



Ordinary Council Meeting Minutes  
Wednesday, 31 August 2022



GORDON MACMILE  
CHIEF EXECUTIVE OFFICER

## Acknowledgement of Country

We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

## Our Vision

A future focused and resilient community that benefits from good governance, responsive services and appropriate facilities to deliver positive social, environmental and economic outcomes for everyone.

## Our Values

### Respect

We are respectful in all that we do, and all interactions we have, while being inclusive and mindful of differences.



### Honesty

We are truthful, trustworthy and genuine in all that we say and do.



### Teamwork

We are cooperative, collaborative and united while working towards common goals of our Shire.



### Accountability

We are transparent in all that we do, and stay true to our word by taking responsibility for our actions.



### Empathy

We are kind and show understanding of people's circumstances, perspectives and differences.





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## 1. Declaration of Opening/Announcement of Visitors

The Presiding Member opened the meeting at 6:03pm and made the following Acknowledgement of Country and statement:

*'We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal 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	D Kitchen
Councillor - Deputy President	S Schiano
Councillor	K Andrew
Councillor	D Clews
Councillor	P McCleery
Councillor	R Mogg
Councillor	K Noonan
Councillor	C Terrantroy
Chief Executive Officer	G MacMile
Director Infrastructure and Development	T Gillett
Director Community and Corporate	S Chamberlain
Executive Assistant to CEO	T Stowell

### LEAVE OF ABSENCE:

Councillor	A Dillon
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### APOLOGIES:

Nil

### MEMBERS OF PUBLIC - Gallery:

16



### **3. Response to Previous Public Questions Taken on Notice**

#### **R Gibbings - Elgin**

##### **Question 1:**

The applicant for the sheep feedlot proposal refers to putting through 250,000 sheep. It needs to be understood that most of those 250,000 sheep are already in the system. A producer somewhere is already producing or breeding, or purchasing and feeding lambs, then sending to abattoirs.

Those farm hands, sale yard workers, truck drivers and abattoir workers already have a job. The application proposal creates 30 direct and indirect employment opportunities. What information has the shire received as to what those jobs that are claimed to be created are? and where they will be located including the numbers of onsite jobs, otherwise jobs in the Capel Shire?

##### **Response:**

The assessment of the proposal is based on the information provided in the development application. The specific details of the job title and location are not required for the purposes of assessing the development proposal.

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#### **J Gibbings - Elgin**

Mrs. Gibbings gave statement referring to figures of the annual amount of sheep transferring through the proposed feedlot facility. Mrs. Gibbings calculations refer to at least 32 heavy vehicle's travelling on Gavins Road per week.

The questions asked are as follows:

##### **Question 1:**

Where else in the Plains/Elgin localities does it occur that at least 32 heavy vehicles per week exiting from and entering into a private road, have frontage access onto a local distributor road?

##### **Response:**

The number of vehicle movements proposed by a development and the suitability of the road for the proposed use, is a relevant planning consideration and each case is assessed on individual merit and circumstance. Therefore development which proposes the site being accessed by heavy vehicles will be considered in a similar merit-based manner. Other proposals have been supported in the assessment of other applications within the Shire.

##### **Question 2:**

Has the Shire of Capel given approval for the construction and use of this private access road and entry/exit point at Gavins Road? If so, what are the conditions?

##### **Response:**

Access details will be considered as part of the assessment of the proposal.

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**R King - Elgin**

**Question 1:**

Will the Shire planning staff, in preparing their DAP submission for the indoor intensive sheep feedlot on Lowrie Road, The Plains, address the questions raised in question time at the last Council Meeting?

**Response:**

The application has been advertised in accordance with the Shire of Capel's Town Planning Scheme requirements and the issues raised during the submission period will be considered during the assessment process.

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**D Brown on behalf of M Tichbon – Boyanup**

In TPS 7, under Rural Zoning, a Stock Feedlot has an 'AA' rating which 'means that the use is not permitted unless the Council has granted it's planning consent'.

To clarify the situation, what is the minimum number of sheep or cattle and the minimum land area required for a designated Stock Feedlot area in a Rural Zone?

**Response:**

The Shire of Capel Town Planning Scheme No. 7 defines Stock Feedlot as:

'means any building, enclosure, yard or paddock in which livestock are kept for reasons associated with the rearing, breeding or fattening of the stock, for purposes of trade, commercial reward or gain at a stock rate in excess of that common for Rural Pursuits operating in the locality'.

The definition does not require a minimum number of stock or minimum land area. Assessment of the proposal will be undertaken in accordance with the statutory framework.

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The definition does not require a minimum number of stock or minimum land area. Assessment of the proposal will be undertaken in accordance with the statutory framework.

**4. Public Question Time**

*Public Question Time began at 6:04 pm.*

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**S Rowles – Peppermint Grove Beach**

*Mr. Rowles was not in attendance at the Ordinary Meeting, however had previously submitted his question and a response was compiled. The Presiding Member stated that it would be published in the Minutes.*

**Question 1**

Each year erosion along the beach continues to creep further into the dunes, now the post and wire fence is either exposed or already fallen and is a hazard to beach walkers and boats when it floats out to sea.

What strategies are in place to mitigate the erosion along our coastal strip to protect the dunes.

**CEO Response:**

Thank you, Mr. Rowles, for the question. Fencing and revegetation are no longer proving effective in preventing coastal erosion during more intense storm and weather events. Engineered protection needs to be carefully designed to not create unintended consequences or just shift the erosion onto other coastal areas.

The Shire has been monitoring erosion events at this beach since 2017, as part of the Peron Naturaliste Partnership. We are currently participating in the development of a Coastal Hazard Risk Management and Adaption Plan (CHRMAP) which will guide us in identifying the main coastal

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hazard areas and possible mitigation solutions and responses. The draft report will be received later this year and finalised in May 2023.

We also have applied for a CAP (Coastal Adaption and Protection) grant to review feasibility of coastal engineering options to mitigate erosion of the main beach area at Peppermint Grove Beach. We will know if our application is successful in September 2022. The outcome of this would require additional funding.

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## **M Mitsopoulos - The Plains**

### **Question 1**

The Plains location in the Shire of Capel is unique as it is home to some of the most successful agricultural businesses in WA, three highly regarded award winning cattle studs, a dairy that is a leader in the industry, a sheep stud producing quality genetics sought throughout the country and a third generation cattle breeder supplying sought after beef for the local market and in the middle of all these businesses is the proposed feedlot sheds, putting us at an unacceptable risk due to the biosecurity threat of disease such as johnes, footrot, foot and mouth and parasites.

The feedlot sheds and all associated practices are not compatible with The Plains area or surrounding agricultural businesses and with live export being phased out and the consumer now choosing humanely raised and free range products my question is:

What do the Shire consider a greater asset?

These highly regarded agricultural businesses continuing to thrive, produce quality genetics and livestock to the industry without the biosecurity risks associated with confinement feeding from a neighbouring feedlot or Intensive confinement feed sheds which are likened to live export ships anchored in a paddock in the Shire of Capel, which no doubt will bring controversy, risk and negative attention.

### **President Response:**

Thank you the question Mr. Mitsopoulos and you are aware the Shire has previously considered a Feedlot application. The Shire considered the appropriateness of the land use proposal against the objectives of existing zoning of Town Planning Scheme No. 7 and future zoning of draft Local Planning Scheme No. 8.

We recognise the delicate balance between accommodating such a use in a Zone that primary caters to agricultural activities, including intensive agriculture, and the protecting the amenity of the broader locality where possible.

The Development Assessment Panel who are now the determining body, will soon hear an amended Feedlot application.

The Shire as the Responsible Authority is preparing a report on the application that will be considered by the DAP in making a final determination. The Shire's position on the Feedlot application will be detailed in the report, which will be published with the DAP agenda,



**Question 2:**

Being such a large scale operation on the subject landholding, the resultant buffer zone cannot be contained on the applicant's property. Some of the affected adjoining landholders to the proposed intensive feed lot, will effectively have their properties 'sterilized'.

This will have adverse effects on continuing in our own established rural pursuits as we have been doing, and on our ability to build a residence or pursue further agricultural industries on our own properties in the future.

Is the Shire of Capel comfortable with the applicant of the proposed intensive sheep feedlot using neighbours' properties as a buffer zone, when in a civil action it would not be deemed fair and reasonable?

**CEO Response:**

As per the response above, the Shire will thoroughly assess the implications of the proposed development on buffer zones in the Responsible Authority Report.

It is however noted that regarding EPA Guidance Statement No. 5 and separation distances; the application includes specific assessments for odour and noise. The proposed buffers remain unchanged from the 2021 application that Department Water & Environmental Regulation, as the assessing agency, determined as being acceptable in their January 2021 report.

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**B Mutton – Capel**

**Question 1:**

My first question this evening is about the area being simply too wet for an intensive sheep feedlot.

Historically, other feedlot proposals have been put forward for The Plains locality, but have not progressed due to the wet winters and the many tributaries and streams across this area. Further, it is a designated multi use wetland. I would add that specifically The Plains is known for its very wet paddocks over winter.

The applicant has stated in the application "The site has historically been used for sheep grazing", and the Subject Site has historically been used for Rural pursuit being the grazing of sheep."

Many farmers in The Plains locality are generational farmers and would strongly disagree with these two statements and know that the grazing of large flocks of sheep have not been successful, as it was always known to be too wet for sheep.

How can housing sheep three metres above the ground, standing on a mesh floor for around month, in a shed with no sides, with cold winds and winter deluge driving in on them can be any more comfortable for the sheep?



**CEO Response:**

Thank you, Mrs. Mutton, for the question. The applicant's proposal indicates that the floor for the sheep will be elevated, and the shed will be rooved, and therefore sheep will be largely protected from the wet conditions, as compared to living outdoors at ground level.

The applicant's accompanying material states that the animals will be monitored on a daily basis in terms of welfare, with the activities conducted in accordance with the relevant legislation and regulations of animal welfare agencies.

**Question 2:**

Why has the applicant stated that historically, this area has been used to graze sheep and what factual evidence does the applicant have to make the above statements?

**CEO Response:**

The assessment of all development applications is based on the information as submitted by the applicant and / or challenged by submissions by others during public advertising.

**Question 3:**

My second question this evening is about the risk of disease with the intensive sheep feedlot. This proposal is understood to be the largest intensive sheep feedlot in Australia, with the area regarded generally as not being suitable for sheep because it is too wet. How is this related to disease?

To fulfil the applicant's requirement of 250,000 sheep per annum, on a continuous basis, sheep will be purchased from many areas across the State. This specific collection of sheep into one intensive area brings with it a potentially unacceptable risk of disease to the surrounding studs and farms and all properties along the many waterways to the Geographe Bay – as well as into adjoining regions.

Prevalent within the sheep flock in Western Australia is a disease called Johne's Disease (JD), which is a disease transferrable to cattle – in particular in water contaminated by faeces.

From the National Johne's Disease program website it states: "The main way ovine Johne's disease (OJD) first arrives on a property is on the back of a truck.

The most likely way for a flock to become infected with OJD is through the introduction of infected sheep, which makes infected flocks a risk for a region and the whole sheep industry. Once the disease is established in a region, there is an additional risk of it spreading laterally from infected flocks to neighbouring areas."

The applicant has proposed to spread part of the manure collected from underneath the sheds to fertilise the land and if it were to contain JD affected manure, this may pose a serious risk of contamination into streams flowing through the property, which feed into the Gynudup Brook, Tren Creek and Capel River.

If Johne's Disease is detected at the applicant's property, how would the spread of the disease be contained, and more specifically, how would the potentially infected manure be dealt with? How



would the studs and farms downstream be managed and compensated, as sheep being sourced from many areas significantly increases the likelihood of JD being introduced into the area?

**President Response:**

Johne's disease falls within the scope of biosecurity, which is regulated by DPIRD and DWER.

DPIRD, as the assessing agency, has advised that the standard biosecurity plans are suitable and will be monitored by these external agencies.

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**T Kitchen – The Plains**

**Question 1:**

Regarding the proposed sheep feedlot for The Plains

Has the applicant received Shire approval for their existing sheep feedlot operations?  
If so, when was it approved and what are the conditions?

**CEO Response:**

A building permit was issued in October 2020 for the buildings identified in the current development application as a shearing shed, induction shed, and wool shed for use in conjunction with the existing land use.

Building permits are not typically issued with conditions limiting or restricting activities onsite, as long as the activities are consistent with the land use and zoning.

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**D Brown on behalf of Michael Tichbon – Boyanup**

**Question 1:**

My question this evening is on behalf of the Capel LCDC regarding nutrient levels generated in the Capel River Catchments.

It has been well documented that there is substantial nutrient enrichment in the streams of the catchment area entering Geographe Bay and high nutrient loads will have an adverse effect on the growth of seagrass there. Seagrass as we know is a great absorber of carbon and any plant that absorbs carbon must be protected. Seagrass captures carbon up to 35 times faster than tropical rainforests and, even though it only covers 0.2% of the seafloor, it absorbs 10% of the ocean's carbon each year, making it an incredible tool in the fight against climate change. The Geographe Bay supports the most extensive seagrass meadows in temperate Western Australia with 10 different species of seagrass. Without management intervention, nutrient loads flowing into Geographe Bay are predicted to increase through agricultural intensification and urbanisation, putting seagrass meadows at risk.

In June 2021, GeoCatch released the "Annual Keep Watch Seagrass Monitoring" report, with key findings across 8 monitoring sites in the Geographe Bay, advising:

(From key finding #3)

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“Nutrient concentration varied slightly across years and sites, and the main difference is two times higher nitrogen content at Capel compared to all other sites, indicating higher loads of nutrients reaching seagrasses at Capel.”

(From Key Finding #4)

“A higher nitrogen isotope signal at Capel suggests that nitrogen derived from animal wastes, septic tanks or from natural vegetation is also a main source.”

“The only site that over the last ten years has consistently stood out from the other sites is Capel, with higher nitrogen content...”

How would this directly relate to an intensive sheep feedlot on The Plains?

Hydrology of the Catchment has been extensively modified as a result of the long history of agriculture in The Plains area. The Catchment contains many artificial drains and natural tributaries to alleviate water logging in winter months – some of these are known to occur in the applicant’s property. Water from The Plains locality flows into the Gynudup Brook, but also flows into Tren Creek, due to the connection between the two systems of the Elgin Main Drain, which was constructed in 1958.

The nutrient load on the Capel waterways is already far too high and needs urgent action for recovery. Placing an intensive sheep feedlot in the Catchment, no matter how careful the operator is, will only exacerbate the nutrient levels in both the Gynudup Brook and Tren Creek – which flow into the Capel River and will directly impact on seagrass in the Geographe Bay. If the intensive sheep feedlot is permitted, nutrient levels can only increase.

Prior to the LCDC submission, was the Shire aware of the high nutrient levels at the Capel River monitoring point in the Geographe Bay and what plans does the Shire have to monitor both of these major tributaries and enforce a recovery plan?

**President Response:**

The proposal will be comprehensively assessed by DWER, as the assessing agency, as part of any works approval process and the application will comply with all DWER requirements and conditions in regard to management of surface water and groundwater infiltration.

**Question 2:**

My question this evening is on behalf of the Capel LCDC and is an attempt to clarify the potential mortality rate of the proposed intensive sheep feedlot.

In the application, under the two sections for mortality rate and disposal of dead animals in a compost pad, it is claimed that there will be an annual mortality rate of 0.4%, declining to 0.2% when fully operational. Based on a throughput of 250,000 animals per year, there would be approximately 1,000 deceased animals to dispose of.

We refer to a recent CSIRO document published on 14 December 2021 where responses from 59 current lamb feed lotters were sought, which advises the mortality was a median of 1%.



Using the CSIRO's average of 1% mortality on 250,000 sheep, this equates to an annual mortality rate of 2,500, which is a substantial increase from the suggested 1,000 in the proposal.

We would like to question how the rate of mortality of 0.4% was arrived at, because the median of 1% in the CSIRO report, more than doubles the death rate, which has a significant impact on the calculations for the composting facility in this application.

How has the applicant arrived at the annual mortality rate of 0.4% and is able to anticipate a suggested further decline to 0.2% when fully operational, which differs greatly from the recent CSIRO report? If the mortality rate is the applicant's own estimate, how can this be verified? What government agency advised the applicant on this matter, or have government agencies relied on the applicant's own percentage?

**President Response:**

The figure of 0.4% is based on Meat and Livestock Australia's data, the figure of 0.2% is based on the landowner's data. The higher figure has been used as the basis for calculations.

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**D Brown – Boyanup**

**Question 1:**

WA Agriculture Minister Alannah MacTiernan recently announced the proposal to phase out conventional battery hen cages by 2036. Supermarket chains will start phasing out caged eggs in 2023 and by 2025, most large-scale retailers will not be accepting caged eggs. It was stated that the WA Government was "committed to animal welfare standards that reflect modern science and community standards".

Now to August 2022 where an intensive sheep feedlot on the wet and windy Plains outside Boyanup has been proposed, rejected by the Councillors, with the refusal now being challenged before RJDAP.

On an animal welfare basis, why are confined penned sheep any different to caged hens? It is in fact the intensive caging of a quarter of a million sheep per annum, shorn, confined in a raised and open sided shed, penned in a small yard for a month or more. How will our residents and the broader community be accepting of this, when the phasing out of caged hens has been discussed for the last seven years and will now in fact happen over the next decade? Consumers are now looking more closely at how their food is produced – at all stages of the supply chain. If there is also the same public pressure against confined sheep as battery hens, it is very probable that the end suppliers may reject accepting any sheep kept under these conditions.

In December 2021 I asked questions at the Shire meeting in relation to animal welfare and was advised it was not a planning consideration. I have contacted the RSPCA on several occasions and the people I spoke to were not aware of this proposal.

Respectfully, I am not satisfied that the matter of animal welfare has been satisfactorily considered and addressed because there has been no detailed plan of the internal proposed sheds, even with the revised application. I very simply deem this holding of animals to be cruel and unacceptable. I fail to see from the information provided in the application how the sheep will be able to have any comfort at all – especially the unlucky ones in the outside pens exposed to the elements.



When reading various Animal Welfare Policies, the applicant has not provided information to explain how the sheep will be contained, i.e. the size of the pens, the material used, the flooring design, grating size and how each animal will have a comfortable resting area.

How will the applicant address the following issues set out in end suppliers' Animal Welfare Policies?

1. Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area
2. Freedom to express normal behaviour by providing sufficient space, proper facilities and company of the animals' own kind
3. Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.

**President Response:**

Animal welfare is important to the Shire as expressed during the Council consideration; however regulation falls within the scope of DPIRD.

DPIRD, as the assessing and monitoring agency, are responsible for compliance with animal welfare legislation and regulation.

**Question 2:**

The Shire staff may not consider "animal welfare" to be a planning consideration, stating "matters relating to RSPCA legislation or guidelines will need to be considered by the respective agency, should the Council grant development approval".

I would like to mention here that the Shire and Councillors have given due consideration and considerable debate on animal welfare at the Boyanup Sale Yards.

If the proposal does not meet RSPCA standards or approval and the way the sheep are contained do not meet end suppliers' stated animal welfare policies, will the Shire consider adopting a broader assessment in relation to animal planning matters?

**President Response:**

As per the Shire's previous response, animal welfare falls within the scope that is regulated, assessed and monitored by DPIRD. The RSPCA is an independent organisation that focuses animal welfare advocacy, education and care guidelines; however the responsible agency remains DPRID.

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**R Gibbings – The Plains**

**Question 1:**

A company search of KINGSTON REST PTY LTD shows there are several companies involved. One of these companies is TRIPPE INVESTMENTS PTY LIMITED Please refer to the search document of which the details include:



Company Name: TRIPPE INVESTMENTS PTY LIMITED Current Name: Kingston Rest PTY LTD  
Capital: 971,000 AUD  
Sales, per year: Approximately 447,000,000 AUD  
Employees: More than 500

Are we really dealing with a “family farm feedlot operation”?

Who is building, financing, and operating this proposed intensive roofed sheep feedlot on The Plains?

Which of these companies will be responsible for the compliance issues that this sheep feedlot proposal will undoubtedly create in the future?

(NOTE FOR YOUR REFERENCE)

REGISTRATION DATA TRIPPE INVESTMENTS PTY. LIMITED Company Name: TRIPPE INVESTMENTS PW. LIMITED ACN (Australian Company Number): 0A9597264 ABN (Australian Business Number): 38009597264 State Registration Number: 02389 Date of Registration; 16/08/1972 Current Name Start Date: 6/07/1992 Company Type: Australian proprietary company Company Class: Limited by Shares Company Sub Class:

Proprietary other Company Status: Registered Current Name: KINGSTON REST PTY LTD  
Capital: 971,000 AUD

Sales, per year: Approx. 447,000,000 AUD Credit rating: Perfect  
Employees: More 500

KINDS OF ACTIVITIES FOR TRIPPE INVESTMENTS PTY.

2361 . Girds and children's dresses, blouses 3262. Vitreous china table and kitchenware 2952A2U. Brick siding, asphalt 3462A3A2. Internal combustion engine forgings, ferrous 38230200. Pressure measurement instruments, industrial 38449906. Lamps, x-ray

### **CEO Response:**

The Shire has and will continue to assess the application provided by the applicant.

Circumstances of the corporate structure, financing and other operating activities are not matters that the Shire has the authority to assess.

Future compliance of any approved local activity would be the responsibility of the Shire, and applicable external agencies. This will be undertaken directly with the local applicants, if approved.

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### **J Gibbings – The Plains**

#### **Question 1:**

Following neighbours' submissions to the DWER Works Approval Application in late 2020 an internal road has been constructed on Lot 801, with a crossing/entry point from Gavins Road very near the corner of Lot 801. All heavy vehicles (i.e. trucks) and other vehicles will have access to the proposed intensive sheep feedlot facilities – entering and exiting onto Gavins Road at this point.



Has this crossing/entry point from Gavins Road and the internal road on Lot 801 been given approval?

If so, what were the conditions, considering such as the crossover point, the set back from the internal boundary fence, sealing of the road and proximity to the single lane bridge on Gavins Road?

**CEO Response:**

This element is still to be considered as part of the Responsible Authority Report and no final position has been reached.

**Question 2**

Information from a DWER website <https://rgw.dwer.wa.gov.au/geographe-waterways/gynudup-brook/>

states "The Gynudup Brook catchment is located in the east Geographe catchment and consists of two major tributaries, Tren Creek and Gynudup Brook. With the exception of state forest in the upper catchment most of the catchment is cleared for agricultural use. A survey in 2009 by the Department of Water and Environmental Regulation found Freshwater shrimp, the Western minnow, Blue spot goby, Nightfish, Gilgie (a freshwater crayfish) and the Long neck turtle.

Gynudup Brook is of cultural heritage significance and three registered sites of significance are found in the catchment. The name Gynudup Brook means 'good campground near water', emphasising the importance of this waterway to Aboriginal people."

What are the three registered sites of cultural heritage significance to be found in the Gynudup Brook catchment?

How is the Shire of Capel involved in protecting and preserving the Gynudup Brook catchment?

**President Response:**

The proposal will be comprehensively assessed by DWER, as the assessing agency, as part of any approval process and the application if approved, will comply with all DWER requirements and conditions in regard to management of surface water and groundwater infiltration.

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**R King – Elgin**

On page 24 of the Coterra Environment report that is part of the Development Application material for the proposed intensive sheep feedlot, it states that the "Induction shed will operate as a feedlot shed in the first instance until the feedlot sheds are built"; and "...(the induction shed) in the first instance will operate to induct animals and also to feed them to commercial completion. It is likely to operate in this manner for between 1 and 3 years depending on the completion of the feedlot sheds. The overall development should be completed within 5 years."

Given that the Department of Water and Environmental Regulation's Works Approval conditions includes composting infrastructure of a compost pad, controlled drainage area and an evaporation dam, and that a licence will be needed to operate the sheep feedlotting activities -



Where will the deceased sheep of the proposed intensive sheep feedlot “in the first instance”, be disposed of?

Are the carcasses of the existing feedlot operation being disposed of in a composting area that meets compliance? If so, what are those conditions?

**President Response:**

There are facilities currently on the farm and will continue to be used within the current operation. Should the proposal be approved, the new facilities and arrangements will be needed to support the new operation, in line with DWER conditions.

---

**G Willis – Elgin**

**Question 1:**

Throughout the application the proponent has referred on many occasions to the existence of a feedlot for both cattle and sheep that already exists on the property and implies that Kingston Rest has been operating as such for many years. After asking all of the existing neighbours as to when they had been informed by the Shire that the proponent had applied for the authorization to operate the current feedlot, none of them had ever been informed that the Shire had received an application to operate a feedlot on this site. It appears that the general opinion within this application, and other instances within the Shire, that it is “better to beg forgiveness than to ask permission” instead of the applicant applying for permission they just go ahead and do what they want. This is a blatant disregard of the process that the Shire has been charged to administer, with little or no respect for the neighbours or the impact that their actions have on any of them or the environment.

On page 5 of the DWER Decision Report (works approval number w6457/2020/1) section 4 Other approvals it states that:

“The Shire advises that the proposed feedlot is a land use defined by its town planning scheme as “ Stock feedlot- any building, enclosure, yard or paddock in which livestock are kept for reasons associated with rearing, breeding or fattening of stock, for purposes of trade, commercial reward or gain at a stock rate in excess of that common of rural pursuits operating in the locality”.

The current feedlot operation exceeds the common stock rate in the locality.

My question is.

Taking all this into consideration, can the Shire please inform me as to when the proponent applied to the Shire and was given permission to operate their existing feedlot, and if in fact this had not been applied for or been granted, why has the Shire not enforced their own town planning scheme as stated above?

**CEO Response:**

As per the answer above, a building permit was issued in October 2020 for the buildings identified in the current development application as a shearing shed, induction shed, and wool shed for use in conjunction with the existing land use and operation.



**Question 2:**

On page 25 of Coterra Environment Revision, 5 June 2022 section 4.2 Visual amenity it states that

“The Applicant has identified the location of the ten nearest neighbours and considers that remnant, planted and roadside vegetation, screens the development so that it will not be seen from neighbouring properties”.

This was possibly the case when the original proposal was put forward but that has changed dramatically with this proposal having a massive 256 mtr x 56 mtr to be erected across 2 locations adjacent to Norman Road. Norman Road is a public surveyed road and has not been closed off by the Shire. That being the case, anybody can get to within 20-30 meters of the intended massive shed. This in itself could be a very big issue when protestors realize that the shed is nothing more than a battery farm for sheep and take action to oppose this type of farming. This 256 mtr shed changes the buffer zones and also encroaches further into the neighbours' properties, with one neighbour's home being only 2 mtrs outside the buffer zone, which is contrary to section 1.1, 1.2, 2 and 2.1 of The Western Australian Planning Commission, Statement of Planning Policy no 41. State Industrial Buffer Policy.

My question is: With regard to Norman Road, is it the intention to close it off so that the visual impact is minimized, and the public can be kept away from these buildings, and will the Shire direct their representatives on the appeal hearing to vote against the proposal as was the case at the December Shire Meeting?

**President Response:**

There are no plans to close Norman Road. The Shire's Responsible Authority Report is being finalised and will be presented for consideration by the Development Assessment Panel.

*Public Question Time concluded at 6:42pm.*

*Mrs. Chamberlain left the room at 6:42pm*

**5. Application for Leave of Absence**

Cr McCleery raised a request for a leave of absence for the dates 28 September 2022 and 26 October 2022 Ordinary Meetings of Council.

**OC/2022/151 - Motion / Council Decision**

*Moved Cr Schiano, Seconded Cr Andrew.*

**That Council approve the leave of absence request from Cr McCleery for the dates 28 September 2022 and 26 October 2022 Ordinary Meetings of Council.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



## 6. Declarations of Interest

Cr Mogg declared a Proximity Interest in item 14.1 Tender 22/07 Hasties Road Kerbing and Drainage, the nature of the interest is that she lives on Hasties Road.

Cr Kitchen declared an Impartiality Interest in item 14.4 Temporary Closure of Thoroughfare - Salter Road, the nature of the interest is that he accesses the site adjacent to the road reserve as a member of the livestock industry.

Cr McCleery declared an Impartiality Interest in item 14.5 Execution of the Federal Grant Agreement - Replacement of Minninup Bridge, the nature of the interest is that he is employed with the Water Corporation.

Cr Noonan declared an Impartiality Interest in item 14.7 Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that he is an ordinary member of the Friends of the Gelorup Corridor.

## 7. Notice of Items to be Discussed Behind Closed Doors

Nil

*Mrs. Chamberlain returned to the room at 6:43pm.*

## 8. Confirmation of Minutes

### 8.1. Ordinary Meeting of Council - 27 July 2022

#### Voting Requirements

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Simple Majority

#### **OC/2022/152 - Officer's Recommendation / Council Decision - 8.1**

*Moved Cr Andrew, Seconded Cr Terrantroy.*

**That the Minutes of the Ordinary Meeting of Council - 27 July 2022 be confirmed as a true and correct record.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



## **9. Announcements by Person Presiding Without Discussion**

The Capel Shire Council has previously considered a Sheep Feedlot application. In considering the item at the time, the Shire contacted and received comment from all applicable Government agencies.

An amended application is before the Regional Development Assessment Panel, with the Shire no longer the convening, assessing nor determining authority.

All Councillors, including those designated as DAP representatives attend the Council meeting in their capacity as elected members of the Council. We considered at some length whether those Councillors that are DAP representatives should remain in Chambers during public question time or whether they were even entitled to leave the room. The Shire considered and was guided by section 2.4.9 of the DAP Code of Conduct in that *"Nothing in this clause prevents a local government member from performing functions of a member of a local government"*.

Separate to the activities that occur during the Council meeting – the DAP has a clear Code of Conduct that considers Communication and Contact – of DAP members with both the applicant and the general public.

With this in mind and as you can appreciate, it would be inappropriate for any Council DAP representative to respond to and / or communicate, whether verbally or via email / correspondence prior to the DAP assessment meeting.

## **10. Petitions/Deputations/Presentations**

Nil

## **11. Motions of Which Previous Notice has Been Given**

Nil

## **12. Questions of Which Previous Notice has Been Given**

Nil



## 13. Chief Executive Officer Reports

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### 13.1. Shire of Capel - Adoption of Corporate Business Plan 2022 to 2026

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile Advocacy
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	1. Shire of Capel - Corporate Business Plan ( DRAF T) 2022 - 2026 [13.1.1 - 12 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Gain endorsement and allow publication of the Shire of Capel's Corporate Business Plan 2022 – 2026, containing a range of strategic initiatives and core-business actions, linked to the Strategic Community Plan 2021 to 2031.

#### Officer's Recommendation

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That Council:

1. Endorses the Shire of Capel Corporate Business Plan 2022 – 2026 – Service Area Action Plan as per Attachment 13.1.1
2. Approves immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2022 – 2026.
3. Notes that quarterly reporting will continue throughout 2022/23 to monitor progress and achievement.
4. Notes that the final published version of the Corporate Business Plan 2022 – 2026 will include the endorsed Service Area Action Plan and updated demographics, census, organisational and financial information and be graphically designed and illustrated to a standard suitable for public presentation.

#### Background

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##### Previous Council Decisions

July 2016 – The Council was requested to consider an updated four (4) year Corporate Business Plan 2016-2020 for the Shire of Capel, incorporating the ten (10) year Long Term Financial Plan, Workforce Plan, Asset Management Plans and various informing Services Strategies and Plans.

The Council decided (OC0704):

That Council endorses the modified Corporate Business Plan 2016-2020, detailed in the attachment to the report.

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June 2018 – The Council was requested to consider endorsement of an updated four (4) year Corporate Business Plan 2018-2022 for the Shire of Capel, incorporating information from the Long Term Financial Plan, Workforce Plan, Asset Management Plans and various informing Services Strategies and Plans.

The Council decided (OC0608):

That Council endorses the Corporate Business Plan 2018-2022 as detailed in the attachment, including the revised 'Vision, Mission, Values' page and the revised 'Vision, Mission, Values' page be updated in the current Strategic Community Plan 2018-2028.

August 2021 – The Council adopted (OC172/2021) the Shire of Capel Strategic Community Plan (SCP) 2021 – 2031. The SCP is the cornerstone of Capel's long-term planning, articulates the community's vision for the Shire and enables the development of key delivery plans including the Corporate Business Plan.

November 2021 – The Council endorsed (OC237/2021) the Shire of Capel Corporate Business Plan 2021 – 2025 and approved the immediate commencement and / or continuation of all necessary actions for the implementation of the Plan.

July 2022 – The Council noted the 2021/22 completion report of the Shire of Capel's Corporate Business Plan 2021 – 2025 for the period 1 July 2021 to 30 June 2022. This report detailed a 93% completion of required actions and initiatives.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan (SCP) 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

- 1.1 A more engaged community
- 1.5 A healthy and active community

Direction 2 - Manage and protect our environment

- 2.1 Improved management of our natural environment assets and attractions
- 2.2 Increased community capacity in supporting positive environmental management
- 2.3 A Shire committed to sustainable practices
- 2.7 Urban planning that supports sustainable development

Direction 3 - Foster a dynamic, diverse and strong local economy

- 3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity
- 3.4 Continued improvement in town centre vibrancy

Direction 4 - Deliver good leadership, governance and decision-making

- 4.2 Informed and transparent decision making
- 4.3 Contemporary planning and local development
- 4.4 Increased attraction and retention of high quality staff to deliver optimal services to the community
- 4.5 Improved customer engagement

Direction 5 - Provide and maintain suitable infrastructure and facilities

- 5.1 Appropriate community facilities, that meet the communities' needs
- 5.3 Better and safer roads



#### 5.4 Improved beach infrastructure to support a healthy beach lifestyle

Direction 6 - Effective communication, engagement and relationship development.

6.1 Greater trust and the development of positive relationships within the Shire and with the community

6.2 Improved cross sector relationships and collaboration

#### **Corporate Business Plan (CBP) 2021-2025**

CEO 9 - Ensure Community Strategic Plan, Corporate Plan, Long Term Financial Plan, Asset Management Plan, Risk Management Plan, Workforce Plan and all supporting sub-plans are adopted in the 2021/22 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework (IPRF).

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

*Local Government Act 1995, Section 5.56*

#### 6.56 Planning for the Future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

*Local Government (Administration) Regulations 1996* apply. Specifically :-

Division 3 –Planning for the future

19C. Planning for the future: strategic community plans – s. 5.56

19DA. Planning for the future: corporate business plans – s. 5.56

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to –
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.



- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

### Federal Framework

There are no federal frameworks relevant to this item.

### Policy Framework

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The following Shire Policies apply:

- Preparation of Integrated Plan and Budget

### Implications

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#### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Possible	Major	Effective development, alignment and integration of all strategic planning.
<b>Risk Description:</b> Failure to effectively align the individual projects, core-business actions and associated costs with annual budgets and long term financial planning			
<b>Risk 2</b> Infrastructure / Systems / Utilities  <b>Rating: Medium</b>	Likely	Moderate	Effective community planning and understanding of current and future needs. Effective asset sustainability strategies and available expenditure.
<b>Risk Description:</b> Failure to effectively understand current and future community infrastructure needs and to ensure that infrastructure is well maintained and fit-for-purpose.			
<b>Risk 3</b> Service Delivery  <b>Rating: High</b>	Likely	Major	Effective community planning and understanding of current and future needs. Effective organisational and workforce planning.
<b>Risk Description:</b> Failure to effectively understand current and future community service needs and ensure that organisation is appropriately structured and resourced to deliver.			
<b>Opportunity:</b> Integrated planning that ensure detailed and up-to-date understanding of community needs, aligned to effective organisational, infrastructure and workforce planning to deliver and maintain service levels.			



## **Financial Implications**

### Budget

The Corporate Business Plan 2022 – 2026 has been prepared ensuring that the Year One (2022/23) cost of all proposed initiatives and actions are included in the 2022/23 Annual Budget.

There are therefore no additional cost implications of this proposal in the current 2022/23 financial year.

### Long Term

Future annual reviews of the Corporate Business Plan, in line with the Long Term Financial Plan and annual budgets will need to be aligned to account for all future costs.

Dependent on a range of factors (such as the Shire's Rate's Policy and Strategy, future rating decisions, attraction of grant funding or organic growth in external revenue of the Shire) it is possible that some proposed actions may need to be revised, deferred or removed from the Corporate Business Plan in order to ensure the ongoing financial affordability of the Plan and sustainability of the Shire.

## **Whole of Life**

Any whole of life implications will be considered separately, as appropriate, with any individual project proposal or progression.

## **Sustainability Implications**

The IPRF is designed to improve the sustainability of local governments, through stronger engagement with the community and integrated forward planning. The Corporate Business Plan 2022 – 2026 has been prepared to align closely with the Future Directions outlined in the adopted Strategic Community Plan 2021 – 2031 being:

1. Strengthen and enhance the well-being of our community.
2. Manage and protect our environment.
3. Foster a dynamic, diverse and strong local economy.
4. Deliver good leadership, governance and decision making.
5. Provide and maintain suitable infrastructure and facilities; and
6. Effective communication, engagement and relationship development.

Each of these Future Directions have strong sustainability implications across the spectrum of financial, environmental, social and asset management considerations.

## **Consultation/Engagement**

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### **External Consultation**

Significant consultation community and stakeholder consultation occurred in the development of the Shire of Capel Strategic Community Plan 2021 to 2031. Development of the initial 2021 – 2025 CBP and all subsequent reviews will be aligned to the SCP.



## Internal Consultation

Consultation carried out during the preparation of the Draft Corporate Business Plan 2022 – 2026 has included:

- Management briefings and 'Bottom up' input of Action Plans for each Service Area;
- Challenge Reviews (2x) to critique proposed Actions and revise priorities;
- Internal review and cost estimation with Director of Community and Corporate to align Draft Plan to LTFP; and
- Workshops with Councillors (2x) to present findings and receive feedback on proposed Actions.

## Officer Comment

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There is a statutory requirement for the Council to undertake an annual review of the four (4) year Corporate Business Plan to ensure alignment with other informing strategies, such as the Long Term Financial Plan, Workforce Plan and others forming part of this Plan. This annual review process is required under the *Local Government (Administration) Regulations 1996*, specifically Regulation 19DA.

Corporate Business Plans are reviewed annually, and an additional year added onto the Plan. This enables continued legislative compliance but also enables the Plan to be reviewed, resulting in assumptions and projections being reassessed and tightened, and timeframes adjusted for projects if circumstances or the priorities of the Council change.

All staff and Councillors, as a collective group have been included throughout the development and finalisation of the Corporate Business Plan 2022 – 2026. Two separate workshops with Councillors were conducted to ensure that all were able to have input into and ownership of the presented Plan. The detailed list of Actions in the document to achieve the Communities' Aspirations and Objectives, has been developed and driven by the front-line staff in collaboration with their Managers. This process has enabled a high level of staff ownership of the Plan and will ensure the same accountability for the delivery of outcomes.

The completion report of the Shire of Capel's Corporate Business Plan 2021 – 2025 for the period 1 July 2021 to 30 June 2022 detailed a 93% completion of required actions and initiatives.

Actions detailed in the adopted Corporate Business Plan 2022 – 2026 will be included in work area plans, staff annual performance plans and subsequent monitoring / reviews / reporting to ensure achievement of outcomes within timeframes and budgets.

## Summary

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The Corporate Business Plan 2022 – 2026 has been developed from the Strategic Community Plan Community Aspirations and Objectives under the Six (6) Future Directions and includes information from the Long Term Financial Plan, Workforce Plan, Asset Management Plans and various informing Services Strategies and Plans.

## Voting Requirements

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Simple Majority



### **Officer's Recommendation – 13.1**

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**That Council:**

- 1. Endorses the Shire of Capel Corporate Business Plan 2022 – 2026 – Service Area Action Plan as per Attachment 13.1.1**
- 2. Approves immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2022 – 2026.**
- 3. Notes that quarterly reporting will continue throughout 2022/23 to monitor progress and achievement.**
- 4. Notes that the final published version of the Corporate Business Plan 2022 – 2026 will include the endorsed Service Area Action Plan and updated demographics, census, organisational and financial information and be graphically designed and illustrated to a standard suitable for public presentation.**

**OC/2022/153 - Officer's Recommendation / Council Decision - 13.1**

*Moved Cr McCleery, Seconded Cr Mogg.*

**That Council:**

- 1. Endorses the Shire of Capel Corporate Business Plan 2022 – 2026 – Service Area Action Plan as per Attachment 13.1.1**
- 2. Approves immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2022 – 2026.**
- 3. Notes that quarterly reporting will continue throughout 2022/23 to monitor progress and achievement.**
- 4. Notes that the final published version of the Corporate Business Plan 2022 – 2026 will include the endorsed Service Area Action Plan and updated demographics, census, organisational and financial information and be graphically designed and illustrated to a standard suitable for public presentation.**

**Carried 7 / 1**

*For - Cr Andrew, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Clews*



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## 13.2. WALGA Local Government Convention 2022 and Annual General Meeting

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<b>Author</b>	Executive Assistant to CEO, Tahlia Stowell
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. WALGA Convention Information Brochure [13.2.1 - 13 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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The WA Local Government Association (WALGA) 2022 WA Local Government Convention (Convention) and Annual General Meeting (AGM) will be held at the Crown Perth on 3 and 4 October 2022.

The Council is asked to approve two Councillors to attend the Convention and appoint voting delegates and proxies for the WALGA AGM on Monday, 3 October 2022.

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### Officer's Recommendation

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That:

1. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as voting delegates for the WALGA Annual General Meeting to be held on 3 October 2022.
2. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as proxies in the event that either Councillor referred to in point 1 above is unable or unwilling to vote.
3. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Local Government Convention and all costs for registration, travel, accommodation and meals be paid in accordance with Council policy 'Attendance at Events'.
4. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Aboriginal Engagement and Reconciliation Forum at an additional cost and registration.

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### Background

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The WALGA 2022 Local Government Convention is held each year in Perth and will include:

Monday, 3 October 2022 –

- Australian Local Governments Women's Association (WA) AGM and Breakfast.
- The Mayors and Presidents Forum and Reception (separate invitation).
- AGM.
- Opening Keynote.
- Local Government into the Future.
- Cocktail Gala.



- Tuesday, 4 October 2022 -
  - Convention Breakfast with Guest Speaker Justin Langer AM.
  - State of Play (Panel discussion with Federal Members of Parliament).
  - Leading the Way for Climate Resilient Regions.
  - Concurrent Sessions.
- Wednesday, 5 October 2022 -
  - 2022 WALGA Aboriginal Engagement and Reconciliation Forum

The Council is entitled to have a maximum of two voting delegates (excluding observers) at the AGM held during the Convention. This may be elected member(s) and may include the Chief Executive Officer (CEO). Two proxies can also be nominated in the event delegates cannot attend.

The Council may nominate as many Councillors as it determines to attend the Local Government Convention. The Shire has endorsed two Councillors, plus the CEO to attend the event in previous years.

Attending Councillors who wish to participate in any of the Convention sessions can have these costs paid for in line with Council policy, but any attendance at partner programs is at the Councillor's cost.

### **Decision Framework**

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#### **Shire of Capel Strategic Community Plan 2021-2031**

The Strategic Community Plan Objectives are not applicable to this item.

#### **Corporate Business Plan 2021-2025**

- ESRV 4 - Provide professional administrative support to councillors
- FIN 22 - Develop a comprehensive Councillor induction and ongoing development program to ensure elected members have the tools to be effective Councillors.
- FIN 23 - Facilitate training required under s. 5.126 LG Act

### **Statutory Framework**

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There are no statutory issues relevant to this item.

### **Policy Framework**

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The following Shire Policies apply:

- Attendance at Events
- Council Member Professional Development
- Travel Expenses



## Implications

### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: Low</b>	Unlikely	Insignificant	To decide to send voting members to the AGM.
<b>Risk Description:</b> The Shire risks losing an important networking opportunity and will not get the opportunity to participate in the AGM, If Council does not send attendees to the event.			
<b>Opportunity:</b> The Shire can have the opportunity to move and vote on important motions that could impact Local Governments.			

### Financial Implications

#### Budget

The following details relate to attendance at the Local Government Convention sessions on Monday to Wednesday (3 – 5 October 2022) and provide approximate costs to be met by the Council for a delegate and partner if they attend all functions (excluding GST).

Full Registration (Delegate only)	\$1,200
Accommodation	\$940
Welcome Reception (partner)	\$85
ALGWA AGM and Breakfast	\$80
Convention Breakfast	\$95
Optional Gala Dinner	\$125
WALGA Aboriginal Engagement and Reconciliation Forum	\$140

The 2022/23 Annual Budget includes an allocation of \$14,000 (ex GST) for Conferences and Training, which includes the Local Government Convention and any Professional Development opportunities for Councillors in the financial year.

Travel reimbursement costs of approximately \$310 (420kms @ 80.0 cents/km) per Councillor may also be incurred if claimed. This is funded under a separate budget allocation (Members Allowances - Account).

The CEO will include a post-convention report in the monthly agenda.

#### Long Term

At an approximate cost of \$2,500 for each delegate, if four delegates attend, this will absorb approximately over two thirds of the Annual Budget allocation.

### Sustainability Implications

Travel to Perth is required. Attendance by Elected Members and officers allows for interaction with Elected Members from other local governments and convention speakers to discuss a range of issues relevant to local government in Western Australia.



## Consultation/Engagement

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### External Consultation

No consultation with the community or other agencies has been conducted. This event is a professional development activity.

### Internal Consultation

There was no internal consultation conducted.

## Officer Comment

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Full details of the Convention program for delegates and partner activities are outlined in the separate Attachment 13.2.1, including additional information in relation to some relevant parts of the Local Government Convention 2022.

### Councillor Attendance

The Council may choose not to send any delegates to the Convention.

## Summary

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The WALGA Convention and Annual General Meeting is held on an annual basis and is an important opportunity for Councillors to network, vote at the AGM and would be beneficial for the Shire to be included in the Convention's events.

## Voting Requirements

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Simple Majority

<b>Officer's Recommendation – 13.2</b>
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*Moved Cr Noonan, Seconded Cr Schiano.*

**That:**

1. \_\_\_\_\_ and \_\_\_\_\_ be nominated as voting delegates for the WALGA Annual General Meeting to be held on 3 October 2022.
2. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as proxies in the even that either Councillor referred to in point 1 above is unable or unwilling to vote.
3. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Local Government Convention and all costs for registration, travel, accommodation and meals be paid in accordance with Council policy 'Attendance at Events'.
4. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Aboriginal Engagement and Reconciliation Forum at an additional cost and registration.



**OC/2022/154 - Procedural Motion / Council Decision - 13.2**

*Moved Cr Schiano, Seconded Cr Andrew.*

**In accordance with Shire of Capel Standing Orders Local Law 15.2 (1) part 10.1 debate of motions be suspended to allow discussion.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

**OC/2022/155 - Procedural Motion / Council Decision - 13.2**

*Moved Cr Schiano, Seconded Cr Andrew.*

**That Standing Orders Part 10.1 Debate of Motions be resumed.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

**OC/2022/156 - Amendment / Council Decision - 13.2**

*Moved Cr Schiano, Seconded Cr Andrew.*

**To include the names:**

- 1. 'Cr Mogg' and 'Cr Terrantroy' in the first and second blank spaces as the delegates.**
- 2. 'Cr Schiano' and 'Cr Noonan' in the third and fourth blank spaces as the proxies.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

*The amendment became the substantive motion.*



**OC/2022/157 - Officer's Recommendation / Council Decision - 13.2**

*Moved Cr Noonan, Seconded Cr Schiano.*

**That:**

- 1. Cr Mogg and Cr Terrantroy be nominated as voting delegates for the WALGA Annual General Meeting to be held on 3 October 2022.**
- 2. Cr Schiano and Cr Noonan be nominated as proxies in the even that either Councillor referred to in point 1 above is unable or unwilling to vote.**
- 3. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Local Government Convention and all costs for registration, travel, accommodation and meals be paid in accordance with Council policy 'Attendance at Events'.**
- 4. The voting delegates and proxies referred to in point 1 and 2 above be authorised to attend the WALGA Aboriginal Engagement and Reconciliation Forum at an additional cost and registration.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



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### 13.3. Committees of Council - Minutes

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<b>Author</b>	Executive Assistant to CEO, Tahlia Stowell
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Bush Fire Advisory Committee Minutes - 16 February 2022 [<b>13.3.1</b> - 8 pages]</li><li>2. Audit and Risk Committee Minutes - 23 February 2022 [<b>13.3.2</b> - 22 pages]</li><li>3. Economic Development Advisory Committee Minutes - 30 March 2022 [<b>13.3.3</b> - 7 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Noting of the confirmed Minutes from the previous meetings of the Committees of Council, allows for all Councillors and the broader community to be informed of the matters being considered.

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#### Officer's Recommendation

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That the Council notes the following:

1. Confirmed Minutes from the Bush Fire Advisory Committee meeting held on the 16 February 2022.
2. Confirmed Minutes from the Audit and Risk Committee meeting held on the 23 February 2022.
3. Confirmed Minutes from the Economic Development Advisory Committee meeting held on the 30 March 2022.

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#### Background

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The Ordinary Meeting of Council on 27 October 2021 resolved the following:

- OC214/2021 - 'That Council appoint Cr Andrew, Cr Kitchen, Cr Mogg, Cr Noonan and Cr Terrantroy to the Audit Committee for a period ending on the ordinary election day in October 2023'.
- OC217/2021 - 'That Council appoint Cr Clews, Cr McCleery, Cr Mogg, Cr Schiano and Cr Terrantroy to the Climate Adaptation and Sustainability Committee for a period ending on the ordinary election day in October 2023'.
- OC220/2021 - 'That Council appoint Cr Kitchen as the Member and Cr Dillon as the Deputy to the Bush Fire Advisory Committee for a period ending on the ordinary election day in October 2023'.



The Ordinary Meeting of Council on 24 November 2021 resolved the following:

- OC247/2021 - 'That Council appoints Cr Noonan (Chair), Cr Mogg (Deputy Chair), Cr Terrantroy (Member) and Cr Andrew (as Proxy) to the Capel Economic Development Advisory Committee for a period ending on the ordinary election day in October 2023'.

## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction1 - Strengthen and enhance the well-being of our community

1.1 A more engaged community

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

### Corporate Business Plan 2021-2025

ESRV (Executive Services) 6 - Production and distribution of meeting agendas and minutes for council, committee and internal meetings.

## Statutory Framework

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The Committees of the Council are managed in accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

## Policy Framework

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There are no Council policies relevant to this item.

## Implications

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This item is an administrative matter with no risk, financial or sustainability implications relevant.

## Summary

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Each of the Committees has the capacity to make specific and individual recommendations that are referred to and later considered by the Council.

Providing the Minutes for noting allows all Councillors (that are not appointed representatives) and the broader community to remain informed of the general business undertaken by each of the Committees of Council.

Accordingly, the confirmed Minutes of the Committees will be regularly presented to the Council as required, to allow for timely information processes.



## Voting Requirements

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Simple Majority

### Officer's Recommendation – 13.3

That the Council notes the following:

1. **Confirmed Minutes from the Bush Fire Advisory Committee meeting held on the 16 February 2022.**
2. **Confirmed Minutes from the Audit and Risk Committee meeting held on the 23 February 2022.**
3. **Confirmed Minutes from the Economic Development Advisory Committee meeting held on the 30 March 2022.**

### OC/2022/158 - Officer's Recommendation / Council Decision - 13.3

*Moved Cr Schiano, Seconded Cr McCleery.*

That the Council notes the following:

1. **Confirmed Minutes from the Bush Fire Advisory Committee meeting held on the 16 February 2022.**
2. **Confirmed Minutes from the Audit and Risk Committee meeting held on the 23 February 2022.**
3. **Confirmed Minutes from the Economic Development Advisory Committee meeting held on the 30 March 2022.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



## 14. Infrastructure and Development Reports

Cr Mogg declared a Proximity Interest in item 14.1 Tender 22/07 Hasties Road Kerbing and Drainage, the nature of the interest is that she lives on Hasties Road.

Cr Mogg left the room at 6:55pm.

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### 14.1. Tender 22/07 - Hasties Road Kerbing and Drainage

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<b>Author</b>	Coordinator Assets and Technical, Trent van Beem
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Contractual
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. RFT 22-07 Evaluation Summary [14.1.1 - 1 page]</li><li>2. Hasties Rd - Layout Plans [14.1.2 - 3 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Awarding of tender 22/07 to deliver kerbing and drainage on Hasties Road, Gelorup.

#### Officer's Recommendation

---

That Council:

1. Accepts the tender submission for \$473,761 from Carbone Bros Pty Ltd in accordance with specifications within Tender 22/07; and
2. Authorises the CEO to negotiate with Carbone Bros Pty Ltd to finalise the contract to incorporate the additional scope requested by Main Roads WA to a total value not exceeding \$20,000.

#### Background

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##### Previous Council Decisions

- (June 2021) - A motion of which previous notice had been given was moved by the Shire President, Cr M. Southwell. The intent of the motion was to nominate the proposed Drainage, Kerbing and Local Traffic Management upgrades of Hasties Road, between Straight Line Kilometre mark (SLK) 0.0 and SLK 1.66, at an estimated construction cost of \$383,487, for the Local Roads and Community Infrastructure (LRCI) Stage 3 program.

The Council decided (OC122/2021): That pursuant to Shire of Capel Standing Orders Local Law 2016, Clause 12.1(a) the motion be deferred until the Ordinary Meeting of the Council scheduled for 28 July 2021 to allow the Acting CEO to prepare a report on other eligible projects.



- (July 2021) - In response to Decision OC122/2021 (June 2021) a review by officers of projects which could potentially qualify (or which could be brought into line in order to qualify) for the LRCI Stage 3 program, a list of four prospective projects was prepared for Council. As the recommendation of that review differed substantively from that of the deferred Substantive Motion from the June 2021 OCM, it was necessary to put the Substantive Motion to a vote before any consideration of the list of prospective projects.

The Council decided (OC156/2021): The motion was lost.

- August 2021 (OC174/2021) Council decided in part that:
  1. The following prospective projects (in order of preference) be nominated for the Local Roads and Community Infrastructure (LRCI) Stage 3 program:
    - a. Hasties Road Drainage and Kerbing Upgrade (estimated construction cost \$383,487 plus \$32,000 design costs).
    - b. Peppermint Grove Beach Road School Bus Turnaround Upgrade (estimated construction cost \$120,000 plus \$7,200 design costs); and
    - c. CREP (Capel Regional Equestrian Park) Building Redevelopment (estimated construction cost \$350,000 plus \$35,000 design costs).

## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.2 Improved transport options

5.3 Better and safer roads

### Corporate Business Plan 2021-2025

ATS (Asset and Technical Services)

- ATS 19 - Develop detailed project scope, design, cost estimates and specifications for all major projects & capital works.
- ATS 20 - Superintend contracted services to ensure delivery against the specification.

## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

- Section 3.57 of the *Local Government Act 1995* applies.

### Federal Framework

- Department of Infrastructure, Transport, Regional Development and Communications COVID-19 Local Roads and Community Infrastructure Program Guidelines 2022 applies;
- Commonwealth Grants Rules and Guidelines 2017 applies.



**3.57. Tenders for providing goods or services**

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

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

**11A. Purchasing policies for local governments**

- (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.

**Policy Framework**

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The following Shire Policies apply:

- Policy 2.8 - Purchasing applies
- Policy 2.33 - Asset Management applies
- Policy 2.28 - Risk Management applies

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Health and Safety  Rating: High	Possible	Major	Shire project manager to undertake regular onsite monitoring and review of controls.  Independent Traffic Management Company to implement traffic control.
<b>Risk Description:</b> Worker, road user or pedestrian injured through lack of control and management of worksite. The residual risk level is assessed as Medium.			
<b>Risk 2</b> Financial  Rating: Medium	Possible	Moderate	Review all changes to scope using the Shire project management frameworks and change request process.
<b>Risk Description:</b> Cost escalation due to scope creep or works not documented			
<b>Risk 3</b> Reputation  Rating: Medium	Possible	Moderate	Communicate timeline with stakeholders and hold regular site meetings with contractor to monitor progress of works.
<b>Risk Description:</b> Protracted works program affects Gelorup Markets and Community Center. The residual risk level is assessed as Low			
<b>Opportunity:</b> An improved streetscape for the Gelorup community with minimal impact due to the works.			



## Financial Implications

### Budget

A summary of the funding sources and entire project costs is provided in the table below.

Funding Source	Value
Federal Government (LRCI)	\$271,949
Shire of Capel (2021/22 Carpark Carry Over)	\$126,679
Shire of Capel (2022/23 Annual Budget)	\$8,633
MRWA/SWGA Contribution	\$85,000
<b>Total Secured Funding</b>	<b>\$492,261</b>
Tendered Value	\$473,761
Estimate Additional Scope (MRWA) Hasties/Bussell Intersection	\$18,500
<b>Estimated Project Final Cost</b>	<b>\$492,261</b>

A total of \$498,261 is currently secured for this project across a number of funding sources, these comprise of:

- The previously approved LRCI allocation for this project is \$271,949.
- The Shire carried over \$126,679 from the 2021/22 budget into the 2022/23 budget allocated for the renewal of the Gelorup Community Centre Carpark.
- Shire of Capel 2022/23 Annual Budget - \$8,633
- Through discussions regarding the Bunbury Outer Ring Road (BORR) project the Shire has secured an additional \$85,000 from Main Roads WA to assist with this project.

The recommended Tenderers submitted price for the tendered scope of works is \$473,761. Two tender submissions were received, the submission from Tenderer 2 was approximately 45% higher than Tenderer 1.

While reviewing the application to undertake the works in the Main Roads controlled road reserve, Main Roads South West requested the Shire consider modifying the scope of works at the intersection of Hasties Road and Bussell Highway (refer to Officer Comment for discussion regarding scope). The exact cost of the additional scope will be determined through negotiation with the successful Tenderer prior to contract award, however the Shire estimates additional funding in the order of \$18,500 will be required.

If this additional funding cannot be sought through negotiations with the Tenderer, a transfer from reserves will be completed to cover the additional cost of works.

### Long Term

Long term financial implications of this project relate to the whole of life costs of the additional kerbing, parking area and kerbing resulting from the works. The whole of life costs are estimated in the table below.

### **Whole of Life**

The following Whole of Life calculation has been prepared to provide information on new assets to be created as a result of the proposed project only.



This is to avoid the potential for double counting of costs related to existing assets (e.g., the car park) for which allowance has already been made in the Long-Term Financial Plan (LTFP).

<b>(New Assets Only) Capital Expenses</b>	
<b>Whole of Life Capital Expense</b>	\$195,376
Annualised Capital Costs	\$3,908

<b>Operational Expenses</b>	
Finance/Opportunity Cost	\$0
Depreciation	\$156,301
Operations & Maintenance (O&M)	\$419,719
Residual Asset Write off	\$39,075
<b>Whole of Life Operational Expense</b>	<b>\$615,095</b>
Annual Operational Expense	\$12,302

<b>Whole of Life Cost of New Assets Over 50 Years</b>	
Total Capital, Depreciation & O&M	<b>\$810,471</b>

## Sustainability Implications

### Climate Change and Environmental

There are no known climate or environmental impacts associated with this project other than the procurement and supply of plant and materials.

### Social

This project will provide improved aesthetics along Hasties Road and additional carparking for the Gelorup Markets and Community Centre. Additional footpaths will improve pedestrian safety when accessing the skatepark and Community Centre. The improved infrastructure will provide a positive benefit to the Gelorup community.

### Economic

The recommended Tenderer is a South West based company and employs local staff. Materials will generally be secured from local suppliers.

### Asset

The works will provide renewed carpark pavement and improved drainage along Hasties Road. Kerbing Hasties Road will protect the pavement edge from traffic. This will mitigate some of the current and future maintenance requirement.

## Consultation/Engagement

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### **External Consultation**

Shire officers have consulted with residents along Hasties Road, representatives from the Gelorup Community Centre and Main Roads WA.

Comments from stakeholders have been incorporated into the final project scope.



## Internal Consultation

Internal consultation has been undertaken with Shire Directors, Operations and Technical Services staff.

## Officer Comment

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To develop the initial concept scope, the Shire met with Main Roads WA representatives to discuss the available options to improve the aesthetics of the traffic island at the intersection of Hasties Road with Bussell Highway. Main Roads WA indicated landscaping within the island was not preferred and that this would require a maintenance agreement, requiring the Shire to take on maintenance of the entire Hasties Road and Bussell Highway intersection area.

This was deemed to require a level of ongoing resourcing that is not effective from the Shire Operations department.

The agreed scope of works will remove the sand to level the traffic island, replace damaged kerbing and mulch the bare area. Minor, low maintenance planting will be placed on the eastern area of the traffic island.

Modification to the previously agreed scope has been requested by Main Roads WA through the application for works in the Main Roads road reserve process. These additional works are estimated to cost approximately \$18,500 and include:

- Replacement of all of the kerbing around the traffic island;
- Additional drainage pit;
- Improvements to the access across the traffic island to improve access and egress safety from Lot 1 Hasties Road.

The remaining works will address the limited drainage and material that washes from the verge to the Hasties Road and Bussell Highway intersection.

The Shire has included the Gelorup Community Centre Carpark into this project with the aim to minimise the impact to residents, required traffic management and to provide an increased economy of scale, thereby improving value for money.

Two Tenderers provided submissions, both Tenderers attended the mandatory Tender Briefing and both submissions were deemed to be compliant with the criteria.

Both Tenderers submissions were comprehensive, and the assessment panel agreed that both Tenderers were capable of undertaking the required works.

Tenderer 2's submitted price was significantly higher than the recommended tenderer. This was in part due to an increased allocation for supervision and project management of the works and increased mobilisation and demobilisation costs from Perth.

The Hasties Road works will require a significant level of traffic management due to the location, vehicular volumes and scope of the works, this is reflected in the pricing of both submissions.

When considering the tender assessment and the weighted price score, Carbone Bros ranked highest with a score of 81.5 and Tenderer 2 scored 74.6.

The recommended Tenderer has previously undertaken works of a similar nature to the Hasties Road Kerbing and Drainage project on behalf of the Shire of Capel.



## Summary

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The assessment panel determined Carbone Bros have provided a compliant Tender submission and have indicated they are able to provide the best value for money in comparison to the alternative submission. Carbone Bros are therefore the recommended Tenderer.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.1

#### OC/2022/159 - Officer's Recommendation / Council Decision - 14.1

*Moved Cr McCleery, Seconded Cr Noonan.*

#### **That Council:**

- 1. Accepts the tender submission for \$473,761 from Carbone Bros Pty Ltd in accordance with specifications within Tender 22/07; and**
- 2. Authorises the CEO to negotiate with Carbone Bros Pty Ltd to finalise the contract to incorporate the additional scope requested by Main Roads WA to a total value not exceeding \$20,000.**

**Carried 7 / 1**

*For - Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Cr Andrew*

*Cr Mogg returned to the room at 7:01pm.*



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## 14.2. RFT 22-09 Turf Maintenance - Sporting Fields (2022/2025)

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<b>Author</b>	Parks Coordinator, Fiona Gerritsen
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Contractual Executive/Strategic
<b>Attachments</b>	1. RFT 22-09 Evaluation Worksheet Summary [14.2.1 - 1 page] 2. RFT 22-09 Turf Maintenance - Sporting Fields [14.2.2 - 58 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Seek appointment of a contractor to provide turf maintenance of sporting fields services for a three (3) year contract, with an option for contract extension of one plus one year.

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### Officer's Recommendation

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That Council accepts the tender submission from Tenderer 2, CJ & AH Shreeve Pty Ltd T/A Naturaliste Turf, for Turf Maintenance – Sporting Fields (RTF 22/09) to the value of \$222,000.

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### Background

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The Program of Works for Public Open Spaces 2022 – 2023, including a turf renovation program for sporting fields was endorsed by Council on 27 April 2022 (OCM067).

Following endorsement, the Shire completed a request for tender process RFT 22-09 Turf Maintenance Sporting Fields, for the renovation of sporting fields for a three (3) year program with the option of a one (1) year plus one (1) year extension.

The RFT received two (2) submissions and underwent the tender evaluation process as per the procedures contained within the Shire's Purchasing Policy. Tenderer 2, CJ & AH Shreeve Pty Ltd T/A Naturaliste Turf, was the successful tenderer – see attached evaluation spreadsheet.

The benefit of this RFT is that it will improve the Shire's ability to secure contractor availability in the peak time for turf management (Spring – September) and enable renovation works to be scheduled minimizing disruptions to sporting groups, schools, and other stakeholders. As budget approval for the Shire occurs in July/August of each year, it diminishes the Shire's ability to secure a contractor to undertake these works in Spring missing the turf peak growing period.

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### Decision Framework

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#### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community

- 1.1 A more engaged community
  - 1.3 An inclusive community
  - 1.5 A healthy and active community
-



Direction 2 - Manage and protect our environment

2.3 A Shire committed to sustainable practices

Direction 3 - Foster a dynamic, diverse and strong local economy

3.4 Continued improvement in town centre vibrancy

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.1 Appropriate community facilities, that meet the communities' needs

Direction 6 – Effective communication, engagement and relationship development

6.1 Greater trust and the development of positive relationships within the Shire and with the community

### **Corporate Business Plan 2021-2025**

OPS 1- Public Open Space Maintenance

OPS 8- Shade Sail Construction

OPS 9 – 10yr Playground Replacement

OPS 11 - Contract Management and Administration -POS Maintenance Contract-Waste Contracts-  
Street Sweeping Contract-Street Lighting Contract-Tree Pruning Contract-Minor Works Contracts

### **Statutory Framework**

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#### **Local Framework**

Shire of Capel 2.8 Purchasing Policy section 4 - Request for Tender

#### **State Framework**

*Local Government Act 1995 (WA) Section 5.56 Planning for the future*

1. A local government is to plan for the future of the district.
2. A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

*Local Government Act 2020 (WA) Part 4 Planning and Financial Management*

90 Council Plan

- 1) A council must prepare and adopt a council plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices.
- 2) A council plan must include the following:
  - a) The strategic direction of the council;
  - b) Strategic objectives for achieving the strategic direction;
  - c) Strategies for achieving the objectives for a period of at least the next 4 financial years;
  - d) Strategic indicators for monitoring the achievement of the objectives;
  - e) A description of the council's initiatives and priorities for services, infrastructure and amenity;
  - f) Any other matters prescribed by the regulations.



## Policy Framework

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The following Shire Policies apply:

Policy Framework - Draft Shire of Capel Sports Spaces Plan 2020 – currently under review for Council consideration in FY 22-23.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Award contract to contractor to adopt a longer-term plan to enable future planning. Providing a schedule of turf work to the stakeholders will allow planning of events to accommodate the works and vice versa allow the Shire to obtain maximum results for the maintenance activities. The longer-term plan will enable the turf life span to increase thereby reducing the requirement for major turf renovations which come at significant cost.
<b>Risk Description:</b> Reputational risk to the Shire with no timeline confirmed for sporting groups, schools. Having a scheduled timeline of when turf work is being undertaken will allow stakeholders to plan their activities accordingly.			
<b>Risk 2</b> Service Delivery  <b>Rating: High</b>	Likely	Moderate	Award contract to contractor to ensure delivery of required work as per program.
<b>Risk Description:</b> Contractor unable to commit to a schedule due to competing commitments.			

### Financial Implications

#### Budget

The RFT documentation seen as Attachment 14.2.2, identified the structure for the schedule of pricing to be submitted. This identified items such as verti-mowing, coring, top dressing, fertiliser spreading, wetting agents, weed, pest and disease control and compost application as different identified costs per hectare.

The frequency of application of all these measures required at the four different sporting oval locations of Capel Oval, Boyanup Memorial Park AFL Oval & Hockey Field, Bunbury Baptist College Sporting Fields and Ferndale Park has then allowed an accurate evaluation of the submitted pricing schedule per company to be directly compared.

This pricing is reflected in the Officers Recommendation for the 3-year period.



### Short Term

The successful tender is in accordance with the Shire's approved 2022/23 budget.

### Long Term

Subsequent budget allocations will need to be included within the Shire's annual budget commitments for the corresponding time, as the contract will be awarded for a minimum three-year period.

## **Sustainability Implications**

### Social

Providing sustainable sporting fields in the future and ensuring fields are maintained to a high standard will ensure that future turf renovation costs are significantly reduced. Additionally, the Shire is meeting its objectives of meeting the community needs as per its commitment to the Strategic Community Plan and the Corporate Business Plan.

### Economic

Securing a long-term contract enables the Shire to secure pricing and a timeline of works for long term budget planning.

### Asset

Programmed turf renovation will ensure that the Shire provides the community with sporting fields that are both sustainable and suitable for use.

## **Consultation/Engagement**

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### **External Consultation**

- Customer service requests relating to our sporting fields;
- Bunbury Baptist College & Tuart Primary School
- Sporting group feedback
- Contractor feedback

### **Internal Consultation**

- Consultation with staff and management involved in undertaking regular inspections and maintenance activities on Sporting fields.

## **Officer Comment**

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The benefit to the Shire of Council endorsing this proposal is that the proposed turf management program can be undertaken during the optimal time of peak turf growing season each year. Failing to endorse the proposal will require financial approval to be sought each year in July as part of the adoption of the Annual Budget, this reduces the ability to secure a Contractor to conduct these works at the critical time in the maintenance / growing season for sporting reserves.

The Turf Maintenance – Sporting Fields Program was created to allow for an initiative-taking approach to turf maintenance by implementing a 12-month schedule that will inform the



community, sporting groups and schools. This collaborative approach will inform all parties of the planned schedule thereby minimising the impact to events, holidays, and sporting activities.

The clear and concise timeline will provide the community with the opportunity to schedule around these time frames and will provide the Shire with the best outcomes for the treatment being applied. Additionally, it will provide a timeline of scheduled works to the sporting groups and schools to help inform their training, matches and events.

The Program also provides the Shire with prioritisation from the Contractor to carry out the works in accordance with the scope provided in the tender documents.

The turf maintenance program involves many diverse types of applications which ensure that the turf is maintained at a high service level, is most resilient to usage deterioration and creates a sustainable sporting field for future years. By undertaking these applications, the requirements for major turf renovations (at a significant cost) are minimised.

Applications include composting, verti-mowing, top dressing, and aeration/coring are best undertaken during peak growing season (Spring), the reason being as these processes are quite extreme and during peak time the recovery time for the turf is faster, resulting in less impact to the sporting field stakeholders and community.

## Summary

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The benefit of having the Contractor secured for three (3) years as opposed to one (1) year will allow the Shire to ensure a Contractor is available at the best time to conduct renovations and maintenance work to achieve the best result possible with minimal disruption to sporting groups, schools, and other community stakeholders.

Most of the turf maintenance is recommended to be carried out in September, (verti mowing, top dressing, aeration, fertiliser applications), and having the Contractor in place ensures the work is completed at the optimum time thereby maximising the performance from the product applications.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 14.2**

**OC/2022/160 - Officer's Recommendation / Council Decision - 14.2**

*Moved Cr Terrantroy, Seconded Cr McCleery.*

**That Council accepts the tender submission from Tenderer 2, CJ & AH Shreeve Pty Ltd T/A Naturaliste Turf, for Turf Maintenance – Sporting Fields (RTF 22/09) to the value of \$222,000.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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### 14.3. RFT 22-05 - Electrical Services Panel

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<b>Author</b>	Director Infrastructure Development, Tanya Gillett
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Contractual
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Seeking Council support for the provision of various electrical services for new work and the maintenance of existing facilities and assets throughout the Shire.

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#### Officer's Recommendation

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That Council accepts the tender from D&K Thomas Electrical Contractors Pty Ltd for the provision of Electrical Services in accordance with tender number RFT 22/05 Electrical Services Panel for a 3-year term, with a 1-year option should this be exercised by the Shire.

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#### Background

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Tenders were invited for licenced electricians to be appointed as a panel of contractors (Panel) for the provision of ongoing electrical services to the Shire of Capel. The Panel will be operational for a period of 3 years, with the option of a 1-year extension at the discretion of the Shire.

The works comprise the supply of labour, plant and materials for the installation, specifications and drawings required by the Shire and includes but is not limited to the detailed design, manufacture, supply, installation, testing and approvals by relevant authorities for the provision of new installations and the ongoing maintenance of existing services. This includes the following:

- a) Removal of redundant existing electrical services.
- b) New service installations.
- c) Consumer mains.
- d) Switchboards, including alterations to existing.
- e) Submains cabling.
- f) Distribution boards.
- g) Irrigation pumps.
- h) Earthing.
- i) Wiring, cables, enclosures and supports.
- j) Cable ladders and cable traps.
- k) Lighting including poles, foundations, fittings and lamps.
- l) Restoration and making good painting, patching and plastering of ceilings and walls.
- m) Provision of access panels.
- n) Miscellaneous items.

The contract also includes the provision for a standby and out of hours service as required, testing and tagging and the provision of Compliance Certificates and as-constructed drawings on the completion of works.



The purpose of this tender was to attract contractors to create an initial panel of 3 companies for the Shire to utilise, however only 1 company tendered for the work as advertised. Regardless of this outcome, strict adherence to the Shire's Purchasing Policy for all works with a budget value of over \$2,000 will ensure the competitive opportunities remain and the Shire is receiving the best procurement opportunities at all times.

This is the inaugural tender of this nature as the Shire moves towards an improved asset management structure and improved efficiencies when utilising day to day trades for maintenance of facilities under our care. Further tenders for other essential trades will be considered within the coming months.

#### Previous Council Decisions

There are no previous Council Decisions with respect to this tender.

#### **Decision Framework**

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##### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 5 - Provide and maintain suitable infrastructure and facilities  
5.1 Appropriate community facilities, that meet the communities' needs

##### **Corporate Business Plan 2021-2025**

- BLDH 11 - Continue to develop a long-term asset management plans for all buildings and structures within the shire
- 
- BLDH 12 - Continue to provide well maintained public buildings in line with asset management plans

#### **Statutory Framework**

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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 or services.
- (2) Regulations may make provision about tenders.

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

##### 11A. Purchasing policies for local governments

- (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.



## Policy Framework

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The following Shire Policies apply:

- 2.35 Asset Management
- 2.8 Purchasing

## Implications

---

### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Health and Safety  <b>Rating: Medium</b>	Unlikely	Moderate	A Licensed Electrical contractor being available to replace/repair/maintain equipment to ensure the health and safety of staff and the community are protected as far as practicable.
<b>Risk Description:</b> The health and safety of staff or the community could be compromised resulting in injury resulting in a person being unable to resume their normal duties in the short-medium term.			
<b>Risk 2</b> Infrastructure / Systems / Utilities  <b>Rating: Medium</b>	Possible	Moderate	A Licensed Electrical contractor being available to replace/repair/maintain equipment to ensure infrastructure/system/utility interruptions are kept to the absolute minimum.
<b>Risk Description:</b> The medium-term loss of key assets and infrastructure, where repairs are required to allow them to remain operational and where moderate costs are incurred that maybe outside of budget allocation or the loss of utilities/systems resulting in the disruption to a department for up to 12 hours.			
<b>Risk 3</b> Service Delivery  <b>Rating: Medium</b>	Possible	Minor	A Licensed Electrical contractor being available to replace/repair/maintain equipment to ensure service delivery interruptions are kept to the absolute minimum.
<b>Risk Description:</b> The inability for the Shire to provide a service for 1-2 business days and/or a major project in progress is delayed for 1 - 2 months.			
<b>Opportunity:</b> The engaging of an Electrical Services Panel allows the Shire to ensure that the above risks are minimised as far as practicable.			

### Financial Implications

#### Budget

The financial implications relevant to this proposal are outlined below.



Each facility and/or asset within the Shire's care contains line items for repairs and maintenance including both contractors and materials within the approved Budget. Any works required at each of these facilities or assets by the engaged Licensed Electrician is therefore already contained within the Shire's Annual Budget as approved for 2022-23. In the 2021-22 financial year, \$61,835 was spent on electrical works of this nature, the current budget has been based on these figures for the current financial year.

The engaging of the Electrical Services Panel allows Shire Officers to improve the speed of engagement of a Licensed Electrician to ensure service delivery is maintained, health and safety is maximised and the overall costs to the community, both in a monetary sense and reputationally are minimized.

#### Long Term

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

#### **Sustainability Implications**

##### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

##### Social

The social implications relevant to this item include the continuity of service delivery for staff, sporting and community groups utilising the Shire's infrastructure, assets and facilities without prolonged disruption.

##### Economic

There are no relevant economic implications relevant to this item.

##### Asset

There are no relevant asset implications relevant to this item that are not discussed above.

#### **Consultation/Engagement**

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##### **External Consultation**

There was no external consultation.

##### **Internal Consultation**

There was no internal consultation.

#### **Officer Comment**

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The Request for Tender RFT 22-05 Electrical Services Panel closed on Thursday, 19 May 2022 and was evaluated independently by a panel of 3 Shire Officers. The evaluation process consisted of the following:



- a) Following the closing of tenders, panel members received a copy of each tender submission and an evaluation handbook.
- b) The handbook contains an evaluation scoring sheet and comparative price schedule for each of the Tenderers.
- c) Panel members individually score each tender submission using the 0-10 rating scale provided within the handbook.
- d) The panel meets and reaches a consensus score for each tender submission.
- e) The panel reaches a consensus as to the recommended Tenderer/s to be short listed for further clarification.
- f) A draft evaluation report is written which summarises the evaluation process.
- g) Panel members, once satisfied with the content of the evaluation report sign off on the evaluation report.
- h) The evaluation report is considered for endorsement by the Principal, and depending on the contract value, may need to be submitted to the State Tenders Committee for endorsement
- i) Upon endorsement and finalisation of any outstanding issues, an acceptance letter will be issued to the successful Tenderer to commence negotiations.

One tender was received from D&K Thomas Electrical Contractors Pty Ltd who have in excess of 25 years of local residential, commercial and industrial licenced electrical experience and were compliant with the tender requirements. D&K Thomas Electrical Contractors Pty Ltd provided a detailed Schedule of Rates as required and were prepared to offer a fixed price for all items tendered.

The rates provided formed 40% of the evaluation (Relevant Experience 20%, Key Personnel Skills and Experience 15%, Tenderer's Resources 15%, Demonstrated Understanding 10%) and were competitive against the rates currently paid for similar services by the Shire. A fixed rate was provided for each of the following items:

- 1.0 PLANT
  - 1.1 Mini excavator including operator
- 2.0 LABOUR
  - 2.1 Licenced electrician
  - 2.2 Apprentice electrician
  - 2.3 Trades Assistant
  - 2.4 Out of Hours
- 3.0 ADDITIONAL ITEMS
  - 3.1 RCD Testing – unit rate per venue and certificate of compliance
  - 3.2 Emergency Light Testing – per venue and certificate of compliance
  - 3.3 Testing and Tagging – per appliance including records
  - 3.4 Certificate of Electrical Compliance
  - 3.5 Creation and issue of Electrical Testing log books for new venues
  - 3.6 Standby rates/on-call rates for Shire Events
  - 3.7 Out of hours call out fee

The actual rates have not been included within this report due to the commercial in confidence nature of the tender offering from D&K Thomas Electrical Contractors Pty Ltd.

The Shire may repeat this tender to achieve the intended Electrical Services Panel arrangement in future, should the need for electrical work exceed the availability of this sole tenderer.



## Summary

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The Shire offered for tender RFT22/05 Electrical Services Panel to obtain a panel of Licenced Electricians to complete works as required for new and maintenance electrical work.

Only 1 tender was received by tender closing which was a compliant tender submitted by D&K Thomas Electrical Contractors Pty Ltd.

Shire Officer's recommend that D&K Thomas Electrical Contractors Pty Ltd be contracted for a 3-year period with the option of a further 1-year period if required at that time.

## Voting Requirements

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Simple Majority

<b>Officer's Recommendation – 14.3</b>
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<b>OC/2022/161 - Officer's Recommendation / Council Decision - 14.3</b>
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*Moved Cr McCleery, Seconded Cr Terrantroy.*

**That Council accepts the tender from D&K Thomas Electrical Contractors Pty Ltd for the provision of Electrical Services in accordance with tender number 22/05 for a 3 year term, with a 1-year option should this be exercised by the Shire.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



Cr Kitchen declared an Impartiality Interest in item 14.4 Temporary Closure of Thoroughfare - Salter Road, the nature of the interest is that he accesses the site adjacent to the road reserve as a member of the livestock industry.

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#### 14.4. Temporary Closure of Thoroughfare - Salter Road

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<b>Author</b>	Coordinator Assets and Technical, Trent van Beem
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Closure Extent [14.4.1 - 1 page] 2. Salter Rd - Schedule of Submissions Public [14.4.2 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Remove the public traffic from the Boyanup Sale Yards and enable the Western Australian Livestock Salesman's Association (WALSA) to manage the safe internal operations of the site.

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#### Officer's Recommendation

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That Council approve the temporary closure of thoroughfare through Shire reserves R27194 and R27193 and a portion of Salter Road for the term of the Boyanup Saleyard lease.

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#### Background

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Crown Reserves 27193 (Lot 202) and 27194 (Lot 203) 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.

WALSA and the Shire are working towards finalising the required items to facilitate the lease.

#### Previous Council Decisions

The Council resolved (OC004/2022) at the 19 January 2022 Ordinary Council Meeting:

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1. Approve leasing 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) on the following essential terms:
  - a. An initial term of 10 years;
  - b. A further term of 10 years by mutual agreement;
  - c. Annual gross rent at the commencement of the lease (not including current and separate Council rate's charges) being set at \$81,000 plus GST;
  - d. Rent to be reviewed annually on the anniversary of the commencement date by CPI (Consumer Price Index).



2. That 1) above is subject to the negotiation of a management order with WALSA that includes but is not limited to:
- i. Animal welfare legislation, regulations and standards;
  - ii. WHS (Workplace Health and Safety) standards, worker qualifications and incident response plans;
  - iii. Environmental matters including waste and effluent management, odour, noise and dust;
  - iv. Operating standards, security and times;
  - v. Public access, vehicular movement and management, parking and conditions of entry;
  - vi. Access for people living with a disability;
  - vii. Facility standards, amenity and maintenance.
  - viii. The installation of either shade sails or solid roof over all cattle pens no later than 31 October 2022

To the satisfaction of Shire Officers.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 4 - Deliver good leadership, governance and decision-making

4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.3 Better and safer roads

### **Corporate Business Plan 2021-2025**

ATS (Asset and Technical Services) 13 - Oversee Statutory administration of relevant Acts for roads

- Road Closures
- Assess and Audit Traffic Management Plans
- Works by Others
- Alterations to speed zoning
- Road naming.

## **Statutory Framework**

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### **Local Framework**

*Activities in Thoroughfares and Public Places and Trading Local Law 2016*



## State Framework

*Land Administration Act 1997, Part 5, Division 1, Section 56*

### 56. Dedication of land as road

- (1) If in the district of a local government –
  - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;
- or
- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

*Local Government Act 1995, Subdivision 5 – Certain provisions about thoroughfares*

### 3.50. Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –
  - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - (b) give written notice to each person who –
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the *Main Roads Act 1930* a copy of the contents of the notice required by subsection (4)(a).



- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given. [(7) deleted]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- Risk Management Framework

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Health and Safety  <b>Rating: High</b>	Possible	Major	Remove public traffic through site by closing thoroughfare.
<b>Risk Description:</b> Vehicle driving through site has collision with truck within site whilst reversing to unload.			
<b>Risk 2</b> Reputation  <b>Rating: High</b>	Possible	Major	Remove public traffic through site by closing thoroughfare.
<b>Risk Description:</b> Public or personnel not aware of public traffic through site injured.			
<b>Risk 3</b> Service Delivery  <b>Rating: Low</b>	Possible	Moderate	Remove public traffic through site by closing thoroughfare allowing WALSA to manage site.
<b>Risk Description:</b> Sale yards unable to satisfy requirements of lease as continued traffic through site limits ability to implement controlled internal traffic and parking.			
<b>Opportunity:</b> Closing the thoroughfare will allow WALSA to manage the site and mitigate the Council's risk of accident or incident involving a public vehicle within the site.			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal.



### Long Term

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

### **Sustainability Implications**

#### Climate Change and Environmental

There are no relevant climate change and environmental implications relevant to this item.

#### Social

The regular stock sales are an important opportunity for social interaction and create economic opportunities for local businesses.

#### Economic

The ongoing lease provides the Shire with an annual income that is used for other purposes and is included in general revenue.

#### Asset

There are no relevant asset implications relevant to this item.

### **Consultation/Engagement**

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#### **External Consultation**

The proposed closure of the thoroughfare is undertaken because of discussions with the West Australian Livestock Salesmen's Association following Council decision OC004/2022.

The Shire provided public notification of the proposal through an advertisement in the local newspaper and the Shire website, in accordance with the requirements of the *Local Government Act Part 3, Division 3 Section 3.5*,

A thirty-day period for submissions was provided. A summary of public submissions is detailed in Attachment 14.4.2

#### **Internal Consultation**

Consultation with Shire officers and Executive Management has been undertaken throughout the process for the proposed closure.

### **Officer Comment**

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The proposed closure of the thoroughfare is a result of the requirements of the proposed lease of the Boyanup Sale Yards (Shire Reserves R27194 and R27193) by the West Australian Livestock Salesmen's Association (WALSA).

The lease arrangement requires the preparation (by WALSA) and approval (by the Shire of Capel) of a Management Plan by WALSA that includes public access, vehicular movement and management, parking, and safe conditions of entry.



The proposed 'temporary' closure of Salter Road is for the period of the 10-year lease term with WALSA, enabling the safe execution of the traffic management plans and operations on the site.

WALSA has proposed to separate visitors and light vehicle access from the heavy vehicle and operations area of the sale yards to achieve increased safety and management. Achieving this separation requires the construction of an enclosing fence across the northern boundary of the site which will limit vehicular access from that direction. A gate will be constructed in the fence for occasional or emergency access.

The extent of the proposed closure covers from the northern boundary of the Shire reserve adjacent the Rail reserve, to the southern boundary of the reserve, including approximately 10 meters of the Salter Road reserve.

The public have historically used the thoroughfare through the site between Payne Street and Salter Road as an alternative route to South Western Highway. Only a small portion of the subject area is gazetted road, however in instances that the public has had uninterrupted use for a period of greater than ten years, the Local Government can request the Minister to dedicate the land as a road in accordance with the *Land Administration Act*.

Although not obliged to in Law (after consideration of the long-term public use of the thoroughfare through the reserve) the Shire elected to follow an advertising process as though the thoroughfare were a gazetted road, to provide the public with the opportunity to provide submissions to Council for the full proposal. This process is also required if the temporary closure is intended to exceed a period of 4 weeks.

A thirty-day advertising period for the proposed closure was undertaken. Three individual submissions were received, these are provided in the schedule of submissions at Attachment 14.4.2, along with Officer comment.

The public submissions highlighted concerns with potential for increase in truck numbers due to the proposal. The proposed closure will require truck access to the site from Salter Road via Trigwell Road, loading and unloading within the southern half of the site. This arrangement will reduce the potential for truck movements entering the site from the north and will reinforce the existing preferred southern access for heavy vehicles.

Light vehicles will only be permitted access to the site from Payne Street, parking on the northern side of the site.

Salter Road is currently nominated as a Restricted Access Vehicle Class 3 route. Large truck and trailer combination vehicles are not approved to access the site via Payne Street. The closure of traffic through the site will not impact on existing traffic on the main street.

## Summary

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Allowing public vehicles to continue to drive through from the sale yards area is assessed as being a considerable risk to the public, sale yard operators and visitors.

The closure of the thoroughfare for the term of the lease, will allow the Western Australia Livestock Salesman's Association to implement safety controls to manage internal traffic and parking in accordance with the requirements of their lease.



## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.4

#### **OC/2022/162 - Officer's Recommendation / Council Decision - 14.4**

*Moved Cr Schiano, Seconded Cr McCleery.*

**That Council approves the temporary closure of thoroughfare through Shire reserves R27194 and R27193 and a portion of Salter Road for the term of the Boyanup Saleyard lease.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



Cr McCleery declared an Impartiality Interest in item 14.5 Execution of the Federal Grant Agreement - Replacement of Minninup Bridge, the nature of the interest is that he is employed with the Water Corporation.

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## 14.5. Execution of the Federal Grant Agreement - Replacement of Minninup Bridge

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<b>Author</b>	Manager Asset and Technical, Kristin McKeachie
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. IP A 14877 Decision Letter 161615 20220414 [14.5.1 - 9 pages]</li><li>2. Letter Shire of Capel [14.5.2 - 2 pages]</li><li>3. Funding Agreement Minninup Rd bridge [14.5.3 - 7 pages]</li><li>4. Approval for Extension of Time [14.5.4 - 3 pages]</li><li>5. DOC 189177 [14.5.5 - 4 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

### Proposal

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Provide authority to enter into an Agreement with the Federal Government for a Grant under the Bridges Renewal Program (BRP). This grant is related to the proposed reconstruction and upgrade of the Minninup Bridge to be carried out by third parties (Water Corporation and Cedar Woods Pty Ltd).

### Officer's Recommendation

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That Council:

1. Notes the Offer of Grant from the Federal Government (Attachment 14.5.2), including the Terms and Conditions of the Grant as specified in the Grant Agreement (Attachment 14.5.3); and
2. Authorises the Shire President and Chief Executive Officer to execute and enter into the Grant Agreement on behalf of the Shire of Capel, by affixing their signatures and the Shire of Capel Common Seal.

### Background

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#### Previous Council Decisions

OC238/2021 (November 2021) Council endorsed the development of an Advocacy Prospectus that articulates the key priorities for the Shire of Capel for 2021/ 22 and beyond, in line with the Corporate Business Plan 2021 – 2025; and

2. Endorsed the order of advocacy priority to appear on the Prospectus as:
  - a. Bunbury – Capel – Busselton Cycle Link.
  - b. Kaatijinup Biodiversity Park.
  - c. Bridge Infrastructure (Mallokup and Minningup).
  - d. Dalyellup Surf Lifesaving Club and Community Amenities.



e. Boyanup Heritage Precinct.

4. Endorsed the Chief Executive Officer to submit funding applications for priorities detailed in 2. and 3. above should the opportunity arise.

26 September 2018 - Council was requested to consider an application for a Scheme Amendment to TPS No. 7 in relation to Lots 120 and 121 Minninup Road, Dalyellup. Council decided (45/2018):

That Council:

- 1) S. 75 of the P&D Act, 2005 agrees to initiate proposed Amendment No. 67 to TPS No. 7.
- 2) Regulation 35(2) of P&D (LPS) Regs 2015, specifies that draft Amendment No. 67 is a 'Standard amendment', for reason(s): (a) to (e).
- 3) Refers proposed Amendment to EPA as required by P&D Act 2005. On receipt of EPA response that draft Amendment is not subject to formal environmental assessment, the proposed Amendment will be advertised for 42 days & referred to relevant state govt agencies for comment. If EPA determines that proposed Amendment is subject to formal environmental assessment, which is to be prepared by proponent prior to consultation. All advertising costs will be recovered as an additional amount after completion of relevant actions.
- 4) Advises applicant that matters as detailed in officer report to Council are likely to require further consideration during and following the consultation period.

#### Decision By Statutory Agency

The Shire was advised on 1 May 2022 (Attachment 1) that the Commission had considered and approved (subject to conditions) a subdivision covering the former Strata Vineyard on Minninup Road, resulting in the creation of 41 new Lots.

Condition 6. of the WAPC Subdivision Approval requires:

Satisfactory arrangements being made with the local government and Water Corporation for the upgrading of the Minninup Road bridge to a dual lane standard (with a minimum width of 6.4m) with an additional 2.5m wide Shared Use Path, prior to endorsement of a diagram or plan of survey (deposited plan) for the creation of lots proposed by this application (Local Government)

#### Decision Framework

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##### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 2 - Manage and protect our environment

2.3 A Shire committed to sustainable practices

2.5 Improved connection and access to natural assets of the forest and coastal environment

2.7 Urban planning that supports sustainable development

Direction 3 - Foster a dynamic, diverse and strong local economy

3.1 Increased support and advocacy to stimulate greater local business success, investment and diversity

3.2 Effective promotion of the Shire and its towns

Direction 4 - Deliver good leadership, governance and decision-making

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- 4.1 Effective and compliant governance
- 4.2 Informed and transparent decision making
- 4.3 Contemporary planning and local development

- Direction 5 - Provide and maintain suitable infrastructure and facilities
- 5.1 Appropriate community facilities, that meet the communities' needs
  - 5.2 Improved transport options
  - 5.3 Better and safer roads

### **Corporate Business Plan 2021-2025**

ATS 15 - Prepare and facilitate grant applications for all projects which meet relevant criteria:

- Regional Roads Group
- Roads to Recovery
- Black Spot (State and Federal)
- DoT WABN
- Lotterywest
- Building Better Regions Funds

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

There are no state frameworks relevant to this item.

#### **Federal Framework**

The funding agreement must be read in conjunction with the following documents:

- The [National Land Transport Act 2014](#) (the Act) provides the mechanism for payment of Australian Government funding aimed at improving the performance of land transport infrastructure across Australia.
- The [National Partnership Agreement](#) (NPA) sets out how the Australian Government and State or Territory Governments will work together to deliver infrastructure projects for the benefit and wellbeing of Australians.
- The [Notes on Administration for Land Transport Infrastructure Projects](#) (NoA) provide administrative guidance for managing projects to be funded under the NPA.
- The [Guidelines for Successful Funding Recipients](#) (the Guidelines) outlines obligations for all projects funded under the BRP and HVSPP.

Each of these documents has effect as if they were a part of the agreement.

### **Policy Framework**

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The following Shire Policies apply:

- Asset Management
- Budget Management - Capital Acquisitions and Works
- Common Seal Affixing



- Preparation of Integrated Plan and Budget
- Risk Management Framework
- Engineering Specifications (Subdivision Land Development)
- Roads - Seal Width
- Land use strategy

## Implications

### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Possible	Moderate	Monitoring and management by Shire Officers of progress of project delivery.
<b>Risk Description:</b> Should the proposed bridge upgrade not progress in accordance with the milestones outlined within the Grant Agreement, then some (or all) of the offered funds may be withdrawn by the Federal Government.			
<b>Risk 2</b> Health and Safety  <b>Rating: Extreme</b>	Likely	Severe	Shire Officers to ensure that construction of the proposed subdivision does not commence until the Practical Completion of the proposed bridge upgrade is met.
<b>Risk Description:</b> The existing timber bridge across the Five Mile Brook Diversion Channel has been load limited by MRWA to 14 Tonnes. The bridge is in poor condition and is highly unlikely to survive the loads imposed by heavy earth moving and road construction equipment. A catastrophic failure of the existing bridge while in use by heavy equipment cannot be ruled out.			
<b>Risk 3</b> Service Delivery  <b>Rating: Extreme</b>	Almost Certain	Severe	Continue to support and encourage the Water Corporation and the sub divider of the former strata vineyard to progress their plans for upgrade of the bridge.
<b>Risk Description:</b> If (for any reason) the existing timber bridge across the Five Mile Brook Diversion Channel is not upgraded, then the Shire will be unable to deliver the required future transport network service to meet projected growth in demand.			
<b>Opportunity:</b> Delivery of the proposed upgraded bridge supports the Shire of Capel in meeting its objectives with respect to the proposed Bunbury-Capel-Busselton Cycle Path as outlined in the Shire's Advocacy prospectus.			

### Financial Implications

#### Budget

The Auditor General and Financial Management Regulations require that revenues from Grants are recognised in the financial year in which they are allocated. The Shire will therefore need to recognise (up to) \$56,100 in the current Budget as contribution towards design costs.



## Long Term

The Auditor General and Financial Management Regulations require that revenues from Grants are recognised in the financial year in which they are allocated. The Shire will therefore need to recognise the following amounts in future budgets:

- 2024 - (Up to) \$218,360
- 2025 - (Up to) \$327,540

## **Whole of Life**

Potential future Shire assets	Basic description
N/A	The proposed upgraded bridge will remain a Water Corporation asset.

## **Sustainability Implications**

### Climate Change and Environmental

Bridges are especially susceptible to Climate Change impacts. Examples of potential impacts to be considered during the Design phase of the proposed upgrade include (among other things):

- Degradation of construction materials and accelerated decay processes due to higher temperatures, increased precipitation and higher relative humidity;
- Increased risk of flooding due to increased rainfall and higher sea levels accompanying thermal expansion of the ocean;
- Increased damage to pavement and deck due to increased precipitation leading to potholing and increased likelihood of heatwaves leading to thermal expansion and buckling;
- Increased scour rate to embankments due to higher precipitation, leading to increased speed of runoff from surrounding water catchments; and
- Increased risk of fire damage due to increased frequency and intensity of wildfires.

### Social

The long-term development of the north western quadrant of the Shire of Capel considers the ongoing southward development of Dalyellup. This development is proposed to occur at both the former strata vineyard (the subject of this proposal) and the current sand extraction site adjacent to the southern boundary of Harewoods Road (the Piacentini site).

As these developments occur, increased transport connectivity between the southern extent of the Dalyellup developments and the existing semi-rural area of Stratham will be required. The proposed bridge upgrade will be an integral part of that growth.

Further consideration of the impact and management of this eventual connectivity on the local road network will be required.

### Economic

The ongoing development of the north western quadrant of the Shire of Capel contributes to State, Regional and Local economies through the creation of employment, improved transport efficiencies and sustainable housing opportunities.



## Asset

The proposed upgraded structure will not be a Shire of Capel asset. There are, therefore, no asset implications relevant to this item.

## **Consultation/Engagement**

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### **External Consultation**

The Shire has conferred on this matter with:

- Western Australia Planning Commission (WAPC)
- Main Roads Western Australia (MRWA)
- Water Corporation
- The Australian Government Department of Infrastructure, Transport, Regional Development and Communications
- Cedar Wood Pty Ltd (the developer of the proposed subdivision)

### **Internal Consultation**

Officers of the following departments have conferred on this matter:

- Office of the Chief Executive Officer
- Planning and Development
- Assets and Technical

## **Officer Comment**

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A meeting was held on 8 November 2021 at the Shire of Capel offices between representatives of the Water Corporation, Main Roads Western Australia (MRWA), Cedar Woods Pty Ltd (the landowner) and the Shire of Capel at the request of the owners of the former strata vineyard on Minnipup Road, Stratham. The purpose of the meeting was to discuss potential options for progress of the proposed subdivision of the land and (in particular) the requirement for upgrade of the existing timber bridge across the Five Mile Book Diversion Channel.

The existing single lane timber bridge is owned by Water Corporation and is currently considered to be in poor condition. It is unlikely that this bridge will be suitable in either the near term (for the purposes of construction of the proposed subdivision) or the long term (in order to meet likely future transport demand).

Water Corporation advised that the bridge is not on their five-year replacement program, but that the Corporation is willing to support the proposed upgrade by means of the Water Corporation's existing Developer Constructed Works Agreement. The developer, under that arrangement, would be required to fully fund the reconstruction of the proposed bridge, following which it would be eligible for reimbursement of the cost of a like-for-like replacement (i.e., Water Corporation would only re-fund the estimated cost of construction of a single lane bridge).

While not disputing the requirement for upgrade of the bridge as a condition of subdivision, the landowner indicated that bearing the full cost of construction of the upgraded bridge would be onerous to its operations. The significant estimated costs (ranging between \$2.6 million and \$3.2 million) may be an impediment to progression of the proposed development.



The Shire of Capel was requested to consider supporting the project by way of an application to the Federal Bridge Replacement Program (BRP) for partial grant funding. The Shire undertook to submit such an application in line with the previously endorsed Advocacy Prospectus (November 2021), on the proviso that there should be no cash outlay or contribution required by the Shire either as a result of a successful application or if the application failed.

The Shire submitted the application to the Federal BRP on 18 February 2022.

The Shire was advised on 31 May 2022 that its application had been successful, and that the Federal Government was willing to support the project with a Grant of 18% of construction costs to a maximum of \$602,000.

The Shire of Capel is intended to act as intermediary in this arrangement, and to take responsibility for disbursement and acquittal of these funds in conjunction with MRWA, as the Federal Government is unable to direct public funds to private business such as the Water Corporation or the landowner.

A letter (see Attachment 14.5.5) from the landowner (Cedar Woods Pty Ltd) was received by the Shire on 8 August 2022. The landowner has confirmed their willingness to accept the role of Principal for the bridge replacement project, including the requirement to enter a Developer Constructed Works Agreement with Water Corporation in order to fund the construction.

The landowner has also four specified conditions to the agreement above. The Shire has responded to the conditions in writing indicating that the Shire can only agree to two of the conditions at this time, (Conditions 1. and 4.) Condition 2. will require more information prior to agreement and Condition 3. is outside of the Shire's ability to agree to.

## **Summary**

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The Shire of Capel sought Federal grant funding in line with the Advocacy Prospectus adopted by Council, to support reconstruction of an existing timber bridge across the Five Mile Brook Diversion Channel, in response to a request from Water Corporation and the landowner of the former strata vineyard on Minnipup Road.

The Federal Government has offered to contribute 18% of the outturn costs of the proposed upgrade. In order to facilitate prudent management of Federal funds it is necessary for the Shire of Capel to act as the Grant Recipient in this case.

The landowner is conditionally prepared to accept the role of Principal for the proposed replacement of Minnipup Bridge. The conditions of its acceptance were under review and negotiation at the time of writing.

## **Voting Requirements**

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Simple Majority



**Officer's Recommendation – 14.5**

**OC/2022/163 - Officer's Recommendation / Council Decision - 14.5**

*Moved Cr Terrantroy, Seconded Cr Schiano.*

**That Council:**

- 1. Notes the Offer of Grant from the Federal Government (Attachment 14.5.2), including the Terms and Conditions of the Grant as specified in the Grant Agreement (Attachment 14.5.3).**
- 2. Authorises the Shire President and Chief Executive Officer to execute and enter into the Grant Agreement on behalf of the Shire of Capel, by affixing their signatures and the Shire of Capel Common Seal; and**
- 3. Authorises the Shire President and Chief Executive Officer to execute and enter a Memorandum of Understand with Geographe Property Pty Ltd (a subsidiary Cedar Woods Properties Ltd) on behalf of the Shire of Capel regarding the Project Management of the Minninup Bridge Replacement, by affixing their signatures and the Shire of Capel Common Seal.**

**Carried 5 / 3**

*For - Cr Kitchen, Cr McCleery, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Cr Andrew, Cr Clews and Cr Mogg*



The following item was deferred at the 27 July 2022 Ordinary Meeting of Council as per Council Decision OC/2022/125 until such a time Main Roads can demonstrate and give copies of all signed Environmental Protection Agency approvals and Management Plans.

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#### **14.6. Nomination of New Road Names: Roads Affected by the Bunbury Outer Ring Road (BORR)**

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<b>Author</b>	Manager Asset and Technical, Kristin McKeachie
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Brad Brooksby Email [<b>14.6.1</b> - 1 page]</li><li>2. Email B Walker - Road Naming [<b>14.6.2</b> - 1 page]</li><li>3. Policies-and- Standards-for- Geographical- Naming-in- Western- Australia [<b>14.6.3</b> - 140 pages]</li><li>4. BORR Capel Shire Roads to be Re- Named [<b>14.6.4</b> - 1 page]</li><li>5. BORR - Name for new state road [<b>14.6.5</b> - 1 page]</li><li>6. Delegation 125 - Naming of Roads and Parks [<b>14.6.6</b> - 1 page]</li><li>7. Renaming Proposal [<b>14.6.7</b> - 8 pages]</li><li>8. Federal approval - 2019-8543- Approval- Decision [<b>14.6.8</b> - 42 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### **Proposal**

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The Shire has been requested to bring back for consideration a request by Main Roads Western Australia (MRWA) regarding nominated new road names for multiple roads affected by the construction of the proposed Bunbury Outer Ring Road (BORR).

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#### **Officers Recommendation**

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That:

1. Community consultation to identify new or amended names for roads affected by the proposed BORR South be supported; and
2. Former delegation number 125 (Naming of Roads and Parks) to the Chief Executive Officer be reinstated.

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#### **Background**

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November 2019 A Special Meeting of the Council was held on 11 November 2019. It was resolved:

(OC185/2019) That this Council acknowledges the tourism and marketing potential of Gelorup as a place of giant trees with significant environmental and Indigenous cultural heritage.

(OC186/2019) That the Shire formally advise the State Government, it's Department of Transport, and the Bunbury-Geographe Sub-Regional Strategic Group that the preferred southern alignment for the BORR is not compatible with the Gelorup Corridor and an alternative route is needed.



December 2019 Council was requested to consider support for the proposed extension of Jules Road North, including the construction of a roundabout at the future Centenary Road intersection as part of the construction program for the Bunbury Outer Ring Road.

Council resolved: (OC230/2019)

1. That Council inform MRWA and the WA Transport Minister that in light of its opposition to the current proposal for the Southern alignment of the BORR because it bisects the community of Gelorup via a valuable nature and heritage corridor, the local authority refuses at this time to endorse ancillary plans, including the proposed extension to Jules Road.
2. That Council write to MRWA and the Transport Minister suggesting further consideration be given to using an alternative route utilising the proposed Centenary Road connection as the BORR southern alignment to link with Bussell Highway to reduce the environmental and heritage impact and community disruption.'

April 2020 The Shire of Capel received a request from Main Roads Western Australia to request the Council's approval for dedication of several land parcels for construction of the Bunbury Outer Ring Road. In addition, Main Roads Western Australia has requested the Council's acceptance of care and control of various new, upgraded or modified Local Roads which will be created as a result of construction of the Bunbury Outer Ring Road.

Council resolved: (OC032/2020)

'That, consistent with Council Decisions related to the Bunbury Outer Ring Road, Council declines all of the requested approvals detailed in the letter from Main Roads Western Australia dated 24 February 2020, (MRWA Ref 19/6247-02).'

August 2020 Council was requested to consider a range of amendments and revocations of existing delegations.

Council resolved to: (OC129/2020)

Amend delegations as listed.

One of the delegations affected by the above decision was the former delegation from the Council to the Chief Executive Officer Number 125 (Naming of Roads and Parks). The delegation was revoked.

March 2021 – Deferral (OC052/2021)

The following item was deferred at the 31 March 2021 Ordinary Meeting of Council following the outcome of the Environmental Protection Authority decision on clearing permits for the BORR Southern Section.

May 2022 Council was asked to consider a review on a number of number of delegations, including the naming of roads and parks.

Council resolved to: (OC/2022/87)

'That the Council endorse the changes and affirm the Delegations as presented in the Attachment with the following amendments:

1. Delegation 102, Condition 1 and Condition 2 remains unchanged.
2. Delegation 114 add point 3 'that only items of plant approved of by Council for disposal'.
3. To remove Delegation 148 from consideration for further information to return on firearm licensing.'



Please see the extraction out of the attachment referenced in the Council Decision regarding the reinstatement of the delegation regarding road naming:

<b>125</b>	Naming of roads and parks	<p><b>Description</b></p> <p>The Chief Executive Officer is delegated authority to undertake all road and park naming actions.</p> <p><b>Conditions</b></p> <p>The implementation of this delegation is to have regard to the following:</p> <ol style="list-style-type: none"> <li>1. Council's Policy guidelines (Policy 6.11).</li> <li>2. Landgate Geographic Names Committee Principles, Policies and Procedures.</li> <li>3. Actions to be undertaken with a view to reduced inconvenience and cost to landowners, the Shire and Government agencies.</li> <li>4. Where agreement cannot be reached with an affected landowner/s, the matter is to be referred to Council.</li> <li>5 Council is to be informed of approved names via the monthly Information Brochure process.</li> </ol>	Policy 6.11 – Road and Reserve Names	<p>Delegation 125 was rescinded at the last review however, the removal of this delegation has led to delays in obtaining approvals for road names, which in turn, has impacted on subdivision clearances, lot settlements, planning, and building approvals.</p> <p>Changes: Separation of delegation description and conditions.</p> <p><b>Recommendation: That Delegation 125 be reinstated</b></p>
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27 July 2022 - Ordinary Meeting of Council deferred (OC/2022/125) any decision until such a time Main Roads could demonstrate and give copies, of all signed Environmental Protection Agency approvals and Management Plans.

## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 2 - Manage and protect our environment

2.7 Urban planning that supports sustainable development

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.2 Improved transport options



5.3 Better and safer roads

**Corporate Business Plan 2021-2025**

ATS 13 - Oversee Statutory administration of relevant Acts for roads:

- Road Closures
- Assess and Audit Traffic Management Plans
- Works by Others
- Alterations to speed zoning
- Road naming

**Statutory Framework**

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The following Legislative framework applies:

- *Local Government Act 1995*;
- *Land Administration Act 1997*, Part 2 – General administration,
  - o 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*
- Australian Standard AS/NZS 4819:2011 Rural and urban addressing

**Policy Framework**

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The following Shire Policies apply:

- Asset Management
- Risk Management Framework

**Implications**

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Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Effective consultation and processing of road naming applications in accordance with legislative frameworks
<b>Risk Description:</b> The Council's prior decision making with respect to the BORR has consistently reflected its opposition to the proposed BORR South. Nomination of names for affected roads as requested may conflict with the Council's stated position; and			
<b>Risk 2</b> Health and Safety  <b>Rating: Extreme</b>	Likely	Severe	Effective and timely processing of road naming applications.
<b>Risk Description:</b> Should existing roads be severed but not renamed, then the existing Rural Addresses assigned to some of the adjoining properties will be invalidated. This has the potential to make access by emergency services problematic.			
<b>Opportunity:</b> The upside risk or opportunity that could have a beneficial effect on achieving Shire objectives.			



## **Financial Implications**

### Budget

There are no financial implications relevant to this proposal.

### Long Term

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

## **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.

## **Consultation/Engagement**

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### **External Consultation**

The need for the proposed road renaming was first raised by the local community through input into impact assessments for the proposed BORR South alignment. Consultation on this proposal has therefore been carried out by MRWA to date during:

- Community Reference Group (CRG) meetings;
- Councillor briefing sessions; and
- Direct negotiation with the Western Australian Land Information Authority (Landgate).

### **Internal Consultation**

Shire Officers have discussed the matter with MRWA in light of the Council's stated opposition to the BORR. During these discussions Officers requested that MRWA should take responsibility for any alterations to road naming required.

## **Officer Comment**

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Recent decisions from relevant State and Federal Ministers and Environmental Authorities have endorsed the proposed construction of the Southern Section of the Bunbury Outer Ring Road, with conditions.



These decisions are as follows:

- WA Minister for the Environment (31 May 2022) – approval that the proposal may be implemented, subject to implementation conditions and procedures.
- Federal Assistant Secretary, Environment Assessments West Branch (29 June 2022) – approval to construct and operate the BORR Southern Section.

Two new roads are to be constructed and several existing roads are to be bisected within the Gelorup district as a result of the proposed BORR South alignment.

A resident of Ducane Road raised concerns related to the proposed severance of roads at a Community Reference Group (CRG) meeting run by the BORR Team. The potential for confusion surrounding access to adjoining properties was noted. The resident was particularly concerned with regard to the impact of severance upon the Rural Property Address Numbering Scheme.

Rural Property Address Numbers are a national standard applied across Australia for rural addressing. These addresses are of particular importance for emergency services due to their ability to uniquely locate a residence that may otherwise be problematic in rural zones.

A rural property address number is allocated to every land parcel with a substantial building on the property, including all outbuildings and residential dwellings.

The standard uses a distance based system allocated in a sequence based on how far a residential driveway is from a nominated start of the road. A rural property address number is therefore measured from the start of the road to the middle of the property entrance.

The Rural Property Addressing Scheme is highly sensitive to the Name and Nominated Start of the road. Any change to these attributes could invalidate the address allocated to a property, putting at risk the ability of emergency services to find the property unless the Rural Property Address is also updated.

The resident's concerns were conveyed to the Shire by email (Attachment 14.6.1) on 19 December 2019.

It is not unusual for one or more existing roads to be affected in this manner during large road construction projects. This is true irrespective of the specific location or alignment selected for the project.

Notwithstanding the above, the Shire considered this a matter for MRWA to address in line with the Council's historical opposition to the BORR South alignment.

MRWA undertook to investigate the matter. The item was added to the MRWA Issues Schedule as of the 25 of February 2020 Shire of Capel Interface Meeting and has been subject to periodic review between the Shire and MRWA from that date.

The Shire of Capel received notification by email from MRWA on 13 January 2021 (Attachment 14.6.2) that, in accordance with the Policies and Standards for Geographical Naming in Western Australia (Attachment 14.6.3), Landgate requires that naming proposals for roads are submitted by the Local Government responsible for those roads.

MRWA can make no further progress in the matter due to the Landgate regulation. MRWA has therefore requested that Council consider the impacts shown in Attachment 14.6.4. A formal



submission from the Shire to Landgate will be necessary to establish new or amended road names.

The selection of new road names for affected roads will be an emotive issue for some residents. In addition to the need to update all of their personal and official records (with employers, doctors, banks, tax office, utility suppliers etc.) affected residents will need to inform all of their personal contacts of their change of address details. This is likely to be a significant issue for some people.

Council is therefore recommended to support extensive public consultation, including the possibility of 'town hall' type meetings, to determine appropriate amended names for the affected roads.

State environmental approval for BORR South was granted with conditions on 31 May 2022.  
Federal environmental approval for BORR South was granted with conditions on 29 June 2022.  
Clearing of trees within the Gelorup Corridor commenced on 1 August 2022.

Shire Officers sought advice from the South West Gateway Alliance (SWGA) as to the likely timeframe before the permanent closure of the affected roads might occur. SWGA advised that, based upon continued progress of the project, Woods Road would be among the first permanently closed/redirected roads with the closure/diversion effective in October or November 2023.

The Shire of Capel will have (a maximum of) two hundred and ninety-three (293) working days, as of 31 August 2022, within which to complete all required statutory actions prior to closure of Woods Road (assuming the closure occurs at the end of the October 2023).

In that time the Shire will need to complete the following activities (with estimated timeframes):

Action	Potential Timeframe
Community Consultation and review	28 days Consultation 10 days Review and Report
Council Adoption of Revised Road Names	30 days (depending on next available OCM)
Submit nominated Road Names to Landgate Geographic Names Committee (GeoNoma) for Review	60 days
Receive and Review any Rejected Road Names from GeoNoma	7 days
Allowance for Renegotiation of Unapproved Names with GeoNoma (including formal adoption of additional names by Council if Necessary)	30 days (depending on next available OCM)
Advice to MRWA, Landgate, DFES and Emergency Services Providers of Adopted/Approved Names	7 days
Installation of Road Name Signs & Plates by MRWA	28 days (including time for production of signs by signwriter)
<b>Total Potential Time Required</b>	<b>200 days</b>

As shown above, whilst the Shire does have some lead time in hand, any further delay to commencement of consultation may jeopardise the ability of the Shire to deliver the required outcome to the community on time, with consequent impacts on community safety.

In support of the above, it is further proposed that reinstatement of the former delegation number 125 is considered.



Delegation number 125 (Naming of Roads and Parks) from the Council to the Chief Executive Officer was revoked under Council resolution OC129/2020.

All steps required in order to address the renaming of roads must now be undertaken by Council directly. This is likely to require a significant investment of Councillors' time.

Reinstatement \* of the former delegation number 125 would simplify the assignment of a large number of new or amended road names by:

Permitting the CEO to mobilise Shire personnel to carry out all required consultation and administrative activities;

- De-conflicting the Council's current and future decision making with respect to the BORR; and
- Reducing the time required for decision making related to this particular matter.

\* Council is to note that the delegated authority to the Chief Executive Officer in relation to road naming was restored at the OCM in May 2022.

Shire Officers have considered the known impacts of the proposed BORR upon local roads. A draft set of proposed road names for presentation to the community has been prepared (see Attachment 7 Renaming Proposal).

In most cases, the residual portions of affected roads connect logically as extensions of existing (unaffected) roads. The draft naming proposals have therefore been derived through utilisation of those existing road names.

The following cases are likely to require further consideration and community consultation:

- Eastern portion of Woods Road – proposal to rename to Banksia Rd as extension of existing. Seven land Titles affected.
- Tamra Close – proposal to rename to Lakes Rd. One land Title affected.
- Eastern portion of Ducane Rd – new name to be nominated by community. Eleven land Titles affected.

Once appropriate names for the affected roads have been identified and submitted to Landgate, the Shire will liaise with MRWA on implementation of the proposed solutions (including installation of new street signs etc.)

## Summary

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The item is returning to Council following the deferral at the March 2021 Ordinary Meeting of Council.

Recent decisions from relevant State and Federal Ministers and Environmental Authorities have endorsed the proposed construction of the Southern Section of the Bunbury Outer Ring Road, with conditions. These decisions are as follows:

- WA Minister for the Environment (31 May 2022) – approval that the proposal may be implemented, subject to implementation conditions and procedures.
- Federal Assistant Secretary, Environment Assessments West Branch (29 June 2022) – approval to construct and operate the BORR Southern Section.

Due to the above decisions now being approved, full design and construction will commence and result in portions of residential roads being affected and requiring formal determination of future road names.



The Shire is bringing this item back to Council for consideration and endorsement that community consultation be undertaken. The Shire has a responsibility to finalise new road names for the safety and service of the community.

### Voting Requirements

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Absolute Majority

<b>Officer's Recommendation – 14.6</b>
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*Moved Cr Clews, Seconded Cr Noonan.*

**That:**

- 1. Community consultation to identify new or amended names for roads affected by the proposed BORR South be supported; and**
- 2. Former delegation number 125 (Naming of Roads and Parks) to the Chief Executive Officer be reinstated.**

<b>OC/2022/164 - Amendment / Council Decision - 14.6</b>
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*Moved Cr Schiano, Seconded Cr Clews.*

**To remove point 2 as follows:**

**'2. Former delegation number 125 (Naming of Roads and Parks) to the Chief Executive Officer be reinstated.'**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

*The Amendment became the substantive motion.*



**OC/2022/165 - Substantive Motion / Council Decision - 14.6**

*Moved Cr Clews, Seconded Cr Noonan.*

**That:**

**1. Community consultation to identify new or amended names for roads affected by the proposed BORR South be supported.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

*Cr Kitchen adjourned the meeting for 5 minutes at 7:32pm.*

*The meeting resumed at 7:39pm, all members of the Council and public returned.*



Cr Noonan declared an Impartiality Interest in item 14.7 Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that he is an ordinary member of the Friends of the Gelorup Corridor.

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## 14.7. Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions

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<b>Author</b>	Manager Asset and Technical, Kristin McKeachie
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. Request for Reconsideration of Resolution - Main Roads letter (002) [14.7.1 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Request from Main Roads Western Australia (MRWA) for the Council to reconsider the Ordinary Council Resolution OC32/20 of April 2020.

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### Officer's Recommendation

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That:

1. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1 is granted;
2. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;
3. The CEO is authorised to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.
4. Dedication of the roads and road widenings within the Shire of Capel depicted on Main Roads drawings 201902-0022-1, 201902-0274-2, 201902-0275, 201902-0276-1, 201902-0277-1, 201902-0278, 201902-0279-2, 201902-0235, and 2019-0218-1 pursuant to section 56 of the Land Administration Act 1997 (The Act) is supported;
5. The care, control and maintenance of the roads shown highlighted in green on the attachment labelled 'LDP highlighting local roads for dedication – BORR (southern section)' following construction and dedication is accepted;
6. The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and indemnifies the Shire of Capel;

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### Background

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23 October 2019 Councillors were briefed by senior staff on issues related to the Bunbury Outer Ring Road. Potential impacts on local roads because of construction of the proposed Bunbury Outer Ring Road including likely asset values and future costs were highlighted.



11 November 2019 Motion brought forward from Special Electors' Meeting to Special Council Meeting.

The Council resolved (OC186/2019):

'That the Shire formally advise the State Government, its Department of Transport, and the Bunbury-Geographe Sub-Regional Strategic Group that the preferred southern alignment for the BORR is not compatible with the Gelorup Corridor and an alternative route is needed.'

18 December 2019 The Council was requested to consider a proposal from MRWA to include an extension of the northern portion of Jules Road North to meet the proposed new Centenary Road extension at a roundabout to be constructed as part of the BORR.

The Council resolved (OC231/2019):

1. That Council inform MRWA and the WA Transport Minister that in light of its opposition to the current proposal for the Southern alignment of the BORR because it bisects the community of Gelorup via a valuable nature and heritage corridor, the local authority refuses at this time to endorse ancillary plans, including the proposed extension to Jules Road.
2. That Council write to MRWA and the Transport Minister suggesting further consideration be given to using an alternative route utilising the proposed Centenary Road connection as the BORR southern alignment to link with Bussell HWY to reduce the environmental and heritage impact and community disruption.'

April 2020 The Council was requested to approve dedication of various new and upgraded roads in Gelorup to be created as a result of the construction of the proposed Bunbury Outer Ring Road (BORR) South. In addition, the Council was requested to approve excision of land from various reserves under Shire management and control for the purposes of facilitating construction of the BORR South.

The Council resolved (OC032/2020):

'That, consistent with the Council Decisions related to the Bunbury Outer Ring Road, the Council declines all of the requested approvals detailed in the letter from Main Roads Western Australia dated 24 February 2020, (MRWA Ref 19/6247-02).'

March 2021 A request from Main Roads Western Australia to reconsider the Ordinary Council Resolution Number OC32/20 of April 2020 was considered.

The Council resolved (OC051/2021):

'That in accordance with Shire of Capel Standing Orders Local Laws section 12.1(a) the motion be deferred until the next Ordinary Council Meeting following the outcome of the Environmental Protection Authority decision on clearing permits for the BORR Southern Section.'

August 2021 The Council, as the holder of a Management Order over Reserve 45214 (Lot 444, Sleaford Drive), was requested to consider provision of written consent for inclusion of part of Lot 444 within the Development Approval proposal for the Southern Section of the Bunbury Outer Ring Road (BORR).

The Council resolved (OC183/2021):

'That the Council consents to inclusion of part of Lot 444 (as detailed in Attachment 2) within the Development Approval proposal for the Southern Section of the Bunbury Outer Ring Road.'

October 2021 The Council was requested to consider an application for Development Approval for construction of the Bunbury Outer Ring Road Southern Section within the Shire of Capel.



The Council resolved (OC226/2021):

1. That the Council recommends that the Western Australian Planning Commission REFUSE to grant development approval for Bunbury Outer Ring Road Southern Section in accordance with clause 116 of the Planning and Development Act 2005, for reasons:
2. That the Council recommends that the Western Australian Planning Commission does not determine this development application until the Environmental Review process, including any appeals, is concluded.

## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community

1.4 A safe and prepared community

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.2 Improved transport options

5.3 Better and safer roads

Direction 6 – Effective communication. Engagement and relationship development

6.1 Greater trust and the development of positive relationships within the Shire and with the community

6.2 Improved cross-sector relationships and collaboration

### Corporate Business Plan 2021-2025

ATS (Asset and Technical Services) 13 - Oversee Statutory administration of relevant Acts for roads

- Road Closures
- Assess and Audit Traffic Management Plans
- Works by Others
- Alterations to speed zoning
- Road naming

## Statutory Framework

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The following Acts (and Sections of Acts) of Parliament apply:

- Section 86 of the Public Works Act 1902;
- Section 56 of the Land Administration Act 1997; and
- Sections 13A, 14 and 16(4) of the Main Roads Act 1930.

## Policy Framework

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There are no Council policies relevant to this subject.



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Engagement with the wider community to explain the rationale for acceptance of new assets where necessary.
<b>Risk Description:</b> The Council's prior decision making with respect to the BORR has consistently reflected its opposition to the proposed BORR South. Conceding with the request for acceptance of additional assets as requested may conflict with the Council's stated position.			
<b>Risk 2</b> Financial  <b>Rating: Extreme</b>	Almost Certain	Severe	Consideration of future financial impacts to enable appropriate financial planning.
<b>Risk Description:</b> The Shire of Capel will (certainly) be required to accept handover of the identified 'local' assets, irrespective of the wishes of the Council.  Acquiring additional assets because of the construction of the proposed BORR South will require consideration of the future maintenance and management of those assets in the Shire's Long Term Financial Plan.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 3</b> Infrastructure / Systems / Utilities  <b>Rating: Extreme</b>	Almost Certain	Severe	Ensure that maintenance needs of acquired assets are fully understood and managed.
<b>Risk Description:</b> The Shire of Capel will (certainly) be required to accept handover of the identified 'local' assets, irrespective of the wishes of the Council.  Acquiring additional assets because of the construction of the proposed BORR South will require consideration of the future maintenance and management of those assets in the Shire's long term Asset Management Plans.			
<b>Opportunity:</b> Some of the non-road assets proposed for acquisition by the Shire (such as reserves, walking trails etc.) may contribute to future promotion and development opportunities in the Gelorup district.			

**Financial Implications**

Budget

This matter has no immediate effect on the Shire's Budget in the current financial year.



Long Term

The Shire's future budgets are highly likely to be affected by this matter. Irrespective of the Council's Decision on this item, should the BORR project not be cancelled (or modified from its current form), then the identified local assets will certainly be transferred to the Shire by the Minister for Transport following construction. That being the case, it is in the Council's best interest to fully understand the cost implications of those assets.

As shown in the Whole of Life Cost Estimate below, the Shire is likely to inherit ongoing post construction costs in the order of \$325,743 per annum in relation to the local assets identified within the BORR project.

No new sources of revenue to offset these costs have been identified.

Asset Class	Component	Length (m)	Potential Value (\$)
Local Access Road	Brockway Drive	387	153,240
Local Access Road	Calinup Service Road	1,535	607,606
Local Access Road	Ducane - Lillydale Service Road	2,262	895,439
Local Access Road	Hasties Road Cul de Sac	19	8,667
Local Access Road	Hasties Road Stub	105	47,326
Local Access Road	Jilley - Ducane Service Road	2,270	898,741
Local Access Road	Jules Road North Extension	888	400,895
Local Access Road	Lillydale Road	452	179,037
Local Access Road	Lillydale Road - Lot 2 Access Road Extension	71	28,200
Local Access Road	Lillydale Road Eastbound Onramp	43	19,465
Local Access Road	Lillydale Road Westbound Off-ramp	53	23,776
Local Access Road	Woods Road	300	118,733
Local Access Road	Yalinda Drive	201	79,676
Roundabout	Yalinda Drive Roundabout	89	39,959
<b>Sub-Total - Roundabout</b>		<b>8,675</b>	<b>3,500,758</b>
Asset Class	Component	Length (m)	Potential Value (\$)
Shared Path (Pedestrian/Cyclist)	Centennial Ave - Jules Road North PSP	1,699	190,923
Shared Path (Pedestrian/Cyclist)	Yalinda Bridge PSP Off-ramp	160	17,928
Shared Path (Pedestrian/Cyclist)	Yalinda Bridge PSP Overpass	360	40,427
<b>Sub-Total - Shared Path (Pedestrian/Cyclist)</b>		<b>2,219</b>	<b>249,278</b>
<b>Total Confirmed (Most Likely Outcome)</b>		<b>10,894</b>	<b>3,750,038</b>



<b>Whole of Life Cost Estimate</b>	
<b>General Design Description – BORR Local Roads</b>	
* 2x 3.2 chip sealed lanes with 1m sealed shoulder (length 8,574m total)	
* Roundabout at Yalinda Drive (length 89m total)	
* Shared Path Cycle/Pedestrian Path (length 2,219m total)	
<b>Capital Expense</b>	
Initial Seal Cost	\$289,398
Cost to Construct Pavement	\$3,021,775
<b>Total cost to Construct &amp; Seal Road</b>	<b>\$3,750,035</b>
Reseal at Year No	
15	\$361,815
30	\$452,352
45	\$565,545
<b>Total cost to Reseal</b>	<b>\$1,379,712</b>
<b>Cost to Construct Path</b>	<b>\$249,305</b>
<b>Cost to Construct Kerb</b>	<b>\$189,557</b>
<b>Whole of Life Capital Expense</b>	<b>\$5,129,747</b>
Annualised Capital Costs	\$85,496
<b>Operational Expenses</b>	
Finance/Opportunity Cost	\$0
Depreciation	\$1,916,125
Operations & Maintenance (O&M)	\$9,519,945
Seal write off	\$1,103,770
Pavement write off	\$1,875,018
<b>Whole of Life Operational Expense</b>	<b>\$14,414,858</b>
Annual Operational Expense	\$240,248
<b>Whole of Life Cost Over 60 Years</b>	
Total Capital, Depreciation & O&M	<b>\$19,544,605</b>
Annualised Whole of Life Cost	<b>\$325,743</b>

**Sustainability Implications**

The proposed acceptance of additional local assets as part of the BORR project impact the Shire’s sustainability criteria in the following ways:

Climate Change and Environmental

A neutral environmental outcome is expected, dependent upon the outcomes of the Federal level environmental review process that the BORR is required to undertake. Improvements to road networks provide increased transport efficiencies, however these are offset by the production and consumption of road building materials.

The Council’s prior decisions with respect to the BORR project have recognised the negative impact of vegetation clearing in the local environment.



## Social

Community expectations are managed by improving the connectivity of the road network, improved road safety outcomes and improved access to communities.

Negative impacts on people, (e.g., social dislocation) have been identified as an outcome of the BORR project due to its alignment bisecting the Gelorup community.

## Economics

The local economy benefits by improved traffic management, improved access to industry and the short-term procurement of local goods and services.

Conversely, the Shire's long term economic outlook is negatively impacted through additional Whole of Life Costs that are not matched by additional Revenues (i.e., no additional Rateable Land parcels are created because of this proposal).

## Asset

Accepting the proposed local assets will increase the Shire's overall roads and footpaths asset Fair Value by approximately \$5.1 Million, or (in the order of) 5%. This expansion of the asset implies a need for ongoing Capital Works expenses in the order of \$85,496 per annum. In addition, allowance will also need to be made for Operational (including financing) costs in the order of \$240,248 per annum.

## **Consultation/Engagement**

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### **External Consultation**

The Director of Infrastructure and Development and the Manager Technical Services consulted on this matter with Main Road Western Australia on 25 February 2020.

### **Internal Consultation**

The Manager Technical Services consulted with the Acting CEO and Acting Director of Infrastructure and Development on this matter on 23 February 2021.

There has been internal consultation between relevant Officers.

## **Officer Comment**

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The Shire of Capel received a letter from Main Roads Western Australia on 24 February 2020 requesting Council's support for the following actions:

1. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1 is granted;
2. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;



3. The CEO is authorised to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.
4. Dedication of the roads and road widenings within the Shire of Capel depicted on Main Roads drawings 201902-0022-1, 201902-0274-2, 201902-0275, 201902-0276-1, 201902-0277-1, 201902-0278, 201902-0279-2, 201902-0235, and 2019-0218-1 pursuant to section 56 of the Land Administration Act 1997 (The Act) is supported;
5. The care, control and maintenance of the roads shown highlighted in green on the attachment labelled 'LDP highlighting local roads for dedication – BORR (southern section)' following construction and dedication is accepted;
6. The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and indemnifies the Shire of Capel;

As a matter of procedure, Section 56 of the *Land Administration Act 1997* requires Main Roads Western Australia to consult with the local Government, wherever land is to be dedicated as a road.

This matter was therefore brought to the Council for a decision in line with the provisions of that Act.

The Council resolved (OC032/2020) to decline all of the requested actions.

A subsequent letter was received in February 2021 requesting the Council to reconsider the above requests and advise their decision at the earliest opportunity.

The Council resolved (OC051/2021) to defer its decision until the outcome of the Environmental Protection Authority decision on clearing permits for the BORR Southern Section was known.

Recent decisions from relevant State and Federal Ministers and Environmental Authorities have endorsed the proposed construction of the Southern Section of the Bunbury Outer Ring Road, with conditions. These decisions are as follows:

- WA Minister for the Environment (31 May 2022) – approval that the proposal may be implemented, subject to implementation conditions and procedures.
- Federal Assistant Secretary, Environment Assessments West Branch (29 June 2022) – approval to construct and operate the BORR Southern Section.

An application for interlocutory injunction against the decision of the Federal Environment Minister (*'Friends of the Gelorup Corridor Inc v Minister for the Environment and Water [2022] FCA 944. File number: WAD 154 of 2022*) was dismissed on 5 August 2022.

## Summary

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The item is returning to Council following the deferral under Decision OC051/2021 at the March 2021 Ordinary Meeting of Council.

Due to the above decisions now being approved, full design and construction has commenced. The Shire is therefore bringing this item back to Council for reconsideration.

It should be noted that some items in the original request for reconsideration (e.g., Items 1. and 2. related to Reserve Number 45214 (Sleaford Park) have already been dealt with through a subsequent Decision of Council (OC183/2021). These items remain in this report as a matter of procedure related to the originally deferred item.



## Voting Requirements

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Absolute Majority

<b>Officer's Recommendation – 14.7</b>
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*Moved Cr Kitchen, Seconded Cr Scott*

**That Council:**

- 1. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214, as depicted on Main Roads drawing 201902-0276-1 is granted;**
- 2. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214; and**
- 3. The CEO is authorised to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.**
- 4. Dedication of the roads and road widenings within the Shire of Capel depicted on Main Roads drawings 201902-0022-1, 201902-0274-2, 201902-0275, 201902-0276-1, 201902-0277-1, 201902-0278, 201902-0279-2, 201902-0235, and 2019-0218-1 pursuant to section 56 of the Land Administration Act 1997 (The Act) is supported;**
- 5. The care, control and maintenance of the roads shown highlighted in green on the attachment labelled 'LDP highlighting local roads for dedication – BORR (southern section)' following construction and dedication is accepted;**
- 6. The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and indemnifies the Shire of Capel;**



Foreshadowed Motion

*Cr Noonan foreshadowed the following motion:*

That:

Pursuant to SCM decisions 185/2019 and 186/2019, to save the giant trees of the Gelorup Corridor, and OCM 219/2019, to protect the vast basalt resources beneath Allenville and Lillydale Road;

1. The CEO be authorised to write to the State and Federal EPAs, to Infrastructure Australia and Infrastructure Western Australia, to MRWA, to the relevant State and Federal Ministers and to give public notice of the Council's opposition to the current planned route for the BORR, and to outline the Council's support for the construction of an alternative route for the BORR through the Shire of Capel, being
  - a. Completion of the Centenary Road link from the Central BORR to Bussell Highway, as per diagram 1 and 2 below.
  - b. Construction of grade separated flyovers on Bussell Highway at Norton Promenade and then subject to sufficient remaining funding, at Hastie Road as per diagram 1 below.
  - c. If funding permits, completion of the Willinge Drive Extension from the Central BORR to the South West Highway.
  - d. The dedication of the Gelorup Corridor to provide environmental offsets.
  - e. The complete rehabilitation and ongoing protection of the Gelorup Corridor as a National Park.
  - f. That a business case for this proposal be prepared by Infrastructure WA and be subject to a comprehensive assessment by Infrastructure Australia prior to the commencement of any works.
2. That subject to the State and Federal Government acceptance of 1 a) through to 1 f) above, that the Shire
  - a. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1 is granted; and
  - b. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;
  - c. Authorises the CEO to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.
  - d. Accepts the care, control and maintenance of the required local roads to complete the BORR as per Item 1 a) through to 1 f) above, subject to the agreement of Main Roads Western Australia to the provision of an extended Maintenance and Warranty period covering these roads for a period of not less than sixty (60) years post construction; and
  - e. The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in



accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority and indemnifies the Shire of Capel.

**OC/2022/166 - Amendment / Council Decision - 14.7**

*Moved Cr Andrew, Seconded Cr Schiano.*

**To add the additional wording to the end of point 5 as follows:**

**'subject to the agreement of Main Roads Western Australia to provision of an extended Maintenance and Warranty period covering these roads for a period of not less than five (5) years (60 months) post construction;'**

**Carried 7 / 1**

*For - Cr Andrew, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Clews*

*The Amendment became the substantive motion.*

**OC/2022/167 - Procedural Motion / Council Decision - 14.7**

*Moved Cr Schiano, Seconded Cr Terrantroy.*

**In accordance with Shire of Capel Standing Orders Local Law 15.2 (1) part 7.11.1 Limitation on members speaking be suspended to allow for further discussion.**

**Carried 6 / 2**

*For - Cr Andrew, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr Clews and Cr McCleery*

**OC/2022/168 - Officer's Recommendation / Council Decision - 14.7**

*Moved Cr Kitchen, there was no seconder to the item.*

**That in accordance with the Shire of Capel's Standing Orders Local Law 2016, the Council grant an additional 5 minutes of speaking to Cr Noonan.**

**Carried 7 / 1**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Cr McCleery*



**OC/2022/169 - Procedural Motion / Council Decision - 14.7**

*Moved Cr Schiano, Seconded Cr Clews.*

**To reinstate Standing Orders 7.11.4.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*

**OC/2022/170 - Officer's Recommendation - 14.7**

*Moved Cr Kitchen, Seconded Cr Scott.*

**That Council:**

- 1. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1 is granted;**
- 2. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;**
- 3. The CEO is authorised to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.**
- 4. Dedication of the roads and road widenings within the Shire of Capel depicted on Main Roads drawings 201902-0022-1, 201902-0274-2, 201902-0275, 201902-0276-1, 201902-0277-1, 201902-0278, 201902-0279-2, 201902-0235, and 2019-0218-1 pursuant to section 56 of the Land Administration Act 1997 (The Act) is supported;**
- 5. The care, control and maintenance of the roads shown highlighted in green on the attachment labelled 'LDP highlighting local roads for dedication – BORR (southern section)' following construction and dedication is accepted, subject to the agreement of Main Roads Western Australia to provision of an extended Maintenance and Warranty period covering these roads for a period of not less than five (5) years (60 months) post construction;**
- 6. The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and indemnifies the Shire of Capel.**

**Lost 5 / 4**

*For - Cr Kitchen, Cr McCleery, Cr Schiano and Cr Terrantroy*

*Against - Cr Andrew, Cr Clews, Cr Mogg and Cr Noonan*

*The Presiding Member used his casting vote against the item.*



The Foreshadowed Motion was put on the table.

**OC/2022/171 - Foreshadowed Motion - 14.7**

*Moved Cr Noonan, Seconded Cr Clews.*

**That:**

**Pursuant to SCM decisions 185/2019 and 186/2019, to save the giant trees of the Gelorup Corridor, and OCM 219/2019, to protect the vast basalt resources beneath Allenville and Lillydale Road;**

- 1. The CEO be authorised to write to the State and Federal EPAs, to Infrastructure Australia and Infrastructure Western Australia, to MRWA, to the relevant State and Federal Ministers and to give public notice of the Council's opposition to the current planned route for the BORR, and to outline the Council's support for the construction of an alternative route for the BORR through the Shire of Capel, being**
  - a. Completion of the Centenary Road link from the Central BORR to Bussell Highway, as per diagram 1 and 2 below.**
  - b. Construction of grade separated flyovers on Bussell Highway at Norton Promenade and then subject to sufficient remaining funding, at Hastie Road as per diagram 1 below.**
  - c. If funding permits, completion of the Willinge Drive Extension from the Central BORR to the South West Highway.**
  - d. The dedication of the Gelorup Corridor to provide environmental offsets.**
  - e. The complete rehabilitation and ongoing protection of the Gelorup Corridor as a National Park.**
  - f. That a business case for this proposal be prepared by Infrastructure WA and be subject to a comprehensive assessment by Infrastructure Australia prior to the commencement of any works.**
- 2. That subject to the State and Federal Government acceptance of 1 a) through to 1 f) above, that the Shire**
  - a. Consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1 is granted; and**
  - b. Consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;**
  - c. Authorises the CEO to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.**
  - d. Accepts the care, control and maintenance of the required local roads to complete the BORR as per Item 1a) through to 1f) above, subject to the agreement of Main Roads Western Australia to the provision of an extended Maintenance and Warranty period covering these roads for a period of not less than sixty (60) years post construction; and**



- e. **The Shire of Capel indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority and indemnifies the Shire of Capel.**

**Lost 4 / 5**

*For - Cr Andrew, Cr Clews, Cr Mogg and Cr Noonan*

*Against - Cr Kitchen, Cr McCleery, Cr Schiano and Cr Terrantroy*

*The Presiding Member used his casting vote against the motion.*

*Mrs. Chamberlain left the room at 8:38pm and returned at 8:39pm.*



## 15. Community and Corporate Reports

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### 15.1. Accounts Paid during the Month of July 2022

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<b>Author</b>	Finance Officer, Susan Searle
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Accounts paid during July 2022 have been checked and certified by staff as being correct and are submitted for the endorsement of the Council.

#### Officer's Recommendation

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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 July 2022 be received and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covers EFT39913 to EF40231, CHQ50615 to CHQ50620 totaling \$2,055,834.65 during the month of July 2022.
- 2 Payroll payments for the month July 2022, totaling \$431,232.23.
- 3 Transfers to and from investments as listed.

#### Background

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The schedule of accounts listed for payment has been checked and certified by staff as being correct and are submitted for the endorsement of the Council.

#### Decision Framework

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##### Shire of Capel Strategic Community Plan 2021-2031.

Direction 4 - Deliver good leadership, governance and decision-making.

- 4.1 Effective and compliant governance.
- 4.2 Informed and transparent decision making.

##### Corporate Business Plan 2021 – 2025

##### Finance and Governance

- 4.1 FIN 1 - Annual and monthly financial reporting
  - 4.1 FIN 10 – Manage debtors and creditors to maintain optimum cashflow
-



## Statutory Framework

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### Local Framework

Local Government Act 1995, section 6.10

#### **6.10. Financial management regulations**

The general management of, and the authorisation of payments out of -

1. The municipal fund.
2. The trust fund of a local government.

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

#### **13. List of accounts**

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 -

1. The payee's name.
2. The amount of the payment.
3. The date of the payment.
4. Sufficient information to identify the transactions.
- 5.
6. For each account which requires Council's authorisation in that month -

1. The payee's name.
2. The amount of the payment.
3. Sufficient information to identify the transactions.
4. The date of the meeting of the Council to which the list is to be presented.

### State Framework

There are no state frameworks relevant to this item.

### Federal Framework

There are no federal frameworks relevant to this item.--

## Policy Framework

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Policies:

2.8 - Purchasing.

2.15 - Authorisation of Payments.



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial Verification of Creditors  Rating: <b>High</b>	Almost Certain	Moderate	Secure verification of creditor details required before changes.

Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Financial - Cashflow  Rating: <b>High</b>	Possible	High	Debtor recovery processes are secure to ensure an adequate cashflow facility is available to support creditor payments.

<p><b>Risk Description:</b> The Schedule of Accounts is a public document detailing information related to creditors, the amounts paid, when paid and a description of the transaction. Verification of Creditor information is managed through an internal and external authentication process. The Creditor and Debtor Management processes are analysed for effectiveness and compliance on an annual basis through the external audit process.</p> <p><b>Opportunity:</b> Ensuring continued compliance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996. Continually reviewing financial processes related to Creditor and Debtor Management.</p>
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**Financial Implications**

Budget

Payments made from the Council’s Municipal Fund.

Long Term

There are no long term financial implications relevant to this matter as transactions relate to monthly financial processing only.

Whole of life

There are no whole of life risks 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.

Maintaining a sustainable cashflow facility to meet creditor commitments is a financial risk to the organisation. The Shire’s debtor management processes are reviewed to ensure they are effective in collecting outstanding monies owed to the Shire, particularly in the collection of outstanding rates revenue levied.



Social

There are no relevant social implications relevant to this item.

Economic

There are no relevant social implications relevant to this item.

**Consultation/Engagement**

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Relevant staff have been consulted and authorised the payments. Documented reviews have been completed by Manager Finance, Andrew Mattaboni and Director community and Corporate, Samantha Chamberlain.

**External Consultation**

There was no external consultation.

**Internal consultation**

There was no internal consultation.

**Officer Comment**

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Payments made during the month of July 2022 are as follows:

EFT39913	01/07/2022	PREMIER HOTEL PINJARRA	REFRESHMENTS FOR ACTIVE AGEING PROGRAM	365.00
EFT39914	01/07/2022	IINET	DALYELLUP LIBRARY INTERNET - BILLED MONTHLY	119.94
EFT39915	01/07/2022	WESTNET PTY LTD	SHIRE OF CAPEL ADMIN AND LIBRARY INTERNET - BILLED MONTHLY	219.98
EFT39916	04/07/2022	DE LAGE LANDEN PTY LIMITED	PRINTER LEASES	1,705.11
EFT39917	06/07/2022	AUSTRALIA POST	POSTAGE	5,561.02
EFT39918	06/07/2022	AMPAC DEBT RECOVERY	LEGAL COLLECTION EXPENSES	233.99
EFT39919	06/07/2022	ARCTIC AIR REFRIGERATION AND ELECTRICAL SERVICES	SUPPLY AND INSTALL TWO AIR CONDITIONERS TO CAPEL COUNTRY CLUB	13,620.00
EFT39920	06/07/2022	ABN RESIDENTIAL WA PTY LTD	REFUND	118.00
EFT39921	06/07/2022	ACCESS OFFICE INDUSTRIES	BRACKETS FOR SHELVING & POSTAGE FOR LIBRARY	111.70



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EFT39922	06/07/2022	CITY OF BUSSELTON	ACCOMMODATION FOR TRAINING	250.00
EFT39923	06/07/2022	B & B STREET SWEEPING	RIDE ON SWEEPER TO CLEAN UP BROKEN GLASS AT THE CAPEL SKATE PARK	429.00
EFT39924	06/07/2022	BOYANUP GENERAL STORE	NEWSPAPER PURCHASES BOYANUP LIBRARY 2021/22	27.80
EFT39925	06/07/2022	HEATLEYS SAFETY & INDUSTRIAL	PPE	43.45
EFT39926	06/07/2022	BUDGET CAR & TRUCK RENTALS	MONTHLY HIRE OF A 2-TONNE AUTO TIPPER TRUCK FOR DALYELLUP PARKS TEAM	2,861.51
EFT39927	06/07/2022	BENDIGO BANK BUSINESS CREDIT CARD	JUNE CREDIT CARD TRANSACTIONS: 1.6.2022 - NAMECHEAP - \$258.41 - RENEWAL OF CERTIFICATES (MAIL, INTRAMAPS, SYNERGY AND WEB) 1.6.2022 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$7.75 7.6.2022 - ZOOM - \$23.09 - SUBSCRIPTION PAYMENT FOR ZOOM PRO AND WEBINAR 11.6.2022 - POST CAPEL - \$87.00 - WORKING WITH CHILDREN CHECK 16.6.2022 - ZERO LATENCY - \$819.00 - INZONE EXCURSION 17.6.2022 - MUSEUMS AUSTRALIA - \$180.00 - AMAGA MEMBERSHIP 18.6.2022 - POST CAPEL - \$87.00 - WORKING WITH CHILDREN CHECK 19.6.2022 - SQ THE NOSTALGIA BOX - \$100.00 - DEPOSIT FOR INZONE PROGRAM 21.6.2022 - /DESIGN PRINT - \$1,355.07 - YOUTH SERVICES AND SHIRE BANNERS FOR PROMOTION AND EVENT SPONSORSHIP	3,032.97



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			24.6.2022 - BUSSELTON FLORIST - \$90.00 - CONDOLENCES FLOWERS 29.6.2022 - CARD FEE - \$16.00 - FEES FOR 4 X CARDS	
EFT39928	06/07/2022	DM & S CURTIN	CARRY OUT DEEP CLEAN ON SERVER ROOM WALL SPLIT CAPEL CHILDRENS CENTRE	200.40
EFT39929	06/07/2022	CLEVERPATCH	PURCHASE OF BADGE MAKING MACHINE INCLUDING BADGES	317.88
EFT39930	06/07/2022	CAPEL MEDICAL CLINIC	ONSITE FLU VACCINATIONS	167.20
EFT39931	06/07/2022	CAPEL NEWSAGENCY	NEWSPAPER PURCHASES CAPEL LIBRARY AND SHIRE ADMIN STATIONERY AND NEWSPAPERS	76.60
EFT39932	06/07/2022	COUNTRY WATER SOLUTIONS	RETIC PARTS	60.81
EFT39933	06/07/2022	CARBONE BROS PTY LTD	SUPPLY 800 TONNES OF GRAVEL TO FORREST BEACH RD	17,716.66



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EFT39934	06/07/2022	ELGIN COMMUNITY HALL INC	HIRE OF ELGIN HALL FOR CAPEL KIDS' DRAMA CLUB YOUTH IN SCHOOL HOLIDAYS	80.00
EFT39935	06/07/2022	EASIFLEET MANAGEMENT	VEHICLE PAYROLL DEDUCTION	902.00
EFT39936	06/07/2022	ENVIRONMENTAL HEALTH AUSTRALIA	MEMBERSHIP AND SUBSCRIPTION	930.00
EFT39937	06/07/2022	FREESTYLE NOW PROMOTIONS	SKATEPARK GRAND OPENING DEPOSIT	1,500.00
EFT39938	06/07/2022	SOUTH WEST TRANSIT GROUP T/A GANNAWAYS CHARTERS AND TOURS	BUS HIRE FOR SENIORS TRIP	3,103.75
EFT39939	06/07/2022	GEOGRAPHE FORD	PURCHASE OF FLEET VEHICLE	48,461.89
EFT39940	06/07/2022	AE HOSKINS BUILDING SERVICES	REMOVE EXISTING DOUBLE DOORS AND REPLACE TWO NEW DOORS AT BOYANUP FOOTBALL CLUBHOUSE	3,480.13
EFT39941	06/07/2022	KMART AUSTRALIA LIMITED	STANDING DESK AND STORAGE SUPPLIES	144.00
EFT39942	06/07/2022	LD TOTAL	IRRIGATION OPERATION AND MAINTENANCE FOR DALYELLUP ESTATE AND REPLACEMENT OF NON-OPERATIONAL SPRINKLERS	11,299.85
EFT39943	06/07/2022	LEASE EQUITY TRUST ACCOUNT	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	7,248.02
EFT39944	06/07/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	WORKSHOP CONTRACT MANAGEMENT	1,070.00
EFT39945	06/07/2022	MCDONALD FENCING	REPLACE EXISTING BOLLARDS AND REPLACE WITH TWO SWING GATES AT BOYANUP MEMORIAL PARK	1,501.50
EFT39946	06/07/2022	CHIVAS ENTERPRISES PTY LTD T/A MAYDAY RENTAL	MACHINERY HIRE	1,023.00
EFT39947	06/07/2022	REBECCA MCLEVIE	CATERING FOR INZONE AND YOUTH FUNDRAISING MATERIALS	267.00
EFT39948	06/07/2022	MARK O'CONNOR	ACCOMMODATION FOR TRAINING	100.00



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EFT39949	06/07/2022	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY INCLUDING GELORUP DALYELLUP GAZETTE PRINTING AND BFB PRINTER	1,082.63
EFT39950	06/07/2022	OPTUS BILLING SERVICES PTY LTD	MOBILE PHONE ACCOUNT	1,455.00
EFT39951	06/07/2022	PRIME INDUSTRIAL PRODUCTS	PPE INCLUDING SIGNS, CONSUMABLES FOR TOOL SHED AND WINTER GLOVES	680.88
EFT39952	06/07/2022	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	3,147.00
EFT39953	06/07/2022	REDFISH TECHNOLOGIES PTY LTD	DALYELLUP SKATEPARK CCTV AND PUBLIC WIRELESS DESIGN CONSULTANCY AND REPORT	9,339.00
EFT39954	06/07/2022	SYNERGY	ELECTRICITY	13,476.16
EFT39955	06/07/2022	SOUTH WEST CHAUFFEURED ESCAPES	BUS HIRE FOR YOUTH INZONE PROGRAM	1,350.00
EFT39956	06/07/2022	ST JOHN'S ANGLICAN CHURCH CAPEL	REFUND	150.00
EFT39957	06/07/2022	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCES	1,546.40
EFT39958	06/07/2022	THINK WATER BUNBURY	REPAIRS TO BROKEN IRRIGATION MAINLINE AT BOYANUP MEMORIAL PARK	1,711.82
EFT39959	06/07/2022	TOLL TRANSPORT PTY LIMITED	FREIGHT	33.03
EFT39960	06/07/2022	T-QUIP	HIRE OF TORO GROUNDMASTER 400D ROTARY MOWER	630.00
EFT39961	06/07/2022	WORK CLOBBER BUNBURY	PPE	383.69
EFT39962	06/07/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 89 REPAYMENT	72,089.62
EFT39963	06/07/2022	WOOLWORTHS LIMITED (WA)	YOUTH INZONE PROGRAM CATERING	42.20
EFT39964	01/07/2022	DE LAGE LANDEN PTY LIMITED	LEASE OF TORO GROUNDMASTER 3300 ROUGH MOWER FOR DALYELLUP PARKS TEAM	1,051.27
EFT39965	08/07/2022	AUSTRALIAN INSTITUTE OF MANAGEMENT WA HRD LTD	ORGANISATIONAL TRAINING AND DEVELOPMENT	1,316.00



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EFT39966	08/07/2022	AMPAC DEBT RECOVERY	LEGAL AND COLLECTION EXPENSES	809.35
EFT39967	08/07/2022	CONSTRUCTION TRAINING FUND	JUNE 2022 LEVY	213.50
EFT39968	08/07/2022	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE EXPENSES	626.26
EFT39969	08/07/2022	CAPEL FRESH IGA	REFRESHMENTS	516.09
EFT39970	08/07/2022	DALYELLUP NEWS & LOTTERIES	NEWSPAPER PURCHASES DALYELLUP LIBRARY	189.10
EFT39971	08/07/2022	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	JUNE 2022 BSL LEVY COLLECTED	8,942.94
EFT39972	08/07/2022	FRESH FLORAL STUDIO	CONDOLENCE FLOWERS	90.00
EFT39973	08/07/2022	DENNIS JETTA	COMMUNITY DEVELOPMENT PROGRAM	500.00
EFT39974	08/07/2022	REBECCA MCLEVIE	FUNDRAISING FESTIVAL MATERIALS	59.00
EFT39975	08/07/2022	QUALITY PRESS	BFB PRINTING	60.50
EFT39976	08/07/2022	SYNERGY	ELECTRICITY	431.87
EFT39977	08/07/2022	WA SKILLS TRAINING	ORGANISATIONAL TRAINING AND DEVELOPMENT	1,650.00
EFT39978	13/07/2022	ATI-MIRAGE TRAINING AND BUSINESS SOLUTIONS PTY LTD	STAFF TRAINING	386.10
EFT39979	13/07/2022	ARBORGUY	REMOVAL AND PRUNING OF TREES IN VARIOUS SHIRE LOCATIONS	5,267.90
EFT39980	13/07/2022	BIG W	BOOK STOCK PURCHASES	433.00
EFT39981	13/07/2022	BUNBURY MACHINERY	PLANT SERVICING AND MACHINERY HIRE	1,098.93
EFT39982	13/07/2022	BUNBURY TOYOTA	BFB VEHICLE SERVICING	214.50
EFT39983	13/07/2022	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	388.14
EFT39984	13/07/2022	BATTERY WORLD BUNBURY	BATTERY REPLACEMENT ON BFB VEHICLE	604.90
EFT39985	13/07/2022	BOYLES PLUMBING & GAS	FIX LEAKING SHOWER TAP AT BEACH PARK DALYELLUP	99.00
EFT39986	13/07/2022	BP AUSTRALIA	JUNE FUEL AT DEPOT	24,462.50
EFT39987	13/07/2022	CAPEL CHAMBER OF COMMERCE INC	ANNUAL MEMBERSHIP FEES	60.00
EFT39988	13/07/2022	COUNTRY WATER SOLUTIONS	INSTALL NEW DEWATERING PUMP AT WENTWORTH POS	33,891.19



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EFT39989	13/07/2022	CJ CIVIL SOLUTIONS	EMERGENCY DRAIN WORKS ON MAIDMENT PDE DALYELLUP AND SUPPLY AND DELIVER ALL MATERIALS REQUIRED FROM MJB	11,137.50
EFT39990	13/07/2022	DEPARTMENT OF TRANSPORT	DISCLOSURE OF INFORMATION FEES	32.80
EFT39991	13/07/2022	ELGIN COMMUNITY HALL INC	REIMBURSEMENT FOR POWER MARCH - JUNE 2022	100.15
EFT39992	13/07/2022	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT39993	13/07/2022	GHD PTY LTD	DETAILED SITE INSPECTIONS ON CONTAMINATED SITES AT WELD RD CAPEL AND HAREWOODS RD DALYELLUP	1,345.45
EFT39994	13/07/2022	GEOGRAPHE SAWS & MOWERS	PLANT AUGER EXTENSIONS	1,080.00
EFT39995	13/07/2022	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION	1,216.44
EFT39996	13/07/2022	INSTANT RACKING & STEEL SHELVING	PALLET RACKING FOR STORAGE OF PARKS FERTILISERS AND TOOLBOX IN MAIN DEPOT SHED	2,288.00
EFT39997	13/07/2022	LD TOTAL	INVESTIGATE MOTOR CONTROL FAULT AT DALYELLUP LAKE AND RETICULATION REPAIRS	1,185.36
EFT39998	13/07/2022	LANDGATE	LAND VALUATIONS	637.93
EFT39999	13/07/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	STAFF TRAINING AND WORKSHOPS	4,586.00
EFT40000	13/07/2022	MUIR'S MANJIMUP	FLEET VEHICLE SERVICE	375.79
EFT40001	13/07/2022	LGIS INSURANCE BROKING	INSURANCE PREMIUM MARINE HULL COMMERCIAL PONTOON AND CARGO	696.34
EFT40002	13/07/2022	MOSHI MOSHI MARKETING	2022-23 ANNUAL WEBSITE HOSTING INCLUDING DAILY INDIVIDUAL WEBSITE BACKUPS	1,512.00
EFT40003	13/07/2022	MONADELPHOUS ENGINEERING ASSOCIATES PTY LTD	REMOVAL OF BASKETBALL TOWER AND RING AND DELIVERY TO DEPOT	1,732.50



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EFT40004	13/07/2022	REBECCA MCLEVIE	DRAMA PRODUCTION EQUIPMENT	45.00
EFT40005	13/07/2022	THE NOSTALGIA BOX	COMMUNITY DEVELOPMENT YOUTH INZONE EXCURSION	69.00
EFT40006	13/07/2022	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY INCLUDING GELORUP BFB STATIONARY	290.76
EFT40007	13/07/2022	NATALIE LEE OLSEN	BOND REFUND	100.00
EFT40008	13/07/2022	PROTECTOR FIRE SERVICES	CUSTOMER AGGRESSION AND WARDEN TRAINING	2,739.00
EFT40009	13/07/2022	THE PLANT SUPPLY CO	PICK UP AND DELIVERY OF TREES FOR PLANTING AROUND THE SHIRE	1,540.00
EFT40010	13/07/2022	PRIME INDUSTRIAL PRODUCTS	DEPOT DANGER SIGNS, GLOVES AND CONSUMABLES	198.07
EFT40011	13/07/2022	PIARA LANDHOLDINGS PTY LTD	BOND REFUND - 12 MONTH DEFECT LIABILITY FOR DALYELLUP FOREST EDGE STAGE 70	38,256.00
EFT40012	13/07/2022	QUALITY PRESS	BFB FORMS	1,147.30
EFT40013	13/07/2022	RAC BUSINESSWISE	RAC COVER FOR SHIRE FLEET VEHICLES	980.00
EFT40014	13/07/2022	STEWART & HEATON CLOTHING CO PTY LTD	BFB PPE	149.19
EFT40015	13/07/2022	SOUTHERN LOCK & SECURITY	REPLACE BATTERY IN ALARM SYSTEM BOYANUP COMMUNITY CENTRE AND QUARTERLY ALARM MONITORING AT SHIRE BUILDINGS	1,146.96
EFT40016	13/07/2022	SYNERGY	ELECTRICITY	4,376.12
EFT40017	13/07/2022	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID TRAINING	262.50
EFT40018	13/07/2022	STRATAGREEN	LOCATION MARKERS FOR CAPEL RECREATION GROUND AND DALYELLUP RESERVES	803.88
EFT40019	13/07/2022	SOUTH REGIONAL TAFE	STAFF TRAINING	442.40
EFT40020	13/07/2022	SMARTSALARY	JUNE 2022 GST TRANSACTION	99.36
EFT40021	13/07/2022	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCES	1,911.65
EFT40022	13/07/2022	TOTAL TOOLS BUNBURY PTY LTD	TOOLS FOR IRRIGATION TECHNICIAN	152.45



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EFT40023	13/07/2022	TOLL TRANSPORT PTY LIMITED	SHIRE FREIGHT	46.23
EFT40024	13/07/2022	T-QUIP	TORO STAND -ON SPREADER E-SPRAYER AND HIRE OF 400D GROUNDMASTER	22,245.00
EFT40025	13/07/2022	WORK CLOBBER BUNBURY	PPE	705.58
EFT40026	13/07/2022	WESTRAC EQUIPMENT	CATERPILLAR SERVICE	8,074.99
EFT40027	13/07/2022	WA SKILLS TRAINING	STAFF TRAINING	1,350.00
EFT40028	13/07/2022	WORK METRICS PTY LTD	12 MONTH SUBSCRIPTION TO WORK METRICS ONLINE INDUCTION	1,848.00
EFT40029	13/07/2022	WEST COAST SHADE	REMOVAL, REPAIR, STORAGE & REINSTATEMENT OF SHADE SAILS IN THE SHIRE	21,560.00
EFT40030	13/07/2022	WOOLWORTHS LIMITED (WA)	YOUTH COMMUNITY DEVELOPMENT SCHOOL HOLIDAYS ACTIVITIES	180.87
EFT40031-40095		CANCELLED	INCORRECTLY POSTED IN 21/22 - RE-POSTED TO 22/23	-
EFT40096	15/07/2022	BUSSELTON REFRIGERATION & AIR CONDITIONING	DEGAS 180 FRIDGES AT CAPEL WASTE TRANSFER STATION	1,903.00
EFT40097	15/07/2022	BUNBURY MUFFLER TOWBAR & 4WD BUNBURY	SUPPLY AND FIT BULL BAR TO FLEET VEHICLE	2,617.00
EFT40098	15/07/2022	COUNTRY WATER SOLUTIONS	REPAIRED LEAKING PUMP	1,222.41
EFT40099	15/07/2022	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE URINAL CISTERN PEPPERMINT GROVE MAIN BEACH TOILETS	1,688.50
EFT40100	15/07/2022	GRAVITY ETC	NAIDOC WEEK EVENT	2,400.00
EFT40101	15/07/2022	TOM KETTLE	MEALS WHILE ON TRAINING	80.90
EFT40102	15/07/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	STAFF WORKSHOP AND TRAINING	850.00
EFT40103	15/07/2022	NATURALISTE TURF	TURF RENOVATION AND MAINTENANCE OF BOYANUP AND CAPEL OVALS	1,812.26
EFT40104	15/07/2022	NUTRIEN AG SOLUTIONS	FERTILISERS FOR SHIRE RESERVES	1,179.75



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EFT40105	15/07/2022	PIARA LANDHOLDINGS PTY LTD	REFUND OF DUPLICATE PAYMENT RECEIVED	15,749.76
EFT40106	15/07/2022	SOS OFFICE EQUIPMENT	PHOTOCOPIER METER BILLING - MAY AND JUNE	6,386.02
EFT40107	15/07/2022	SITE ARCHITECTURE STUDIO	PROVISION FOR ARCHITECTURAL CONSULTANCY SERVICES OF PROPOSED DALYELLUP MULTIPURPOSE COMMUNITY AND YOUTH CENTRE	30,955.10
EFT40108	15/07/2022	RUSSELL JOHN SHERIDAN	REPAIRS TO STONE BENCH COUCH SEATING AT JOSHUA LAKE PARK	1,190.00
EFT40109	15/07/2022	RAY TINK ROOFING	SUPPLY AND INSTALL RUNNING RAIL AT DEPOT	4,950.00
EFT40110	18/07/2022	TELSTRA CORPORATION LTD	MOBILE AND LANDLINE PHONE ACCOUNTS	1,327.95
EFT40111	20/07/2022	AFAC LTD	ANNUAL SUBSCRIPTION TO AFAC	349.35
EFT40112	20/07/2022	ARBORGUY	ANNUAL URBAN STREET TREE PRUNING IN SHIRE AND TREE REMOVAL AND PRUNING IN CAPEL AND BOYANUP	46,742.30
EFT40113	20/07/2022	BUNBURY AUTO ELECTRICS	INSTALLATION OF ANDERSON PLUG ONTO VEHICLE TO OPERATE NEWLY ACQUIRED SPRAY TANK	345.00
EFT40114	20/07/2022	HEATLEYS SAFETY & INDUSTRIAL	PPE	187.55
EFT40115	20/07/2022	BEYOND SAFETY	PPE	368.99
EFT40116	20/07/2022	BUSSELTON MOTORS PTY LTD	FLEET VEHICLE SERVICE	410.00
EFT40117	20/07/2022	BELLROCK CLEANING SERVICES PTY LTD	CLEANING OF SHIRE PUBLIC TOILETS - BILLED MONTHLY	10,062.58
EFT40118	20/07/2022	BP AUSTRALIA	DIESEL	6,837.00
EFT40119	20/07/2022	DM & S CURTIN	SHIRE BUILDINGS AIR CONDITIONING QUARTERLY SERVICING	5,214.00
EFT40120	20/07/2022	CONVIC PTY LTD	CONSTRUCTION OF DALYELLUP SKATE PARK - MAIN WORKS	399,070.41
EFT40121	20/07/2022	COMPLETE APPROVALS	REFUND	147.00



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EFT40122	20/07/2022	EDGE LANDWORKS	MACHINERY HIRE INCLUDING OPERATOR, SPOTTER AND TRANSPORTATION	2,810.50
EFT40123	20/07/2022	GOLDEN WEST PLUMBING & DRAINAGE	UNBLOCKING OF TOILETS AT ERLE SCOTT PARK AND REPAIR WATER AT CAPEL SPORTS PAVILION INCLUDING UNBLOCKING OF MALE AND FEMALE TOILETS	643.50
EFT40124	20/07/2022	BRIAN FISHER FABRICATION	SUPPLY OF PILE BANDS AND DELINEATORS	5,929.00
EFT40125	20/07/2022	HOWSON TECHNICAL	12 MONTH WORKPLAN/SCHEDULE FOR THE WORKS TEAM	2,830.50
EFT40126	20/07/2022	AE HOSKINS BUILDING SERVICES	SUPPLY AND INSTALL CLEAR ANODISED FRAMES AND CLEAR TOUGHENED GLASS CASEMENT WINDOW AT SHIRE ADMINISTRATION OFFICE	1,509.75
EFT40127	20/07/2022	HOLIDAY INN WEST PERTH	ACCOMMODATION FOR STAFF TRAINING	536.00
EFT40128	20/07/2022	INTERFIRE AGENCIES PTY LTD	E FLARES	2,353.29
EFT40129	20/07/2022	KMART AUSTRALIA LIMITED	CAPEL YAC AND CAPEL YOUTH DRAMA CLUB PRODUCTION AND FUNDRAISING MATERIALS	159.00
EFT40130	20/07/2022	LD TOTAL	IRRIGATION OPERATION AND MAINTENANCE - DALYELLUP ESTATE AND GENERAL RETICULATION REPAIRS	25,444.57
EFT40131	20/07/2022	LEASE EQUITY TRUST ACCOUNT	MONTHLY OUTGOINGS - POWER 13.5.22 - 21.6.22, DALYELLUP LIBRARY	365.12
EFT40132	20/07/2022	MICHELLE MCGOVERN	AIBS STUDENT RENEWAL	70.00
EFT40133	20/07/2022	JAMES MEAKES	LG PROFESSIONALS' MEMBERSHIP 50% OF FEE	265.50
EFT40134	20/07/2022	OFFICEWORKS SUPERSTORES PTY LTD	CAPEL BFB MICROSOFT SURFACE LAPTOP AND BOYANUP POST STATIONERY	1,332.02
EFT40135	20/07/2022	PROMOTE YOU	NEW STAFF NAME BADGES	198.00
EFT40136	20/07/2022	PROTECTOR FIRE SERVICES	FIRE SUPPRESSION TRAINING	1,001.00



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EFT40137	20/07/2022	HARCHER PRESTIGE BUSSELTON	CLEANING AND TOILETRY PRODUCTS	484.55
EFT40138	20/07/2022	THINKPROJECT AUSTRALIA PTY LTD	RAMM TRANSPORT ASSET ANNUAL SUPPORT AND MAINTENANCE FEE	10,739.19
EFT40139	20/07/2022	REPCO A DIVISION OF GPC ASIA PACIFIC PTY LTD	SET OF HEAVY DUTY CAR RAMPS	281.20
EFT40140	20/07/2022	SYNERGY	ELECTRICITY	33,116.00
EFT40141	20/07/2022	SOILS AINT SOILS	YELLOW SAND	46.00
EFT40142	20/07/2022	STAY MARGARET RIVER	ACCOMMODATION FOR TRAINING	1,620.00
EFT40143	20/07/2022	SIRSIDYNIX	ANNUAL SUBSCRIPTION FOR ACCESS TO CONSORTIA LMS	14,828.27
EFT40144	20/07/2022	SOLUTIONS IT	SMB PROTECTION (IPS, FORTICARE)	15,871.28
EFT40145	20/07/2022	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCES	302.50
EFT40146	20/07/2022	TOLL TRANSPORT PTY LIMITED	FREIGHT	34.28
EFT40147	20/07/2022	T-QUIP	PLANT EQUIPMENT PARTS	79.50
EFT40148	20/07/2022	WORK CLOBBER BUNBURY	PPE	213.80
EFT40149	20/07/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN FEES	15,889.36
EFT40150	19/07/2022	TELSTRA CORPORATION LTD	DALYELLUP SPORTS PAVILION INTERNET - BILLED MONTHLY	90.00
EFT40151	21/07/2022	AMPOL	FLEET FUEL	7,352.64
EFT40152	27/07/2022	AMITY SIGNS	GUIDE POSTS AND VARIOUS STREET AND ROAD SIGNS	7,374.95
EFT40153	27/07/2022	ADVANCED CLEANING SOUTHWEST	CLEANING OF SHIRE PUBLIC BBQS	3,250.19
EFT40154	27/07/2022	ARBORGUY	REMOVAL AND PRUNING OF TREES IN VARIOUS SHIRE LOCATIONS	6,279.90
EFT40155	27/07/2022	BUNBURY MOWER SERVICE	PLANT CONSUMABLES AND PARTS	541.00
EFT40156	27/07/2022	B & B STREET SWEEPING	PIPE CLEANING AND INSPECTIONS FOR VARIOUS SHIRE SITES, CLEANING OF DRAINS ON HASTIES ROAD AND 2 WEEKLY SWEEPING OF CAPEL CIVIC PRECINCT	50,951.11



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EFT40157	27/07/2022	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	470.66
EFT40158	27/07/2022	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL AND PROCESSING OF KERBSIDE FOOD ORGANICS AND GARDEN ORGANICS (FOGO) WASTE	6,638.91
EFT40159	27/07/2022	BUSSELTON MOTORS PTY LTD	SHIRE FLEET VEHICLE SERVICE	610.00
EFT40160	27/07/2022	BATTERY WORLD BUNBURY	SUPPLY 2 X 12 VOLT BATTERIES	506.00
EFT40161	27/07/2022	BOYLES PLUMBING & GAS	SUPPLY AND INSTALL REPLACEMENT WASTE TRAP IN KITCHEN AT CAPEL COUNTRY CLUB	395.78
EFT40162	27/07/2022	BUILDING ACTORS BUNBURY	SCHOOL HOLIDAYS DRAMA PRODUCTION	120.00
EFT40163	27/07/2022	WINC AUSTRALIA PTY LTD	STATIONERY SUPPLIES	753.96
EFT40164	27/07/2022	CLEANAWAY	WASTE, RECYCLING, ORGANICS AND KERBSIDE COLLECTION AND DISPOSAL, TRANSPORTATION OF WASTE INCLUDING BIN HIRE, STREET BIN COLLECTION, PARKS GARDENS AND RESERVE BIN COLLECTION AND BIN MAINTENANCE	114,579.93
EFT40165	27/07/2022	DM & S CURTIN	REPLACEMENT OF AIR CONDITIONER AT CAPEL SENIOR CITIZENS	8,646.00
EFT40166	27/07/2022	MANDURAH OCEAN MARINA CHALETS	ACCOMMODATION FOR STAFF TRAINING	390.00
EFT40167	27/07/2022	CB TRAFFIC SOLUTIONS	TRAFFIC MANAGEMENT FOR FORREST BEACH ROAD AND LUDLOW ROAD NORTH AND HIRE OF VMS BOARDS	1,909.60
EFT40168	27/07/2022	CARBONE BROS PTY LTD	WELD ROAD RE-CONSTRUCTION AND WIDENING	31,932.73
EFT40169	27/07/2022	DEPARTMENT OF PLANNING, LANDS AND HERITAGE	DAP APPLICATION FEE	10,397.00
EFT40170	27/07/2022	KYLIE DAY	REIMBURSEMENT FOR DEPOT MEETING EXPENSES	123.00



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EFT40171	27/07/2022	DODGY BROS DODGEBALL	SKATEPARK GRAND OPENING DODGE BALL AND DJ	1,650.00
EFT40172	27/07/2022	ERG ELECTRICS PTY LTD	SHIRE OF CAPEL LIGHTING INFRASTRUCTURE MAINTENANCE	6,625.30
EFT40173	27/07/2022	EARTH 2 OCEAN COMMUNICATIONS	SUPPLY AND INSTALL UHF RADIOS FOR GRADER AND SHIRE VEHICLES	2,078.20
EFT40174	27/07/2022	FIT 2 WORK.COM.AU	EMPLOYEE POLICE CHECKS	40.59
EFT40175	27/07/2022	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT40176	27/07/2022	TREVOR HILDRED	REPAIR AND REPAINT KITCHEN AT CAPEL COUNTRY CLUB	1,946.70
EFT40177	27/07/2022	KELLY HOLTON	PARKING AND FOOD FOR TRAINING	71.02
EFT40178	27/07/2022	MOORE AUSTRALIA (WA) PTY LTD	AUDIT FEES FOR DEFERRED PENSIONER RATES	550.00
EFT40179	27/07/2022	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE- DIRECTION - BILLED MONTHLY	260.26
EFT40180	27/07/2022	INSTANT RACKING & STEEL SHELVING	TOOLBOX AND ACCESSORIES FOR SHIRE FLEET VEHICLE	2,099.00
EFT40181	27/07/2022	INTERFIRE AGENCIES PTY LTD	BFB RESPIRATORS AND E FLARES	395.40
EFT40182	27/07/2022	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	PROCESSING OF RECYCLABLE MATERIALS	7,658.77
EFT40183	27/07/2022	KMART AUSTRALIA LIMITED	CAPEL KIDS' DRAMA PRODUCTION PHOTO PRINTING	23.65
EFT40184	27/07/2022	STATE LIBRARY OF WESTERN AUSTRALIA	BETTER BEGINNINGS ALLOCATION	1,347.50
EFT40185	27/07/2022	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	STAFF TRAINING	643.50



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EFT40186	27/07/2022	LD TOTAL	SERVICE CAPEL RECREATION GROUND PUMP, REPAIR NORTH LAKE FILTER AND BOOSTER PUMP AND RE-DEVELOP BORE AND ASSESS PUMP AT CAPEL RECREATION GROUND	22,040.48
EFT40187	27/07/2022	LESCHENAULT COMMUNITY NURSERY	MIXED NATIVE PLANTS FOR ANNUAL TOP UP	95.20
EFT40188	27/07/2022	LANDGATE	EXTRACTION OF GEOSPATIAL DATA AND CERTIFICATE OF TITLE	747.70
EFT40189	27/07/2022	LGISWA	SHIRE INSURANCE PREMIUMS	281,328.30
EFT40190	27/07/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	AFFILIATE MEMBERSHIP	185.00
EFT40191	27/07/2022	MALATESTA ROAD PAVING & HOT MIX	SUPPLY 600L OF ROAD EMULSION	960.00
EFT40192	27/07/2022	MARKETFORCE	VARIOUS ADVERTISING	4,775.37
EFT40193	27/07/2022	CHIVAS ENTERPRISES PTY LTD T/A MAYDAY RENTAL	HIRE MULTI ROLLER AND SMOOTH DRUM ROLLER	7,359.00
EFT40194	27/07/2022	MICRO PRODUCTS AUSTRALIA	MICROCHIP AND REGISTRATION FORMS	145.00
EFT40195	27/07/2022	MONADELPHOUS ENGINEERING ASSOCIATES PTY LTD	FABRICATE BUS SHELTER ON JAYMON ROAD	2,623.10
EFT40196	27/07/2022	NIGHTGUARD SECURITY SERVICE PTY LTD	SECURITY RESPONSES AT SHIRE BUILDINGS	1,873.30
EFT40197	27/07/2022	OPTUS BILLING SERVICES PTY LTD	ADMINISTRATION BUILDING INTERNET AND FIXED LINE PHONE ACCOUNT	901.65
EFT40198	27/07/2022	THE POTTED WAREHOUSE	CATERING FOR CLUB DEVELOPMENT WORKSHOP	388.00
EFT40199	27/07/2022	PRIME INDUSTRIAL PRODUCTS	VARIOUS CLEANING AND TOILETRY PRODUCTS	951.85
EFT40200	27/07/2022	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	61,217.00
EFT40201	27/07/2022	SYNERGY	ELECTRICITY	649.18
EFT40202	27/07/2022	SOILS AINT SOILS	SAND FOR PAVING REPAIR	69.00
EFT40203	27/07/2022	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICALS	291.50



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EFT40204	27/07/2022	SPENCER MOTORS	SHIRE FLEET VEHICLE SERVICE	839.45
EFT40205	27/07/2022	SOUTH REGIONAL TAFE	STAFF TRAINING	255.80
EFT40206	27/07/2022	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,297.10
EFT40207	27/07/2022	SYRINX ENVIRONMENTAL PTY LTD	SAT CASE MEDIATION	6,072.00
EFT40208	27/07/2022	TOTALLY WORKWEAR	SHIRE OF CAPEL YAC EVENT SHIRTS	837.20
EFT40209	27/07/2022	TRAFFIC FORCE	TRAFFIC MANAGEMENT FOR PARADE ROAD	3,961.88
EFT40210	27/07/2022	HUONG TU	STUDY ASSISTANCE	2,000.00
EFT40211	27/07/2022	TENDERLINK	ADVERTISING FOR TENDERS AND RFQ'S	781.00
EFT40212	27/07/2022	TOLL TRANSPORT PTY LIMITED	FREIGHT	22.08
EFT40213	27/07/2022	T-QUIP	HIRE OF 400D ROTARY MOWER	1,134.00
EFT40214	27/07/2022	URBAQUA LTD	TECHNICAL AND REPORTING WORKS FOR BOYANUP DISTRICT WATER MANAGEMENT STRATEGY	11,440.00
EFT40215	27/07/2022	IT VISION	ANNUAL LICENSE FEES, CLEAN UP OF HISTORICAL DATA, TRAINING AND HEALTH CHECKS	121,645.64
EFT40216	27/07/2022	WORK CLOBBER BUNBURY	PPE	826.16
EFT40217	27/07/2022	THE PRINT SHOP	BIN CALENDARS, LIBRARY CARDS AND FLAG	2,962.30
EFT40218	27/07/2022	WOOLWORTHS LIMITED (WA)	YOUTH COMMUNITY DEVELOPMENT SCHOOL HOLIDAYS ACTIVITIES	113.13
EFT40219	29/07/2022	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	812.49
EFT40220	29/07/2022	HOLIDAY INN WEST PERTH	ACCOMMODATION FOR STAFF TRAINING	330.00
EFT40221	29/07/2022	A INGRAM	BOOK STOCK PURCHASES	274.90
EFT40222	29/07/2022	INTEGRITY MANAGEMENT SOLUTIONS PTY LTD	12 MONTH SUBSCRIPTION TO ATTAIN	9,350.00
EFT40223	29/07/2022	JEREMY O'NEILL	MEMBERSHIP FEES	173.00



MINUTES - Ordinary Council Meeting - 31 August 2022

EFT40224	29/07/2022	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	63,283.00
EFT40225	29/07/2022	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,297.10
EFT40226	29/07/2022	THRIFTY WA	MONTHLY HIRE OF 4WD DUAL CAB UTE	2,105.73
EFT40227	29/07/2022	WOOLWORTHS LIMITED (WA)	SUPPLIES FOR LIBRARIES	52.60
EFT40228	28/07/2022	PRECISION ADMINISTRATION SERVICES PTY LTD	SUPERANNUATION PAYMENTS	737.75
EFT40229	29/07/2022	DE LAGE LANDEN PTY LIMITED	LEASE OF GROUNDMASTER 3300 ROUGH MOWER	1,051.27
EFT40230	29/07/2022	MINISTRY OF JUSTICE-SHERIFF' OFFICE	FER REFERRAL COSTS	162.00
EFT40231	29/07/2022	DE LAGE LANDEN PTY LIMITED	LEASE OF TORO GROUNDMASTER 4000D MOWER	2,515.08
50615	01/07/2022	SHIRE OF CAPEL	CASH FOR FLOATS FOR YOUTH FUNDRAISING	140.00
50616	08/07/2022	SHIRE OF CAPEL	JUNE 2022 BSL AND BCITF COMMISSION	251.50
50617	13/07/2022	SHIRE OF DARDANUP	ANNUAL CONTRIBUTION TO BGGC	550.00
50618	14/07/2022	WATER CORPORATION	WATER USAGE	155.55
50619	27/07/2022	CITY OF BUNBURY	CONTRIBUTION TO THE BUNBURY GEOGRAPHE TOURISM PARTNERSHIP	11,000.00
50620	27/07/2022	WATER CORPORATION	WATER USAGE	442.39
				2,055,834.65

03.07.2022 SHIRE OF CAPEL PAYROLL PAYMENTS \$217,119.44  
 17.07.2022 SHIRE OF CAPEL PAYROLL PAYMENTS \$214,112.79

**\$431,232.23**

07.07.2022 NAB TERM DEPOSIT REDEMPTION -\$1,518,962.37  
 07.07.2022 NAB TERM DEPOSIT \$1518,962.37  
 21.07.2022 NAB TERM DEPOSIT REDEMPTION -\$2,003,889.32  
 21.07.2022 NAB TERM DEPOSIT \$2,003,889.32  
 21.07.2022 MACQUARIE TERM DEPOSIT REDEMPTION -\$1,002,744.09  
 21.07.2022 MACQUARIE TERM DEPOSIT \$1,000,000.00

**-\$2,744.09**



## Summary

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### CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 31 August 2022 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.

## Voting Requirements

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Simple majority.

### Officer's Recommendation – 15.1

#### OC/2022/172 - Officer's Recommendation / Council Decision - 15.1

*Moved Cr Andrew, Seconded Cr Terrantroy.*

**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 July 2022 be received and recorded in the minutes of the Council, the summary of which follows:**

- 1 The Schedule of Accounts covering EFT39913 to EFT40231, CHQ50615 to CHQ50620 totaling \$2,055,834.65 during the month of July 2022.**
- 2 Payroll payments for the month of July 2022, totaling \$431,232.23.**
- 3 Transfers to and from investments as listed.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*  
*Against - Nil*



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## 15.2 Ironstone Gully Falls Reserve – Future Use and Management Approach

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<b>Author</b>	Manager Community Development and Safety, Jeremy O'Neill
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	Bushland Reserves Program of Works Asset Management Plan Ironstone Gully Falls Interpretative Trail Map
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Determine the intended approach to the allowance of camping at Ironstone Gully Falls and to develop a land use / reserve management approach for the area, highlighting the cultural and historical significance of the site, in addition to unlocking sustainable environmental, educational, and recreational opportunities for the community.

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### Officer's Recommendation

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That Council

1. Endorses Ironstone Gully Falls as a 'day-use' area for cultural, environmental and heritage interpretation, and as a key site for eco-based tourism and recreation experiences.
2. Endorses the total cessation of camping activities at Ironstone Gully Falls to enable the full realisation of the area's potential as a tourism destination and attraction.
3. Supports the development of a Reserve Management and Upgrade Plan to enable understanding and consideration of future budgetary and management implications of maximising the tourism attraction value of Ironstone Gully Falls.

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### Background

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Ironstone Gully Falls (IGF) is a popular picnic and passive recreation bushland located on Goodwood Road approximately 17 kilometres southeast of Capel town and is designated as a Reserve (R11797) for the purposes of recreation.

Ironstone Gully Falls has provided the local community and visitors a focal point since farming first commenced in the area. The north side of Goodwood Road (Ironstone Gully Falls) was set aside for recreation, with the south side (Gibson Road Reserve) identified for the development of the town. Early settlers used the recreation site for sports meetings, with an area cleared as a local cricket pitch, (Ironstone Gully Falls and Gibson Road Management Plan; Jennings and Pearce 1997). The local community fund-raised and installed a composting public toilet in 1997.



The Shire of Capel conducted an internal review (March to May 2020) on the use of the site, collecting qualitative and quantitative data. Prior to this time, the site had become an increasingly popular unofficial camping spot for caravans and campers.

One key reason for this significant increase in unofficial camping use, was 'word-of-mouth' advertising on 'free camping' internet sites. Data extracted from designated traffic count periods recorded usage doubled between 2017 to 2020.

Installation of a gate in September 2020 allowed better management of access during extreme fire risk days.

Numerous issues have been reported since 2017 stemming from the significant increase in uncontrolled camping (including fires, rubbish, illegal clearing and vegetation damage). A (July) 2020 report to Council did not endorse IGF as a formal nature-based camping area and identified the risk of uncontrolled unofficial camping as moderate to high. While this report did not formally deal with the continued unofficial camping use of this area, the report detailed the likely significant costs that would be associated with trying to effectively 'manage' the activities occurring at IGF.

The Shire of Capel also received an independent environmental report, highlighting increasing unregulated use correlated strongly with an increased risk of potential dieback exposure across the reserve. The report highlighted that the track and trail network be rationalised as a remote management measure to prevent damage to the bushland.

The Shire of Capel Trails Management Group (TMG), inclusive of two Council and two community representatives, began the process in late 2020 of project planning and scoping a walk-interpretative trail at IGF, commencing with the formalising of existing walking tracks.

The Shire went out to market in May 2021 for suitably qualified consultants to progress the research, design, story development for the Ironstone Gully Falls Interpretative Walk Trail, under the auspices of the TMG. The contract for these works was awarded to the Undalup Association (Inc) at the completion of the Request for Quotation (RFQ) process in June 2021.

A significant amount of progress has been achieved in the development of this trail, with trail alignment, interpretative trail head, individual signage design, and interpretative stories either completed or well advanced.

#### Previous Council Decisions

18 June 2014 - OC0602: Council decided "That the Chief Executive Officer investigates the requirements of establishing Ironstone Gully Falls (IGF) as a nature-based camping area and if feasible and subject to budget allocation, prepare a reserve management plan to formalise the use of the reserve for camping."

21 February 2017- Item 2: Executive Management Team adopted the Asset Management Plan for Reserve 11797 Ironstone Gully Falls.

23 March 2017 - Minute OC0308: Council decided that Council does not endorse Ironstone Gully Falls as a formal nature-based camping area but that the proposal is revisited in three years' time.

28 October 2018 - Council endorsed the Program of Works – Paths & Trails (2019 - 26) which included the Ironstone Gully Falls trail.

July 2020 - Council decided that Council does not endorse Ironstone Gully Falls as a formal nature-based camping area and the item be revisited during long term planning.



## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

Direction 1 - Strengthen and enhance the well-being of our community.

1.2 A capable community that drives community activation and participation.

Direction 2 - Manage and protect our environment.

2.1 Improved management of our natural environment assets and attractions.

2.2 Increased community capacity in supporting positive environmental management.

### Corporate Business Plan 2021-2025

- ATS (Asset and Technical Services) 4 Implement and Review Asset Management Plans - Roads - Paths - Drainage - Bridges - Reserves – Carparks.
- ATS 5 Review, Update and implement Capital PoW - Roads - Paths - Drainage - Bridges - Reserves – Carparks
- ATS 6 - Review, Update and implement Reserve Management Plans - Target 16 per annum.
- CDVS (Community Development and Safety) 10 - Undertake and participate in a regional approach to Trail development.

## Statutory Framework

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### Local Framework

Shire of Capel Parking Local Law.

3.11 Parking on reserves.

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

The previous informal, unregulated use of Reserve 11797 by caravanners and campers contravened the Shire's Parking Local Law.

A key aspect of future iterations of the reserve management plan for Reserve 11797 proposes to recognise the eco-tourism and recreational opportunities by improving the current 'day-use' parking. These improvements can be realised by semi-formalising existing 'informal' parking at the site with suitable signage / and or line marking (where practicable).

Shire of Capel Town Planning Scheme 7.

2.3 Local Reserves.

2.3.3 - Except as otherwise provided in this Part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for an obtaining the written consent of the Council.

2.3.4 - In giving its consent, the Council shall have regard to the ultimate purposes intended for the reserve and shall in the case of land reserved for the purposes of a public authority, confer with that authority before giving its consent.



## State Framework

*Caravan Parks and Camping Grounds Act 1995.*

### 4. Objects

The objects of this Act are –

- (a) to provide for the licensing of caravan parks and camping grounds; and
- (b) to regulate caravanning and camping; and
- (c) to improve and promote caravanning and camping; and
- (d) to ensure that the design and layout of land used for caravan parks and camping grounds and the provision and availability of amenities and services meet desirable standards; and
- (e) to ensure that the standards of caravans and annexes in caravan parks are adequate to protect the health and safety of the occupiers.

### 6. Caravan Park or camping ground not to be operated without licence

- (1) On and after the appointed day a person must not operate a facility, or a facility of prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.

## Division 2 – Duties of licence holders

### 13. Duties of licence holder

(1) A person licensed to operate a facility must ensure that –

(a) a manager or other responsible person –

- (i) resides in or near the facility; and
- (ii) is responsible for the supervision of the facility; and
- (iii) is accessible at all times in case of an emergency; and
- (iv) where the facility is a caravan park, is available at the office of the caravan park during normal office hours; and

(b) a register of occupiers is maintained in the prescribed manner; and

(c) copies of this Act, any subsidiary legislation made under this Act, facility rules (If any) made by the licence holder and any special conditions imposed on the licence are readily available for inspection by the occupiers of the facility.

Penalty: \$2,000.

(2) A person licensed to operate a facility must display the following at the facility in accordance with subsection (3) –

- (a) the licence issued in respect of the facility; and
- (b) any special conditions imposed on the licence; and
- (c) a plan of the facility; and
- (d) a copy of the facility rules (if any) made by the licence holder; and
- (e) the name, address, and telephone number of a person to be contacted in an emergency.

Penalty: \$1,000.

(3) The information referred to in subsection (2) must be displayed in a prominent position at a camping ground or in a prominent position at the office of a caravan park.

(4) In this section – special conditions means conditions imposed on the relevant licence by the local government and specified on the licence as conditions to which this section applies.

## Division 4 – Local government operated facilities

### 15. Local government may operate facility in its district without licence

- (1) Despite section 6, a local government is not required to hold a licence to operate a facility in its district but sections 13 and 31 and all subsidiary legislation made under this Act apply to a local government which operates a facility in its district as if it were the licence holder in respect of the facility.



- (2) A local government must ensure that all facilities that it operates in its district are inspected in accordance with section 21 and that any works specification notice given under that section is complied with as soon as is practicable.

31. Minister may vary, modify or grant exemptions from subsidiary legislation.

*Caravan Parks and Camping Grounds Regulations*

3. Terms used

In these regulations, unless the contrary intention appears – nature-based park means a facility in an area that –

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling houses at intervals of less than 100 m for a distance of 500 m or more; and
- (b) has been predominantly formed by nature; and
- (c) has limited or controlled artificial light and noise intrusion;

10. Where person may camp

A person may camp only –

- (a) at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or
- (b) in accordance with regulation 11.

Penalty: a fine of \$1 000.

[Regulation 10 amended in Gazette 12 Dec 2014 p. 4733.]

11. Camping other than at caravan park or camping ground

(1) A person may camp –

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval; or
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area; or
- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;

or

(d) on any land which is –

- (i) held by a State instrumentality in freehold or leasehold; or
- (ii) dedicated, reserved, or set apart under the Land Administration Act 1997 or any other written law, and placed under the care, control or management of a State instrumentality, in accordance with the permission of that instrumentality; or
- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the Land Administration Act 1997, or a person authorised by the Minister to give permission under this paragraph.

(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights –

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or



(c) despite paragraph (b), by the local government of the district where the land is situated –

- (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
- (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.

13. Suitability of land for camping to be considered before approval under r. 11(2) or 12(2)

Given Before giving approval under regulation 11(2) or 12(2), the local government or the Minister is to be satisfied that the land is a suitable place for camping especially with respect to –

- (a) safety and health; and
- (b) access to services.

14. Caravan or camp to be maintained

A person camping in a caravan or camp is to maintain it in such a condition that it is not a hazard to safety or health.

Penalty: a fine of \$2,000.

17. Schedule 7 – licence holder's duty

Subject to regulation 27B, the licence holder of a caravan park or camping ground is to ensure that Schedule 7 is complied with in respect of the facility.

Penalty: a fine of \$3 000.

*Land Administration Act 1997*

42. Class A reserves, creating, changing etc.

(1) The Minister may by order classify a reserve as a class A reserve.

(2) A class A reserve retains a purpose specified in the relevant order made under section 41 until that purpose is changed under this section.

(4) Subject to subsection (5) and section 45, if the Minister proposes –

(c) to cancel, or change the purpose or classification of, a class A reserve, the Minister must cause that proposal to be laid before each House of Parliament and section 43(1) then applies.

46. Care, control and management of reserves

(1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

(2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.

49. Management plan for managed reserve

(1) A management body may submit to the Minister for his or her approval a plan for the development, management, and use of the Crown land in its managed reserve for the purpose of that managed reserve.

(2) The Minister may request a management body or proposed management body to submit to the Minister in an approved form, within such period as is specified in that request, for his or her approval a plan for the development, management and use of the Crown land in the managed reserve of the management body for the purpose of that managed reserve.



51. Cancelling, changing etc. reserves, Minister's powers as to Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

### Federal Framework

There are no federal frameworks relevant to this subject.

### Policy Framework

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There are no Council policies relevant to this item.

### Implications

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#### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environmental <b>Rating: High</b>	Almost Certain	Major	The proposed 'day only' land use and reserve management approach for IGF mitigates potential environmental risks from illegal fires, flora damage, dieback and vegetation clearing.
<b>Risk 2</b> Legislative Compliance <b>Rating: High</b>	Almost Certain	Major	The proposed 'day only' land use and reserve management approach for IGF mitigates the Shire of Capel from not meeting its legal obligations from a Caravan Park and Camping Ground Act and Regulation perspective.
<b>Risk 3</b> Reputation <b>Rating: High</b>	Likely	Moderate	The proposed 'day only' land use and reserve management approach for IGF mitigates potential reputational risks from not meeting its environmental and legislative compliance obligations.

#### Financial Implications

##### Budget

There is no specific line item in the budget for Reserve R11797. Costs are booked to a parent account (Capel Public Parks, Gardens & Reserves) with J2651 assigned as a job number for this asset.



As shown in the attached Ironstone Gully - Reserve Asset Management Plan (AMP) expenditure to maintain the current level of service for this site (assuming no change to the existing camping status) is predicted to be in the order of \$33,060 in the current (2022/23) budget year. Additionally, the Program of Works proposes that the following activities will be undertaken in 2022/23:

- Ironstone Gully Falls Interpretative Walk Trail \$50,000.

### Long Term

The endorsed Bushland Reserves Program of Works AMP recommends an incremental increase in the operating budget for IGF to \$34,393 in 2029/30.

Although not specified in the AMP, customer requests for additional services may need to be considered in the future. By way of example:

- Should an increase in monitoring be required at the site, this will incur additional costs over and above the approved Program of Works in the form of staff time to carry out inspections and reporting.
- Increased 'day-use' of the Ironstone Gully Falls Interpretative Walk Trail will incur an increase in trail maintenance costs. These costs can be offset by solidifying the current land use volunteer agreement with the Department of Justice.
- The most significant infrastructure is the toilet block, which is in average condition and may need to be replaced in the future. The replacement costs have not been calculated, but the costs for the toilet block built in the Capel Civic Precinct may be indicative of likely requirements. This item cost \$120,000 in 2018. No work has been undertaken to determine what statutory approvals may be required.
- If the gravel car park is to be sealed in the future, this too will attract increased 'whole of life' costs.

### **Sustainability Implications**

#### Climate Change and Environmental

There are many natural assets at IGF that attract locals and interstate visitors all year round. These include features such as: Ironstone cap rock breakaways, winter waterway and waterfall, Jarrah Marri woodland containing a diverse understorey with regionally significant vegetation.

The finalisation of the Ironstone Gully Falls Interpretative Walk Trail will only add to the visitation of the site, and increase the community's appreciation of these natural assets, as well as the Aboriginal and European historical significance of the site.

Investigation of user demographics at IGF indicates the people who visit the reserve are those seeking a more natural, undeveloped environment and are interested in the lower impact tourism activities such as recreation walking, bird watching, photography, nature appreciation and native animal observation at night. This demographic is less demanding of infrastructure facility provision and their patronage would be unaffected by any change in the level of service.

Historically, very low-key tourism at IGF has had negligible impact on the natural environment.

However, the explosion in unofficial 'after-hours' use in 2019 and 2020 due to the 'word-of-mouth' advertising on 'free camping' internet sites provided empirical evidence of increasing adverse environmental impacts. The current proposal before the Council is cognisant of this and seeks to



value-add emphasising community appreciation for the site and the need to protect and conserve these natural assets that it contains.

### Social

Ironstone Gully Falls is a local recreational spot and an enjoyable picnic site for day visitors. The site is used by many family groups and people from aged care and other residential institutions as a bus trip destination. The main picnic site is very flat, and the ironstone cap-rock provides a hard flat surface which is naturally suitable for wheelchairs.

Caravan and camping use of the site is not congruent with trail use. Walkers have the right, and the Shire has the responsibility to ensure that vehicles do not impede safe, quiet, and enjoyable walking recreational experiences. If a camping motorist injured a walker, there could be significant legal liability implications for the Shire of Capel.

### Economic

Tourism is a significant economic driver in local communities. IGF attracts people from interstate due to the interest in the site's natural amenity, including its waterfalls. The nearest supermarket, petrol station, café and shops are in the Capel town site.

Trail tourism is a growing phenomenon in Western Australia (WA). In the year ending June 2019, WA saw an 11.5% increase in holiday visitors. WA's unique and pristine natural environments, including its beaches and coastline, are the main reasons visitors choose to holiday in our State.

Residents and visitors seek aboriginal cultural and tourism experiences alike. Growing the visitor economy will be facilitated through increased awareness of existing trails and experiences as well as supporting the development of new iconic, multi-day and Aboriginal cultural experiences (Department of Local Government, Sport and Cultural Industries, June 2020).

One of the key consultants in the development of the Ironstone Gully Falls Interpretative Walk Trail from Undalup Association (Inc) is Sandra Hill. Sandra as an Aboriginal elder is permitted to speak on behalf of the South West of Australia Wadandi Boojarah country and is the project lead in terms of both art design and story development. It is proposed that the final Ironstone Gully Falls

Interpretative Walk Trail will have a significant Aboriginal cultural component, in addition to its environmental, educational, and recreational significance.

### Asset

Minimal infrastructure is present on site. Additional development is likely to be required to deliver a higher level of service to customers. Any such development will have implications for the on-going sustainability of the site, impacting all three of the above factors (Economic, Environmental and Social).

### Consultation/Engagement

---

The following consultation has occurred as part of the 2020 review process:

- On-site visitors - Informal interviews with visitors at IGF included local people who live within 5km of the site, those from further away i.e., Busselton and interstate visitors from Queensland and Victoria. All those interviewed indicated they liked the site just as it is;



informal and quiet. They indicated that the present level of service meets expectations, and that alteration would be seen as a negative.

- Local Landcare group - Capel Land Conservation District Committee has indicated the protection of the environmental values is paramount and increasing visitors to the reserve would impact negatively on these values. They do not support the site being expanded to accommodate camping sites.

In the development of the stories for the Ironstone Gully Falls Interpretative Walk Trail, there will be on-going consultation with Wadandi elders, Shire's local history volunteers, environmental staff, Landcare organisations and students from the Capel Primary School.

### Officer's Comment

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Under the *Caravan Park and Camping Ground Act and Regulations* there are legal requirements that must be met by the Shire of Capel as the potential licence holder, should it proceed to licensing IGF as an official campground.

In addition to the significant capital works required, including access and egress to the site, formalised parking, upgraded ablutions, additional vegetation clearing to formalise camp area(s), and significant financial impost in the day-to-day management of the site.

Unless there was a significant reallocation of human resources away from existing community safety initiatives, the Council would need to consider a minimum of an additional 1 full time equivalent (FTE) Ranger resource to actively manage the site and meet the Shire of Capel's legislative obligations. With staffing and on-costs including vehicle expenses, this has been conservatively estimated at an additional \$150,000 per annum.

The continued progression of the Ironstone Gully Falls Interpretative Walk Trail can unlock economic, environmental, and recreational opportunities at the site. These benefits can be realised without incurring the significant initial capital and significant on-going operational costs associated with the development and management of a licenced campground.

Caravan and camping use of the site is not congruent with trail use. Walkers have the right, and the Shire has the responsibility to ensure that vehicles do not impede safe, quiet, enjoyable walking recreational experiences.

### Voting Requirements

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Simple Majority.



**Officer's Recommendation – 15.2**

*Moved Cr Terrantroy, Seconded Cr McCleery.*

**That Council:**

- 1. Endorses Ironstone Gully Falls as a 'day-use' area for cultural, environmental and heritage interpretation, and as a key site for eco-based tourism and recreation experiences.**
- 2. Endorses the total cessation of camping activities at Ironstone Gully Falls to enable the full realisation of the area's potential as a tourism destination and attraction.**
- 3. Supports the development of a Reserve Management and Upgrade Plan to enable understanding and consideration of future budgetary and management implications of maximising the tourism attraction value of Ironstone Gully Falls.**

**OC/2022/173 - Amendment / Council Decision - 15.2**

*Moved Cr Clews, Seconded Cr Andrew.*

**To remove point 2 as follows:**

**'2. Endorses the total cessation of camping activities at Ironstone Gully Falls to enable the full realisation of the area's potential as a tourism destination and attraction.'**

**Carried 7 / 1**

*For - Cr Andrew, Cr Clews, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Cr Kitchen*

*The Amendment became the substantive motion.*



**OC/2022/174 - Officer's Recommendation / Council Decision - 15.2**

*Moved Cr Terrantroy, Seconded Cr McCleery.*

**That Council**

- 1. Endorses Ironstone Gully Falls as a 'day-use' area for cultural, environmental and heritage interpretation, and as a key site for eco-based tourism and recreation experiences.**
- 2. Supports the development of a Reserve Management and Upgrade Plan to enable understanding and consideration of future budgetary and management implications of maximising the tourism attraction value of Ironstone Gully Falls.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy*

*Against - Nil*



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### 15.3. Financial Statements for 30 June 2022

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<b>Author</b>	Manager Finance, Andrew Mataboni
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Financial Statements for June 2022
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

---

The Council is requested to receive the monthly financial statements for the period ending on 30 June 2022.

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#### Officer's Recommendation

---

That the financial statements for the period ending on 30 June 2022 be received.

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#### Background

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

#### Previous Council Decisions

Financial Statement for month ending 31 May 2022 (OC/2022/99).

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#### Decision Framework

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##### **Shire of Capel Strategic Community Plan 2021-2031**

Direction 4 - Deliver good leadership, governance and decision-making.

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

Direction 6 - Provide and maintain suitable infrastructure and facilities.

6.1 Greater trust and the development of positive relationships within the Shire and with the community.

##### **Corporate Business Plan 2021-2025**

FIN 1 - Statutory reporting of income and expenditures to the Council and regulatory authorities.



## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

There are no state frameworks relevant to this item.

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Financial Reports.
- Budget Management - Capital Acquisitions and Works.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Unlikely	Moderate	Monthly and report financials on a monthly basis.
<b>Risk Description:</b> Monetary loss that may or may not be managed within existing budget or may not impact a program or service.			

### Financial Implications

#### Budget

There are no financial implications relevant to this proposal.

#### Long Term

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



## Consultation/Engagement

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### External Consultation

There has been no external consultation.

### Internal Consultation

There has been no internal consultation.

## Officer's Comment

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The financial monitoring for the month of June 2022 has been completed, analysing income and expenditure trends through the following financial mechanisms:

1. Assessed Rate Levy and Debtor balances which has been brought to account.
2. The Depreciation calculation year to date.
3. Annual comparison of Operating Revenue
4. Annual comparison of Operating Expenditure.
5. Liquidity year to date.
6. Rate of return-on-investment position.
7. Capital spends year to date.

The attached financial statements provide the granular data for the following analysis on the Shire's financial performance for the periods leading up to and inclusive of June 2022.

The attachments consist of:

1. Statement of Financial Activity.
2. Statement of Financial Position.
3. Notes to and Forming Part of the Financial Report.
4. Year to Date Variance Analysis.
5. Capital Works Program.
6. Cash on Hand and Investments.

The Statement of Financial Activity shows operating revenue and expenditure by statutory program and also by nature and type, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget and the year-to-date revised budget. The previous year's annual results and current year forecasts are also included for information.

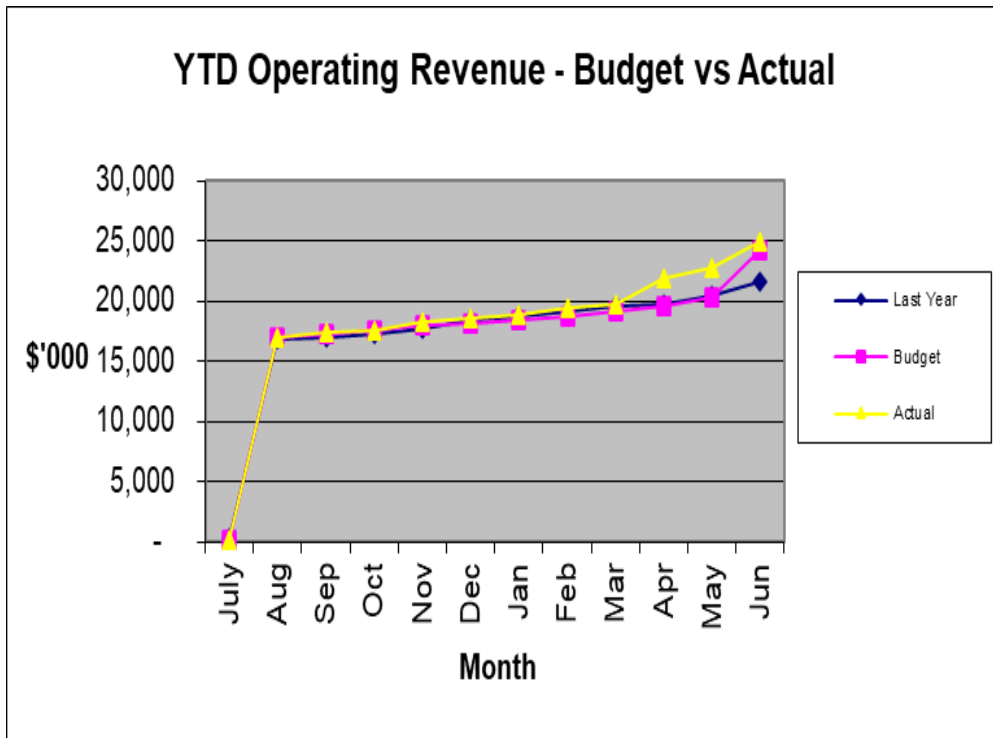
### June 2022 Financial Analysis Summary

Compared to the 2021/22 annual budget, approximately 117% of Operating Revenue has been brought to account and 90% of the Operating Expenditure has been spent.

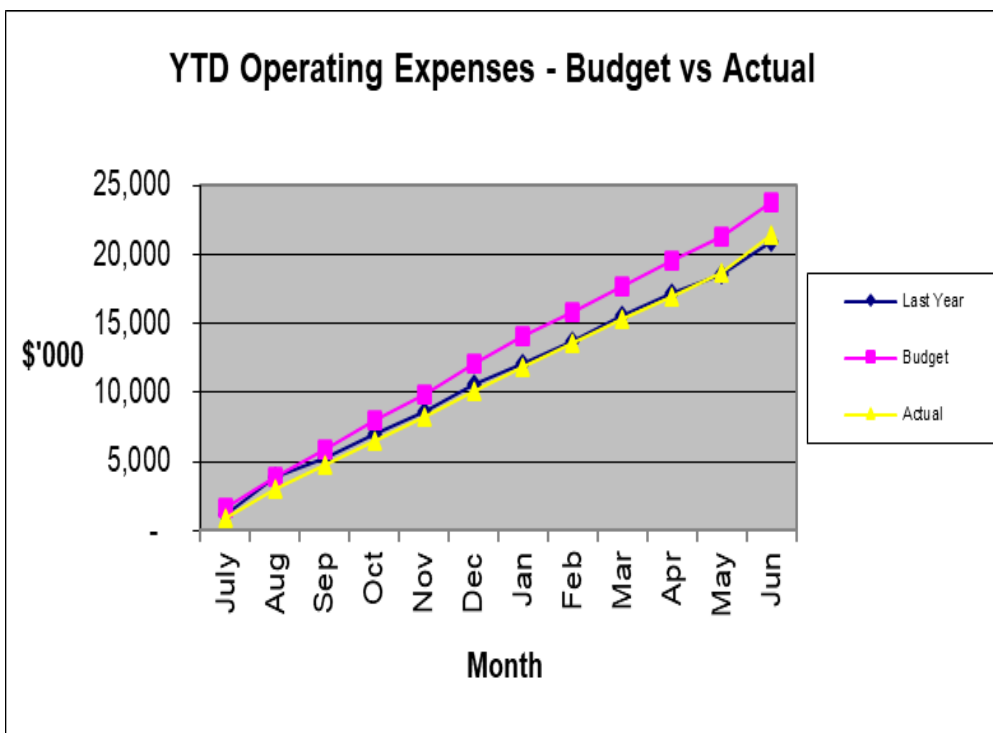
The following graphs compare actual Operating Revenue and Operating Expenditure against the 2021/22 annual budget on a year-to-date basis.



Graph 1 - Year to date actual revenue compared to budget and last year.

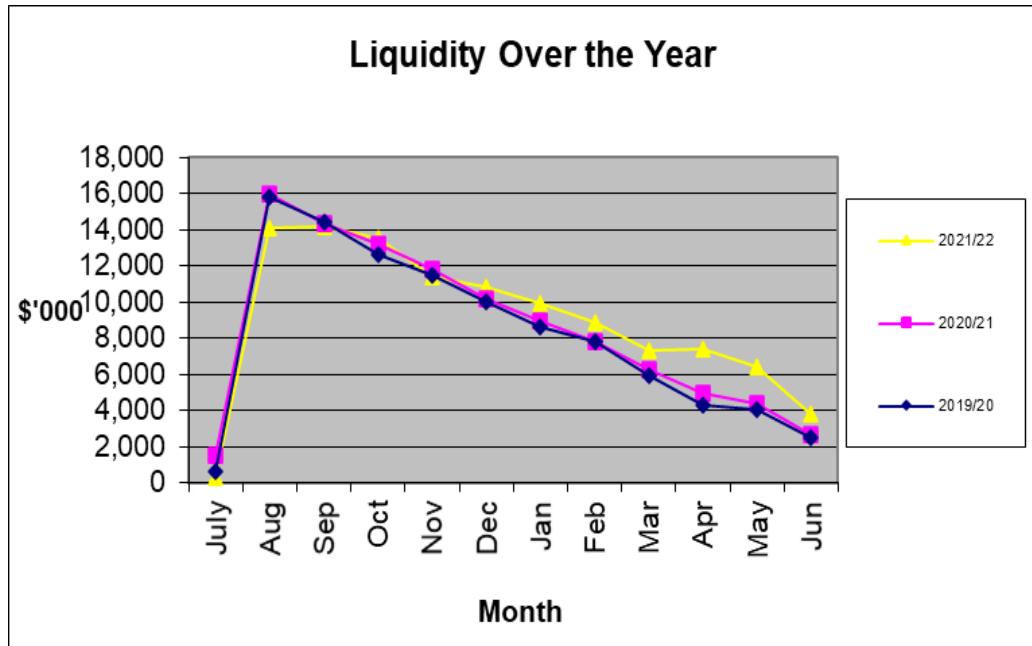


Graph 2 - Year to date actual expenditure compared to budget and last year.





Graph 3 - The liquidity graph compares the current year's net current assets position against the two previous years.



Overview of above analysis

The Shire's municipal cash and investments position for the month of June 2022 has decreased by \$1,758,573 compared to May 2022. The municipal cash position is an amount of \$24,538,006 of which \$20,535,749 is restricted for specific purposes as shown at Note 3 in the attachments. The decrease in the cash position was due to payments to construction contractors.

Total interest earned year-to-date is \$180,205.00 which is below the year-to-date budget of \$196,390.00. Interest earned is a combination of the rating system interest charges and interest on investments.

Yield return on major bank term deposit investments remain relatively low, but with changing economic conditions and recent Reserve Bank decisions to raise interest rates, rates are forecast to be on a rising trend. Some major banks now offering in excess of 3.5% for a 12 month term.

At the same time last year, interest rates for a comparable deposit were less than 0.5%.

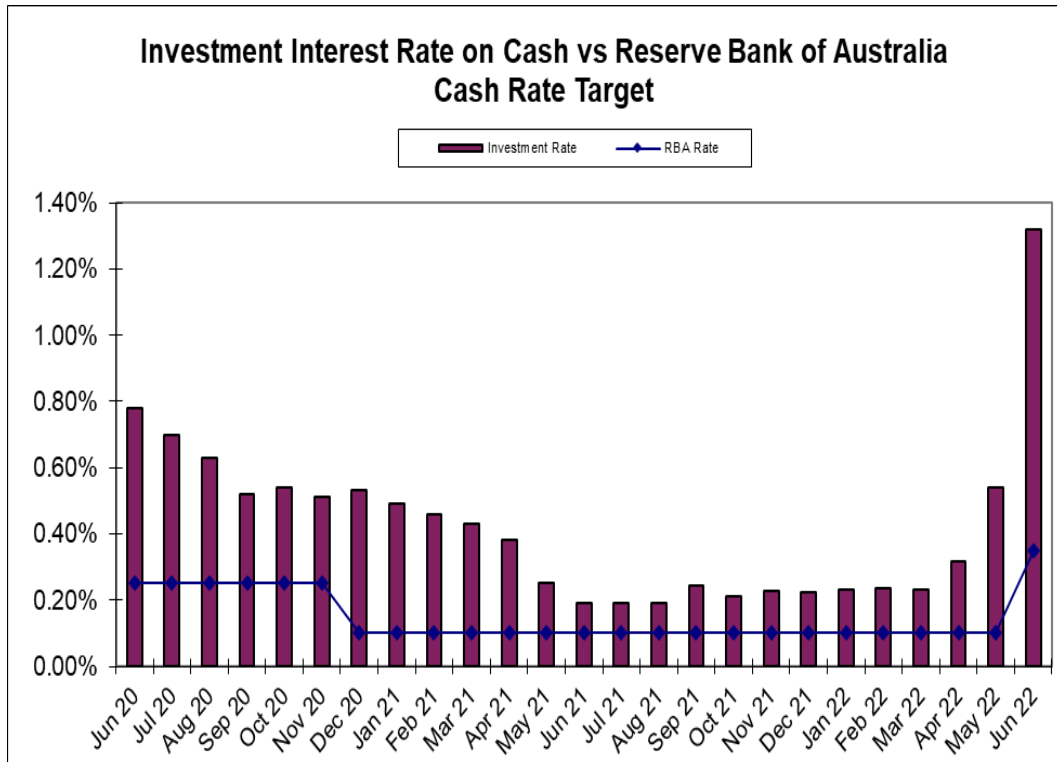
At present, the average investment rate of return is 1.32% which is an increase reflecting a 0.50% increase in the Reserve Bank's cash rate target to 0.85% as at 8 June 2022.

The Shire has term deposits maturing from July 2022 to September 2022 with investment terms of 91 days and interest rates from 0.75% to 2.29%.



The below analysis charts the movement in investment and applied interest rates.

Graph 4



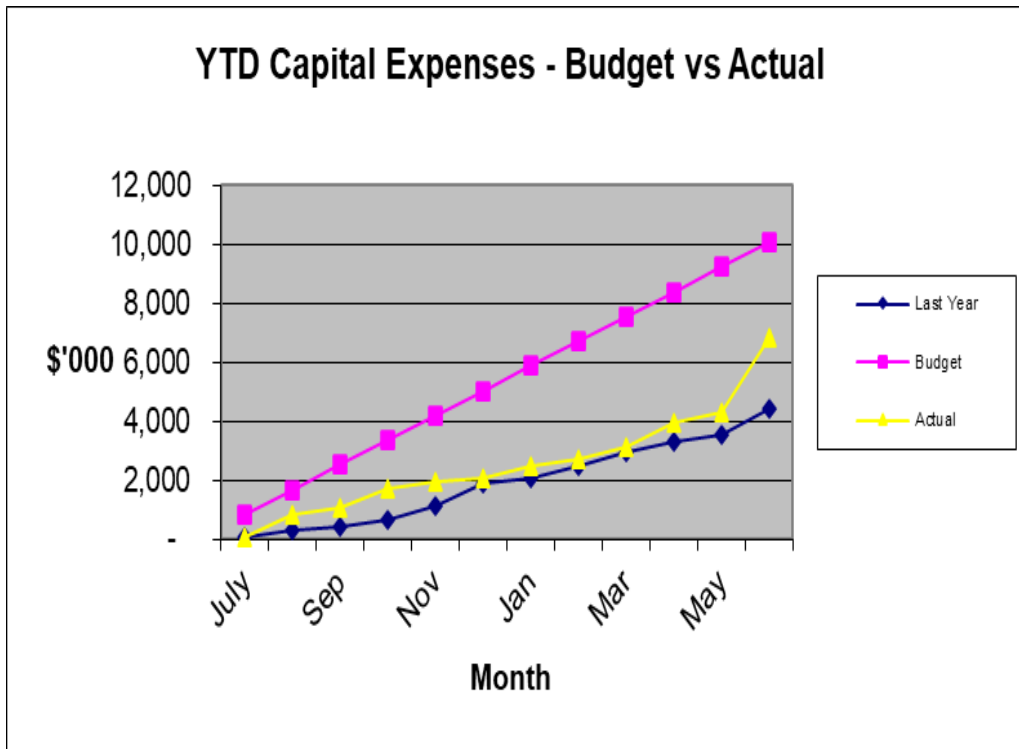
The June review of main Capital expenditure items totalled \$1,258,804.00 and was distributed across the following projects/purchases:

\$29,427	Roads
\$203,166	Paths
\$7,403	Park infrastructure
\$782,231	Dalyellup skate park
\$9,000	BFB shed
\$116,292	Dalyellup multi-purpose building
\$85,992	Plant
\$25,293	Book stock

The following graph compares the actual capital expenditure against the 2021/22 budget on a year-to-date basis and includes the prior year actual for comparative purposes. The non-cash subdivision infrastructure has yet to be finalised and included in the costings.

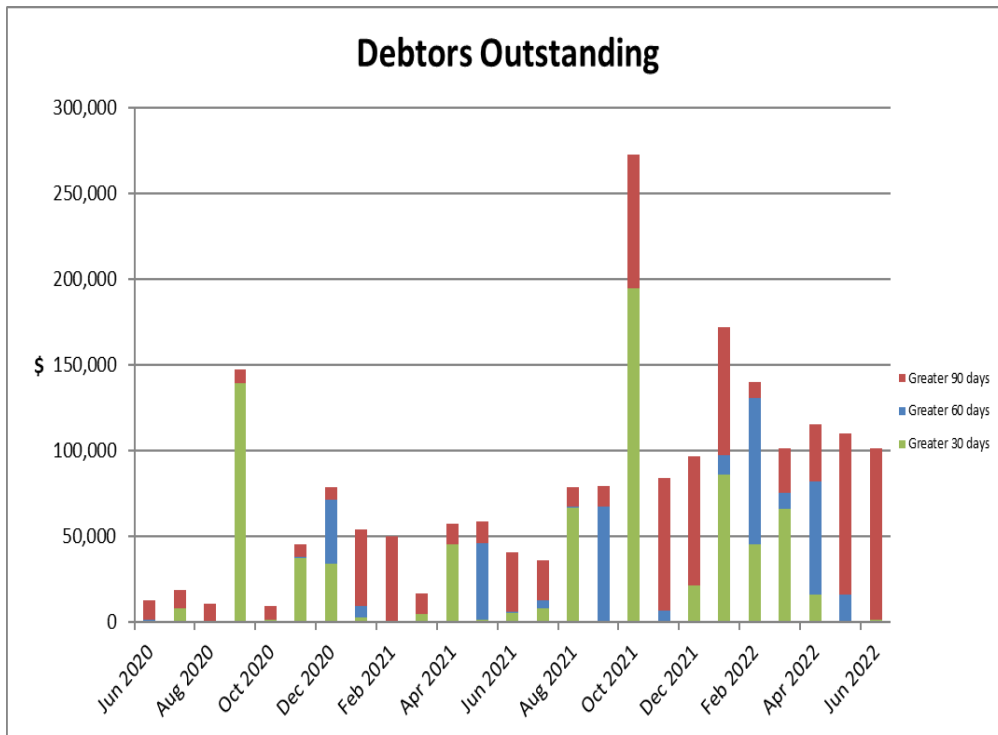


Graph 5



The following graph illustrates the Council’s current level of general debt recovery for 30-60 days, 61-90 days and greater than 90 days. The June debtors which have been outstanding for greater than 90 days relate to unpaid rate revenue.

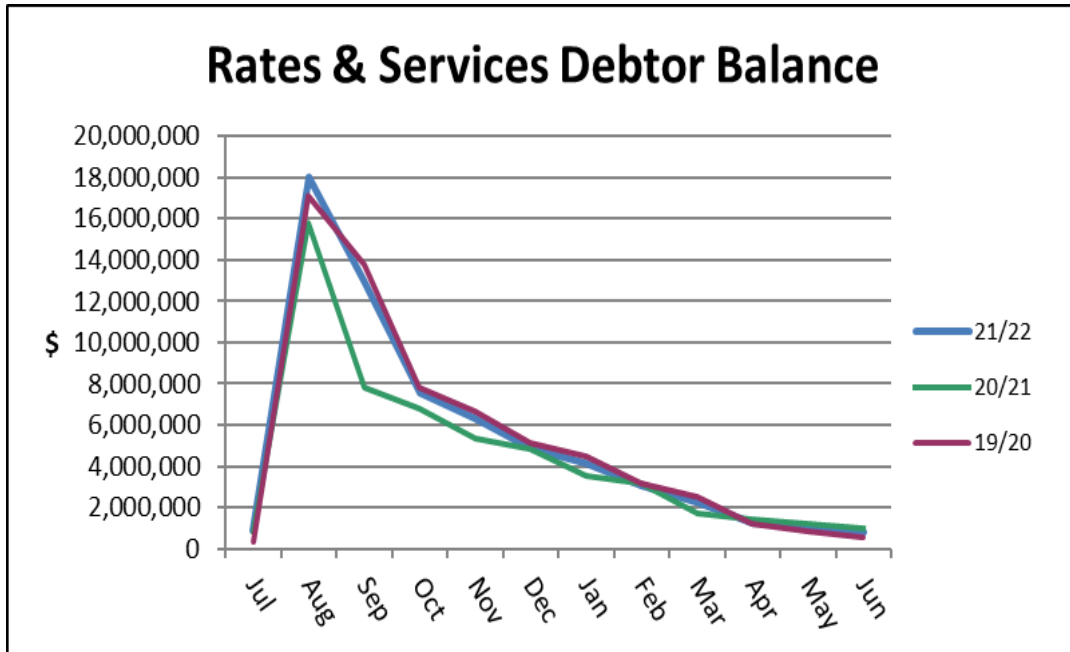
Graph 6





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 and services debtor balance.

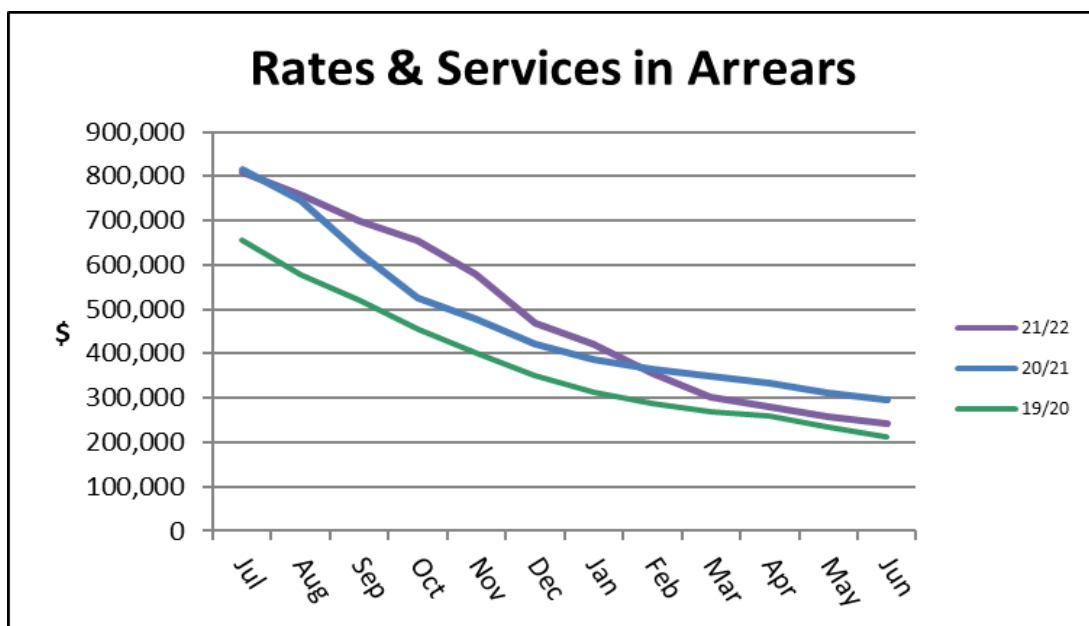
Graph 7



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: 2021/22 4.22%, 2020/21 4.71% and 2019/20 3.37%.

The percentage analysis indicates that rates in arrears balances have decreased from financial year 2020-21 to 2021-22 and is a direct result of the re-application of interest and installment fee charges to outstanding rate debtors.

Graph 8





The Council's financial ratios are disclosed in Note 19 of the attached Financial Statements.

## Summary

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This report monitors the Shire's financial position for the month of June 2022 and tracks the progress against the budget set at the start of the 2021-22 financial year.

The 2021-22 actual net current asset position is \$3,753,991.00, with expenditure transactions still being input and reserve transfers yet to be completed for this period. Current monitoring of the July financial statements suggests the projected 2022-23 carry forward figure of \$4,854,501.00 is as presented and any further adjustments will be reported to the Council through the monthly reporting process.

A determination of the Shire's end of year financial position is analysed, with variances explained to recognise the carry forward positions of:

- 1) Operating revenue increases (Unbudgeted grant funding)
- 2) Operating expenditure decrease (Unspent funds)
- 3) Non-cash exclusions (Depreciation)
- 4) Capital expenditure below budget (Carry over projects)
- 5) Asset disposal below budget (Carry over projects)
- 6) Transfer to reserves above budget (Carry over projects)
- 7) Transfer from reserves below budget (Carry over projects)
- 8) Net current assets at year start (Unbudgeted grant funding)

Taking the above into account, the current June reported carry forward figure for 2022-23 is \$3,753,991.00 and will be reflected in the 2021-22 Annual Financial Statements.

This figure has been calculated after deducting the budgeted 2021-22 deficit balance of \$266,035.00 as capital and operating projects ringfenced within this deficit balance still required funding throughout 2021-22. If income and expenditure tracked as planned during this financial year, the Shire would be reporting a \$266,035.00 deficit position for 2021-22.

The primary factor contributing to the carried forward amount is the prepayment of the 2022-23 Federal Assistance Grant of \$1,411,561.00 (75.00% received to date) and 2021-22 carry forward capital projects and unspent salary allocations. The unspent salary component of the carry forward is linked to the recruitment of existing positions within the Shire.

June is the final reporting period in the 2021-22 financial year, but data is still being input and processed for the period. Further adjustments in the form of supplier invoices not yet received, end of year accrual adjustments, assessment of contract liabilities for grant revenue and reserve account transfers will be finalised in the coming weeks.

Comparable to previous financial years, actual results will be presented in the audited 2021-22 Annual Financial Statements, reported to the Council and published in the 2021-22 Annual Report.

## Voting Requirements

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Simple Majority.



**Officer's Recommendation – 15.3**

**OC/2022/175 - Officer's Recommendation / Council Decision - 15.3**

*Moved Cr Andrew, Seconded Cr McCleery.*

**That Council receive the monthly financial statements for the period ending on 30 June 2022.**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*



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**15.4 Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Round – Dalyellup Youth Precinct Stage 2 (Pump Track)**

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<b>Author</b>	Manager Community Development and Safety, Jeremy O'Neill
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	CSRFF Application – Dalyellup Youth Precinct Stage 2 (Pump Track)
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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To consider a small grant application for funding to the Department of Local Government, Sport & Cultural Industries (DLGSC) under the Community Sport & Recreation Facilities Fund (CSRFF) for the construction of the Dalyellup Youth Precinct Stage 2 (Pump Track).

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**Officer's Recommendation**

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That the Council:

1. Endorse a small grant application seeking \$76,777 (ex GST) under the Community Sport & Recreation Facilities Fund for the construction of the Dalyellup Youth Precinct Stage 2 (Pump Track).
2. Rank the construction of Dalyellup Youth Precinct Stage 2 (Pump Track) as "A – Well planned and needed by municipality".
3. Note the committed expenditure of \$230,000 (ex GST) in the Shire's adopted 2022-23 Annual Budget towards the construction of Dalyellup Youth Precinct Stage 2 (Pump Track).

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**Background**

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DLGSC administers the CSRFF program, with the purpose of providing State Government financial assistance to Local Governments and local community groups (up to one third of the total capital cost), to develop well-planned facilities for sport and recreation.

DLGSC has developed "Key Principles of Facility Provision." to assist with the evaluation of submissions and to ensure projects are viable and appropriate.

Accordingly, each submission is to be assessed against those criteria. Under the provision, Local Governments are required to rate and prioritise local submissions using the following guide:

RATE	DESCRIPTION
A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work needed
F	Not recommended



Submissions for the current funding round closed on or before Friday 29 July 2022. Following this date, each Local Government is required to assess and prioritise the applications before forwarding all documentation to the South West Office of the DLGSC no later than 31 August 2022.

Applications will be evaluated and ranked by relevant State Sporting Associations and the CSRFF Assessment Panel, prior to the outcome being announced by the Minister for Sport and Recreation.

Funds for successful applications will become available in the second half of the 2022-23 financial year.

One (1) application was received for the current Small Grants round as follows:

1. Shire of Capel – Dalyellup Youth Precinct Stage 2 (Pump Track) (\$76,777 ex. GST).

#### Proposal

The Dalyellup Youth Precinct Stage 2 - Pump Track, is the second stage in the development of an integrated community and youth recreation precinct, on the community purposes site within the broader Dalyellup District Centre. The current proposal proposes construction of a 420sqm facility located at Lot 9039, Bussell Highway, Dalyellup (see Attachment A – Locality Map). The facility will be situated within the rapidly developing Dalyellup District Centre and next to the (currently being constructed) Dalyellup Skate Park.

The Pump Track will encompass 420sqm and be integrated with both the skate park and a future adventure playground facility. An 'Opinion of Probable Costs' provided with the application documents have estimated this Project at \$230,000 (ex. GST), plus the cost of DLGSC signage. Construction is anticipated to commence in February 2023 after a detailed design phase. This Project is envisaged to be completed by June 2023.

The current proposal was previously considered and endorsed by the Council at the ordinary meeting of 30 March 2022. The application was assessed by DLGSC as being eligible and well needed by the municipality but was unfortunately unsuccessful due to an oversubscription of applications. Officers from DLGSC have strongly recommended that the Shire of Capel re-apply for funding, which is the purpose of this report.

#### Previous Council Decisions

- 30 March 2022 Council resolved the following (OC053/2022):
  1. Endorse a small grant application seeking \$76,667 (ex GST) under the Community Sport & Recreation Facilities Fund for the construction of the Dalyellup Youth Precinct Stage 2 (Pump Track).
  2. Rank the construction of Dalyellup Youth Precinct Stage 2 (Pump Track) as "A – Well planned and needed by municipality".
  3. Commit the provision of \$230,000 (ex GST) in funding within the Shire's draft 2022-23 budget towards the construction of Dalyellup Youth Precinct Stage 2 (Pump Track).



## Decision Framework

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### Shire of Capel Strategic Community Plan 2021-2031

- 1.1 A more engaged community.
- 1.3 An inclusive community.
- 1.5 A healthy and active community.
- 3.4 Continued improvement in town centre vibrancy.
- 5.1 Appropriate community facilities, that meet the communities' needs.
- 6.1 Greater trust and the development of positive relationships within the Shire and with the community.

### Corporate Business Plan 2021-2025

- CDVS1 Strategic Development of our Community. Establish a single coordinated Shire position on land development, subdivision, Shire projects and related development. Includes Social, Economic and Infrastructure objectives.
- CDVS11 Act as Sponsor in the planning and delivery of major community projects. Provide the key community interface for internal and external operational guidance, support, and solutions in these projects.
- CDVS14 Implement activities, actions, and programs in line with Council endorsed Shire of Capel Youth Strategy.

## Statutory Framework

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There are no local, state, or federal frameworks relevant to this item.

## Policy Framework

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There are no policy frameworks relevant to this item.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial <b>Rating: Low</b>	Possible	Moderate	Project to be funded from a range of sources, including developer contributions to the development of the public open space(s).
<b>Risk 2</b> Service Delivery <b>Rating: Medium</b>	Possible	Moderate	Project implementation allows the development of a contemporary facility for the Dalyellup and surrounding communities.



## **Financial Implications**

### Budget

The project has a committed expenditure of \$230,000 (ex GST) in the Shire's adopted 2022-23 Annual Budget.

### **Whole of Life**

The Dalyellup Youth Precinct Stage 2 - Pump Track will form part of the Shire's Asset Management Plan for the broader Dalyellup Youth Precinct and therefore have a life cycle costs analysis applied and an annual allocation for any repairs and maintenance.

## **Sustainability Implications**

### Social

The proposed Dalyellup Youth Precinct Stage 2 - Pump Track is adjacent to the Dalyellup Youth Precinct Stage 1 – Skate Park and potential Dalyellup Multipurpose Community and Youth Centre. The outdoor recreation facilities will be available for the public to use informally 7 days per week.

It is expected that a multitude of ages and activity users will use the shared facilities. Activity user types for the broader outdoor recreation precinct include mountain bike riders, BMX riders, skaters, and scooter riders. Young people's participation in the pursuit of BMX and Mountain Bike riding has risen in the past decade and will continue to rise for at least the next 20 years. The worldwide popularity of these pursuits is evidenced by skateboarding (in addition to BMX) being introduced as an Olympic sport in Tokyo 2020.

Not only do these pursuits engage participants in physical activity, but they also have many other benefits including coordination, balance, spatial awareness, weight management, flexibility, stress release, resilience, perseverance, confidence building, and enhanced cognitive development.

## **Consultation/Engagement**

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### **External Consultation**

A 'Formalised Needs Assessment' for the development of Dalyellup Youth Precinct was undertaken in 2018 and finalised in 2019. This needs assessment identified a BMX / Pump track as a key requirement, outside of the provision of a Skate Park.

Budget parameters was a key factor at determining the project scheduling currently, with 70% of total respondents requesting as much skate park as possible, with the other 30% requesting other non-skate activities. As such, the Shire recently commenced the planning for Stage 2 (Pump Track), once the funding and the construction of Stage 1 (Skate Park) was underway.

In reviewing the non-skate youth activities most requested by the Dalyellup Youth, 32.52% of respondents requested a BMX / Pump track. The application has been discussed with DLGSCI's Regional Manager (Southwest) prior to submission in March 2022. The Shire was encouraged to re-apply for the current round.

### **Internal Consultation**

The application has also been discussed internally prior to submission for the Council's consideration.



## Officer's Comment

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There is currently no Pump Track in the locality of Dalyellup. Approximately 32% of Dalyellup's population are aged 5-24 years who are expected to be the predominant anticipated demographic of the new facility. With a significant increase in affordable housing in the locality experienced recently and into the future due to the COVID-19 Pandemic, this key demographic is expected to grow even further.

A Pump Track is considered the most versatile facility in addition to a Skate Park, which is attractive to young people and will engage them in physical activity. The purposeful placement of the Pump Track within the Dalyellup District Centre and next to the future Skate Park and (potential) Youth Centre/Digital Hub building components will create an accessible facility where users can walk, ride, scoot, skateboarding to it from their homes. It will prompt unintentional physical activity, further adding value to this Project's capacity to increase participation in physical activity.

The current proposal was previously considered and endorsed by the Council at the ordinary meeting of 30 March 2022. The application was assessed by DLGSC as being eligible and well needed by the municipality but was unfortunately unsuccessful due to an oversubscription of applications. Officers from DLGSCI have strongly recommended that the Shire of Capel re-apply.

## Summary

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The need to construct the Dalyellup Youth Precinct (Stages 1 and 2) has been identified by a series of 'Shire of Capel Strategic Facility' planning documents. Significant consultation has been undertaken to develop a facility that meets the needs of a growing Dalyellup community, in particular young people (aged 5-24 years) who accumulate to 32% of the locality's population.

## Voting Requirements

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Simple Majority.



**Officer's Recommendation – 15.4**

**OC/2022/176 - Officer's Recommendation / Council Decision - 15.4**

*Moved Cr Schiano, Seconded Cr McCleery.*

**That Council:**

- 1. Endorse a small grant application seeking \$76,777 (ex GST) under the Community Sport & Recreation Facilities Fund for the construction of the Dalyellup Youth Precinct Stage 2 (Pump Track).**
- 2. Rank the construction of Dalyellup Youth Precinct Stage 2 (Pump Track) as "A – Well planned and needed by municipality".**
- 3. Note the committed expenditure of \$230,000 (ex GST) in the Shire's adopted 2022-23 budget towards the construction of Dalyellup Youth Precinct Stage 2 (Pump Track).**

**Carried 8 / 0**

*For - Cr Andrew, Cr Clews, Cr Kitchen, Cr McCleery, Cr Mogg, Cr Noonan, Cr Schiano and Cr Terrantroy  
Against - Nil*

**16. New Business of an Urgent Nature**

Nil.

**17. Public Question Time**

*Public Question Time began at 9:21 pm.*

J Gibbings - Elgin

**Question 1:**

At the July Council meeting I asked a question without notice regarding the existing access road for heavy vehicles on Gavins Road into lot 801 Gavins Road, and if it had been given approval by the Shire of Capel, if so what are the conditions? The response from the Shire was details will be considered as part of the assessment.

Forgive my confusion, but if the road has been constructed and built for over a year, wouldn't the road and the entry point have needed approval with a requirement to meet conditions for that approval to be granted? So, on which date was approval given to construct the road on Lot 801 Gavins Road with the existing entry point onto Gavins Road given? And given the approval what were the conditions, including but no confined too, the set back from the shed to the boundary, the crossover point, the sealing of the road to mitigate dust and proximity to the single lane bridge?



**President Response:**

Thank you Mrs Gibbings, we will have to take that on notice and will publish in the Minutes.

**Response:**

The existing land use of a Rural Pursuit is a Permitted use, and as such, does not require planning approval for an internal road to be used in this manner. In this instance the Shire will only consider the vehicle access entry point to the site or crossover from the gazetted road which requires approval by the Shire's Technical Services Department. This is the reason why the access suitability is being considered as part of this assessment, as the change in activity allows for the Shire's Planning Department to consider the road condition and any subsequent traffic issues through the process of a planning application. It is noted that the crossover to Gavin's Road does not currently have a crossover approval, this will be required retrospectively as part of this application.

The sheds onsite were approved in October 2020. A building permit was issued for the buildings identified in the current development application for use in conjunction with the existing land use. Again, the sheds met the deemed to comply provisions of the relevant planning framework, and as such the need for planning approval at this stage.

In summary, the historical works on the site were done in conjunction with a Permitted land use, did not seek variation against planning framework, and were therefore able to proceed with approvals sought from the Shire's Building Department, notwithstanding the crossover approval is currently pending.

*Public Question Time concluded at 9:23pm.*

**18. Motions Without Notice (Absolute Majority by Council)**

Nil

**19. Notices of Motion for Consideration at the Next Ordinary Meeting of the Council**

**20. Items for Consideration Behind Closed Doors**

Nil

**21. Meeting Closure**

*There being no further business, the Presiding Member declared the meeting closed at 9:23 pm.*

These Minutes were confirmed at an Ordinary Council Meeting on:

Date: 28 September 2022

Signed

A handwritten signature in black ink, appearing to be 'J. P. ...', written over a horizontal line.

Presiding Person at the meeting at which time the Minutes were confirmed.