARTS	253.38
EFT36237	28/04/2021	TENDERLINK	TENDER ADVERTISING	961.40
EFT36238	28/04/2021	TUTT BRYANT HIRE	HIRE OF DRUM ROLLER AND SKID STEER	10,595.11
EFT36239	28/04/2021	IT VISION	ALTUS PAYROLL REPLACEMENT/UPGRADE PROJECT AND FIRST ANNUAL SUBSCRIPTION	22,822.76
EFT36240	28/04/2021	WORK CLOBBER BUNBURY	PPE	367.14
EFT36241	28/04/2021	THE PRINT SHOP	BUSINESS CARDS	553.00
49475	08/04/2021	TELSTRA CORPORATION LTD	TELSTRA MOBILE CHARGES MONTHLY	687.87
49476	14/04/2021	CITY OF BUNBURY	INDIVIDUAL ANIMAL IMPOUND FEES	208.00
49477	14/04/2021	SHIRE OF CAPEL	BSL COMMISSION MARCH 31 2021	304.75
49478	14/04/2021	DEPARTMENT OF TRANSPORT	VEHICLE TRANSFER FEE	18.40
49479	14/04/2021	SCOTT K	REIMBURSEMENT OF TRAVEL BFB	109.98
49480	14/04/2021	WATER CORPORATION	WATER USAGE	3,907.37

49481	21/04/2021	SHIRE OF CAPEL	TRANSFER OF MONEYS FROM ACCRUED INCOME GL TO BUILDING PERMIT FEES	5,881.96
49482	21/04/2021	DEPARTMENT OF TRANSPORT	FLEET VEHICLE REGISTRATION	22.60
49483	28/04/2021	SHIRE OF CAPEL	STAFF LEAVING GIFT	100.00
49484	28/04/2021	WATER CORPORATION	WATER USAGE	109.03
				1,080,622.05

11.04.2021	SHIRE OF CAPEL PAYROLL PAYMENTS	\$212,075.21
25.04.2021	SHIRE OF CAPEL PAYROLL PAYMENTS	\$191,391.93

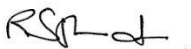
\$403,467.14

08.04.2021	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,008,808.03
15.04.2021	ANZ TERM DEPOSIT REDEMPTION	\$1,006,725.65
15.04.2021	ANZ TERM DEPOSIT	-\$1,006,725.65
22.04.2021	NAB TERM DEPOSIT REDEMPTION	-\$1,002,393.42
22.04.2021	NAB TERM DEPOSIT	\$1,002,393.42

-\$1,008,808.03

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 26 May 2021 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.



ACTING CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OC113/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 15.6

Moved Cr Southwell, Seconded Cr Noonan.

That in accordance with Regulation 13(11) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month of February 2021 be received and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT36022 to EFT36241, CHQ49475 to CHQ49484 totalling \$1,080,622.05 during the month of April 2021;**
- 2 Payroll payments for the month of April 2021, totalling \$403,467.14; and**
- 3 Transfers to and from investments as listed.**

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

15.7 Financial Statements for April 2021 – (OC114/2021)

Location:	Capel
Applicant:	Shire of Capel
File Reference:	
Disclosure of Interest:	Nil
Date:	14.05.21
Author:	Manager Finance, A Mattaboni
Senior Officer:	Director Community and Corporate, S Chamberlain
Attachments:	Financial Statements for April 2021

PROPOSAL

The Council to consider adopting the monthly financial statements for April 2021.

OFFICER'S RECOMMENDATION

That the financial statements for the period ending 30 April 2021 be received.

BACKGROUND

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

STATUTORY ENVIRONMENT

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

6.4 Financial Report

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

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

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

Financial Activity Statement Report

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

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

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

There are no risk implications related to this item.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience '*Ensure open, transparent and effective good governance.*'

Community Objective:

- 1.6 Council is effective and efficient in the financial management stewardship of community assets.

CONSULTATION

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

COMMENT

At 30 April 2021, the Council's actual net current asset position is a surplus of \$4,951,615. The forecast 2020/21 year end net current asset position is a deficit of (\$10,365). The forecast 2020/21 year end net current asset position will change with the updating of individual accounts forecast as part of the 2021/22 budget process.

The 2019/20 final year end net current asset position is a surplus of \$936,241.

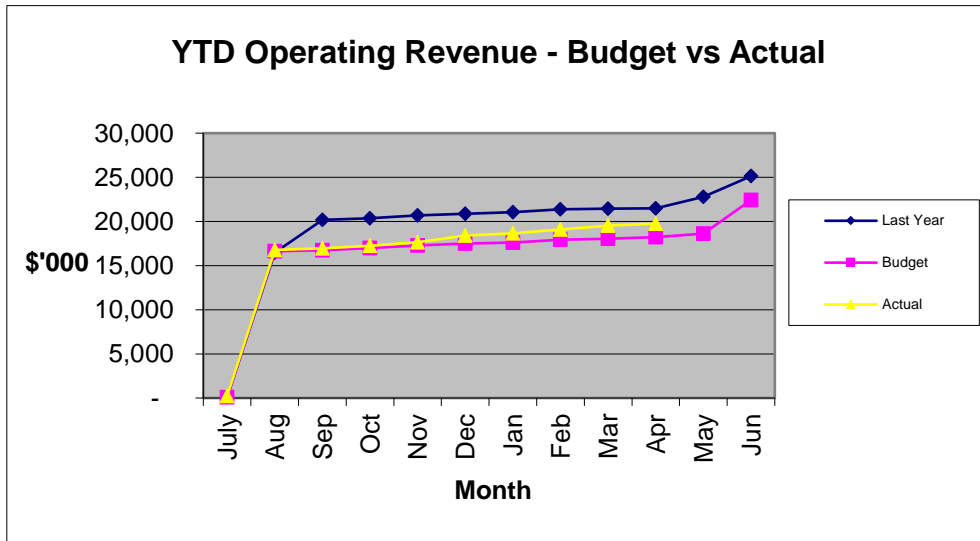
Compared to the 2020/21 budget approximately 97.90% of Operating Revenue has been brought to account and 75.96% of the Operating Expenditure budget has been spent.

Rates have been assessed for the 2020/21 financial year with income raised in August 2020. The Statement of Comprehensive Income by Nature and Type shows 100.26% of rates income

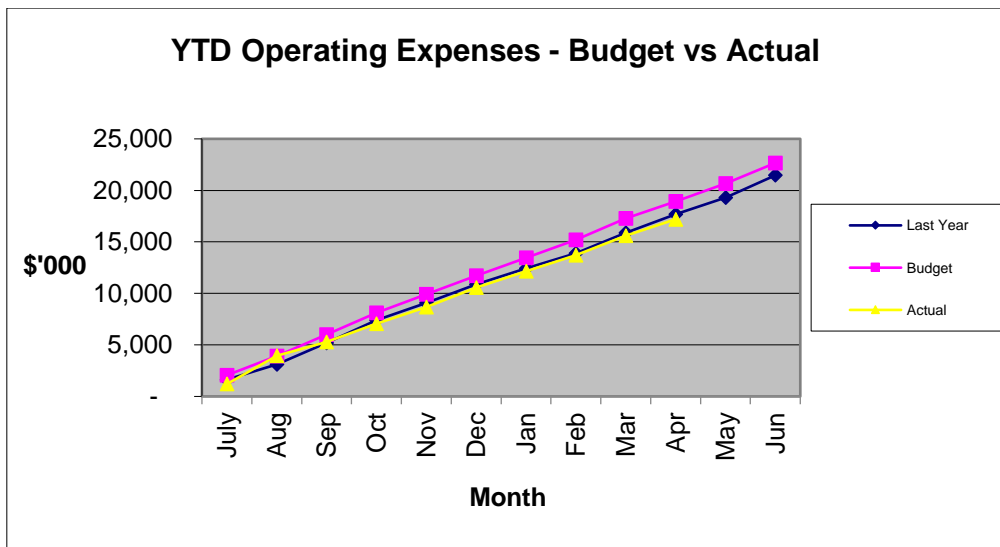
has been recognised year to date compared to the annual budget. Fees and Charges income includes \$2,404,754 for household refuse fees which is included in the rates billing process. Approximately 99.93% of Fees and Charges income has been recognised year to date compared to the annual budget.

The following graphs compare actual Operating Revenue and Operating Expenditure against the 2020/21 budget on a year to date basis.

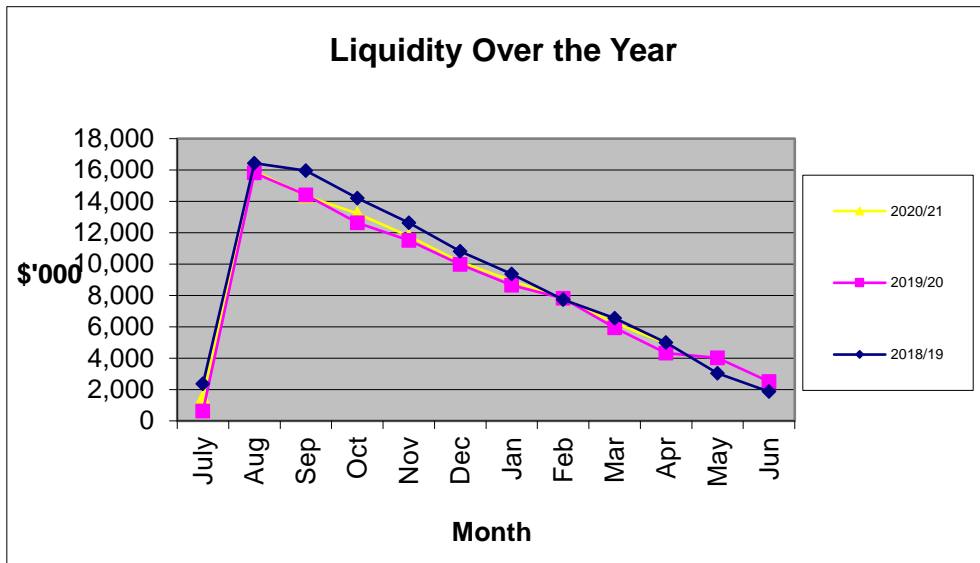
Year to date actual revenue compared to budget and last year.



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

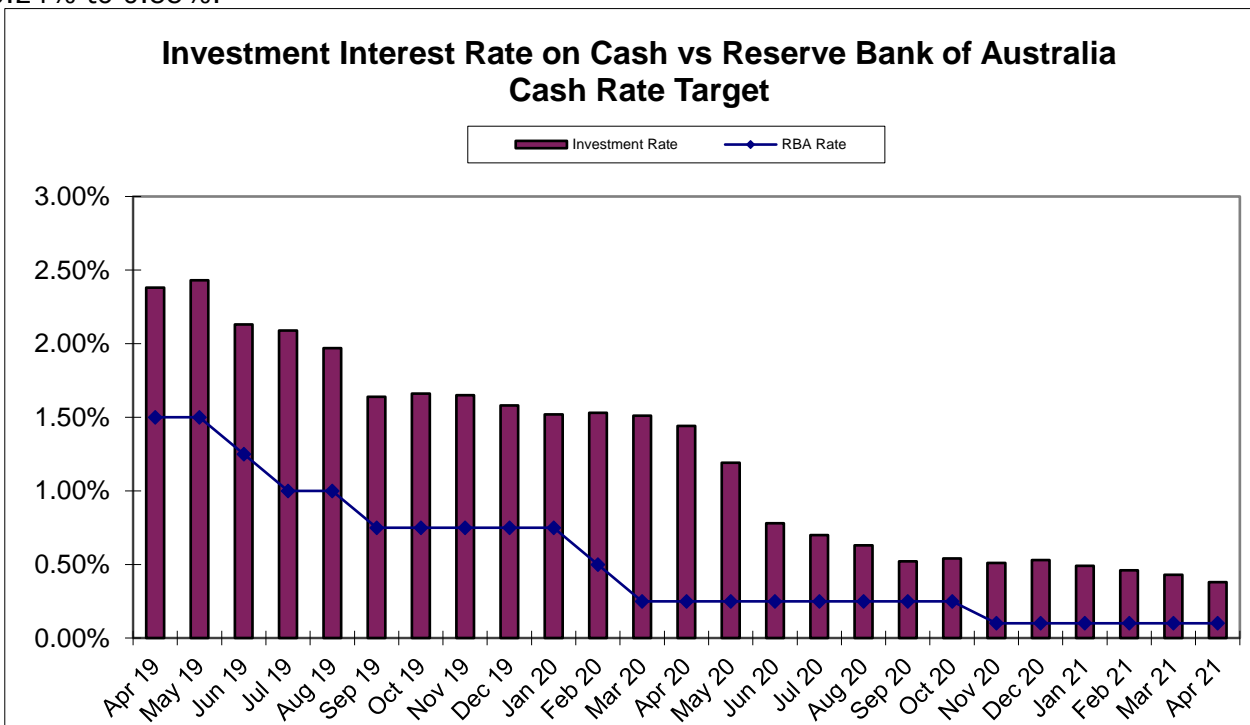


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



The Council’s municipal cash and investments position has decreased by \$682,167 compared to March 2021. The Municipal cash position is an amount of \$21,169,599 of which \$15,326,434 is restricted for specific purposes as shown at Note 3. Cash revenue is due to rate receipts, rate rebates and grant funding. Major cash expenses are a result of payroll and contractors.

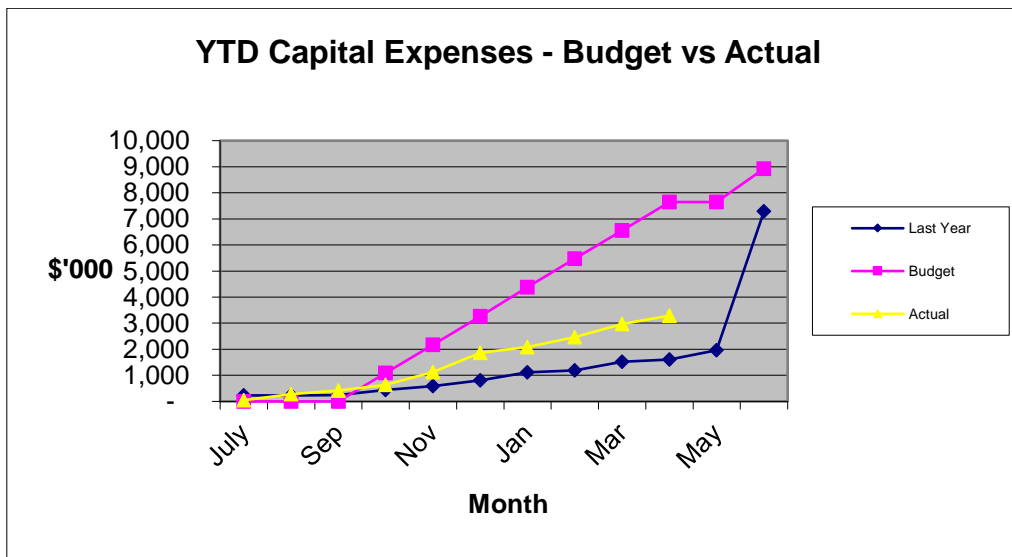
Total interest earned year to date is \$83,179 which is below the year to date budget of \$126,926. Interest earned is a combination of the rating system interest charges and interest on investments. Rating system interest is made up of interest on; unpaid rates, unpaid ESL, instalments and deferred ESL/rates. Rating system interest FY21 actual is \$25,121 compared to the annual budget of \$38,870. Investment interest FY21 actual is \$58,058 compared to the annual budget of \$131,454. The forecast investment interest is \$79,722 due to declining investment rates. The average investment rate of return has decreased to 0.38% which exceeds the Reserve Bank’s cash reference rate of 0.10% for April 2021. The Reserve Bank Board on 5 May 2021 maintained the cash rate at 0.10%. The Shire has term deposits maturing from May 2021 to July 2021, investment terms ranging from 63 days to 287 days and interest rates from 0.24% to 0.88%.



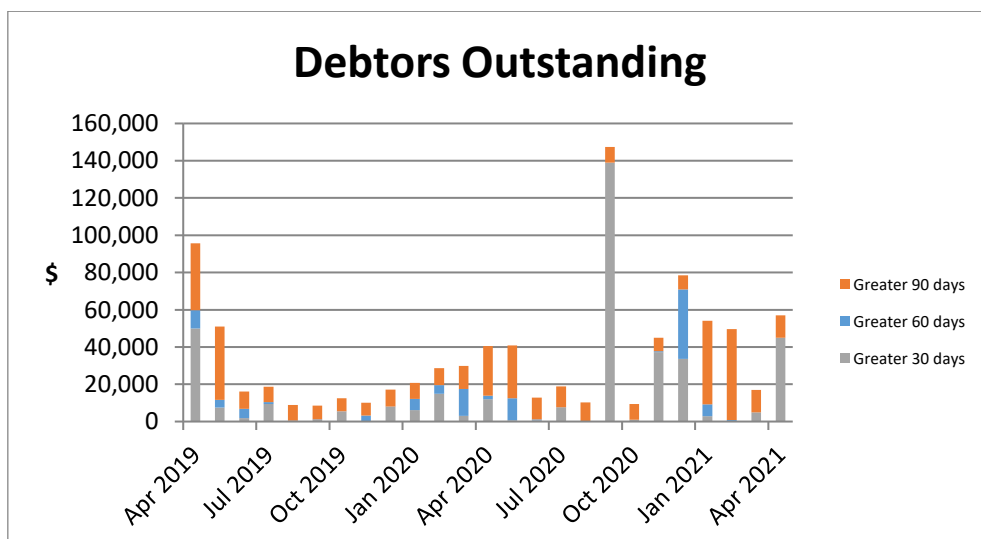
Capital expenditure of \$309,107 occurred during the month on:

- \$221,140 Roadworks
- \$36,396 Footpaths
- \$29,520 Skate Park design
- \$20,748 SynergySoft online payments portal
- \$1,303 Library book stock

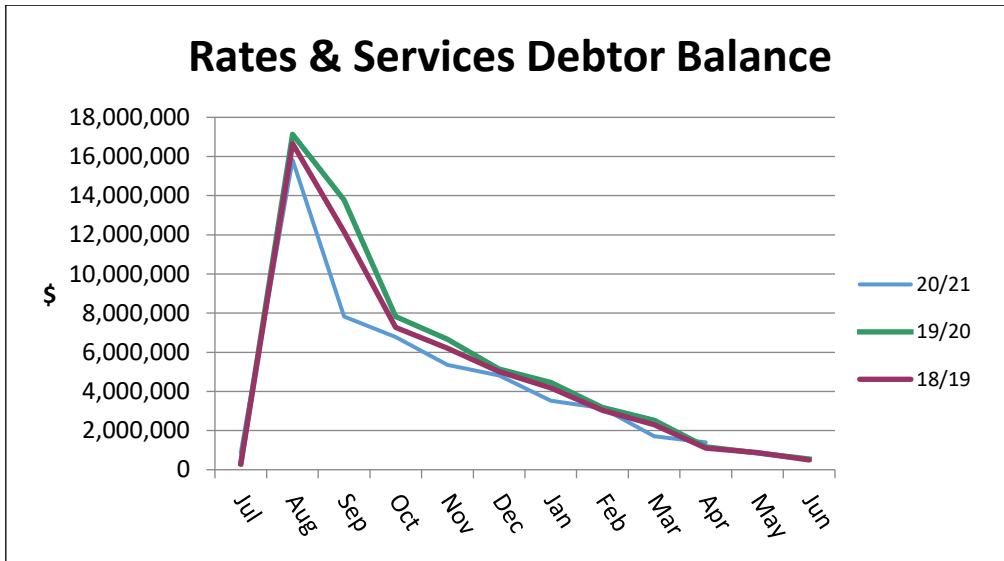
The following graph compares actual capital expenditure against the 2020/21 budget on a year to date basis and includes the prior year actual for comparative purposes. The road program completion is still to take place. The plant replacement program year end forecast has been revised to \$309,635 from \$1,006,410 due to delivery times now occurring in 2021/22. There has been a corresponding adjustment to the reserve funding.



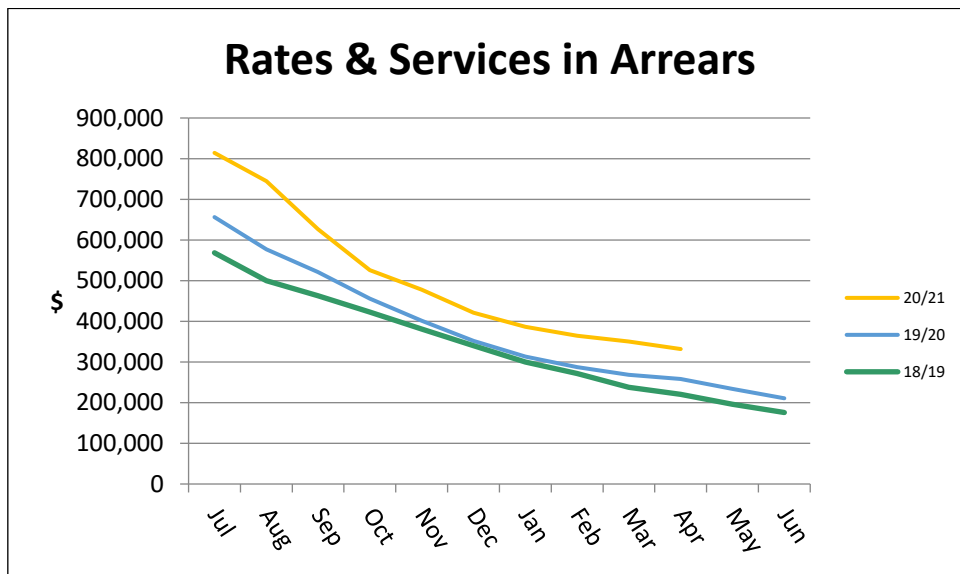
The following graph illustrates the Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



The following graph illustrates the Council’s current level of Rate Debtors recovery and compares this with previous years. The amount includes both current and in arrears rates & services debtor balance.



The following graph shows the level of rates and services in arrears for the last three years. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2020/21 4.71%, 2019/20 3.37% and 2018/19 3.00%.



The Council’s financial ratios are disclosed in Note 19.

A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 30 April 2021.

VOTING REQUIREMENTS

Simple majority

OC114/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION – 15.7

Moved Cr Southwell, Seconded Cr Kitchen.

That the financial statements for the period ending 30 April 2021 be received.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

16 NEW BUSINESS OF AN URGENT NATURE

16.1 CEO Selection Criteria – (OC115/2021)

Location:	Capel
Applicant:	Not Applicable
File Reference:	HR.int
Disclosure of Interest:	Nil
Date:	26.05.21
Author:	A/Chief Executive Officer, Robert Stewart
Attachments:	Attachment 1: Chief Executive Officer Candidate Information Package November 2020 Attachment 2: Chief Executive Officer Position Description Attachment 3: Chief Executive Officer Application Package March 2021

PROPOSAL

To re-adopt all selection criteria for the Chief Executive Officer as contained within Attachment 3, the CEO Application Package.

OFFICER'S RECOMMENDATION

That pursuant to Schedule 2 clause 5 of the *Local Government (Administration) Regulations 1996*, all selection criteria as contained within Attachment 3 be re-adopted to ensure compliance with the model standards for CEO recruitment, performance and termination.

BACKGROUND

At the ordinary council meeting held on 20 January 2021, the council resolved (OC017/2021):

That:

1. No appointment of a permanent CEO be made at this time.
2. All applications for the position of CEO be advised in terms of 1) above by the previously appointed consultant.
3. The present Recruitment Committee be disbanded.
4. A CEO Recruitment Committee be formed pursuant to S5.9(2)(a) of the Local Government Act 1995 as follows:
 - a. The Committee shall be known as the CEO Recruitment Committee.
 - b. The duties of the Committee shall be to recommend the Council a person to be appointed as CEO of Shire of Capel pursuant to S5.36 of the Local Government Act and the Local Government (Administration) Regulations.
 - c. The members of the Committee shall number four, being Cr Kitchen, Cr Mogg, Cr Andrew and Cr Schiano.
 - d. The Committee shall disband upon the signing of a suitable contract of employment with the selected CEO, unless disbanded earlier.
5. The appointment process be administered in house by the Council's Manager of Human Resources and Executive Services.

At the ordinary council meeting held on 24 February 2021, the council resolved (OC027/2021):

That:

1. The CEO Selection Committee be reconstituted under Section 5.9 (2) (d) to enable the appointment of one other person.
2. Councillor representation on the committee be confirmed as Councillors Kitchen, Mogg, Andrew and Schiano.

3. The adopted duties of the committee shall remain unchanged.
4. Pursuant to section 5.39B(2) of the *Local Government Act 1995*, adopt the new Model Standards for Chief executive Officer Recruitment, Performance and Termination as detailed in Attachment 1.
5. Committee membership be amended to number five (5).
6. Mr Giovanni (John) Mario Castrilli OAM be appointed to the committee as an independent member.
7. Pursuant to Schedule 2 clause 5(2) of the *Local Government (Administration) Regulations 1996*, approve the Job Description and Selection Criteria for the recruitment of a CEO (as previously developed by the CEO Recruitment Committee in November 2020) as detailed in Attachment 2.

The previously adopted selection criteria by the CEO Recruitment Committee in November 2020 included all criteria as listed in Attachment 1 however, only Attachment 2 was provided at the ordinary council meeting held 24 February 2021. Therefore, although acknowledged in the resolution that the selection criteria from November 2020 be used again, it has not officially been adopted by council by absolute majority and therefore not compliant with the new model standards for CEO recruitment, performance and termination.

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

There are no policy implications related to this matter.

RISK IMPLICATIONS

The risk to the organisation if the officer's recommendation is not adopted is Medium.

If all the selection criteria are not adopted, the integrity of the CEO recruitment process could be compromised through non-compliance with the new model standards for CEO recruitment, performance and termination as contained within the Local Government (Administration) Regulations 1996. This may expose the Shire of Capel to reputational risk and could lead to the recruitment process needing to cease and re-start. This may inhibit the Shire of Capel's ability to attract a suitable pool of candidates and delay the successful appointment of a substantive CEO.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications if the officer recommendation is adopted.

If it is not adopted the financial implications could be the cost to re-start the recruitment process would involve advertising, administration and employee costs.

Long Term

There are no long term financial implications.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2018 – 2028

The Leadership Experience '*Ensure open, transparent and effective good governance.*'

To ensure compliance with the new model standards for CEO recruitment, performance and termination and the timely appointment of a permanent CEO which is crucial to the above Strategic goal.

CONSULTATION

The Manager HR and Executive Services has consulted with the Department of Local Government, Sport and Cultural Industries who suggested council re-adopt all selection criteria to ensure compliance with the new model standards for CEO recruitment, performance and termination.

COMMENT

The CEO Job description and selection criteria were previously agreed upon by the initial CEO Recruitment Committee in November 2020 ahead of advertising for the role. No changes had been made to the content, and only formatting/presentation changes were made by the current CEO Recruitment Committee January 2021.

As can be seen in Attachment 1 and Attachment 3 the selection criteria in the application package remained the same. The selection criteria in the application package had been expanded for candidates to respond to in their initial applications. These changes occurred and had been accepted in November 2020, prior to the release of the new model standards for CEO recruitment, performance and termination.

At the ordinary meeting 24 February 2020 council adopted the selection criteria as listed within Attachment 2 only. Adoption by council of all selection criteria, as contained within Attachment 3, is required to ensure compliance with the new standards.

VOTING REQUIREMENTS

Absolute majority

OC115/2021 - OFFICER'S RECOMMENDATION / COUNCIL DECISION- 16.1

Moved Cr Southwell, Seconded Cr Andrew.

That pursuant to Schedule 2 clause 5 of the *Local Government (Administration) Regulations 1996*, all selection criteria as contained within Attachment 3 be re-adopted to ensure compliance with the model standards for CEO recruitment, performance and termination.

Carried 5/0

For – Councillors Andrew, Kitchen, Mogg, Noonan and Southwell.

Against – Nil.

17 PUBLIC QUESTION TIME

Nil.

18 MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)

Nil.

19 NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL

Nil.

20 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil.

21 MEETING CLOSURE

There being no further business, the President declared the meeting closed at 7:26pm.

These Minutes were confirmed at an Ordinary Council Meeting on:

Date: 30 June 2021

Signed:



Presiding Person at the meeting at which time the Minutes were confirmed.