



Ordinary Council Meeting Minutes
Wednesday, 27 March 2024



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 lifestyle of choice; connecting community, culture and country.

Our Values



H Honesty

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



E Empathy

We are kind and show understanding of peoples circumstances, perspectives and differences.



A Accountability

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



R Respect

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



T Teamwork

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



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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 culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.'

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

Cr McCleery has an approved leave of absence for the 27 March 2024 Ordinary Meeting of Council (OC/2024/26).

PRESENT:

| | |
|--|---------------|
| Councillor - Shire President | D Kitchen |
| Councillor - Deputy President | S Schiano |
| Councillor | A Dillon |
| Councillor | J Fergusson |
| Councillor | K Noonan |
| Councillor | R Mogg |
| Councillor | C Terrantroy |
| Councillor | T Sharp |
| Chief Executive Officer | G MacMile |
| Director of Community and Corporate | S Chamberlain |
| A/Director of Infrastructure and Development | S Price |
| Strategic Governance and Risk Coordinator | T Shipley |

LEAVE OF ABSENCE:

| | |
|------------|------------|
| Councillor | P McCleery |
|------------|------------|

APOLOGIES:

| | |
|------------|-----|
| Councillor | Nil |
|------------|-----|

MEMBERS OF PUBLIC - Gallery: 32



3. Response to Previous Public Questions Taken on Notice

Questions asked at the Annual Electors Meeting held on 6 March 2024, can be viewed in Attachment 13.3.1. The following two questions were taken on notice and a response has been provided:

Question - Brian Hearne, Peppermint Grove Beach:

The financial year 2022/23 can the Shire provide a list of contractors that provided services, the reason for the consultancy, the budget provision for the consultancy, and the cost of those services in 2022/23?

Part Response Given:

The Shire uses external consultants for three main reasons:

1. To supplement shortages in resourcing and difficulties in filling of internal positions, which has been an ongoing challenge for the past 2 years. This has been particularly prevalent in technical areas of our workforce.
2. Where specialised experience or skill is needed that would normally be part of the Shire's workforce capability, and
3. Where specialised experience, skill or capability is needed for a set period or specific strategic project, that would not justify looking to recruit and be an ongoing, permanent member of the Shire's workforce.

Regardless of shortages in resourcing and difficulties in recruiting, a rapidly growing shire like Capel will always need to engage consultants for specific purposes and to supplement the permanent internal workforce.

All expenditure on and payments to consultants is itemised in the Shire's monthly account payments reported to Council and publicly available there.

Below is a summary of the key consultancy engagements the Shire undertook throughout the previous financial years as requested:

| Details | Consultant | Awarded Value (Ex GST) |
|---|---------------------------------------|------------------------|
| Calendar Year 2024 | | |
| Waste Strategy Review | Talis Consultants | \$49,504.90 |
| Calendar Year 2023 | | |
| Dalyellup Multipurpose Community and Youth Centre (DMCYC) - Operation and Management Plan | CCS Strategic/Shane Spinks Consulting | \$48,595.00 |
| Ironstone Gully Falls - Masterplan & Management Options Study | Emerge Associates | \$39,360.00 |
| Organisational Best Practice Service Review | FieldForce4 | \$64,950.00 |



| Details | Consultant | Awarded Value (Ex GST) |
|--|----------------------------------|------------------------|
| Federal Government Funding Application (Regional Precincts & Partnerships Program) | BlueSalt Consulting | \$8,500.00 |
| Asset Management - Consultancy Services | Talis Consultants | \$45,000.00 |
| Asset Management - Revaluations Buildings and Minor Structures | AssetVal | \$31,000.00 |
| Agribusiness Precinct – Phases 1,2 & 3 | Hatch Pty Ltd | \$138,386.00 |
| Dalyellup Development Contribution Plan (DCP) Review | Otium Planning Group | \$17,500.00 |
| Study and Business Case - Future Land, Housing and Accommodation Funding | Urbis | \$81,340.00 |
| Website Redevelopment Stage 2 - Website Build | Market Creations Agency | \$99,427.27 |
| Place Plan 2023 to 2027 | Element Advisory Pty Ltd | \$77,330.00 |
| Groundwater Monitoring Dalyellup Estate | Talis Consultants | \$19,800.00 |
| Asset Revaluation | APV | \$151,900.00 |
| Contaminated Site Further Investigation | GHD Pty Ltd | \$67,253.00 |
| Scheme 3 Audit | Paxon Consulting Group Pty Ltd | \$25,344.00 |
| Calendar Year 2022 | | |
| Consultancy for a New Enterprise Resource Planning (ERP) Solution | Strategic Directions Group | \$86,600.00 |
| Website Redevelopment Stage 1 - Discovery & User Research | Market Creations Agency | \$25,078.00 |
| Community Perceptions Survey | Culture Counts Australia Pty Ltd | \$25,000.00 |
| Calendar Year 2021 | | |
| Waste Service Contract | Talis Consultants | \$24,215.00 |

Question – Graham Briggs, Gelorup

You no longer take e-waste, is there a reason for that, the e-waste now goes to Stanley Road?

Response:

As a resident or ratepayer, you have access to a variety of recycling and waste disposal services. These services are designed to complement your regular bin collection and include options that are free or come with a small fee.

E-Waste - Electronic waste is accepted at the Waste Transfer Station.



HHW - Hazardous Household Waste (compressed gas cans, pesticides, paints, and chemicals) can be disposed of at our Waste Management Facility, located on Stanley Road, Australind.

Batteries of all types are accepted at our waste transfer station.

Our website has been updated to reflect the correct information for the public.

4. Public Question Time

Public Question Time began at 6:03pm.

D Brown – Boyanup

Background Information:

Lot 148 (No. 168) Skippings Road, Boyanup

This matter was rejected at the RJDAP hearing, but has been appealed via the State Administration Tribunal, with a third hearing set for 26 April 2024.

The matter has been referred back to RJDAP in the meantime for further analysis.

The impact of this EIL on the environment, and specifically the seasonal waterways in this low lying wet area of Boyanup, would be significant. Importantly, the proximity of the proposed sand excavation activities is very close to several homes with potential to pose serious health concerns, as the sand may have a high content of silica.

The separation distance to sensitive land uses, I believe, should be assessed using the State Planning Policy 2.4 – Planning for Basic Raw Materials Guidelines, July 2021, which now sets out that separation distances should be anywhere up to 1,000 metres, depending on the nature of the Basic Raw Material (BRM) operation.

The depth of excavation is too close to the water table and directly contravenes the Shire of Capel, Extractive Industries Local Law 2016 and the State Planning Policy 2.4.

Three of the measured water levels are less than one metre from the water table, by the time the top soil is removed, there would be only a few centimetres of sand between the top of the soil and the water table, so there is virtually no sand in those particular areas.

This would be especially applicable if the recommended 0.8 metre above the water table was adopted. No depth of sand could be moved within these particular areas. I do not know how extensive the revised 0.8 metre recommendation above the water table is over the property.

Of the other bore sites, only one bore, No. 8 shows a difference of 3.38 metres, which would be the only area where a small quantity of sand could be extracted and still comply with the Shire's EIL gazetted law.

The three remaining bore sites range between 1.27 metres and 1.93 metres above the water table, which would not meet the Shire's EIL gazetted law for extraction of above 2 metres and leave very little for extraction down to the now recommended 0.8 of a metre.

The bore locations can be reviewed on "Figure 10: Estimated Maximum Groundwater Level (MGL) Contours".



The applicant was proposing to excavate down to only a mere 0.5 metres above the water table, but DWER has requested excavation down to 0.8 metres.

Even allowing for the top soil removal, there would be very little sand to remove. This also needs to be taken into consideration with the suggested 0.8 metre, which would leave even less sand available for extraction. Of note, if any new readings have been taken this year, it has been one of the driest on record and is not a true indication of the normal water levels.

Question 1:

Are the Shire Councillors aware of this issue and have the two RJDAP appointees been made aware of this matter?

Shire President Response:

Council was made aware of the item and the various points of contention prior to the item originally being presented to the JDAP for determination..

The Shire Councillors representing the Joint Development Assessment Panel will be circulated the appropriate material when the Responsible Authority Report is lodged with the Development Assessment Panel. Until this takes place, the item is still considered as being processed and pending assessment at a JDAP meeting that is yet to be scheduled.

Question 2:

Are the Councillors going to remain opposed to the sand excavation at 148 Skippings Road, Boyanup?

Shire President Response:

Assessment of the application is still in progress, with the Shire representatives bound by the expectations of the JDAP Code of Conduct, and confidentiality clauses. At this point in time they cannot make a commitment.

B Hearne – Peppermint Grove Beach

Question 1:

Thank you for the information provided in the March agenda item 3 in relation to consultants. At the Annual Electors meeting I also asked if you could provide the approved budget allocation and the actual cost of those consultancy services for each consultant contract. Can this information be included in the report please? I am unsure if column 3 "Awarded Value ex GST" is the contract value or the actual year to date cost of these consultancy services. Could you please clarify and include the missing data?



CEO Response:

Thank you Mr Hearne. All of the contracts for consultants have been completed (totally expended) for the same value as the awarded purchase order, with the exception of the following:

- Place Plan – minor variation to extend the scope of the community consultation including posting surveys to all residents and response assessment.
- Agribusiness Precinct – work is still ongoing, however a minor variation has been issued to assess additional potential sites.
- DMCYC Management and Operational Planning – work is ongoing, minor variation to include WA Creative Technology Hub in consultation.
- Contaminated Site Investigation – work is ongoing, variation to include additional groundwater monitoring and water sampling.
- Scheme 3 Audit – minor saving from PO value.

The information provided has been extracted directly from the Shire's accounting system, hence the ex GST detail. The value in the column 3 is the purchase order value.

Question 2:

Will the additional information be provided in the minutes?

CEO Response:

That is the response and it will be included in the Minutes.

Question 3:

Could you please provide me with a copy of the current staff position structure? (Clearly employee name are not required). I am more interested in the various structural levels of management within the organisation. For instance Community Services may have 4 or 5 levels. What are the position titles for each layer of management? Can you please show the base level to be reported as, for example, 3 support staff as this may assist in answering the question? Can a copy of the staff structure be included on the Shires web page please? I have checked the web page and cannot locate the requested information.

Shire President Response:

The Shire's organisational structure is published within the Council adopted Workforce Plan 2023 to 2027 (page 11) and is available on our website. We can make a copy available if you'd prefer.

An organisational review and restructure has recently occurred to reallocate additional resources to areas of highest need and priority. This has been done in consultation with Council and will be updated and considered within the next Workforce Plan (2024 to 2027) coming to Council in April 2024.

Subject to Council approval of the Workforce Plan, the updated organisational structure will be uploaded to website.

I can show you outside of this meeting where it is located on the Shire website.



Question 4:

Because the information is not available in the Finance report could you please advise what projects have been approved for funding out of the Bush Fire Mitigation Activity Fund (MAF) grant of \$415,580 for the balance of the 23/24 financial year? Given that the last 2 major fires in Peppermint Grove Beach commenced in the sand dunes what consideration has been given to completing the Lang Cove to Hardey Terrace track that was recently, surprisingly, stopped 20 meters short of a safe access/egress for fire vehicles due, I was told, to a lack of funding? If this project has been approved for completion in the latest funding round when are the works likely to commence?

Shire President Response:

Further details in the financial report on the current mitigation activity fund will be included in future reports as discussed at the annual electors meeting we're moving to a new schedule where high detail information we provided every quarter in relation to Lang Cove to Hardy Terrace the activity for Lang Cove to Hardey Terrace has been completed. The constructed limestone access way is designed to serve both as a fire defence access (for appliances and personnel) and a separation to housing.

In consultation with the Shire's Chief Bushfire Control Officer and the Stirling BFB, the last section was intentionally not cleared to discourage the track from being used by the public and would not prevent access off Hardey Terrace by a light tanker as they can push through debris in the case of a fire emergency.

Question 5:

At the February Council meeting, based on expenditure to December 31 2023, Council approved an \$821,558 decrease in the budget provision for employee costs. Based on financial data to January 31 2024 employee costs are now underspent by \$1,006,070. How accurate was the data provided in the mid-year review and is a further adjustment now required? As a guide to provide a more meaningful result for the balance of the 23/24 financial year how many positions remain vacant as at March 20 2024?

Shire President Response:

The data presented to Council during the mid-year budget review on employee costs as at 31 December 2023 was correct.

Reportable employee costs not only consist of direct salary and wages, but also include annual and long service leave provisions, workers compensation insurance, training costs, superannuation contributions, uniforms and protective clothing, professional development, fringe benefits tax and any other costs related to the employment of staff.

Given there remains 5 reporting periods until the end of the financial year, budget variances which differ from the budget set in employee costs will continue to be reported to the Council.

The Shire has 15 positions which are currently vacant.



CEO Response:

To clarify your question was how many vacancies we have, now you would appreciate that they're at various stages of the recruitment process, some that we expect to start within the next couple of weeks so that needs to be taken into account, because as soon as those staff start, we start expending those employee costs so we're answering your question simply to something that's more complex.

Question 6:

What has the staff turnover rate been thus far for the 23/24 financial year and how does this compare with the 22/23 financial year?

CEO Response:

The turnover rate is 47%, compared to 35% at June 2023.

Question 7:

Given frequent statements by councillors and management concerning how quickly the Shire of Capel is growing and the growing pains experienced what has been the increase in the number of rateable properties from the 22/23 to the 23/24 financial year?

Shire President Response:

Rateable properties have increased by 153 between FY2022/23 and FY2023/24.

The Australian Bureau of Statistics also reports in the 2021 Census the average number of people per household in the Shire of Capel is 3.2.

Question 8:

The employee leave reserve has a projected budget closing balance of \$788788. I was previously advised, given the Employee Related Provisions of \$1,273,795, that the leave reserve was not reviewed as part of the mid-year review to December 31, 2024. Is the Employee Leave Reserve calculated in accordance with accounting standard AASB119? Given the number of resignations in 23/24 and with some staff perhaps being reemployed in the local government sector why has the balance in the reserve not decreased presumably due to staff being paid out accrued annual and long service leave entitlements on resignation and or the transfer of liabilities for staff being reemployed with other local government entities? Am I correct in assuming that the leave reserve should comprise accrued annual leave not provided for in the employee cost budget, completed periods of accrued long service leave and a provision for incomplete periods of long service leave?

CEO Response:

The Employee Leave Reserve balance is not calculated in accordance with AASB 119 Employee Benefits. The Employee Related Provisions liability is calculated complying with Australian Accounting Standard 119 Employee Benefits.

The balance is affected by the leave balance and parameters used in calculating the liability. The leave balance changes with the amount of leave accrued, the type of leave, leave taken and leave paid out for staff resigning from local government. The 30 June 2023 employee related provision is an amount of \$1,424,644 including rostered day off payables. The equivalent figure as at 31 January 2024 is \$1,466,628.



Leave reserve is used to fund leave entitlements for redundancy, retirement, leave transfers to other local governments and leave entitlements paid each year. There is no direction on the level of leave reserve funding that should be held compared to the calculated AASB 119 Employee benefit.

Public question time finished at 6:22pm.

5. Application for Leave of Absence

Nil

6. Declarations of Interest

- Cr Kitchen declared an Impartiality Interest in item 13.3 Motion from Annual Electors Meeting the nature of the interest is member of the Volunteer Bushfire Brigade.
- Cr Sharp declared an Impartiality Interest in item 13.3 Motion from Annual Electors Meeting the nature of the interest is member of the Gelorup Bushfire Brigade.
- Cr Kitchen declared a Financial Interest in item 14.1 Local Planning Policy 6.16 – Short Stay Accommodation the nature of the interest is operating a short stay accommodation.
- Cr Mogg declared an Impartiality interest in item 15.5 Community Budget Requests 2024-25 Financial Year the nature of the interest is Cr Mogg is a Councillor representative on the Boyanup Foundation Board working group and has been a Councillor representative of support and initiation for the Capel Community Garden.
- Cr Dillon declared an Impartiality interest in item 15.5 Community Budget Requests 2024-25 Financial Year the nature of the interest is he has been heavily involved in trying to get the Community Garden come to fruition.

7. Notice of Items to be Discussed Behind Closed Doors

Nil



8. Confirmation of Minutes

8.1. Ordinary Meeting of Council - 28 February 2024

Voting Requirements

Simple Majority

OC/2024/44 - Officer's Recommendation / Council Decision - 8.1

Moved Cr Fergusson, Seconded Cr Dillon.

That the Minutes of the Ordinary Meeting of Council - 28 February 2024 be confirmed as a true and correct record.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



9. Announcements by Person Presiding Without Discussion

9.1 – Shire President Activity Report

Please see attached the *Shire President Activity Report* for the January-March period.

| | |
|---------|---|
| Event: | 17/01/2024 – Meeting with Minister Carey MLA |
| Report: | Discussion with Minister on essential infrastructure constraints |
| Event: | 17/01/2024 – Meeting with Minister McGurk MLA |
| Report: | Discussion with Minister on essential infrastructure constraints |
| Event: | 18/01/2024 – Meeting with Minister Jarvis MLA |
| Report: | Discussion with the Minister on the Boyanup Saleyards and future Agribusiness Precinct |
| Event: | 23/01/2024 – Bunbury Geographe Economic Alliance |
| Report: | Meeting with BGEA, Mayor/Presidents of Bunbury, Harvey and Dardanup to discuss regional matters and opportunities |
| Event: | 23/01/2024 – Meeting with DFES |
| Report: | Discussion on capacity |
| Event: | 24/01/2024 – Meeting with SWGA and DWER |
| Report: | Meeting with the Gateway Alliance and Department of Water to discuss bore issues in Gelorup |
| Event: | 26/01/2024 – Australia Day Citizenship Ceremony and Community Awards |
| Report: | |
| Event: | 30/01/2024 – Meeting with Nola Marino MP |
| Report: | Discussion on matters in the Shire of Capel |
| Event: | 15/02/2024 – Bunbury Geographe Economic Alliance |
| Report: | Board meeting |
| Event: | 20/02/2024 – Careers Day |
| Report: | Presentation to Students from Dalyellup College and Childside about careers in Local Government |
| Event: | 21/02/2024 – Meeting with Bunbury Police |
| Report: | Discussion on increasing cooperation between the Shire and WA Police |
| Event: | 23/02/2024 – South West Local Government Zone Meeting |
| Report: | |
| Event: | 27/02/2024 – Chamber of Minerals and Energy |
| Report: | Stakeholder dinner |
| Event: | 1/03/2024 – Meeting with Water Corporation |
| Report: | |
| Event: | 6/03/2024 – Dalyellup Primary School |
| Report: | Presentation to Students on the role of Local Government |
| Event: | 6/03/2024 – Annual Electors Meeting |
| Report: | Thank you to the community members that attended this years meeting |
| Event: | 8/03/2024 – Meeting with Don Punch MLA |
| Report: | Discussion on matters in the Shire of Capel |



| | |
|----------------|--|
| Event: | Captivate Capel |
| Report: | Fantastic to see the event come together, with high attendance from the community. |

| Date | Briefing |
|-------------|--|
| 17/01/2024 | BORR update |
| | Field Force 4 update |
| | Place Plan Briefing |
| 24/01/2024 | Enterprise Resource Planning Tool Briefing |
| | Major Projects & Program of Works Update |
| | Iluka Presentation and Update |
| 14/02/2024 | Mid-Year Budget Review Workshop |
| 21/02/2024 | Review of Compliance Audit Report |
| 28/02/2024 | Review of Councillor Budget Requests |
| | Review of Asset Management Strategy |
| 29/02/2024 | DMCYC Creative Chaos |
| 6/03/2024 | Review of Local Government Reforms |
| | New Model Monthly Financial Statements |

10. Petitions/Deputations/Presentations

- **PRESENTATION – Kevin Jones - Item 13.3.Motions from the 2024 Annual Meeting of Electors**
- **PRESENTATION - Adam & Cristina Gregory –**
 - 14.2. Retrospective Holiday House - Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach
 - 14.3. Retrospective Holiday House - Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach
- **PRESENTATION - Boyanup Foundation, Alistar Kenyon – 15.5. Community Budget Requests 2024-25 Financial Year**

11. Motions of Which Previous Notice has Been Given

Nil



12. Questions of Which Previous Notice has Been Given

Nil

OC/2024/45 - Procedural Motion / Council Decision - 12.1

Moved Cr Kitchen, Seconded Cr Noonan.

That the order of business be altered to allow Item 13.3 - Motions from the 2024 Annual Meeting of Electors and 15.5 - Community Budget Requests 2024-25 Financial Year to be heard at this point in the Meeting.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



Cr Kitchen declared an Impartiality Interest in item 13.3 Motion from Annual Electors Meeting the nature of the interest is member of the Volunteer Bushfire Brigade.

Cr Sharp declared an Impartiality Interest in item 13.3 Motion from Annual Electors Meeting the nature of the interest is member of the Gelorup Bushfire Brigade.

13.3. Motions from the 2024 Annual Meeting of Electors

| | |
|-------------------------------|---|
| Author | Strategic Governance and Risk Coordinator, Tahlia Shipley |
| Authorising Officer | Chief Executive Officer, Gordon MacMile |
| Nature of the Decision | Executive/Strategic Legislative |
| Attachments | 1. Minutes - Annual Electors 2024 [13.3.1 - 11 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Receive the Motions of the 2024 Annual Meeting of Electors held on 6 March 2024.

Officer's Recommendation

That Council:

1. Notes decision AE/2024/03 relating to the Gelorup Bush Fire Brigade transitioning to management under the Department of Fire and Emergency Services requests the Chief Executive Officer investigate and prepare a report to Council.
2. Notes decision AE/2023/04 relating to the matters of security in Dalyellup and requests the Chief Executive Officer investigate and prepare a report to Council with the outcome.
3. Notes decision AE/2023/05 relating to resourcing to be allocated for street clean ups and includes the proposal during the next review of the Shire's programming and budgetary process following the Council consideration of the Shire of Capel Waste Strategy.

Background

The 2024 Annual General Meeting of Electors was held on 6 March 2024, with 34 electors in attendance, 8 Councillors and 4 staff.



The Electors had an opportunity to ask questions and move motions, 3 motions were carried as follows:

AE/2024/03 – Motion / Decision

Moved K Jones, Seconded B James.

That the Shire of Capel, in collaboration with the Department of Fire and Emergency services investigate the viability of transitioning the management of the Gelorup Volunteer Bush Fire Brigade to the Department of Fire and Emergency Services and assess the potential of such a change to improve services to the community. A report of the findings of the investigation, complete with an implementation plan should the transition be recommended, to be provided to Council for consideration no later than 30 June 2024.

Carried 28/0

AE/2024/04 – Motion / Decision

Moved K Jones, Seconded B James.

Shire acknowledge and support investigations into helping facilitate collaborative arrangements (with Community, Shire and Police) to discuss the matters of security in Dalyellup (in public places) and what would be appropriate to help make our amazing public spaces safer.

Carried 27/0

AE/2024/05 – Motion / Decision

Moved H Benediktsson, Seconded B Hearne.

That Council put more resources towards organising street clean ups, whether through community organisations or the Council personnel with the continuing growth of Dalyellup.

Carried 31/0

Previous Council Decisions

31 January 2024 (OC/2024/18) - The Annual Report for the financial year 2022/23 was carried and set the Annual General Meeting of Electors for 6 March 2024.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

1.1 A more engaged community.

1.2 A capable community that drives community activation and participation.

1.3 An inclusive community.

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

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

4.5 Improved customer engagement.



Corporate Business Plan 2023-2027

GOV 29 - **Council/Committee Timeframes** - Realign delivery of Council / Committee agendas and associated briefings / site visits to provide for increased preparation time and improved understanding / decision-making

GOV 30 - **Council Meeting Support** - Production and distribution of meeting agendas and minutes for council, committee and internal meetings

Statutory Framework

Local Framework

There are no local frameworks relevant to this item.

State Framework

Local Government Act 1995:

5.27. Electors' general meetings

1. A general meeting of the electors of a district is to be held once every financial year.
2. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
3. The matters to be discussed at general electors' meetings are to be those prescribed.

5. Minutes of electors' meetings.

The CEO is to –

1. cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
2. ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

6. Decisions made at electors' meetings.

1. All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 1. at the first ordinary council meeting after that meeting; or
 2. at a special meeting called for that purpose, whichever happens first.
2. If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

There are no Council policies relevant to this item.



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 1 Reputation Rating: Medium | Possible | Moderate | The council considers the motions and where applicable requests additional information to make informed decisions. |
| Risk Description: Failure to consider motions of Shire of Capel Electors resulting in lack of accountability, fairness, and transparency. | | | |
| Risk 2 Legislative Compliance Rating: Low | Unlikely | Minor | The Council considers the motions passed by the Electors. |
| Risk Description: Failure to comply with the Local Government Act in considering the motions of the Electors. | | | |
| Opportunity: Compliant and transparent decision making with the involvement of the Shire of Capel Community. | | | |

Financial Implications

Budget

There are no financial implications relevant to this proposal, the outcomes of further investigations into the motions may incur budgetary implications.

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

There are no relevant social implications relevant to this item.

Economic



If the Council were to approve some of the motions from the Annual General Meeting of Electors, there would be potential economic implications.

Asset

There are no relevant asset implications relevant to this item.

Consultation/Engagement

External Consultation

External consultation was conducted through the Annual General Meeting of Electors.

Internal Consultation

No internal consultation was undertaken.

Officer Comment

The purpose of the Annual Meeting of Electors to provide the community an opportunity to ask questions and move motions for the Council to consider. The Shire's legislative obligation is to have the carried motions considered by the Council at the next practicable opportunity.

This report provides the Council an opportunity to determine what action is to be taken as a result of the Elector's motions carried at the Annual Meeting.

A total of three (3) Elector's motions were carried at the Annual Meeting of 6 March 2024:

AE/2024/03 -

'That the Shire of Capel, in collaboration with the Department of Fire and Emergency services investigate the viability of transitioning the management of the Gelorup Volunteer Bush Fire Brigade to the Department of Fire and Emergency Services, and assess the potential of such a change to improve services to the community. A report of the findings of the investigation, complete with an implementation plan should the transition be recommended, to be provided to Council for consideration no later than 30 June 2024.'

Comment:

The Council are requested to consider an investigation for a report to be provided to the Council in relation to the item. There needs to be comprehensive consultation with the Department of Fire and Emergency Services on the request. The Shire also needs to ensure that all implications are considered from a community, budget, asset and risk perspective.

Additionally, a review of 'just finished' fire season is normally undertaken in April and considered at the next available Bushfire Advisory Committee. This review will be particularly important given a range of substantial and new initiatives established in 2023/24 including a new deputy chief bushfire control officer structure, designated fire areas for each brigade and efforts regarding reforms in relation to Workplace Health and Safety.

An opportunity for a report to come back to Council will allow comprehensive and factual information to be considered and a position on the proposal determine in a fully-informed manner.



The intention will be to provide the report back to Council in the third quarter of the year for any decision and implemented, if required prior to the commencement of the 2024/25 fire season.

AE/2024/04 -

'Shire acknowledge and support investigations into helping facilitate collaborative arrangements (with Community, Shire and Police) to discuss the matters of security in Dalyellup (in public places) and what would be appropriate to help make our amazing public spaces safer.'

Comment:

The Council are requested to consider an investigation for a report to be provided to the Council in relation to the item. Consultation will need to be undertaken with the community and the WA Police in the most appropriate way forward. There is also consideration of future development within Dalyellup and access to services through future facilities.

An opportunity for a report to Council will allow comprehensive information for Councillors to consider the decision appropriately. A date for the report will be provided to Council following further understanding of the complexities relating to the information required and whether any budgetary allocations are needed.

AE/2024/05 –

'That Council put more resources towards organising street clean ups, whether through community organisations or the Council personnel with the continuing growth of Dalyellup.'

Comment:

The Shire is currently in development of a 10 year Waste Strategy that come to the April 2024 Ordinary Meeting of Council. Following the adoption of this Waste Strategy, consideration for resourcing in litter and waste can be considered within programming and budgeting processes.

Questions taken on notice

There were a range of questions asked at the Annual Electors Meeting, these can be viewed in Attachment 13.3.1. The following two questions were taken on notice and a response has been provided:

Question - Brian Hearne, Peppermint Grove Beach:

The financial year 2022/23 can the Shire provide a list of contractors that provided services, the reason for the consultancy, the budget provision for the consultancy, and the cost of those services in 2022/23?

Response:

The Shire uses external consultants for three main reasons:

1. To supplement shortages in resourcing and difficulties in filling of internal positions, which has been an ongoing challenge for the past 2 years. This has been particularly prevalent in technical areas of our workforce.
2. Where specialised experience or skill is needed that would normally be part of the Shire's workforce capability, and



- Where specialised experience, skill or capability is needed for a set period or specific strategic project, that would not justify looking to recruit and be an ongoing, permanent member of the Shire's workforce.

Regardless of shortages in resourcing and difficulties in recruiting, a rapidly growing shire like Capel will always need to engage consultants for specific purposes and to supplement the permanent internal workforce.

All expenditure on and payments to consultants is itemised in the Shire's monthly account payments reported to Council and publicly available there.

Below is a summary of the key consultancy engagements the Shire undertook throughout the 2022/23 and 2023/24 financial year:

| Details | Consultant | Awarded Value (Ex GST) |
|---|---------------------------------------|------------------------|
| Calendar Year 2024 | | |
| Waste Strategy Review | Talis Consultants | \$49,504.90 |
| Calendar Year 2023 | | |
| Dalyellup Multipurpose Community and Youth Centre (DMCYC) - Operation and Management Plan | CCS Strategic/Shane Spinks Consulting | \$48,595.00 |
| Ironstone Gully Falls - Masterplan & Management Options Study | Emerge Associates | \$39,360.00 |
| Organisational Best Practice Service Review | FieldForce4 | \$64,950.00 |
| Federal Government Funding Application (Regional Precincts & Partnerships Program) | BlueSalt Consulting | \$8,500.00 |
| Asset Management - Consultancy Services | Talis Consultants | \$45,000.00 |
| Asset Management - Revaluations Buildings and Minor Structures | AssetVal | \$31,000.00 |
| Agribusiness Precinct – Phases 1,2 & 3 | Hatch Pty Ltd | \$138,386.00 |
| Dalyellup Development Contribution Plan (DCP) Review | Otium Planning Group | \$17,500.00 |
| Study and Business Case - Future Land, Housing and Accommodation Funding | Urbis | \$81,340.00 |
| Website Redevelopment Stage 2 - Website Build | Market Creations Agency | \$99,427.27 |
| Place Plan 2023 to 2027 | Element Advisory Pty Ltd | \$77,330.00 |
| Groundwater Monitoring Dalyellup Estate | Talis Consultants | \$19,800.00 |
| Asset Revaluation | APV | \$151,900.00 |



| | | |
|---|----------------------------------|-------------|
| Contaminated Site Further Investigation | GHD Pty Ltd | \$67,253.00 |
| Scheme 3 Audit | Paxon Consulting Group Pty Ltd | \$25,344.00 |
| Calendar Year 2022 | | |
| Consultancy for a New Enterprise Resource Planning (ERP) Solution | Strategic Directions Group | \$86,600.00 |
| Website Redevelopment Stage 1 - Discovery & User Research | Market Creations Agency | \$25,078.00 |
| Community Perceptions Survey | Culture Counts Australia Pty Ltd | \$25,000.00 |

Question – Graham Briggs, Gelorup

You no longer take e-waste, is there a reason for that, the e-waste now goes to Stanley Road?

Response:

As a resident or ratepayer, you have access to a variety of recycling and waste disposal services. These services are designed to complement your regular bin collection and include options that are free or come with a small fee.

E-Waste - Electronic waste is accepted at the Waste Transfer Station.

HHW - Hazardous Household Waste (compressed gas cans, pesticides, paints, and chemicals) can be disposed of at our Waste Management Facility, located on Stanley Road, Australind.

Batteries of all types are accepted at our waste transfer station.

Our website has been updated to reflect the correct information for the public.

Summary

Consideration of the motions from the Annual General Meeting of Electors is required by Council for transparent and accountable decision making, considering budget implications, legislative requirements, and local strategies. The general meeting of electors provides an opportunity for the Electors to contribute to decision making and future planning for the Shire of Capel.

Voting Requirements

Simple Majority



Officer's Recommendation – 13.3.

OC/2024/46 - Officer's Recommendation / Council Decision - 13.3

Moved Cr Fergusson, Seconded Cr Terrantroy.

That Council:

- 1. Notes decision AE/2024/03 relating to the Gelorup Bush Fire Brigade transitioning to management under the Department of Fire and Emergency Services requests the Chief Executive Officer investigate and prepare a report to Council.**
- 2. Notes decision AE/2024/04 relating to the matters of security in Dalyellup and requests the Chief Executive Officer investigate and prepare a report to Council with the outcome.**
- 3. Notes decision AE/2024/05 relating to resourcing to be allocated for street clean ups and includes the proposal during the next review of the Shire's programming and budgetary process following the Council consideration of the Shire of Capel Waste Strategy.**

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil

3 Members of the public left the room and did not return at 6:54pm.



Cr Mogg declared an Impartiality interest in item 15.5 Community Budget Requests 2024-25 Financial Year the nature of the interest is Cr Mogg is a Councillor representative on the Boyanup Foundation Board working group and has been a Councillor representative of support and initiation for the Capel Community Garden.

Cr Dillon declared an Impartiality interest in item 15.5 Community Budget Requests 2024-25 Financial Year the nature of the interest is he has been heavily involved in trying to get the Community Garden come to fruition.

15.5. Community Budget Requests 2024-25 Financial Year

| | |
|-------------------------------|---|
| Author | Manager Community Services, Jeremy O'Neill |
| Authorising Officer | Director Community and Corporate Services, Samantha Chamberlain |
| Nature of the Decision | Executive/Strategic |
| Attachments | <ol style="list-style-type: none">Attachment 1 - Community Budget Submission - Boyanup Foundation [15.5.1 - 21 pages]Attachment 2 - Community Budget Submission - Boyanup Cardinals [15.5.2 - 6 pages]Attachment 3 - Community Budget Submission - Peppermint Grove Beach Community Association [15.5.3 - 1 page]Attachment 4 - Community Budget Submission - Capel Community Garden [15.5.4 - 45 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Consider and endorse the 2024/25 Community Budget Requests for inclusion in the 2024/25 Draft Annual Budget.

Officer's Recommendation

The Council endorse the inclusion of the following Community Budget requests in the 2024/25 Draft Annual Budget:

- \$80,000 contribution towards Stage 1A (internal power distribution upgrade) of a 3 Stage redevelopment of the South West Rail and Heritage Centre in Boyanup.
- \$16,778 contribution towards infrastructure establishment costs for the Capel Community Garden.
- \$15,000 for a Feasibility Study to develop Peppermint Grove and Dalyellup Beaches as accessible beaches for people of all ages and abilities, for inclusion in the 2024/25 Draft Access and Inclusion Budget (not inclusive in Community Budget Request line item).
- Through the activation of the Shire's Place Planning and subsequent Town Site Strategies, supports co-contributing 50% of the cost to create a Master Plan for the Peppermint Grove Beach Community Centre precinct.



5. The inclusion of verge maintenance improvement works on Peppermint Grove Beach Road in the 2024/25 Draft Parks Program of Works.
6. All items are subject to recommendations and conditions contained in the 'Officer Comment' section of this report for each Community Budget Request.

Background

Every year the Shire of Capel provides an opportunity for the community to put forward requests to be considered during the Draft Annual Budget process.

Requests were allowed for specific items, community projects, sponsorship ideas, new services or improvements to Shire buildings, assets, facilities, and services consistent with previous years. The 2024/25 Community Budget Request process was open for a five-week submission period following public advertising running from Monday, 8 January and closing on Friday, 9 February 2024.

Subject to the submissions received being endorsed by the Council in principle, the inclusion of each application will be considered as part of the Draft Budget process which will commence in March through to July 2024.

All applicants will be contacted post budget adoption and informed of the outcome of their submission.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

- 1.1 A more engaged community.
- 1.2 A capable community that drives community activation and participation.
- 1.3 An inclusive community.
- 1.5 A healthy and active community.

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 2023-2027

CDVS 9 - Sponsor Major Facilities and Projects - 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.

CDVS 28 - Minor Community Grants Policy implementation - Provide both a minor and major community grants scheme mechanism each financial year.

Statutory Framework

Local Framework



Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a Budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

**Absolute Majority required*

- (2) In the preparation of the annual Budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –
- (a) The expenditure by the local government; and
 - (b) The revenue and income, independent of general rates, of the local government; and
 - (c) The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Policy Framework

The following Shire Policies apply:

- Preparation of Integrated Plan and Budget.

Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 1 Financial Rating: Medium | Possible | Moderate | Some of the Project(s) are to be funded by various sources, including own funds, Shire, and State funding schemes. |
| Risk Description: Failure to identify sufficient project funds through the community groups' own financial resources, grants and the Shire's funding mechanisms jeopardizes the continuation of community projects. | | | |
| Risk 2 Infrastructure/ Systems / Utilities Rating: Medium | Possible | Minor | The renewal and development of new community infrastructure ensures that facilities remain contemporary and fit-for-purpose. |
| Risk Description: Providing and supporting community facilities is an important function of local government authorities. | | | |
| Risk 3 Service Delivery | Possible | Moderate | Providing, and supporting, a wide range of community facilities and services helps promote a healthy, active, and engaged community. |



| | | | |
|---|--|--|--|
| Rating: Medium | | | |
| Risk Description: The community has a wide range of socio, cultural and emotional needs across the district. | | | |

Financial Implications

Where costs are provided, the Community Budget Requests approved by the Council will be included in the 2024/25 Draft Annual Budget and subsequently included in the final Annual Budget if endorsed.

The Long-Term Financial Plan (LTFP) for 2024/25 allocated an amount of \$50,000.00 as a provisional sum for Community Budget Requests. The two applications recommended for funding (specifically out of the Community Budget Requests budget line item) equates to \$96,778.00 which is \$46,778.00 above the allocated for this project within the LTFP.

The remaining three applications recommended for funding will be including in existing budget line items for projects / programs already underway and will need to be considered against other priorities in those areas when finalising programs of works or annual implementation plans. Council will be informed on the progress of this through the Draft Annual Budget planning.

Long Term

Of the two applications specifically out of the Community Budget Requests budget line item, one (the Capel Community Garden) is a new Shire asset and will improve the long-term sustainability and use of this community purposes reserve vested with the Shire of Capel.

Sustainability Implications

Climate Change and Environmental

The following projects, on completion will have a positive environmental impact in their locality:

- The inclusion of dune revegetation works adjacent to the Children's Playground in Peppermint Grove Beach in the 2024-25 Draft Parks Program of Works.
- The development of, and establishment, a Community Garden in Capel.

Social

Each application recommended for the Council's consideration will have a positive net social impact, resulting in community groups having access to suitably supported Shire infrastructure, or improved Community infrastructure, allowing for added growth opportunities to be considered by each community group.

Consultation/Engagement

External Consultation

An advertisement inviting Community Budget Requests was posted on the Shire of Capel's website and Facebook for a period of five weeks in January/February 2024.

External consultation has been undertaken by Shire Officers with the Department of Planning, Lands and Heritage in the completion of a formal change the purpose of Reserve 3262, which is



the site of the Capel Community Garden, to 'Community purpose'. This change of purpose (and a revised management order) will enable the Shire to lease a portion of this reserve to the Capel Community Garden (Inc.) and license another portion to the Capel Girl Guides for storage. Both organisations have been consulted with these proposed changes.

External consultation has been undertaken with the Boyanup Foundation on their proposed 3 stage development, with the other stages to be funded in consultation with other external agencies.

Internal Consultation

All the Community requests have been reviewed by relevant Coordinators, Managers, and the Executive Management Team for consideration in the 2024/25 Draft Annual Budget.

Officer's Comment

Submissions from the community were invited to be received until Friday 9 February 2024. Twelve applications from four (4) community organisations were received by the closing date.

The nine (9) submissions received from the Peppermint Grove Beach Community Association were bullet points 'wish list' as opposed to a formalised proposal. Some of these items, requiring further planning consideration and development, aligned with the Shire's Corporate Business and Strategic Community Plans, have been recommended for further feasibility assessment in 2024/25.

Details of these requests are detailed in the worksheet in Attachment 1 and summarised in the commentary below. One of the items has already been approved by Council in the current 2023/24 budget, and four of requests have been supported and recommended for the Council's consideration for inclusion in the 2024/25 Draft Annual Budget process as follows:

Applicant: Boyanup Cardinals Football Club Inc. (BCFC)

Amount Requested: \$37,540.00 (Ex. GST).

Request - BCFC has applied for an exterior lighting improvement program at the Boyanup AFL Sports Pavilion.

Boyanup Sports AFL Pavilion's exterior lighting improvement program aims to address the documented antisocial incidents that have adversely affected the facility and its surrounding areas. Incident reports received by the Shire include, the theft of external gas bottles, frequent vandalism of windows leading to asset theft, and disruptive behaviour at the nearby skate park near the AFL pavilion.

In response to the ongoing community concerns, the user group has proactively initiated a solution grounded in the principles of Crime Prevention Through Environmental Design (CPTED). CPTED employs the design and utilisation of the built environment to mitigate crime and antisocial behaviour, enhancing the overall quality of life. The project focuses on three key elements of CPTED: Territoriality, Surveillance, and Access Control.

Territoriality involves fostering a sense of ownership and responsibility for a place, and the Cardinal Junior Football Club, along with the Boars Football Club, currently leasing the building, ensures continuous improvements to create an inclusive and welcoming environment for the Boyanup community and visiting sporting clubs. Access control measures, such as dead bolting external



doors and implementing budget security wiring on windows, have already been implemented by the user groups.

This submission seeks financial support from the Shire to address the final element of CPTED, namely Surveillance. The user groups propose the installation of anti-vandal lighting around the perimeter of the Sports Pavilion. This lighting serves a dual purpose: firstly, to enhance the illumination of the building, acting as a deterrent against antisocial behaviour, and secondly, to provide additional external lighting for pavilion users.

Officer's Comment - The Council has previously addressed this project at its Ordinary Council Meeting of 28 February 2024. The Council resolved (OC/2024/42) the following:

That Council accepts the Request for Quotation (RFQ) 24-05 submission provided by Scope Electrical Contracting Pty Ltd for:

1. The LED floodlighting upgrade program at the Boyanup Memorial Park AFL Ground (Separable Portion 1) for \$261,260.00 (excluding GST), and;
2. Community and Amenity Electrical and Lighting Safety Upgrades (Separable Portion 2) for \$37,540.00 (excluding GST).

Officer's Recommendation / Conditions for funding – Not Recommended, project is funded and has commenced.

Applicant: Boyanup Foundation Inc.

The South West Rail and Heritage Centre is located at 24 Turner Street Boyanup, on land owned by the Public Transport Authority. Rail Heritage WA are the lessees of the site, having held the lease on the site, on a rolling 10-year lease since 1985, with the next 10-year extension due in 2027. Boyanup Foundation Inc. is the management body that comprises of membership from all member organisations located on the site and have managed the site since 1985 on behalf of Rail Heritage WA.

Amount Requested: \$80,000.

Request - The Boyanup Foundation's Community Budget request is Stage 1A of a proposed 3-stage community infrastructure upgrade project at the South West Rail and Heritage Centre (SWRHC) in Boyanup. The three stages are as follows:

Stage 1A – Internal electrical supply (core) - \$80,000.

This includes upgrading the Main Site switchboard, link to the distribution board and an upgrade to the distribution board itself.

Stage 1B – Internal electrical supply (components) - \$50,900.

This includes upgrading each of the six (6) individual components including the Rail Heritage WA Interpretative Centre and Roundhouse, Model Railway (including cottage), Boyanup Foundation (Toilet and Picnic Van), Capel Men's Shed (Sheds 5 and 6), Blacksmiths (Sheds 1 and 2) and Old Machinery (Sheds 3 and 4).

Stage 2 – External power supply

The Boyanup Foundation have applied to Western Power to undertake the external supply upgrade and lodged a deposit to get this work quoted. The Boyanup Foundation are exploring state funding opportunities, as well as their own funding, to get these works completed.

Stage 3 – Building renewals project



Stage 3 is a future stage, whereby the Boyanup Foundation will explore with Lotterywest support to upgrade key building infrastructure on the site.

Project Justification - There is not sufficient power at the SWRHC to allow all their member groups to operate at the same time. During open days, Capel Men's Shed cannot operate their machines as it overloads the system causing outages whilst the Blacksmiths are working. Currently, the picnic van operates on a generator during open days to reduce some of the overall power draw.

The SRHC is a key community asset located in the Shire of Capel. It provides a key role in preserving the Shire's and South West Australia's history, by preserving old trades, machinery, and rail history. A renewal of key infrastructure will allow the Boyanup Foundation to improve SWRHC's contribution to the Shire and its role as a key tourist attraction to the broader region.

Officer's Comment - The Boyanup Foundation's proposal to undertake an asset upgrade and renewal project at the SWRHC has been professionally researched and considered. The amount requested and recommended for the Council's consideration will provide the Boyanup Foundation with sufficient funds to undertake Stage 1A of the 3-stage project.

Officer's Recommendation / Conditions for funding - Recommended. Stage 1A only (\$80,000).

Condition(s) are as follows:

- The individual user groups self-fund Stage 1B.
- The Boyanup Foundation explores other options (other than Shire of Capel funding) for Stages 2 and 3 of the asset upgrade and renewal project.

Applicant: Capel Community Garden Inc.

Amount Requested: \$16,778.

Request - Capel Community Garden Inc. (CCG) is seeking the support of the Shire of Capel for funding for items to assist in the establishment of a community garden at 1 Barlee Road, Capel.

The CCG has been successful in obtaining funding (\$2,500) from the Dept of Communities, Community Garden Grant program, in addition to the Council adopted (SCM/2023/08) Councillor Budget Request (\$2,500) to assist in the planning and design of the garden site, which commenced in February 2024.

The key items for the CCG's budget request are:

1. Storage facility for the site (i.e. sea container or garden shed).
2. Extension of water point to the west as current is attached to the Girl Guide Shed.
3. Materials to make accessible pathways to the garden beds (i.e. for wheelchairs/prams).
4. Upgrade/replacement of fence along Goodwood Road.

Project Justification – The CCG is a key community driven project in the Capel townsite. The establishment of a community garden in Capel will provide a well-located focal point and community gathering space that will facilitate opportunities for engagement for all members of the community, through on-site activities, education and the growing of food.

All members of the Capel community are welcome to either become involved by way of membership and/or through onsite activities and events. There will also be opportunities for the wider community to be involved, through links to other community gardens and associated organisations.



The CCG are keen to work with and include people from all cultures in the garden. The garden is seen as a place suitable for the bringing together of different and diverse cultures, leading to a multicultural environment where everyone is welcome.

Officer's Comment - This change of purpose (and a revised management order) will enable the Shire to lease a portion of this reserve to the Capel Community Garden (Inc.) and license another portion to the Capel Girl Guides for storage. Both organisations have been consulted with regarding this project.

The CCG hope to work with many of Capel's local community groups and service providers. The CCG have commenced building relationships with the Capel Garden Club, Capel RSL, Capel Primary P&C which is reflected in the letters of support provided for our successful application to the Department of Communities, Community Garden Grant Program (Attachment 6). They are also working closely with the Shire's Community Development team and will be again participating in Captivate Capel in 2024.

Officer's Recommendation / Conditions for funding – Recommended (\$16,778)

Condition(s) are as follows:

- That the final storage solution to be developed in accordance with relevant Shire Building and Planning approvals.
- That the final water extension point be metered and in accordance with (future) leasing condition(s) on the site.

Applicant: Peppermint Grove Beach Community Association Inc.

Amount Requested: \$1,161,100.

The nine (9) submissions received from the Peppermint Grove Beach Community Association (PGBCA) were bullet points 'wish list' as opposed to a formalised proposal.

The 9 submissions are as follows:

Toilet at Surf Break of Baandi Walk - \$121,000.

The PGBCA has applied for a toilet and shower block at the Bandi Walk Car Park in Peppermint Grove Beach to be included on the draft 2024/25 Shire's capital works program. The PGBCA had previously applied for the same project as part of the 2021/22 and 2023/24 Community Budget requests processes. As part of the 2021/22 draft budget process Council resolved (OC010/201) for the Shire of Capel to apply for Building Better Regions Fund (BBRF) - Stage 5 for this project. The Shire of Capel was unfortunately unsuccessful in its funding application and was not awarded funding through BBRF.

Project Justification - Peppermint Grove Beach adjacent to Bandi Walk carpark is an extremely popular surfing beach at various times of the year. It is estimated at peak times that up to fifty surfers and their friends gather in that area. There have been reports of instances of people using the adjacent sand hills for ablutions in the absence of toilets.

Officer's Comment - There are currently two public toilet facilities along the coastal strip of Peppermint Grove Beach. Preliminary service level review data indicates that this is sufficient for a resident population of 518 (2021 ABS data).



The Shire's Asset Management Team have commenced undertaking condition reports for all Shire facilities; including toilet and ablution facilities. Initial reports for the two toilet facilities in Peppermint Grove Beach they are in good condition and not approaching end of useful asset life. A needs assessment is required to confirm current usage patterns for the two current facilities versus the proposed location for the new facilities. If it is deemed that the new location has a greater current and future usage demand, then when one of the two current facilities reaches the end of its useful life this could be decommissioned and replaced by the proposed new facility.

It will also be critical to review new infrastructure planning and development recommendations from the Coastal Hazard Risk Management and Adaption Plan (CHRMAP) to confirm new building setbacks for development.

Officer's Recommendation / Conditions for funding – Not recommended at this time.

Capel to Peppermint Grove Beach Bike Path - \$990,110.

The PGBCA has applied for the development of the Capel to Peppermint Grove Beach Bike Path in the draft 2024/25 Shire's Capital Works Program.

Project Justification – An east-west bike/pedestrian link would improve the amenity for the community at the southern portion of the Shire of Capel. It would enable people from both localities improved active transport and healthy lifestyle options both to and from Capel and Peppermint Grove Beach.

Officer's Comment - The Shire convenes quarterly Trails Management Group meetings to deliberate on trails within the local vicinity. The current focus of the TMG is to:

- Finalise the Ironstone Gully Falls Walk/Interpretative Trail.
- Oversee an audit of existing trails throughout the Shire.
- Seek external funding to undertake a renewal of the Shire's Trails Masterplan.

Notably, this Masterplan outlines a potential Capel to Peppermint Beach link. It is the Shire's intention to ensure the inclusion of this trail in the revised Masterplan. However, its prioritization will be determined in conjunction with other recommended trails, ensuring alignment with the overarching strategic documents of the Shire. This east-west link could also form a critical 'junction' off the proposed Bunbury-Capel-Busselton Cycle Path; which forms part of the Shire's strategic advocacy document to State and Federal bodies.

Officer's Recommendation / Conditions for funding – Not recommended at this time.

Completion of the incomplete bushfire access road from Lang Cove to Hardey Terrace.

The PGBCA has applied for the completion of the incomplete bushfire access road from Lang Cove to Hardey Terrace on the draft 2024/25 Shire's Capital Works Program.

Project Justification – Community members have advised the committee of the PGBCA that the completion of the bushfire access road from Lang Cove to Hardey Terrace would improve community safety and amenity to residents within the locality.

Officer's Comment - The Shire's Emergency Services Coordinator has assessed the request (in consultation with the local Bushfire Brigade) and determined that these works are part of the Bushfire Risk Management Plan and associated Mitigation Activity Funding (MAF) and therefore do not require an allocation in the Shires budget.



Officer's Recommendation / Conditions for funding – To be delivered by the Shire through MAF scheme.

Improved verge maintenance into and out of Peppermint Grove Beach and along Ludlow North Road.

The PGBCA have applied for improved verge maintenance into and out of Peppermint Grove Beach and along Ludlow North Road.

Project Justification – The PGBCA Executive Committee have advised Shire staff through the Community Budget Submission process that service levels of verge maintenance in the areas described (above) are at a standard below desired service level expectation.

Officer's Comment - The Shire's Manager Operations has noted the request. As such, the Shire's Park's Team will include improvements to verge maintenance along Peppermint Grove Beach Road up until the entry statement sign in Peppermint Grove Beach in the 2024/25 Draft Parks Program of Works, and consequently 2024/25 Draft Annual Budget deliberations. There are no considerations to improve verge maintenance along Ludlow North Road.

Officer's Recommendation / Conditions for funding - Consider the inclusion of verge maintenance improvement works on Peppermint Grove Beach Road in the 2024/25 Draft Parks Program of Works.

Completion of the promised management plan for the green space/oval adjoining community centre - \$40,000.

The PGBCA have applied for the promised management plan for the green space/oval adjoining community centre.

Project Justification – A master plan (as opposed to a management plan) for the Peppermint Grove Beach Community Centre precinct would provide the community a vision (and a potential future implementation schedule) for its key civic, sport and recreational precinct future priorities.

Officer's Comment – Informal discussions between the Executive Committee of the PGBCA and Shire Officers, recognised the potential need for additional small local level informal recreation facilities (and other community facilities) in Peppermint Grove Beach at the Community precinct.

Advice by Shire Officers have suggested a planned approach to the design of this space would attract funding to enable these infrastructure improvements to occur. It is proposed that this could best be achieved by the co-development of a master plan (as opposed to a management plan) for the broader Peppermint Grove Beach Community Centre precinct. Current local level recreational facilities at the Community Centre precinct include:

- A single multi-purpose tennis/basketball/netball court.
- A single practice cricket wicket.
- An informal space for soccer and AFL practice.
- An informal pump track that enables children of Peppermint Grove Beach to ride their bikes away from road and traffic, as well as providing scope for some skills development.

The expenditure estimate for this project has been based on similar projects of this nature undertaken by the Shire in recent times. As the PGBCA have not provided any detail of their own



financial contributions, or ability to source external funding, a 50% contribution has been recommended by Shire Officers.

Officer's Recommended / Conditions for funding – Through the activation of the Shire's Place Planning and subsequent Town Site Strategies, supports co-contributing 50% of the cost to create a Master Plan for the Peppermint Grove Beach Community Centre precinct.

Condition(s) are as follows:

- The Shire's contribution is matched by a 50% co-contribution by the PGBCA and other funding agencies.

Construction of a wheelchair friendly beach ramp - \$15,000 (Feasibility Study only).

The PGBCA have applied for the construction of a wheelchair friendly beach ramp.

Project Justification – The Council adopted (OC/2024/4) Place Plan identifies the following infrastructure recommendation at Peppermint Grove Beach and Dalyellup: *PD17. Provide safe, accessible access to the beach for people of all ages and abilities - pram and wheelchair-friendly ramp and Changing Places facility.*

Officer's Comment – The community need for accessible access to the beach for people of all ages and abilities has also been strongly identified as part of the community consultation for the review of the Shire's (draft) Access and Inclusion Plan. Currently there is no identified all ages and abilities access point along the Shire's beaches from Dalyellup in the north to Forrest Beach in the south.

The Shire's Community Development Team propose to include an amount of \$15,000, which is already designated in the Shire's Disability Access and Inclusion Framework and linked 2024/25 budget (to be offset by grant funding), to contract a suitably qualified Disability Consultant to undertake a Feasibility Study, with the inclusion of an implementation plan.

Officer's Recommendation / Conditions for funding - Recommended. \$15,000 for a Feasibility Study into developing Peppermint Grove Beach and Dalyellup as an accessible beach for people of all ages and abilities in the 2024/25 Draft Access and Inclusion Budget.

Dune revegetation particularly in from of Peppermint Grove Beach Road playground.

The PGBCA have applied for dune revegetation particularly in from of Peppermint Grove Beach Road playground.

Project Justification – There are several issues experienced by the community using the playground, including sand from the degraded dune area filling up the BBQ area.

Officer's Comment – The Shire's Natural Resource Management (NRM) and Parks Teams have developed a draft restoration plan to restore the structural integrity of the dune at the playground area, which was undermined when the new playground area was modified. This plan could be funded and implemented through external funding sources and agencies such as the South West NRM.

Officer's Recommendation / Conditions for funding – Source support through external agencies. The PGBCA is recommended to work with the South West NRM to source external funding and assist with the delivery of this project.



Investigating underground power options for the northern section of Peppermint Grove Beach.

The PGBCA have requested that the Shire of Capel investigate underground power options for the northern section of Peppermint Grove Beach.

Project Justification – Underground power is contemporary power infrastructure and is a preferable residential supply option.

Officer's Comment - This is an advocacy request to Western Power. The Shire's Asset and Technical Services Team have advised that Western Power's policy is to consider underground power (where possible) in new subdivisions. However, in existing networks, the preference is to review current pole infrastructure, and where poles have reached the end of their useful asset life, the norm is to replace the pole infrastructure with new poles.

Officer's Recommendation / Conditions for funding – Not Recommended. The Shire can advocate but not direct to third parties in these matters.

Planning for dual road access in and out of our location.

The PGBCA have requested that the Shire of Capel investigate planning for dual road access in and out of the location.

Project Justification – The proposal is for the development of an Emergency Activation Plan in the case that a Fire or Flood wipes out temporary access for resident out of Peppermint Grove Beach via Peppermint Grove Beach Road.

Officer's Comment - It is recommended that this case study be presented at a future Local Emergency Management Committee meeting for consideration and review.

Officer's Recommendation / Conditions for funding – Supporting a desktop assessment via relevant LEMC agencies. Benefit: if feasible, be included into a cross-agency Emergency Activation Plan, subject to a variety of factors.

Summary

The twelve Community Budget Requests received are for a variety of community and Shire facilities and services across the district. Some projects are not yet defined, and as such, Shire Officers have recommended further feasibility work be conducted to confirm the viability before committing to new infrastructure or facilities.

Voting Requirements

Simple Majority.

| |
|---|
| Officer's Recommendation – 15.5. |
|---|

The Council endorse the inclusion of the following Community Budget requests in the 2024/25 Draft Annual Budget:



MINUTES - Ordinary Council Meeting - 27 March 2024

1. \$80,000 contribution towards Part 1A (internal power distribution upgrade) of a 3 Stage redevelopment of the South West Rail and Heritage Centre in Boyanup.
2. \$16,778 contribution towards infrastructure establishment costs for the Capel Community Garden.
3. \$15,000 for a Feasibility Study to develop Peppermint Grove and Dalyellup Beaches as accessible beaches for people of all ages and abilities, for inclusion in the 2024/25 Draft Access and Inclusion Budget (not inclusive in Community Budget Request line item).
4. Through the activation of the Shire's Place Planning and subsequent Town Site Strategies, supports co-contributing 50% of the cost to create a Master Plan for the Peppermint Grove Beach Community Centre precinct.
5. The inclusion of verge maintenance improvement works on Peppermint Grove Beach Road in the 2024/25 Draft Parks Program of Works.
6. All items are subject to recommendations and conditions contained in the 'Officer Comment' section of this report for each Community Budget Request.



OC/2024/47 -Alternative Motion / Council Decision - 15.5

Moved Cr Kitchen, Seconded Cr Terrantroy.

The Council endorse the inclusion of the following Community Budget requests in the 2024/25 Draft Annual Budget:

- 1. \$80,000 contribution towards Part 1A (internal power distribution upgrade) of a 3 Stage redevelopment of the South West Rail and Heritage Centre in Boyanup.**
- 2. \$16,778 contribution towards infrastructure establishment costs for the Capel Community Garden.**
- 3. \$15,000 for a Feasibility Study to develop Peppermint Grove and Dalyellup Beaches as accessible beaches for people of all ages and abilities, for inclusion in the 2024/25 Draft Access and Inclusion Budget (not inclusive in Community Budget Request line item).**
- 4. Through the activation of the Shire's Place Planning and subsequent Town Site Strategies supports a Master Plan for the Peppermint Grove Beach Community Centre precinct.**
- 5. Consider the inclusion of verge maintenance improvement works on Peppermint Grove Beach Road in the 2024/25 Draft Parks Program of Works.**
- 6. All items are subject to recommendations and conditions contained in the 'Officer Comment' section of this report for each Community Budget Request.**

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil

23 Members of the public left the room and did not return at 6:59pm.



13. Chief Executive Officer Reports

13.1. Climate Change Adaptation and Sustainability Terms of Reference Review

| | |
|-------------------------------|--|
| Author | Strategic Governance and Risk Coordinator, Tahlia Shipley |
| Authorising Officer | Chief Executive Officer, Gordon MacMile |
| Nature of the Decision | Review |
| Attachments | <ol style="list-style-type: none">1. Attachment CCAS Terms of Reference Tracked Changes [13.1.1 - 4 pages]2. Attachment CCAS Terms of Reference Clean [13.1.2 - 4 pages]3. Climate Change Adaptation Minutes [13.1.3 - 14 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Adopt the reviewed and amended draft Climate Change Adaptation and Sustainability Committee's Terms of Reference.

Officer's Recommendation

That Council adopt the Climate Change, Adaptation and Sustainability Committee updated Terms of Reference as per Attachment 13.1.2.

Background

The Shire of Capel establishes Committees to assist Council in the performance of its duties. When establishing a Committee, Council should provide the Committee with Terms of Reference to ensure that the Committee fulfils the role asked of it by Council.

Terms of Reference for the Climate Change Adaptation and Sustainability are also beneficial for the Committee functions to reflect the aspirations of Council and the community.

Previous Council Decisions

28 February 2024 (CC/2024/2) - The Climate Change, Adaptation and Sustainability Committee endorsed the draft Terms of Reference and recommend to the Council for adoption.

25 October 2023 (OC/2023/187) – Council appointed 5 Councillors (McCleery, Schiano, Fergusson, Sharp, Mogg) to the Climate Change Adaptation and Sustainability Committee for a period ending on the ordinary election day in October 2025.

27 May 2020 - (OC051/2020) - Ordinary Council Meeting – Council adopted the draft Terms of Reference for the Climate Change, Adaptation and Sustainability Committee.

26 February 2020 - (CC02/2020) - Climate Change Adaptation and Sustainability Committee endorsed the draft Terms of Reference.



Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

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 2023-2027

GOV 27 - **Committee Framework** - Review Shire committee framework

Statutory Framework

Local Framework

There are no local frameworks relevant to this item.

State Framework

Local Government Act 1995

Section 5.8 Establishment of committees

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

There are no Council policies relevant to this item.

Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 1 Reputation Rating: Low | Unlikely | Minor | Ensuring the review of the Terms of Reference on a biannual basis. |
| Risk Description: Failure to keep the purpose of the Committee relevant with the climate change and sustainability expectations of the community. | | | |



| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 2 Environmental Rating: Low | Unlikely | Minor | Ensuring the review of the Terms of Reference on a biannual basis. |
| Risk Description: Failure to have a continual review of the Committee can result in inconsistencies within the environmental management of the Shire. | | | |
| Opportunity: A considered and regular review of the function of the Climate Change, Adaptation and Sustainability Committee. | | | |

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

The Climate Change, Adaptation and Sustainability Committee will consider on going implications from a social, environmental, asset and economic perspective. These implications will be considered at the time of the reports relevant to the committee. Any future considerations will be made by the Council through recommendations from the Committee.

Consultation/Engagement

External Consultation

No external consultation was undertaken.

Internal Consultation

Internal consultation was undertaken with the Chief Executive Officer, Governance Team and Director of Infrastructure and Development.

Officer Comment

The amendments to the Terms of Reference reflect amendments to the newly legislated changes to the appointment of the Chair and Deputy Chair.



Additionally, the incorporation of the Capel Coast Sub Committee oversight included within the duties and responsibilities has resulted from the recent Council decision made at the January 2024 Ordinary Meeting. The decision included the following point:

' 6. Resolves to set up a Capel Coast Sub-Committee to the Climate Change and Sustainability Committee with responsibility for the assistance in the implementation of the Final Capel CHRMAP and to include elected members, Shire Officers, community representatives and other appropriate organisations agencies.'

The draft Terms of Reference for the Capel Coast Sub Committee were endorsed for consideration by Council at the 28 February 2024 Climate Change, Adaptation and Sustainability Committee meeting.

These Terms of Reference have been included within this Agenda as Attachment 13.1.1 and Attachment 13.1.2.

There have also been other minor amendments made for clarity and conciseness.

Summary

The amendments to the Terms of Reference provide more clarity of the Committee and the roles and responsibilities of the members.

Voting Requirements

Simple Majority

Officer's Recommendation – 13.1.

OC/2024/47 - Officer's Recommendation / Council Decision - 13.1

Moved Cr Fergusson, Seconded Cr Schiano.

That the Council adopt the Climate Change, Adaptation and Sustainability Committee updated Terms of Reference as per Attachment 13.1.2.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



13.2. Capel Coast Sub Committee Terms of Reference

| | |
|-------------------------------|---|
| Author | Strategic Governance and Risk Coordinator, Tahlia Shipley |
| Authorising Officer | Chief Executive Officer, Gordon MacMile |
| Nature of the Decision | Executive/Strategic |
| Attachments | 1. Capel Coast Sub Committee ToR DRAFT [13.2.1 - 5 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Adopt the draft Capel Coast Sub Committee Terms of Reference and understand the Climate Change Adaptation and Sustainability Committee's ongoing responsibility to oversee the actions, activities and recommendations from the Sub Committee.

Officer's Recommendation

That the Council adopt the draft Capel Coast Sub Committee Terms of Reference and support the Climate Change, Adaptation and Sustainability Committee to oversee the actions, activities and recommendations made by the Sub Committee.

Background

The background relating to the purpose of the Sub Committee has been outlined within the Terms of Reference.

The Sub Committee was identified to support the governance and consideration of initiatives in relation to coastal matters within the Shire of Capel. Council recognises that the implementation of the CHRMAP along with the ongoing management of the Capel Coast with the community, requires a long-term commitment that is consistent and sustainable.

Previous Council Decisions

28 February 2024 (CC/2024/3) - The Climate Change, Adaptation and Sustainability Committee endorsed the Draft Capel Coast Sub Committee Terms of Reference and recommend to the Council for adoption.

31 January 2024 Ordinary Meeting of Council - (OC/2024/12) Council resolved the following (in part):

'That Council,

1. Endorses the Final Capel Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) (Attachments 14.5.1 to 14.5.12) as a guide for future planning and coastal management in the Shire.
6. Resolves to set up a Capel Coast Sub-Committee to the Climate Change and Sustainability Committee with responsibility for the assistance in the implementation of the Final Capel



CHRMAP and to include elected members, Shire Officers, community representatives and other appropriate organisations agencies.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

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

2.7 Urban planning that supports sustainable development

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

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.4 Improved beach infrastructure to support a healthy beach lifestyle

Corporate Business Plan 2023-2027

DEVS 4 - **CHRMAP** - Prepare and implement a joint Coastal Hazard Risk Mitigation Plan including community engagement and consultation.

Statutory Framework

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

There are no Council policies relevant to this item.



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 1 Reputation Rating: Medium | Possible | Moderate | A fit for purpose and operational Terms of Reference that supports the Sub Committees future work. |
| Risk Description: Failure to consider the future impacts on the community from the findings and recommendations of the CHRMAP. | | | |
| Risk 2 Environmental Rating: Medium | Possible | Moderate | A fit for purpose and operational Terms of Reference that supports the Sub Committees future work. |
| Risk Description: Failure to start the implementation and consideration of future environmental impacts. | | | |
| Opportunity: The future advocacy and considerations of the Sub Committee for the impacts and actions identified through the CHRMAP. | | | |

Financial Implications

Budget

There are no financial implications relevant to this proposal. However, future recommendations through the Sub Committee for future budgetary impacts and considerations may be put to the Climate Change, Adaptation and Sustainability Committee.

Long Term

There are no future long term financial implications relevant to this proposal. However, future recommendations through the Sub Committee for future budgetary impacts and considerations may be put to the Climate Change, Adaptation and Sustainability Committee.

Sustainability Implications

The Capel Coast Sub Committee will consider ongoing implications from a social, environmental, asset and economic perspective. These implications will be considered at the time of the reports relevant to the committee.

Consultation/Engagement

External Consultation

No external consultation has been undertaken. Following the endorsement of the Terms of Reference, the Shire will engage with the relevant stakeholders that have been identified as potential members of this sub-committee.



An Expression of Interest process will also be undertaken for community representation, and the applications received will be considered by the Climate Change, Adaptation and Sustainability Committee and recommended to Council.

Internal Consultation

Consultation between the Chief Executive Officer, Director of Infrastructure and Development, Strategic Governance and Risk Coordinator and Planning Coordinator has been undertaken.

Officer Comment

The Capel Coast Sub Committee will consider the impacts of:

- temporary coastal flooding;
- permanent marine inundation;
- increased heat-related health issues;
- changes in mosquito activity; and
- subsequent impact on residents and economic impacts on those industries which rely on our waterways and coast, such as tourism and accommodation businesses and commercial fishing.

The Sub Committee will work to identify future solutions and investigations of these impacts on the Capel community.

A vital part of the future mitigation and management strategies will involve investigations to be undertaken on the financial impacts and provide recommendations on strategies and financial assistance opportunities.

This sub-committee should consist of several community representatives to ensure proper engagement and involvement of the community, along with elected members, Shire Officers and representatives from other relevant organisations. These members have been identified through internal consultation on the relevant stakeholders. Noting that due to current staff roles being reviewed, titles of officers may be subject to change, and this will be amended in the Terms of Reference if required.

The draft Terms of Reference for the Capel Coast Sub Committee are included as Attachment 13.2.1.

Summary

The Sub Committees Terms of Reference provides an opportunity for the ongoing consideration and action of the CHRMAP recommendations and findings.

Voting Requirements

Simple Majority



Officer's Recommendation – 13.2.

OC/2024/48 - Officer's Recommendation / Council Decision - 13.2

Moved Cr Schiano, Seconded Cr Fergusson.

That Council adopt the draft Capel Coast Sub Committee Terms of Reference as per Attachment 13.2.1, and support the Climate Change, Adaptation and Sustainability Committee to oversee the actions, activities and recommendations made by the Sub Committee.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



14. Infrastructure and Development Reports

Cr Kitchen declared a Financial Interest in item 14.1 Local Planning Policy 6.16 – Short Stay Accommodation the nature of the interest is operating a short stay accommodation.

Cr Kitchen left the room, and the Deputy Shire President assumed the Chair at 7.02pm

14.1. Local Planning Policy 6.16 - Short Stay Accommodation

| | |
|-------------------------------|---|
| Location | Shire of Capel |
| File Reference | LPP6.16 |
| Author | Manager Development Services, Scott Price |
| Authorising Officer | Director Infrastructure Development, Tanya Gillett |
| Nature of the Decision | Legislative |
| Attachments | 1. Local Planning Policy 6.16 - Short Stay Accommodation. |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

The Shire has prepared a series of local planning policies which will assist in the implementation of a robust local planning framework and complement the provisions of Shire's Local Planning Scheme No. 8 (LPS8).

Following the closure of the public consultation / advertising period, these local planning policies are presented for final consideration and approval:

- Local Planning Policy 6.16 - Short Stay Accommodation.

Recommendation

That Council:

1. In accordance with the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. Adopts the following policies as part of the Local Planning Framework for the Shire of Capel Local Planning Policy 6.16 - Short Stay Accommodation (Attachment 1);
 - b. Publishes notice of the policies and ensures that an up-to-date copy of each policy is published in accordance with Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

The State Government released a draft Position Statement for 'Planning for Tourism and Guidelines' in December 2021, which is to inform decision making at Local Government level for



holiday homes and associated uses. The State intends to release a State Planning Policy to govern the assessment of such uses.

However, the State has chosen to release a Planning Bulletin (Planning Bulletin 99) as an interim position with the intention of guiding local governments when dealing with issues associated with holiday homes under the local government planning framework. As such, the Shire has decided to pursue the implementation of a local planning policy until such time that overarching framework be released.

The purpose of initiating the Short Stay Accommodation policy is to ensure a greater level of guidance is available for the Shire's Development Service when undertaking the assessment of the discretionary land use.

Short Stay Accommodation uses, and associated providers (Airbnb, Stayz) may be contentious due to the proximity in which site's share with nearby residential functions, the 'unhosted' nature of the premise, and the associated conflicts that arise from the use of sites as a 'party house.'

The Shire recognises the increasing market demand for Holiday Houses, and Bed & Breakfast dwellings, and their importance as a component of the overall mix of tourism accommodation. However, in recent years there has been an increasing trend to purchase or build homes specifically for Holiday House use. Existing dwelling stock have also come under pressure for conversion to Holiday Houses and similar Short Stay alternatives.

Consequently, a range of issues and concerns have emerged in relation to this form of accommodation. Some of these issues are broadly outlined as follows:

- A growing number of listed properties without Development Approval.
- Amenity impacts and reduced liveability in residential areas (e.g., noise, antisocial behaviour, privacy, safety, and security).
- Disruption to sense of community.
- Increased levels of on-street parking, and traffic movements.
- Distressed animals in unfamiliar environments.
- Inadequate property management in responding to complaints and disputes.
- Lack of long-term rentals and impacts on housing affordability.
- Non-compliance with building standards (e.g., universal access requirements).
- Fire safety hazards.
- Conflicts between land uses.

With the introduction of the Holiday House and Holiday Accommodation land uses within the Zoning Table of LPS8, the introduction of a local planning policy is beneficial to the assessment of such applications, as supplemental provisions to that of the Zone Objectives ('A' use) and Clause 67 of the Planning & Development Regulations 2015 can then further inform appropriateness when exercising discretion.

Previous Council Decisions

- Council supported a motion from the Annual Meeting of Electors (OC/2023/87 - 31 May 2023) to investigate and prepare a draft Local Planning Policy that outlines discretionary criteria for the use of properties as short-term rental accommodation (STRA). The topic of STRA's has becoming increasingly controversial with the popularity of Airbnb increasing, and as such, the need for parameters around the preservation of residential amenity is becoming increasingly important.



- Council supported the advertisement of draft Local Planning Policy 6.16 for the purpose of community consultation at the meeting of 29 November 2023. At the time of the report, the policy was named 'Local Planning Policy 6.16 - Holiday Houses.' It has since been renamed 'Local Planning Policy 6.16 - Short Stay Accommodation' to broaden its application to proposals such as Holiday Accommodation and Bed & Breakfast uses. This approach and terminology is consistent with the imminent legislation being introduced at the State level for Short Term Rental Accommodation.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

- 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

Corporate Business Plan 2023-2027

DEVS 10 - **Local Planning Policy review** - Review and prepare new local planning policies to support implementation of Local Planning Scheme No.8.

Statutory Framework

Local Framework

- Local Planning Policy 6.7 - Community Engagement;
- Draft Local Planning Policy 6.16 - Short Stay Accommodation; and
- Local Planning Scheme No. 8 (LPS8).

State Framework

- Clauses 4(1) and 4(2) of *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 – Deemed provisions for local planning schemes (P&D Regs); and
- Planning Bulletin 99 - Holiday Homes Guidelines.

Federal Framework

There are no state frameworks relevant to this item.

Policy Framework

A planning policy does not form part of a Scheme and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the policy in its decision making.

The Shire can adopt local planning policies relating to matters of local development under Part 2, Division 2 of the Deemed Provisions. This Policy has been made pursuant to this legislation.

Furthermore, provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* require advertising to occur, and a period for making submissions to be no less than a period of twenty-one days after the day on which the notice is first published.



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|---|-------------------|--------------------|---|
| Risk 1 Legislative Compliance Rating: Medium | Possible | Moderate | Support the final adoption of the policy to add to the Shire’s existing planning framework. |
| Risk Description: Failure to adopt the policy for final endorsement will mean that Council will continue to have a significant lack of relevant and existing planning framework to guide discretionary decision making for such land use proposals. | | | |
| Opportunity: Application of policy which could contain clearer and more comprehensive provisions to achieve the intent and objectives of the local planning framework more effectively. | | | |

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 policy will facilitate a controlled environment in which the Shire can foster seasonal tourism whilst mitigating the potential impacts to residential amenity.

Economic

The introduction of the policy will support the tourism industry by the promotion of voluntary accreditation of holiday homes.

Asset

There are no relevant asset implications relevant to this item.



Consultation/Engagement

External Consultation

The draft policy was advertised for public comment for a period of at least twenty-one (21) days in accordance with clauses 4(1) and 4(2) of the Deemed Provisions.

No submissions were received from the public, and no further submissions were received by State Government agencies. It was however noted in the previous November 2023 OCM report that a letter from Department of Mines, Industry Regulation and Safety (DMIRS) was received to advise Local Governments to broaden their inhouse policies to include all land uses that are considered Short Stay Accommodation.

Officer Comment

The intent of draft Local Planning Policy 6.16 is to provide Shire Officers guidance in addition to the provisions of LPS8 and the *Planning and Development Regulations 2015* when exercising discretion.

The acceptability of such a use is largely dependent upon the variables in which the use encapsulates, such as visitor numbers, behaviour of occupants, number of vehicles present at any one point in time, and proximity to neighbouring dwellings. The policy is therefore intended to establish provisions which assist in consideration of such uses and allows for the Shire to consider the previous history of adherence to management plans when assessing renewal applications.

As stated in the previous report to November 2023 OCM, there would be further opportunities to broaden the scope of the policy to capture similar land uses such as Holiday Accommodation, and Bed & Breakfasts. This action has now been undertaken by including such uses into the policy for final adoption.

Summary

It is acknowledged that the draft policy has been assessed and reviewed by relevant stakeholders and deemed to be considered appropriate in its role and responsibility within the Shire's planning framework. The amendments made throughout the consultation period to broaden the applicable land uses is consistent with advice from DMIRS.

Council is encouraged to adopt the draft LPP as final for the purposes of formalising the Shire's planning framework.



Voting Requirements

Simple Majority.

Officer's Recommendation – 14.1.

OC/2024/49 - Officer's Recommendation / Council Decision - 14.1

Moved Cr Fergusson, Seconded Cr Terrantroy.

That Council:

1. **In accordance with the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a. **Adopts the following policies as part of the Local Planning Framework for the Shire of Capel Local Planning Policy 6.16 - Short Stay Accommodation (Attachment 1);**
 - b. **Publishes notice of the policies and ensures that an up-to-date copy of each policy is published in accordance with Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

Carried 7 / 0

For - Cr Dillon, Cr Fergusson, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil

1 member of the public left the room and did not return at 7:04pm.

Cr Kitchen returned to the room and assumed the Chair at 7.06pm.



The Following item was deferred at the 28 January 2024 Ordinary Meeting of Council (OC/2024/14).

14.2. Retrospective Holiday House - Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach

| | |
|-------------------------------|--|
| Location | Lot 104 (1) Sand Dune Drive, Peppermint Beach |
| File Reference | PA149/2023 |
| Applicant | Big City Lawyer |
| Owner | Big City Lawyer |
| Author | Planning Coordinator, Bob Wallin |
| Authorising Officer | Director Infrastructure Development, Tanya Gillett |
| Nature of the Decision | Legislative |
| Attachments | <ol style="list-style-type: none">1. Attachment 1 - Previous Agenda item [14.2.1 - 143 pages]2. Attachment 2 - additional information [14.2.2 - 8 pages]3. Attachment 3 requested conditions [14.2.3 - 2 pages]4. Attachment 4 - application [14.2.4 - 4 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Seek retrospective approval for a change of use from "Single House" to "Holiday House" at Lot 104 (1) Sand Due Drive, Peppermint Grove Beach (Subject site).

The proposal was considered at Council's meeting 31 January 2024 where Council resolved:

"In accordance with section 12.1(a) of the Shire of Capel Standing Orders, that the motion be deferred until the March Ordinary Meeting of Council and officers are requested to explore options with the proponent for alternative conditions."

Additional information has been provided by the applicant and discussion has occurred regarding constraints and considerations to include in an assessment.

Officer's Recommendation

That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants Development Approval for PA149/2023 for a Holiday House subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of **Attachment 4** dated 26 May 2023.
2. This approval is valid for 12 months from the date of this decision.
3. Prior to Occupation, a Management Plan being prepared and implemented to the satisfaction of the Shire of Capel.



4. The maximum number of occupants who may be on the premises at any time is ten (which includes guests).
5. The owner/accommodation manager must ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.
6. Prior to commencement of any occupation of the Holiday House, the owner/accommodation manager shall provide all occupants with the following:
 - a) emergency evacuation plan;
 - b) a copy of an approved Management Plan.

The owner/accommodation manager must provide the Shire with proof of such notification upon request.

7. The owner/accommodation manager shall ensure that a sign is displayed that:
 - a) is visible from the street;
 - b) displays a current telephone number upon which the owner/manager can be reached;
 - c) is located solely within the subject site;
 - d) is no larger than 0.2m².

The owner/accommodation manager is to provide the Shire with proof of signage upon request.

8. All vehicles must be parked within the designated parking areas. No more than six vehicles may be on the premises at any one time. No vehicles are to obstruct any street, thoroughfare, adjacent premises or any other vehicle.

Background

Attachment 1 provides a copy of the previous Council item considered at the 31 January 2024 Council meeting and provides background to the history and relevant considerations.

The applicant has provided additional information (**Attachment 2**) and suggested conditions (**Attachment 3**).

The key elements of the proposal are summarised as follows:

- Land use definition - "Holiday Accommodation" verses "Holiday House"
- Capacity of septic system
- Car parking capacity
- Number of guests (proposed 16 guests after 10pm and a maximum of 19 guests/visitors at any one time).

Shire Officers have attended a meeting with the applicant and reviewed additional information supplied prior and following the meeting.

Attachment 4 contains the proposed application.



Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

Direction 4 - Deliver good leadership, governance and decision-making
4.1 Effective and compliant governance

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 2023-2027

DEVS 12 - **Development Applications** - Process and determine development applications in accordance with the local planning framework.

Statutory Framework

Local Framework

Local Planning Scheme No.8 (LPS8)

The land is zoned "Residential" with a density code of R12.5 under LPS8 maps.

Holiday House is defined as:

"means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast."

Holiday House is listed as an "A" use (discretionary subject to advertising) for the Residential zone.

The Objectives of the Residential zone are:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for range of non-residential uses, which are compatible with and complementary to residential development.

State Framework

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of the Regulations details matters that a local government is required to have due regard to when determining a development application.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 provides a framework for considering development applications within bushfire prone areas and is supported by guidelines.

The intent of the policy is to preserve life and reduce the impact of bushfire on property and infrastructure.



The proposed use is classified as a “vulnerable” land use because guests at the holiday house may be unfamiliar with the locality. Element 5: Vulnerable Tourism Land Uses provides guidance on holiday houses which requires a Bushfire Management Plan to be prepared by a suitably qualified practitioner.

Element 5 includes performance principles for a holiday house where the development is located outside a residential built-out area.

A residential built out area is defined as:

“A locality serviced with reticulated water and is within or contiguous with an urban area or town (or similar), which incorporates a suitable destination.”

A “suitable destination” is defined as:

“An area that can provide shelter during a bushfire event and is either:

- *Not classified as bushfire prone on the Map of Bushfire Prone Areas; or*
- *Greater than 100m from classifiable vegetation.”*

Planning Bulletin 99 (September 2009) (PB99)

PB99 sets out the interim position of the Western Australian Planning Commission in relation to the planning and regulation of holiday homes in Western Australia.

The objectives are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

The Planning Bulletin identifies guidelines for:

- Introducing model definitions in scheme texts
- Introducing land use designations in Local Planning Schemes with discretionary uses
- Limit initial approvals for a period of 12 months to ensure that there is minimal impact on the amenity of neighbouring properties to provide a degree of certainty to operators and flexibility for local governments to terminate approvals of non-compliant operators.
- Preparing local planning policies.

Guidelines Holiday Homes – Short stay use of residential dwellings (Sept 2009) (Guidelines)

Objectives of the Guidelines are:

- To establish clear guidelines for the short stay use of holiday homes for tourism-accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.



The Guidelines outline planning application and approval considerations and approval conditions. Approval conditions suggested including:

- Preparation of a management plan to address
 - Caretaker arrangements including contact details
 - Details on how nuisance issues such as noise will be addressed
 - A fire and emergency response plan
 - Car parking provision
 - Signage
 - Number of people occupying the premises
 - Maximum period of stay
- Fire and emergency response plans
- Approval period (limited to one year) at first with potential for greater periods subject to compliance with conditions and ensuring minimal impact on neighbours' amenity.

Position Statement: Planning for Tourism and Short-term Rental Accommodation (November 2023)
(Position Statement)

The intent of this Position Statement is to:

- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high level of amenity in tourism areas; and
- Deliver quality and use planning outcomes.

The Position Statement states that:

"For local governments in regional areas (i.e., outside the Metropolitan Region Scheme) - zoning table and scheme provisions for unhosted short term rental accommodation will be at the discretion of the individual local government. This is in recognition of the need to provide greater flexibility for regional local governments, acknowledging that there are various approaches dependent on local community demographics, housing availability and tourism markets."

The Position Statement encourages local governments in regional areas to update their schemes and provide guidance on where short-term rental accommodation may or may not be acceptable and where it would be beneficial for a development application.

Local planning considerations are suggested and contained in the table below with the suggested response.

| General local planning considerations | Comments/response |
|--|--|
| Using the zoning table and other scheme mechanisms to control locations | The Shire's zoning table includes the use "Holiday House" and lists it as a discretionary use (A) within the "Residential" zone. This requires a development application and advertising. |
| Capping guest numbers through a local planning policy or condition of planning approval to respond to constraints such as availability of vehicle parking, capacity of infrastructure (e.g. onsite effluent disposal) or maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses). | The Shire's draft local planning policy proposes to address these matters. Further, proposed conditions are recommended on this application to address matters associated with guest numbers to reflect constraints in parking location, septic system capacity and concerns regarding guest numbers impacting on local amenity. |
| Utilising a local planning policy to guide discretionary decision making. | A draft local planning policy has been prepared and was considered at Council's November 2023 Ordinary Council Meeting for approval to advertise |



| General local planning considerations | Comments/response |
|---|---|
| Consider limiting initial development approval to 12 months and renewed on a longer basis (3 to 5 years) or permanently to ensure there is appropriate management of potential impacts on amenity | The draft policy proposes limits to approval timeframes and the proposed recommendation proposes to limit the approval period to ensure any potential impacts on amenity will be addressed. |

In addition, the following new information is provided in relation to guidance on septic system requirements.

Additional information is provided below regarding the Government Sewerage Policy based on new proposals by the applicant to explore expanding the existing septic system or alternative management arrangements. This additional information is required to be considered within the context of the Government Sewerage Policy (September 2019).

Government Sewerage Policy (September 2019)

Policy objects include:

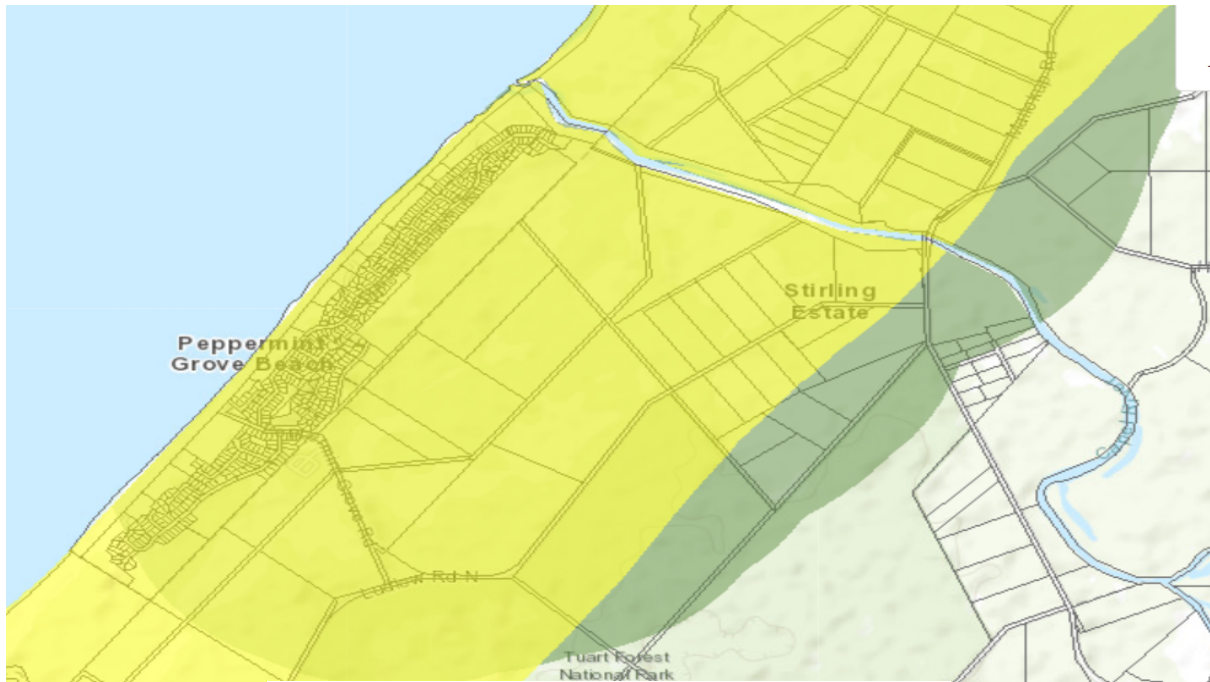
1. To generally require connection of new subdivision and development to reticulated sewerage;
2. To protect public health and amenity;
3. To protect the environment and the State's water and land resources;
4. To promote the efficient use of infrastructure and land
5. To minimise costs to the broader community including by ensuring an appropriate level and form of sewage servicing is provided; and
6. To adopt the precautionary principle to on-site sewage disposal.

Section 5 provides policy measures require planning proposal to connect to or provide for reticulated sewage in the following instances:

5.1.1. 6 Where the responsible authority determines that the absence of reticulated sewerage will pose an unacceptable risk to public health, the environment or water resources. This includes instances where:

.... b. The impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. Where approval of any future or proposed application without connection to reticulated sewerage is likely to set a precedent for similar proposal in the local water catchment, the cumulative impact will be considered....

The Policy includes a definition of "Sewage sensitive areas" which includes areas within one kilometre of a significant wetland. The subject site is located within a "Sewerage sensitive area (see extract of mapping below)



- e) Within 2km of selected coastal embayments
- f) Within 1km of significant wetlands

The subject site is located within 2km of selected coastal embayment's and within 1km of significant wetlands.

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

Local Planning Policy 6.1 Vehicle Parking (LPP 6.1)

LPP 6.1 identifies the following parking standards for "Holiday Accommodation" (see extract below):

| Land Use | Minimum Vehicle Requirements |
|---------------|---|
| Holiday House | In accordance with the Residential Design Codes for single house. |

The Residential Design Codes requires two carparking spaces for residential houses of two or more bedrooms. Six parking spaces are proposed (see Attachment 4).

Draft Local Planning Policy – Holiday Houses 6.16 (draft LPP 6.16)

This draft policy was presented to Council at the 29 November 2023 meeting for consent to advertise. Advertising has been completed and closed on the 1 February 2024. As a result, it satisfies the criteria of a seriously entertained planning proposal.



The purpose and objectives of the policy are to:

1. To manage tourism, protect the character of the community, and ensure sustainable development in the area; and
2. To guide the Shire’s decision making in respect to the appropriateness of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal.

The policy contains a three policy statements, addressing:

1. exercising of discretion;
2. Management Plans; and
3. Temporary Approvals.

Items 2 and 3 above relate to administrative and ongoing management of Holiday Homes and these matters can be addressed by implementing conditions on approvals.

Item 1 focuses on assessment of proposals. The following table provides assessment against the listed matters to be considered.

| Policy Statement – Exercise of discretion under Local Planning Scheme No.8 | Comment |
|---|--|
| a) The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site. | The proposed scale and intensity of land use is not consistent with the prevailing locality which consists of relatively low density, detached single houses. A condition to limit the intensity to ten patrons at any one time is proposed. |
| b) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. | See comments above. A scale to ten patrons will ensure that vehicle parking and traffic will be controlled to be generally consistent with that of a traditional single dwelling. |
| c) Any proposed management controls by the operator that will be incorporated into the Management Plan required by clause 2, which mitigate potential adverse amenity impacts to nearby landowners and occupiers. In the cases where the operator is known, the Shire shall consider any identified experiences or expertise of the applicant/operator in operating other Holiday House uses. | A condition is recommended to prepare a management plan to address ongoing operations of the Holiday House use. |
| d) If the applications relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approval management plan (refer to clause 2). | The assessment and proposed conditions have considered submissions received to ensure amenity concerns are addressed. |



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|---|
| Risk 1 Legislative Compliance Rating: Medium | Likely | Minor | Include conditions to manage scale and follow up breaches with compliance enforcement |
| Risk Description: Failure to monitor and enforce conditions. | | | |
| Risk 2 Environmental Rating: Medium | Likely | Minor | Include conditions to limit scale to ensure capacity of infrastructure can accommodate demand |
| Risk Description: Failure to monitor and enforce conditions. | | | |
| Opportunity: To enable a small business to operate in the locality. | | | |

Financial Implications

Budget

A retrospective development application fee has been paid to the value of \$885.00. This fee is three times the value of a standard development application fee. 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

There are no relevant social implications relevant to this item.

Economic

There is an opportunity to review rating structures that apply to Holiday Houses within the Shire. Any changes to rating arrangements will require considerable resources to audit existing operators, obtain relevant approvals and undertake relevant legislative and regulatory steps to obtain approvals for the changes to rating values.



Asset

There are no relevant asset implications relevant to this item.

Consultation/Engagement

External Consultation

Please see **Attachment 1**.

Internal Consultation

The item had been referred internally at the initial assessment of the Development Application. Additional commentary had been provided by the Shire's Environmental Health Services regarding the issues of maximum occupancy. This commentary is contained in the Officer Comment section below.

Officer Comment

The following sections discuss items raised by the applicant that has occurred following the January 2024 Council meeting.

Land use definition - "Holiday Accommodation" v "Holiday House"

In the previous Council item, the proposed use was considered as "Holiday Accommodation". After a review of evidence provided by the applicant, this position has been amended.

Previously, the proposal was assessed as "Holiday Accommodation" which is defined as:

"Means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot."

The applicant has requested that the proposed land use be defined as "Holiday House".

"Holiday House" is defined in Local Planning Scheme 8 as follows:

"means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast."

On review, the previous report incorrectly assigned the proposed land use as "Holiday Accommodation". It is noted that the existing "dwelling" contains some features that would enable it to be categorised as a dwelling and ancillary dwelling. This is because the design has potential to have a secondary self-contained element (separate kitchen and bathroom facilities). This fact does not progress to the level specified in the definition of "Holiday Accommodation". That is, the site does not have "2 or more dwellings". Therefore, on reflection, it is suggested that the proposed use be assessed as a "Holiday House".



Capacity of septic system

In reviewing matters associated with the septic system, the following should be considered:

- The capacity of a system is determined on wastewater load per person. It is not possible to increase this capacity by increasing the frequency of pump outs. The system has an approved capacity of 10 adults.
- Any increase in capacity will require a new system, and subsequently any new system will require approval from the Department of Health (DoH) due to the requirements of the Government Sewerage Policy that applies to sewerage sensitive sites.
- The property is in a sewerage sensitive location that requires any new system to be designed to meet specific criteria including the need to provide secondary treatment to remove nutrients.
- Options suggested by the applicant (**Attachment 2**) to increase the rate of “pump outs” or review how the system is functioning do not represent a practical solution.
- Use of a septic system beyond the design capacity undermines the functionality by reducing the time for separation of the solids to occur. This will result in the system failing due to build up of grease and oil getting to the drainage receptacles.
- Options to continue to overload the system and “wait and see” if the system sustains itself is not a practical solution, nor best practice. A system is sized to a specified capacity and is designed to efficiently operate up to this capacity. The intentional support any overloading of the septic system will have significant implications, including:
 - Establishing a precedent for supporting similar situations within the locality;
 - Potential for excessive leaching of nutrients in an international and State recognised sensitive environment (coast and wetlands); and
 - Creating risks to human health due to systems failing and untreated effluent entering the local environment (disease and odour).

It cannot be emphasised enough that such a consideration as to over capacitate the system will be significantly jeopardising the environmental quality of the area, and the human safety of residents within Peppermint Grove Beach.

Car parking capacity

The applicant has provided additional information regarding how guests generally arrive at the property, noting that the majority are for family gathering with often more than 2 guests arriving per car.

On this basis, the provision of six carparking spaces on site is reasonable to accommodate ten guests and visitors.

Number of guests.

In considering the number of guests, there are two key factors. One relates to infrastructure capacity. The other relates to impacts on amenity and the principles of orderly and proper planning.

Previously, the recommendation was to limit guest numbers to eight. This was primarily due to parking considerations. However, it is now considered reasonable to increase guest numbers to a total of ten at any one time.



If the Council wish to amend the recommendation to increase the capacity to 10 guests, Condition 4 and 5 could be replaced with the following:

'4. *The maximum number of occupants who may be on the premises at any time is ten (which includes guests) (10).*'

The considerations for this are explored below.

Infrastructure constraints

In relation to infrastructure, a fixed constraint relates to the capacity of the septic system which limits numbers to 10 guests.

There is potential to increase capacity of the septic system. However, this process requires approval from the Department of Health and installation. If a larger system is approved and installed, it will be possible to consider a new application for "Holiday House" for guest numbers greater than 10.

It is not appropriate to condition any increase in guest numbers beyond the existing capacity due to:

- timeframes for assessment and implementation of works; and
- uncertainty associated with obtaining approval from the Department of Health.

It would be possible to consider an amended application for additional numbers at a time when approvals have been obtained for a larger capacity septic system. However, if this above constraint is addressed, this leaves questions regarding impacts on amenity (in addition to effluent disposal) and the principles of orderly and proper to be considered.

Amenity and Orderly and Proper Planning

It is noted that a traditional single residential property usually accommodates significantly less than ten residents and well below the proposed 16 to 20 guests. The average household size within the Shire of Capel is 2.5.

In this instance, the house and septic system has been designed to accommodate 10 residents. On this basis, it is not reasonable to restrict the guest numbers below this threshold.

Any increase in guest numbers beyond this threshold will need to consider impacts on local amenity (see **Attachment 1** – previous report).

To expand on **Attachment 1**, the following provides additional context for considering impacts on amenity, through the lens of orderly and proper planning when applying discretion.

An application must be assessed in accordance with the: "principle of orderly and proper planning". *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 provides guidance on understanding the principle and states:

"the exercise of a discretion within the planning context should be conducted in an orderly way - that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious":

"the exercise of discretion would clearly need to have regard to any applicable legislation, subsidiary legislation and planning schemes (such as region schemes, town planning schemes, local planning schemes) and policy instruments"



"there is no reason in principle why planning legislation and instruments will be the only matters warranting consideration in determining what is a 'proper' planning decision. The matters which warrant consideration will be a question of fact to be determined having regard to the circumstances of each case"

"While the exercise of discretion will involve a judgment about what is suitable, appropriate, or apt or correct in a particular case, that judgment must (if it is to be 'orderly') be an objective one. If the exercise of discretion is to be an orderly one, the planning principles identified as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so, which basis is itself grounded in planning law or principle. A broad range of considerations may be relevant in that context."

In considering any further expansion of guest numbers beyond ten would represent a departure from the principle of orderly and proper planning for the site as it:

- a) Will encourage an intensity of land use out of character with the established local setting and objectives of the Residential zone, specifically the objective to:

"to provide for a range of non-residential uses, which are compatible with and complementary to residential development."

Any support of a dwelling accommodating 19 guests for short stay holiday accommodation would be a clear departure from the objective of the residential zone, specifically when noting:

- the relatively low-density code (R12.5) which promotes detached single dwellings;
 - the established settlement pattern which does not include any other density or intensive land uses in the immediate locality; and
 - expectations on land use intensity and scale being proportionate to traditional residential dwelling.
- b) Will create generate impacts on local servicing beyond the capacity of the site to accommodate (car parking capacity); and
- c) Will create potential for disturbance relating to noise and anti-social behaviour. It is noted that 20 people contained within one single dwelling (even if behaving reasonably) has the potential to create a noise disturbance, particularly when congregating in open deck areas.

Summary

It is recommended that approval be granted for the retrospective approval of a holiday house subject to conditions, including limiting guest numbers to ten at any one time.

Council at its January 2024 Council meeting resolved that:

"In accordance with section 12.1(a) of the Shire of Capel Standing Orders, that the motion be deferred until the March Ordinary Meeting of Council and officers are requested to explore options with the proponent for alternative conditions."

The applicant has provided additional information including suggested conditions and Shire staff have attended a meeting with the applicant.



The key issues raised and considered at Council's January 2024 meeting (**Attachment 1**) remain the same with the exception of:

- a) definition of the use being changed to "Holiday House" (previously "Holiday Accommodation"); and
- b) increasing the number of guests to ten (previously eight).

Voting Requirements

Simple Majority

Officer's Recommendation – 14.2.

Moved Cr Noonan, Seconded Cr Terrantroy

That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*, grants development approval for PA149/2023 for a Holiday Accommodation subject to conditions:

- 1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.7.1 dated 26 May 2023.**
- 2. This approval is valid for 12 months from the date of this decision.**

Prior to Occupation

- 3. A Management Plan being prepared and implemented to the satisfaction of the Shire of Capel.**

In Perpetuity

- 4. The maximum number of occupants who may be on the premises at any time is eight (8).**
- 5. The maximum number of attendants (which includes guests) who may be on the premises at any one time after 10.00pm is eight.**
- 6. The owner/accommodation manager must ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.**
- 7. Prior to commencement of any occupation of the Holiday Accommodation the owner/accommodation manager shall provide all occupants with the following:**
 - a) emergency evacuation plan;**
 - b) a copy of an approved Management Plan.**

The owner/accommodation manager must provide the Shire with proof of such notification upon request.



8. The owner/accommodation manager shall ensure that a sign is displayed that:
- is visible from the street;
 - displays a current telephone number upon which the owner/manager can be reached;
 - is located solely within the subject site;
 - is no larger than 0.2m².

The owner/accommodation manager is to provide the Shire with proof of signage upon request.

9. All vehicles must be parked within the designated parking areas. No more than four vehicles may be on the premises at any one time. No vehicles are to obstruct any street, thoroughfare, adjacent premises or any other vehicle.

Advice

- Any activity at the premises must comply with the assigned noise levels within the *Environmental Protection (Noise) Regulations 1997*.
- The applicant is advised to liaise with the Shire's building department regarding reclassifying the building to a Class 1B which includes the need to have an integrated fire alarm and emergency lighting system.
- If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

OC/2024/50 - Procedural Motion / Council Decision - 14.2

Moved Cr Fergusson, Seconded Cr Mogg.

That Council, as per Shire of Capel Standing Orders Local Law 2016, 12.1(a) defer the motion until the April 2024 Ordinary Meeting of Council to allow for further information to be provide to the Shire.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



The Following item was deferred at the 28 January 2024 Ordinary Meeting of Council (OC/2024/13).

14.3. Retrospective Holiday House - Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach

| | |
|-------------------------------|--|
| Author | Senior Planning Officer, Bob Wallin |
| Authorising Officer | Director Infrastructure Development, Tanya Gillett |
| Nature of the Decision | Legislative |
| Attachments | <ol style="list-style-type: none">1. Attachment 1 - Previous agenda item [14.3.1 - 153 pages]2. Attachment 2 - additional information [14.3.2 - 8 pages]3. Attachment 3 requested conditions [14.3.3 - 2 pages]4. Attachment 4 - development application [14.3.4 - 6 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Seek retrospective approval for a change of use from "Single House" to "Holiday House" at Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach (Subject site).

The proposal was considered at Council's meeting 31 January 2024 where Council resolved:

"In accordance with section 12.1(a) of the Shire of Capel Standing Orders, that the motion be deferred until the March Ordinary Meeting of Council and officers are requested to explore options with the proponent for alternative conditions."

Additional information has been provided by the applicant and discussion has occurred regarding constraints and considerations to include in an assessment.

Officer's Recommendation

That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*, grants development approval for PA146/2023 for a Holiday Accommodation subject to conditions:

1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.6.1 dated 26 May 2023.
2. This approval is valid for 12 months from the date of this decision.

Prior to Occupation

3. A Management Plan being prepared and implemented to the satisfaction of the Shire of Capel.

In Perpetuity

4. The maximum number of occupants who may be on the premises at any time is eight (8).
-



5. The maximum number of attendants (which includes guests) who may be on the premises at any one time after 10pm is eight.
6. The owner/accommodation manager must ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.
7. Prior to commencement of any occupation of the Holiday Accommodation, the owner/accommodation manager shall provide all occupants with the following:
 - a) emergency evacuation plan;
 - b) a copy of an approved Management Plan.

The owner/accommodation manager must provide the Shire with proof of such notification upon request.

8. The owner/accommodation manager shall ensure that a sign is displayed that:
 - a) is visible from the street;
 - b) displays a current telephone number upon which the owner/manager can be reached;
 - c) is located solely within the subject site;
 - d) is no larger than 0.2m².

The owner/accommodation manager is to provide the Shire with proof of signage upon request.

9. All vehicles must be parked within the designated parking areas. No more than four vehicles may be on the premises at any one time. No vehicles are to obstruct any street, thoroughfare, adjacent premises or any other vehicle.

Background

Attachment 1 provides a copy of the previous Council item considered at the 31 January 2024 Council meeting and provides background to the history and relevant considerations.

The applicant has provided additional information (**Attachment 2**) and suggested conditions (**Attachment 3**).

The key elements of the proposal are summarised as follows:

- Land use definition - "holiday accommodation" verses "Holiday House"
- Capacity of septic system
- Car parking capacity
- Number of guests (proposed 12 guests after 10pm and 16 on the premises at any one time).

Shire staff have attended a meeting with the applicant and reviewed additional information supplied prior and following the meeting.

Attachment 4 contains the proposed application.

Decision Framework



Shire of Capel Strategic Community Plan 2023-2033

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

4.1 Effective and compliant governance

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 2023-2027

DEVS 12 - **Development Applications** - Process and determine development applications in accordance with the local planning framework.

Statutory Framework

Local Framework

Local Planning Scheme No.8 (LPS8)

The land is zoned "Residential" with a density code of R12.5 under LPS8 maps.

Holiday House is defined as:

"means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast."

Holiday House is listed as an "A" use (discretionary subject to advertising) for the Residential zone.

The Objectives of the Residential zone are:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for range of non-residential uses, which are compatible with and complementary to residential development.

State Framework

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of the Regulations details matters that a local government is required to have due regard to when determining a development application.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 provides a framework for considering development applications within bushfire prone areas and is supported by guidelines.

The intent of the policy is to preserve life and reduce the impact of bushfire on property and infrastructure.

The proposed use is classified as a "vulnerable" land use because guests at the holiday house may be unfamiliar with the locality. Element 5: Vulnerable Tourism Land Uses provides guidance on



holiday houses which requires a Bushfire Management Plan to be prepared by a suitably qualified practitioner.

Element 5 includes performance principles for a holiday house where the development is located outside a residential built-out area.

A residential built out area is defined as:

"A locality serviced with reticulated water and is within or contiguous with an urban area or town (or similar), which incorporates a suitable destination."

A "suitable destination" is defined as:

"An area that can provide shelter during a bushfire event and is either:

- *Not classified as bushfire prone on the Map of Bushfire Prone Areas; or*
- *Greater than 100m from classifiable vegetation."*

Planning Bulletin 99 (September 2009) (PB99)

PB99 sets out the interim position of the Western Australian Planning Commission in relation to the planning and regulation of holiday homes in Western Australia.

The objectives are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

The Planning Bulletin identifies guidelines for:

- Introducing model definitions in scheme texts
- Introducing land use designations in Local Planning Schemes with discretionary uses
- Limit initial approvals for a period of 12 months to ensure that there is minimal impact on the amenity of neighbouring properties to provide a degree of certainty to operators and flexibility for local governments to terminate approvals of non-compliant operators.
- Preparing local planning policies.

Guidelines Holiday Homes – Short stay use of residential dwellings (Sept 2009) (Guidelines)

Objectives of the Guidelines are:

- To establish clear guidelines for the short stay use of holiday homes for tourism-accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.



The Guidelines outline planning application and approval considerations and approval conditions. Approval conditions suggested include:

- Preparation of a management plan to address
 - Caretaker arrangements including contact details
 - Details on how nuisance issues such as noise will be addressed
 - A fire and emergency response plan
 - Car parking provision
 - Signage
 - Number of people occupying the premises
 - Maximum period of stay
- Fire and emergency response plans
- Approval period (limited to one year) at first with potential for greater periods subject to compliance with conditions and ensuring minimal impact on neighbours' amenity.

Position Statement: Planning for Tourism and Short-term Rental Accommodation (November 2023)
(Position Statement)

The intent of this Position Statement is to:

- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high level of amenity in tourism areas; and
- Deliver quality and use planning outcomes.

The Position Statement states that:

“For local governments in regional areas (i.e., outside the Metropolitan Region Scheme) - zoning table and scheme provisions for unhosted short term rental accommodation will be at the discretion of the individual local government. This is in recognition of the need to provide greater flexibility for regional local governments, acknowledging that there are various approaches dependent on local community demographics, housing availability and tourism markets.”

The Position Statement encourages local governments in regional areas to update their schemes and provide guidance on where short-term rental accommodation may or may not be acceptable and where it would be beneficial for a development application.

Local planning considerations are suggested and contained in the table below with the suggested response.

| General local planning considerations | Comments/response |
|--|--|
| Using the zoning table and other scheme mechanisms to control locations | The Shire’s zoning table includes the use “Holiday House” and lists it as a discretionary use (A) within the “Residential” zone. This requires a development application and advertising. |
| Capping guest numbers through a local planning policy or condition of planning approval to respond to constraints such as availability of vehicle parking, capacity of infrastructure (e.g. onsite effluent disposal) or maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses). | The Shire’s draft local planning policy proposes to address these matters. Further, proposed conditions are recommended on this application to address matters associated with guest numbers to reflect constraints in parking location, septic system capacity and concerns regarding guest numbers impacting on local amenity. |
| Utilising a local planning policy to guide discretionary decision making. | A draft local planning policy has been prepared and was considered at Council’s November 2023 Ordinary Council Meeting for approval to advertise |



| General local planning considerations | Comments/response |
|---|---|
| Consider limiting initial development approval to 12 months and renewed on a longer basis (3 to 5 years) or permanently to ensure there is appropriate management of potential impacts on amenity | The draft policy proposes limits to approval timeframes and the proposed recommendation proposes to limit the approval period to ensure any potential impacts on amenity will be addressed. |

In addition, the following new information is provided in relation to guidance on septic system requirements.

Additional information is provided below regarding the Government Sewerage Policy based on new proposals by the applicant to explore expanding the existing septic system or alternative management arrangements. This additional information is required to be considered within the context of the Government Sewerage Policy (September 2019).

Government Sewerage Policy (September 2019)

Policy objects include:

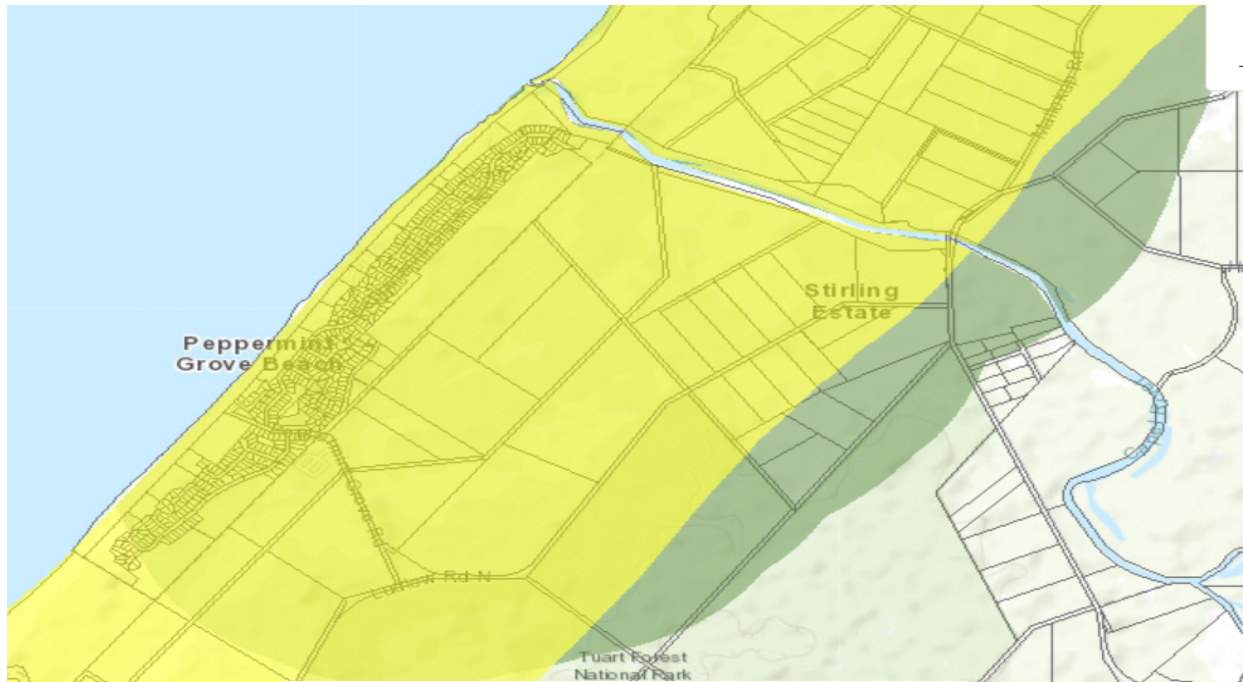
1. To generally require connection of new subdivision and development to reticulated sewerage;
2. To protect public health and amenity;
3. To protect the environment and the State's water and land resources;
4. To promote the efficient use of infrastructure and land
5. To minimise costs to the broader community including by ensuring an appropriate level and form of sewage servicing is provided; and
6. To adopt the precautionary principle to on-site sewage disposal.

Section 5 provides policy measures require planning proposal to connect to or provide for reticulated sewage in the following instances:

5.1.1. 6 Where the responsible authority determines that the absence of reticulated sewerage will pose an unacceptable risk to public health, the environment or water resources. This includes instances where:

.... b. The impact of on-site sewage disposal is deemed likely to have a detrimental impact on the water quality of a public drinking water source area, sewage sensitive area or other waterway or wetland. Where approval of any future or proposed application without connection to reticulated sewerage is likely to set a precedent for similar proposal in the local water catchment, the cumulative impact will be considered....

The Policy includes a definition of "Sewage sensitive areas" which includes areas within one kilometre of a significant wetland. The subject site is located within a "Sewerage sensitive area (see extract of mapping below)



- e) Within 2km of selected coastal embayments
- f) Within 1km of significant wetlands

The subject site is located within 2km of selected coastal embayment's and within 1km of significant wetlands.

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

Local Planning Policy 6.1 Vehicle Parking (LPP 6.1)

LPP 6.1 identifies the following parking standards for "Holiday Accommodation" (see extract below):

| Land Use | Minimum Vehicle Requirements |
|---------------|---|
| Holiday House | In accordance with the Residential Design Codes for single house. |

The Residential Design Codes requires two carparking spaces for residential houses of two or more bedrooms. Four parking spaces are proposed (see Attachment 4).

Draft Local Planning Policy – Holiday Houses 6.16 (draft LPP 6.16)

This draft policy was presented to Council at the 29 November 2023 meeting for consent to advertise. Advertising has been completed and closed on the 1 February 2024. As a result, it satisfies the criteria of a seriously entertained planning proposal.



The purpose and objectives of the policy are to:

1. To manage tourism, protect the character of the community, and ensure sustainable development in the area; and
2. To guide the Shire’s decision making in respect to the appropriateness of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal.

The policy contains a three policy statements, addressing:

1. Exercising of discretion;
2. Management Plans; and
3. Temporary Approvals.

Items 2. and 3. above relate to administrative and ongoing management of Holiday Houses/Accommodation and these matters can be addressed by implementing conditions on approvals.

Item 1. focuses on assessment of proposals. The following table provides an assessment against the listed matters to be considered.

| Policy Statement – Exercise of discretion under Local Planning Scheme No.8 | Comment |
|---|--|
| a) The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site. | The proposed scale and intensity of land use is not consistent with the prevailing locality which consists of relatively low density, detached single houses. A condition to limit the intensity to ten patrons at any one time is proposed. |
| b) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. | See comments above. A scale to ten patrons will ensure that vehicle parking and traffic will be controlled to be generally consistent with that of a traditional single dwelling. |
| c) Any proposed management controls by the operator that will be incorporated into the Management Plan required by clause 2, which mitigate potential adverse amenity impacts to nearby landowners and occupiers. In the cases where the operator is known, the Shire shall consider any identified experiences or expertise of the applicant/operator in operating other Holiday House uses. | A condition is recommended to prepare a management plan to address ongoing operations of the Holiday House use. |
| d) If the applications relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approval management plan (refer to clause 2). | The assessment and proposed conditions have taken into account submissions received to ensure amenity concerns are addressed. |



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|---|
| Risk 1 Legislative Compliance Rating: Medium | Likely | Minor | Include conditions to manage scale and follow up breaches with compliance enforcement |
| Risk Description: Failure to monitor and enforce conditions. | | | |
| Risk 2 Environmental Rating: Medium | Likely | Minor | Include conditions to limit scale to ensure capacity of infrastructure can accommodate demand |
| Risk Description: Failure to monitor and enforce conditions. | | | |
| Opportunity: To enable a small business to operate in the locality. | | | |

Financial Implications

Budget

A retrospective development application fee has been paid to the value of \$885.00. This fee is three times the value of a standard development application fee. 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

There are no relevant social implications relevant to this item.

Economic

There is an opportunity to review rating structures that apply to holiday houses within the Shire. Any changes to rating arrangements will require considerable resources to audit existing



operators, obtain relevant approvals and undertake relevant legislative and regulatory steps to obtain approvals for the changes to rating values.

Asset

There are no relevant asset implications relevant to this item.

Consultation/Engagement

External Consultation

Please see **Attachment 1**.

Internal Consultation

The item had been referred internally at the initial assessment of the Development Application. Additional commentary had been provided by the Shire's Environmental Health Services regarding the issues of maximum occupancy. This commentary is contained in the Officer Comment section below.

Officer Comment

The following sections discuss items raised by the applicant that has occurred following the January 2024 Council meeting.

Land use definition - "Holiday Accommodation" v "Holiday House"

In the previous Council item, the proposed use was considered as "holiday Accommodation". After a review of evidence provided by the applicant, this position has been amended.

Previously, the proposal was assessed as "Holiday Accommodation" which is defined as:

"Means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot."

The applicant has requested that the proposed land use be defined as "Holiday House".

"Holiday House" is defined in Local Planning Scheme 8 as follows:

"means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast."

On review, the previous report incorrectly assigned the proposed land use as "Holiday Accommodation". It is noted that the existing "dwelling" contains some features that would enable it to be categorised as a dwelling and ancillary dwelling. This is because the design has potential to have a secondary self-contained element (separate kitchen and bathroom facilities). This fact does not progress to the level specified in the definition of "Holiday Accommodation". That is, the site does not have "2 or more dwellings". Therefore, on reflection, it is suggested that the proposed use be assessed as a "Holiday House".



Capacity of septic system

In reviewing matters associated with the septic system, the following should be considered:

- The capacity of a system is determined on wastewater load per person. It is not possible to increase this capacity by increasing the frequency of pump outs. The system has an approved capacity of 10 adults.
- Any increase in capacity will require a new system, and subsequently any new system will require approval from the Department of Health (DoH) due to the requirements of the Government Sewerage Policy that applies to sewerage sensitive sites.
- The property is in a sewerage sensitive location that requires any new system to be designed to meet specific criteria including the need to provide secondary treatment to remove nutrients.
- Options suggested by the applicant (**Attachment 2**) to increase the rate of “pump outs” or review how the system is functioning do not represent a practical solution.
- Use of a septic system beyond the design capacity undermines the functionality by reducing the time for separation of the solids to occur. This will result in the system failing due to build up of grease and oil getting to the drainage receptacles.
- Options to continue to overload the system and “wait and see” if the system sustains itself is not a practical solution, nor best practice. A system is sized to a specified capacity and is designed to efficiently operate up to this capacity. The intentional support any overloading of the septic system will have significant implications, including:
 - Establishing a precedent for supporting similar situations within the locality;
 - Potential for excessive leaching of nutrients in an international and State recognised sensitive environment (coast and wetlands); and
 - Creating risks to human health due to systems failing and untreated effluent entering the local environment (disease and odour).

It cannot be emphasised enough that such a consideration as to over capacitate the system will be significantly jeopardising the environmental quality of the area, and the human safety of residents within Peppermint Grove Beach.

Car parking capacity

The applicant has provided additional information regarding how guests generally arrive at the property, noting that the majority are for family gathering with often more than 2 guests arriving per car.

On this basis, the provision of four carparking spaces on site is reasonable to accommodate ten guests and visitors.

Number of guests.

In considering the number of guests, there are two key factors. One relates to infrastructure capacity. The other relates to impacts on amenity and the principles of orderly and proper planning.

Previously, the recommendation was to limit guest numbers to eight. This was primarily due to parking considerations. However, it is now considered reasonable to increase guest numbers to a total of ten at any one time.



If the Council wish to amend the recommendation to increase the capacity to 10 guests, Condition 4 and 5 could be replaced with the following:

'4. The maximum number of occupants who may be on the premises at any time is ten (which includes guests) (10).'

The considerations for this are explored below.

Infrastructure constraints

In relation to infrastructure, a fixed constraint relates to the capacity of the septic system which limits numbers to 10 guests.

There is potential to increase capacity of the septic system. However, this process requires approval from the Department of Health and installation. If a larger system is approved and installed, it will be possible to consider a new application for "Holiday House" for guest numbers greater than 10.

It is not appropriate to condition any increase in guest numbers beyond the existing capacity due to:

- timeframes for assessment and implementation of works; and
- uncertainty associated with obtaining approval from the Department of Health.

It would be possible to consider an amended application for additional numbers at a time when approvals have been obtained for a larger capacity septic system. However, if this above constraint is addressed, this leaves questions regarding impacts on amenity (in addition to effluent disposal) and the principles of orderly and proper to be considered.

Amenity and Orderly and Proper Planning

It is noted that a traditional single residential property usually accommodates significantly less than ten residents and well below the proposed 16 to 20 guests. The average household size within the Shire of Capel is 2.5.

In this instance, the house and septic system has been designed to accommodate 10 residents. On this basis, it is not reasonable to restrict the guest numbers below this threshold.

Any increase in guest numbers beyond this threshold will need to consider impacts on local amenity (see **Attachment 1** – previous report).

To expand on **Attachment 1**, the following provides additional context for considering impacts on amenity, through the lens of orderly and proper planning when applying discretion.

An application must be assessed in accordance with the: "principle of orderly and proper planning". *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 provides guidance on understanding the principle and states:

"the exercise of a discretion within the planning context should be conducted in an orderly way - that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious":

"the exercise of discretion would clearly need to have regard to any applicable legislation, subsidiary legislation and planning schemes (such as region schemes, town planning schemes, local planning schemes) and policy instruments"



“there is no reason in principle why planning legislation and instruments will be the only matters warranting consideration in determining what is a ‘proper’ planning decision. The matters which warrant consideration will be a question of fact to be determined having regard to the circumstances of each case”

“While the exercise of discretion will involve a judgment about what is suitable, appropriate, or apt or correct in a particular case, that judgment must (if it is to be ‘orderly’) be an objective one. If the exercise of discretion is to be an orderly one, the planning principles identified as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so, which basis is itself grounded in planning law or principle. A broad range of considerations may be relevant in that context.”

In considering any further expansion of guest numbers beyond ten would represent a departure from the principle of orderly and proper planning for the site as it:

- a) Will encourage an intensity of land use out of character with the established local setting and objectives of the Residential zone, specifically the objective to:

“to provide for a range of non-residential uses, which are compatible with and complementary to residential development.”

Any support of a dwelling accommodating 20 guests for short stay holiday accommodation would be a clear departure from the objective of the residential zone, specifically when noting:

- the relatively low-density code (R12.5) which promotes detached single dwellings;
 - the established settlement pattern which does not include any other density or intensive land uses in the immediate locality; and
 - expectations on land use intensity and scale being proportionate to traditional residential dwelling.
- b) Will create generate impacts on local servicing beyond the capacity of the site to accommodate (car parking capacity); and
- c) Will create potential for disturbance relating to noise and anti-social behaviour. It is noted that 20 people contained within one single dwelling (even if behaving reasonably) has the potential to create a noise disturbance, particularly when congregating in open deck areas.

Summary

It is recommended that approval be granted for the retrospective approval of a holiday house subject to conditions, including limiting guest numbers to ten at any one time.

Council at its January 2024 Council meeting resolved that:

“In accordance with section 12.1(a) of the Shire of Capel Standing Orders, that the motion be deferred until the March Ordinary Meeting of Council and officers are requested to explore options with the proponent for alternative conditions.”

The applicant has provided additional information including suggested conditions and Shire staff have attended a meeting with the applicant.



The key issues raised and considered at Council's January 2024 meeting (**Attachment 1**) remain the same with the exception of:

- a) definition of the use being changed to "Holiday House" (previously "Holiday Accommodation"); and
- b) increasing the number of guests to ten (previously eight).

Voting Requirements

Simple Majority

Officer's Recommendation – 14.3.

Moved Cr Noonan, Seconded Cr Terrantroy.

That Council:

In accordance with Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions of local planning schemes, *Planning and Development (Local Planning Schemes) Regulations 2015*, grants development approval for PA146/2023 for a Holiday Accommodation subject to conditions:

- 1. All development being in accordance with the Approved Development Plan(s) of Attachment 14.6.1 dated 26 May 2023.**
- 2. This approval is valid for 12 months from the date of this decision.**

Prior to Occupation

- 3. A Management Plan being prepared and implemented to the satisfaction of the Shire of Capel.**

In Perpetuity

- 4. The maximum number of occupants who may be on the premises at any time is eight (8).**
- 5. The maximum number of attendants (which includes guests) who may be on the premises at any one time after 10pm is eight.**
- 6. The owner/accommodation manager must ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.**
- 7. Prior to commencement of any occupation of the Holiday Accommodation, the owner/accommodation manager shall provide all occupants with the following:**
 - a) emergency evacuation plan;**
 - b) a copy of an approved Management Plan.**

The owner/accommodation manager must provide the Shire with proof of such notification upon request.



8. The owner/accommodation manager shall ensure that a sign is displayed that:
- is visible from the street;
 - displays a current telephone number upon which the owner/manager can be reached;
 - is located solely within the subject site;
 - is no larger than 0.2m².

The owner/accommodation manager is to provide the Shire with proof of signage upon request.

9. All vehicles must be parked within the designated parking areas. No more than four vehicles may be on the premises at any one time. No vehicles are to obstruct any street, thoroughfare, adjacent premises or any other vehicle.

Advice

- Any activity at the premises must comply with the assigned noise levels within the Environmental Protection (Noise) Regulations 1997.
- The applicant is advised to liaise with the Shire's building department regarding reclassifying the building to a Class 1B which includes the need to have an integrated fire alarm and emergency lighting system.

If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

OC/2024/51 - Procedural Motion / Council Decision - 14.3

Moved Cr Fergusson, Seconded Cr Mogg.

That Council, as per Shire of Capel Standing Orders Local Law 2016, 12.1(a) defer the motion until the April 2024 Ordinary Meeting of Council to allow for further information to be provided to the Shire.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



15. Community and Corporate Reports

15.1. Rates Exemption – Agencies for South West Accommodation Inc t/as Accordwest

| | |
|-------------------------------|--|
| Author | Senior Rates Officer, Anita Scott |
| Authorising Officer | Director Community and Corporate Services, Samantha Chamberlain |
| Nature of the Decision | Executive/Strategic Legislative |
| Attachments | <ol style="list-style-type: none">1. Accordwest Application letter 2024 - 296 Norton Promenade [15.1.1 - 1 page]2. Accordwest Rate Exemption Application form 2024 [15.1.2 - 3 pages]3. Accordwest Charities certification [15.1.3 - 1 page] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Support the application received from Agencies for South West Accommodation Inc. t/as Accordwest, requesting a Rates Exemption on 296 Norton Promenade, Dalyellup WA 6230.

Officer's Recommendation

That the Council grant a Rate Exemption on property 296 Norton Promenade, Dalyellup WA 6230 owned by Agencies for South West Accommodation Inc. t/as Accordwest for financial year 2023/2024 only, in accordance with the Shire's Rate Revenue Policy.

Background

Agencies for South West Accommodation Inc. trading as Accordwest assists people in ensuring they have a safe environment and support those who are at risk or experience disadvantage or hardship. They provide low-cost accommodation to persons in needy circumstances and provide health and welfare services such as Release Support, Homelessness Services, Children & Youth services, Emergency Relief, Group Foster Care and Specialised Foster Care.

Agencies for South West Accommodation Inc. relies heavily on grant funding with 97.27% of income made up from government funds (State 92.7% and Federal 4.57%).

The property at 296 Norton Promenade, Dalyellup WA 6230 is used as part of the crisis accommodation program. The property provides accommodation to youths at risk of homelessness and includes the provision of support to address the contributing factors.

Accordwest provides all furniture, furnishings, cutlery, linen, etc. and pays all utility charges (water, power, gas) at the property. Rent is not charged to the person requiring support.

This is the sole purpose of this property which satisfies the requirement of the *Local Government Act 1995*, section 6.26 (2)(g) - land being used exclusively for charitable purposes.



Previous Council Decisions

Council previously granted Rate Exemption for the 2022/2023 financial year - OC/2023/5.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

- 1.1 A more engaged community.
- 1.3 An inclusive community.

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

- 4.1 Effective and compliant governance.
- 4.2 Informed and transparent decision making.
- 4.5 Improved customer engagement.

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 2023-2027

FIN 19 - **Rates and Services Management** - Issue and receipting of Rates. WATC and SAR modelling consistent with an adopted Rating Policy (see action point below).

FIN 20 - **Rating Policy & Procedure** - Annual review of the Shire's adopted Rating Policy consistent with the principles of rating and aligned to the Shire's annual Rate Strategy.

Statutory Framework

Local Government Act 1995, Section 6.2

6.2 Local Government to prepare Annual Budget

1. During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

**Absolute Majority required*

2. In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of -
 - a. The expenditure by the local government; and
 - b. The revenue and income, independent of general rates, of the local government; and
 - c. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.



Local Government Act 1995, Section 6.26

6.26 Rateable Land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land -
 - (a) land which is the property of the Crown and -
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except -
 - (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in Paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land; and
 - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
 - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
 - (g) land used exclusively for charitable purposes; and
 - (h) land vested in trustees for agricultural or horticultural show purposes; and
 - (i) land owned by co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make contribution to the local government; and
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
3. If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
4. The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
5. Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
6. Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious, or public nature.



Local Government (Financial Management) Regulations 1996, Regulation 26

26. Discount, incentive, concession, waiver, and write-off information

- (1) The annual budget is to include for each discount or other incentive to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money -
 - a) in respect of a discount -
 1. the amount of the discount, or the percentage discount, to be allowed; and
 2. the circumstances in which the discount will be granted;and
 - c) in relation to a waiver or concession -
 1. a brief description of the waiver or concession;
 2. a statement of the circumstances in which it will be granted;
 3. details of the persons or class of persons to whom it is available; and
 4. the objects of, and reasons for, the waiver or concession.

Local Government Act 1995, Section 6.12

6.12 Power to defer, grant discounts, waive or write off debts

1. Subject to subsection (2) any other written law, a local government may -
 - a. When adopting the annual budget, grant* a discount, or other incentive for the early payment of any amount of money; or
 - b. Waive or grant concessions in relation to any amount of money; or
 - c. Write off any amount of moneywhich is owed to the local government.

**Absolute majority required*

2. Subsection 1(a) and (b) do not apply to an amount of money owing in respect of rates and services charges.
3. The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Local Government Act 1995, Section 6.28

6.28 Basis of Rates

2. In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be -
 - a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
4. Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.



Local Government Act 1995, Section 6.32

6.32 Rates and Service Charges

1. When adopting the annual budget, a local government -
 - a) in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either -
 - i) uniformly: or
 - ii) differentially;and
 - b) may impose* on rateable land within its district -
 - iii) a specified area rate: or
 - iv) a minimum payment;and
 - c) may impose* a service charge on land within its district.

**Absolute Majority required*

Local Government Act 1995, Section 6.33

6.33 Differential General Rates

1. A local government may impose differential general rates according to any, or a combination, of the following characteristics -
 - a) purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - b) a purpose for which the land is held or used as determined by the local government; or
 - c) whether or not the land is vacant land; or
 - d) any other characteristic or combination of characteristics prescribed.
2. Regulations may -
 - a) specify the characteristics under subsection (1) which a local government is to use; or
 - b) limit the characteristics under subsection (1) which a local government is permitted to use

Local Government Act 1995, Section 6.35

6.35 Minimum Payment

1. Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
2. A minimum payment is to be a general minimum but subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
3. In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than -
 1. 50% of the total number of separately rated properties in the district; or
 2. 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
4. A minimum payment is not to be imposed on more than the prescribed percentage (50%) of -
 - a) the number of separately rated properties in the district; or



- b) the number of properties in each category referred to in subsection (6), unless a general minimum does not exceed the prescribed amount (\$200).
- 5. If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsection (2), (3) and (4) for that land.
- 6. For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsection (2), (3) and (4) in respect of each of the following categories -
 - a) to land rated on gross rental value;
 - b) to land rated on unimproved value; and
 - c) to each differential rating category where a differential general rate is imposed.

Local Government Act 1995, Section 6.47

6.47 Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

*Absolute Majority required

Policy Framework

The following Shire Policy applies:

Rate Revenue Policy – adopted by Council at the Ordinary Council Meeting held on 30 March 2022.

Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|---|------------|-------------|---|
| Risk 1 Financial Rating: Medium | Possible | Moderate | When considering this item, the Council is to realise the annual or ongoing financial impact to the Shire’s rate revenue balance, through the loss of income collection against this assessment number. The Council must be confident the accrued loss of rate revenue from this assessment for either one or multiple years will not present an adverse risk for the Shire’s current and long-term financial position. |
| Risk Description: Financial risk through loss of rate revenue. | | | |



Financial Implications

Budget

The Rate Exemption Application will be for the financial year 2023/2024 impacting rate revenue income of \$1,707.05.

Rubbish collection fees, Emergency Services Levy and Specified Area rate will remain payable on the property.

Long Term

No long term financial implications are relevant to this matter as the property is levied rates on an annual basis.

Sustainability Implications

Shire

Financial sustainability for the Shire will be impacted through the reduction of rate revenue income of \$1,707.05 if the Council chooses to grant the Rate Exemption.

Environmental, Economic and Social Drivers

The Rate Exemption Application relates to a property within the Shire of Capel, where a member of the Shire's community will directly benefit from the charitable and humanistic work this organisation is providing.

Should the Council choose to grant the application, the Shire will also be indirectly contributing to supporting this community member.

Consultation/Engagement

External Consultation

Shire Officers have consulted with the Finance section of Accordwest to examine the details contained within the Rate Exemption Application and make a true and accurate record of the organisation's purpose. Shire Officers are satisfied with the responses received.

Internal Consultation

An internal review of the application has been completed by;

1. Rates Officer.
2. Senior Rates Officer.
3. Manager Finance.
4. Director Community and Corporate.



Officer's Comment

The following documents have been provided by Agencies for South West Accommodation Inc. trading as Accordwest:

- Agencies for South West Accommodation Inc t/as Accordwest application letter.
- Rate Exemption Application form.
- Constitution – Agencies for South West Accommodation Inc.
- Registered Charity certification.
- Income Tax exempt charity certification.
- Financial Report year ending 30 June 2023.

Agencies for South West Accommodation Inc. is a non-government not for profit charitable organisation and the additional information sought summaries that the land is being used exclusively for charitable purposes as required by section 6.26(2)(g) of the *Local Government Act 1995*.

Although there have been many legal references to describe charity and charitable purpose, it is generally accepted that charity can be one of four principal purposes:

- The relief of poverty, age, and impotence.
- The advancement of education.
- The advancement of religion.
- Other purposes beneficial to the community.

Summary

The attached Rate Exemption Application received from South West Accommodation Inc. t/as Accordwest is commended to Council for review and endorsement.

Voting Requirements

Absolute Majority.

Officer's Recommendation – 15.1.

OC/2024/52 - Officer's Recommendation / Council Decision - 15.1

Moved Cr Terrantroy, Seconded Cr Sharp.

That the Council grant a Rate Exemption on property 296 Norton Promenade, Dalyellup WA 6230 owned by Agencies for South West Accommodation Inc. t/as Accordwest for financial year 2023/2024 only, in accordance with the Shire's Rate Revenue Policy.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



15.2. Accounts Paid During the Month of February 2024

| | |
|-------------------------------|---|
| Author | Finance Officer, Susan Searle |
| Authorising Officer | Director Community and Corporate Services, Samantha Chamberlain |
| Nature of the Decision | Executive/Strategic |
| Attachments | 1. Ampol [15.2.1 - 7 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Accounts paid during February 2024 are submitted for the endorsement of the Council.

Officer's Recommendation

That in accordance with Regulation 13(11) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month of February 2024 be received by the Council and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT44913 to EFT45164, CHQ50794 to CHQ50803 equated to \$1,867,539.62 during the month of February 2024.
- 2 Payroll payments for the month February 2024, equated to \$552,721.078.

Background

Accounts paid are required to be submitted each month.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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 2023-2027

FIN 9 – **Annual and Monthly Financial Reporting** - Statutory reporting of income and expenditures to the Council and regulatory authorities.

FIN 18 – **Debtor and Creditor Management** - Manage debtors and creditors to maintain optimum cash flow.



Statutory Framework

Local Framework

There are no local frameworks relevant to this item.

State Framework

Local Government Act 1995, section 6.10

6.10. Financial management regulations

1. The general management of, and the authorisation of payments out of- the municipal fund; and the trust fund of a local government.

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

13. List of accounts

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

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

- Financial Reports.
- Legislative Compliance.
- Purchasing.



Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|---|-------------------|--------------------|-------------------------------------|
| Risk 1 Financial Rating: Low | Unlikely | Minor | Monthly reporting of accounts paid. |
| Risk Description: Additional checks and balances of accounts paid by the Shire. | | | |
| Risk 2 Legislative Compliance Rating: Low | Unlikely | Minor | Monthly reporting of accounts paid. |
| Risk Description: Meeting legislative requirement of financial reporting to the Council. | | | |
| Opportunity: Compliant and accountable procurement in the Shire of Capel’s accounting practices. | | | |

Financial Implications

Budget

Creditor payments are made from the Council’s Municipal Fund.

Long Term

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

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.

Consultation/Engagement

External Consultation

There is no external consultation required.

Internal Consultation

Relevant staff have been consulted and authorised the payments. Documented review by Manager Finance and Director Community and Corporate.



Officer's Comment

Payments made during the month of February 2024 are as follows:

| | | | | |
|----------|------------|---|--|-----------|
| EFT44913 | 05/02/2024 | FINRENT PTY LTD | LEASING COSTS FOR PRINTERS | 1,552.09 |
| EFT44914 | 05/02/2024 | FINRENT PTY LTD | LEASING COSTS FOR PRINTERS | 1,552.09 |
| EFT44915 | 01/02/2024 | WESTNET PTY LTD | CAPEL SHIRE AND LIBRARY MONTHLY INTERNET | 219.98 |
| EFT44916 | 01/02/2024 | IINET | DALYELLUP LIBRARY MONTHLY INTERNET | 119.94 |
| EFT44917 | 05/02/2024 | DE LAGE LANDEN PTY LIMITED | MOWER MONTHLY RENT | 1,051.27 |
| EFT44918 | 06/02/2024 | PRECISION ADMINISTRATION SERVICES PTY LTD | JANUARY 2024 SUPERANNUATION | 90,154.34 |
| EFT44919 | 07/02/2024 | AUSTRALIA POST | POSTAGE | 3,954.09 |
| EFT44920 | 07/02/2024 | ARBORGUY | TREE PRUNING WELD ROAD, STUMP GRIND AND TREE REMOVAL AND TRAFFIC MANAGEMENT ON HORNIBROOK ROAD | 28,712.20 |
| EFT44921 | 07/02/2024 | THE AUSTRALIAN WORKERS UNION | PAYROLL DEDUCTIONS | 112.00 |
| EFT44922 | 07/02/2024 | BIG W | BOOK STOCK PURCHASES | 571.75 |
| EFT44923 | 07/02/2024 | BELL FIRE EQUIPMENT COMPANY | STIRLING BFB FLEET REPAIRS | 352.00 |
| EFT44924 | 07/02/2024 | BPS | TRANSFER STATION AND DALYELLUP BEACH PARK TOILETS WATER CARTAGE | 1,716.50 |
| EFT44925 | 07/02/2024 | BUNNINGS BUILDING SUPPLIES PTY LTD | VARIOUS HARDWARE EXPENSES | 1,060.07 |
| EFT44926 | 07/02/2024 | HEATLEYS SAFETY & INDUSTRIAL | PPE | 93.61 |
| EFT44927 | 07/02/2024 | BOYANUP BOTANICAL | CITIZENSHIP CEREMONY GIFTS | 99.00 |



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| | | | | |
|----------|------------|-----------------------------------|--|------------|
| EFT44928 | 07/02/2024 | BENDIGO BANK BUSINESS CREDIT CARD | JANUARY CREDIT CARD TRANSACTIONS: 4.2.2024 - AMAZON - \$11.95 - CYBERSECURITY METHOD TESTING - CARD 442 MFIN 5.1.2024 - ATLISSIAN - \$144.81 - HELPDESK INCREASE - CARD 442 MFIN 4.1.2024 - INTERNATIONAL TRANS FEE FOR ABOVE - \$4.34 MFIN 6.1.2024 - OK ALONE - \$358.21 - - LONE WORKER APP CARD 442 MFIN 6.1.2024 - INTERNATIONAL TRANS FEE FOR ABOVE - \$10.75 MFIN 11.1.2024 - SURVEY MONKEY - \$312.00 - ANNUAL RENEWAL - CARD 442 MFIN 11.1.2024 - INTERNATIONAL TRANS FEE FOR ABOVE \$9.36 MFIN 19.1.2024 - BUNBURY FARMERS - \$151.31 - YOUTH INZONE CATERING - CARD 261 DCC 22.1.2024 - CANVA - \$164.99 - SOFTWARE RENEWAL - CARD 253 CEO 23.1.2024 - BUNBURY FLOWERS - \$90.00 - STAFF CONDOLENCES - CARD 253 CEO 30.1.2024 - CARD FEE X 4 - \$16.00 | 1,273.72 |
| EFT44929 | 07/02/2024 | BUNBURY HARVEY REGIONAL COUNCIL | MONTHLY ORGANIC PROCESSING SERVICES AT BHRC BANKSIA ROAD | 15,382.88 |
| EFT44930 | 07/02/2024 | BUNBURY BATTERIES AND RADIATORS | FLEET VEHICLE MAINTENANCE | 45.00 |
| EFT44931 | 07/02/2024 | CLEANAWAY | DISPOSAL OF BINS AT WTS AND ALL BIN RELATED EXPENSES FOR THE SHIRE | 152,349.26 |
| EFT44932 | 07/02/2024 | CAPEL FRESH IGA | REFRESHMENTS | 495.38 |



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|----------|------------|---|---|-----------|
| EFT44933 | 07/02/2024 | COUNTRY LANDSCAPING PTY LTD | DALYELLUP ESTATE - PREPARE AND SUBMIT PROPOSAL FOR SPECIFICATION OF WORKS FOR CONTROL SYSTEM REPLACEMENTS | 9,924.75 |
| EFT44934 | 07/02/2024 | CAPEL NEWSAGENCY | NEWSPAPER PURCHASES CAPEL LIBRARY | 76.33 |
| EFT44935 | 07/02/2024 | CSSTECH GROUP ICT SERVICES | IT TECH SUPPORT | 3,915.65 |
| EFT44936 | 07/02/2024 | BOYANUP COUNTRY WOMEN'S ASSOCIATION OF WA INC | 2024 AUSTRALIA DAY - FLORAL DISPLAYS | 300.00 |
| EFT44937 | 07/02/2024 | DM & S CURTIN | CARRY OUT QUARTERLY SERVICE AIR CON CAPEL WASTE TRANSFER STATION | 180.40 |
| EFT44938 | 07/02/2024 | COLROYS COUNTRY KITCHEN | JANUARY 2024 OCM MEAL | 157.00 |
| EFT44939 | 07/02/2024 | CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 782.62 |
| EFT44940 | 07/02/2024 | ELLIOTTS FILTRATION | IRON FILTRATION SERVICES - ERLE SCOTT RESERVE AND THE GROVE | 602.80 |
| EFT44941 | 07/02/2024 | BLUE TANG (WA) PTY LTD | IRONSTONE GULLY FALLS MANAGEMENT PLAN | 2,164.80 |
| EFT44942 | 07/02/2024 | GOLDEN WEST PLUMBING & DRAINAGE | REPLACEMENT OF TIMER TAP AT PEPPERMINT GROVE FORESHORE TOILETS. | 990.00 |
| EFT44943 | 07/02/2024 | FLEET NETWORK | VEHICLE PAYROLL DEDUCTION | 590.98 |
| EFT44944 | 07/02/2024 | FRESH FLORAL STUDIO | CONDOLENCE FLOWERS | 90.00 |
| EFT44945 | 07/02/2024 | GRANTS EMPIRE | GRANT SUBMISSION FOR DEVELOPMENT OF YOUTH ENGAGEMENT PROGRAM | 330.00 |
| EFT44946 | 07/02/2024 | GANNAWAYS CHARTERS AND TOURS | BUS HIRE FOR YOU INZONE PROGRAM | 1,980.00 |
| EFT44947 | 07/02/2024 | GOLDEN WEST PLUMBING AND DRAINAGE | REPAIR AND MAINTENANCE OF VARIOUS SHIRE BUILDINGS AND TOILETS | 1,887.18 |
| EFT44948 | 07/02/2024 | HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD | MAINTENANCE TO LOADER | 542.15 |
| EFT44949 | 07/02/2024 | HARBOUR SOFTWARE | DOC ASSEMBLER ANNUAL SUBSCRIPTION FEE | 17,076.40 |



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|----------|------------|---|--|------------|
| EFT44950 | 07/02/2024 | MCLEODS BARRISTERS AND SOLICITORS | LEGAL REPRESENTATION SAT APPEALS | 3,716.90 |
| EFT44951 | 07/02/2024 | MOBILE MOUSE | BASIC EXCEL COURSE | 295.00 |
| EFT44952 | 07/02/2024 | REBECCA MCLEVIE | YOUTH SPORTING EQUIPMENT | 7.00 |
| EFT44953 | 07/02/2024 | NATURALISTE TURF | TURF MAINTENANCE NAROONA POS | 38,450.00 |
| EFT44954 | 07/02/2024 | OFFICEWORKS SUPERSTORES PTY LTD | STATIONERY SUPPLIES & EQUIPMENT | 823.96 |
| EFT44955 | 07/02/2024 | PLUNKETT HOMES SOUTH WEST | FEE REFUND | 118.00 |
| EFT44956 | 07/02/2024 | PICTON TYRE CENTRE PTY LTD | TRACTOR TYRE | 3,530.00 |
| EFT44957 | 07/02/2024 | AUSTRALIAN TAXATION OFFICE | PAYG WITHHOLDING | 154,331.00 |
| EFT44958 | 07/02/2024 | ROBERT'S TILT-TRAY & HIAB SERVICE | TOWING OF TRACTOR | 330.00 |
| EFT44959 | 07/02/2024 | RECRUITWEST PTY LTD | LABOUR HIRE | 13,124.87 |
| EFT44960 | 07/02/2024 | SPENCER SIGNS | TRAFFIC AND BEACH ACCESS SIGNS | 1,109.46 |
| EFT44961 | 07/02/2024 | SYNERGY | ELECTRICITY | 8,628.40 |
| EFT44962 | 07/02/2024 | ST JOHN AMBULANCE WESTERN AUSTRALIA LTD | FIRST AID TRAINING | 419.00 |
| EFT44963 | 07/02/2024 | SONIC HEALTHPLUS PTY LTD | PRE-EMPLOYMENT MEDICAL CHECKS | 481.80 |
| EFT44964 | 07/02/2024 | SMARTSALARY | PAYROLL DEDUCTIONS | 1,808.50 |
| EFT44965 | 07/02/2024 | TOTALLY WORKWEAR | BFB PPE | 326.15 |
| EFT44966 | 07/02/2024 | TROPHIES WEST | PLAQUE FOR STAFF FAREWELL GIFT | 43.40 |
| EFT44967 | 07/02/2024 | TYREPOWER CAPEL | MECHANICAL WORKS AND TYRE REPLACEMENTS | 3,837.50 |
| EFT44968 | 07/02/2024 | UNITING GLOBAL | MONTHLY CLEANING OF SHIRE PUBLIC TOILETS | 13,854.59 |
| EFT44969 | 07/02/2024 | VEOLIA ENVIRONMENTAL SERVICES | MONTHLY STREET SWEEPING AND DRAIN CLEANING | 10,806.02 |
| EFT44970 | 07/02/2024 | WESTRAC EQUIPMENT | GRADER BLADES | 3,345.41 |
| EFT44971 | 07/02/2024 | SHIRE OF WAGIN | PAYROLL DEDUCTIONS | 160.00 |
| EFT44972 | 07/02/2024 | WESTSIDE HEAVY DUTY MECHANICAL | STIRLING BFB FLEET REPAIR | 968.70 |
| EFT44973 | 07/02/2024 | WOOLWORTHS LIMITED (WA) | CATERING YOUTH PROGRAMMING | 61.31 |



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|----------|------------|---|---|-----------|
| EFT44974 | 14/02/2024 | AUSTRALIAN INSTITUTE OF MANAGEMENT WA HRD LTD | PROFESSIONAL DEVELOPMENT TRAINING | 1,451.00 |
| EFT44975 | 14/02/2024 | AQUA CHILL | 12 MONTH RENTAL WATER COOLER | 686.40 |
| EFT44976 | 14/02/2024 | AMITY SIGNS | WORKSHOP CONSUMABLES | 1,927.20 |
| EFT44977 | 14/02/2024 | ARMSTRONG SHINE GROUP PTY LTD | CARRY OUT INTERNAL AND EXTERNAL WINDOW CLEAN AT SHIRE BUILDINGS | 6,600.00 |
| EFT44978 | 14/02/2024 | ARBORGUY | WESTERN POWER TREE CUTTING LIST | 734.25 |
| EFT44979 | 14/02/2024 | BUNBURY MOWER SERVICE | PPE | 135.00 |
| EFT44980 | 14/02/2024 | BUNNINGS BUILDING SUPPLIES PTY LTD | VARIOUS HARDWARE EXPENSES | 47.15 |
| EFT44981 | 14/02/2024 | HEATLEYS SAFETY & INDUSTRIAL | UNIFORMS AND PPE | 1,488.14 |
| EFT44982 | 14/02/2024 | BUDGET CAR & TRUCK RENTALS | 4X4 DUAL CAB RENTAL MONTHLY RENTAL | 3,236.60 |
| EFT44983 | 14/02/2024 | BUNBURY BATTERIES AND RADIATORS | FLEET VEHICLE MAINTENANCE | 1,621.40 |
| EFT44984 | 14/02/2024 | CYBERCX PTY LTD | RECORDS DATA GOVERNANCE | 10,736.00 |
| EFT44985 | 14/02/2024 | GELORUP COMMUNITY INC | REFUND FOR DUPLICATE INVOICE | 210.00 |
| EFT44986 | 14/02/2024 | DEPARTMENT OF TRANSPORT | DISCLOSURE OF INFORMATION FEES | 13.20 |
| EFT44987 | 14/02/2024 | DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY | FEBRUARY BSL REMITTANCE | 3,816.40 |
| EFT44988 | 14/02/2024 | DYENAMIC SUBLIMATION WA PTY LTD | CULTURAL FESTIVAL POLO SHIRTS | 187.00 |
| EFT44989 | 14/02/2024 | WA ELECTORAL COMMISSION | 2023 LOCAL GOVERNMENT ELECTION | 69,672.73 |
| EFT44990 | 14/02/2024 | CR JOHN FERGUSSON | COUNCILLOR TRAVEL REIMBURSEMENT | 734.76 |
| EFT44991 | 14/02/2024 | GRACE RECORDS MANAGEMENT | DATA STORAGE AND HARD COPY RECORDS STORAGE AND DESTRUCTION | 1,061.58 |
| EFT44992 | 14/02/2024 | GOLDEN WEST PLUMBING AND DRAINAGE | REPAIR CISTERN AT MALE EXTERNAL TOILET BOYANUP COMMUNITY CENTRE AND NEW TAP AT LIONS PARK TOILETS | 1,473.27 |
| EFT44993 | 14/02/2024 | AE HOSKINS BUILDING SERVICES | SUPPLY AND INSTALL WATER TANK AT DALYELLUP BEACH | 19,413.24 |



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|----------|------------|---|--|-----------|
| EFT44994 | 14/02/2024 | HATCH PTY LTD | AGRI BUSINESS PRECINCT IDENTIFICATION AND ANALYSIS - OPPORTUNITIES AND CONSTRAINTS | 64,809.73 |
| EFT44995 | 14/02/2024 | HARRADINE & ASSOCIATES | REPAYMENT OF RETURNED FUNDS | 215.00 |
| EFT44996 | 14/02/2024 | SOUTH WEST ISUZU | BFB FLEET MAINTENANCE | 460.50 |
| EFT44997 | 14/02/2024 | LANDGATE | LAND VALUATIONS | 556.45 |
| EFT44998 | 14/02/2024 | ERIN LOCHHEAD | STUDY FEES | 2,000.00 |
| EFT44999 | 14/02/2024 | LEDA SECURITY PRODUCTS PTY LTD | DALYELLUP SKATEPARK REPAIRS | 415.18 |
| EFT45000 | 14/02/2024 | LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA | PROFESSIONAL DEVELOPMENT TRAINING | 1,190.00 |
| EFT45001 | 14/02/2024 | MICHELLE MCGOVERN | REFUNDS FOR ONLINE TRAINING AND CONSTRUCTION CODE DOWNLOADS | 698.00 |
| EFT45002 | 14/02/2024 | MCLEODS BARRISTERS AND SOLICITORS | LEGAL EXPENSES | 2,937.55 |
| EFT45003 | 14/02/2024 | MONADELPHOUS ENGINEERING ASSOCIATES PTY LTD | FLEET VEHICLE REPAIRS | 1,320.00 |
| EFT45004 | 14/02/2024 | GORDON MACMILE | INTERNET REIMBURSEMENT | 75.50 |
| EFT45005 | 14/02/2024 | REBECCA MCLEVIE | STUDY ASSISTANCE | 2,000.00 |
| EFT45006 | 14/02/2024 | MARK O'CONNOR | WALL CLOCK FOR OFFICE | 35.00 |
| EFT45007 | 14/02/2024 | MERCHANT WAREHOUSE AND CAFE | CATERING FOR COMMUNITY AWARDS AND VOLUNTEER HONORARIUM | 1,966.00 |
| EFT45008 | 14/02/2024 | CANCEL PAYMENT REFER EFT45126 | | |
| EFT45009 | 14/02/2024 | THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD | CARRYOUT NIGHTLY PATROLS OF SHIRE PREMISES AND BUILDINGS | 4,370.77 |
| EFT45010 | 14/02/2024 | OFFICEWORKS SUPERSTORES PTY LTD | STATIONERY SUPPLIES & EQUIPMENT | 925.29 |
| EFT45011 | 14/02/2024 | OPTUS BILLING SERVICES PTY LTD | MONTHLY SHIRE INTERNET, FIXED LINES AND MOBILE ACCOUNTS | 1,876.15 |
| EFT45012 | 14/02/2024 | RELATIONSHIPS AUSTRALIA WA | EMPLOYEE ASSISTANCE PROGRAM - STAFF COUNSELLING SERVICES | 2,112.00 |



MINUTES - Ordinary Council Meeting - 27 March 2024

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| EFT45013 | 14/02/2024 | RECRUITWEST PTY LTD | LABOUR HIRE | 4,803.65 |
| EFT45014 | 14/02/2024 | STEWART & HEATON CLOTHING CO PTY LTD | BFB PPE | 614.28 |
| EFT45015 | 14/02/2024 | SOUTHERN LOCK & SECURITY | KEYS CUT FOR DALYELLUP SPORTS PAVILION | 67.51 |
| EFT45016 | 14/02/2024 | SYNERGY | ELECTRICITY | 7,723.44 |
| EFT45017 | 14/02/2024 | SEEK | ANNUAL SEEK ADVERTISING CONTRACT | 1,146.76 |
| EFT45018 | 14/02/2024 | SDH PAINTING & DECORATING | GRAFFITI REMOVAL | 1,628.00 |
| EFT45019 | 14/02/2024 | SMARTSALARY | OUTSTANDING GST | 80.25 |
| EFT45020 | 14/02/2024 | SECNET PTY LTD | IT EQUIPMENT | 5,971.34 |
| EFT45021 | 14/02/2024 | D & K THOMAS ELECTRICAL | VARIOUS SHIRE ELECTRICAL WORKS | 1,506.45 |
| EFT45022 | 14/02/2024 | TOTALLY WORKWEAR | SHIRE UNIFORMS | 615.85 |
| EFT45023 | 14/02/2024 | T-QUIP | MOWER PARTS | 29.15 |
| EFT45024 | 14/02/2024 | TYREPOWER CAPEL | FLEET VEHICLE SERVICING AND TYRE REPAIRS | 570.00 |
| EFT45025 | 14/02/2024 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT | 118.34 |
| EFT45026 | 14/02/2024 | VERAISON PTY LTD | LEADERSHIP AND CULTURAL DEVELOPMENT PROGRAM | 1,386.00 |
| EFT45027 | 14/02/2024 | WESTRAC EQUIPMENT | GRADER REPAIRS AND PARTS | 1,750.65 |
| EFT45028 | 14/02/2024 | THE PRINT SHOP | PRESTART CHECKLIST BOOKS AND CAPTIVATE CAPEL BOOKMARKS | 2,321.00 |
| EFT45029 | 14/02/2024 | WORKPAC GROUP | LABOUR HIRE | 3,890.92 |
| EFT45030 | 14/02/2024 | WA LASER ENGRAVING | STAINLESS STEEL ETCHED PLAQUE FOR GELORUP BFB | 350.00 |
| EFT45031 | 14/02/2024 | WOOLWORTHS LIMITED (WA) | CATERING FOR YOUTH PROGRAM AND LIBRARY EVENT | 224.14 |
| EFT45032 | 14/02/2024 | WA FUEL SUPPLIES PTY LTD | BFB FUEL | 168.98 |
| EFT45033 | 15/02/2024 | TELSTRA CORPORATION LTD | TELSTRA MOBILE CHARGES | 473.91 |
| EFT45034 | 16/02/2024 | IINET | IINET INTERNET ACCESS FOR DEPOT - MONTHLY | 109.99 |
| EFT45035 | 19/02/2024 | TELSTRA CORPORATION LTD | MONTHLY LANDLINES BILL | 328.67 |
| EFT45036 | 20/02/2024 | FINRENT PTY LTD | LEASING PRINTERS | 1,552.09 |



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| EFT45037 | 21/02/2024 | APV VALUERS & ASSET MANAGEMENT | ANNUAL SUBSCRIPTION - LICENCE FEE | 22,000.00 |
| EFT45038 | 21/02/2024 | AMITY SIGNS | STREET NAME SIGNS | 3,170.75 |
| EFT45039 | 21/02/2024 | BUNNINGS BUILDING SUPPLIES PTY LTD | INDICATOR BOLTS | 441.15 |
| EFT45040 | 21/02/2024 | HEATLEYS SAFETY & INDUSTRIAL | PPE | 86.04 |
| EFT45041 | 21/02/2024 | BENDIGO BANK EMERGENCY SERVICES DEBIT CARD | GELORUP BFB TAP FITTING AND WATER FOR FIRE INCIDENT | 32.90 |
| EFT45042 | 21/02/2024 | KATHY BLAIR | LIBRARY EVENT | 200.00 |
| EFT45043 | 21/02/2024 | BUNBURY BATTERIES AND RADIATORS | NEW BATTERIES FOR FLEET VEHICLE | 620.00 |
| EFT45044 | 21/02/2024 | BOYANUP GENERAL STORE & NEWSAGENCY | CATERING FOR WELFARE - INCIDENT # 657079 | 132.80 |
| EFT45045 | 21/02/2024 | BP AUSTRALIA | DIESEL FUEL SUPPLY & DELIVERY | 14,033.16 |
| EFT45046 | 21/02/2024 | COATES HIRE SERVICE | PICK UP AND CLEANING OF PORTABLE TOLIET AT WELD ROAD | 437.54 |
| EFT45047 | 21/02/2024 | COUNTRY WATER SOLUTIONS | VARIOUS RETICULATION REPAIRS AND PARTS | 3,855.92 |
| EFT45048 | 21/02/2024 | CAPE TRAINING AND ASSESSING | TRAINING | 6,650.00 |
| EFT45049 | 21/02/2024 | CARBONE BROS PTY LTD | ROBERTS ROAD STRATHAM ROAD UPGRADE WORKS | 6,325.00 |
| EFT45050 | 21/02/2024 | DEPARTMENT OF PLANNING, LANDS AND HERITAGE | DAP APPLICATION FEE | 10,659.00 |
| EFT45051 | 21/02/2024 | DALYELLUP NEWS & LOTTERIES | NEWSPAPER PURCHASES DALYELLUP LIBRARY | 63.60 |
| EFT45052 | 21/02/2024 | THE DRAGON BAKERY | OVERPAYMENT OF DEBTOR INVOICE | 236.00 |
| EFT45053 | 21/02/2024 | AE HOSKINS BUILDING SERVICES | ELGIN HALL AND BOYANUP BASKETBALL PAVILION REPAIRS | 6,374.26 |
| EFT45054 | 21/02/2024 | HATCH PTY LTD | AGRI BUSINESS PRECINCT IDENTIFICATION AND ANALYSIS - OPPORTUNITIES AND CONSTRAINTS | 30,744.18 |
| EFT45055 | 21/02/2024 | PETER LEONARD HUTCHISON | CROSSOVER CONTRIBUTION | 677.25 |
| EFT45056 | 21/02/2024 | MOORE AUSTRALIA (WA) PTY LTD | ANNUAL BUDGET WORKSHOPS | 3,168.00 |
| EFT45057 | 21/02/2024 | A INGRAM | BOOK STOCK PURCHASES | 61.98 |



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| EFT45058 | 21/02/2024 | LANDGATE | LAND VALUATIONS | 137.40 |
| EFT45059 | 21/02/2024 | LOCAL GOVERNMENT RACING AND CEMETERIES EMPLOYEES' UNION | PAYROLL DEDUCTIONS | 66.00 |
| EFT45060 | 21/02/2024 | MONSTERBALL AMUSEMENTS | CAPTIVATE CAPEL AMUSEMENT PACKAGE HIRE | 2,495.00 |
| EFT45061 | 21/02/2024 | NETSIGHT CONSULTING PTY LTD | MONTHLY MYOSH SUBSCRIPTION | 916.30 |
| EFT45062 | 21/02/2024 | OPTUS BILLING SERVICES PTY LTD | SHIRE MONTHLY INTERNET | 215.00 |
| EFT45063 | 21/02/2024 | PICTON TYRE CENTRE PTY LTD | TRACTOR TYRES | 312.40 |
| EFT45064 | 21/02/2024 | PRIME INDUSTRIAL PRODUCTS | CONSUMABLES | 24.78 |
| EFT45065 | 21/02/2024 | SIMONE PES | LIBRARY EVENT PURCHASES | 129.53 |
| EFT45066 | 21/02/2024 | RECRUITWEST PTY LTD | LABOUR HIRE | 6,086.09 |
| EFT45067 | 21/02/2024 | STEWART & HEATON CLOTHING CO PTY LTD | BFB PPE | 133.30 |
| EFT45068 | 21/02/2024 | SOUTHERN LOCK & SECURITY | KEYS CUT | 247.81 |
| EFT45069 | 21/02/2024 | SOS OFFICE EQUIPMENT | PHOTOCOPIER MONTHLY PRINTS | 919.62 |
| EFT45070 | 21/02/2024 | SYNERGY | ELECTRICITY | 34,005.01 |
| EFT45071 | 21/02/2024 | SPRAYMOW SERVICES | DALYELLUP ESTATE WEED SPRAYING | 12,122.00 |
| EFT45072 | 21/02/2024 | SYRINX ENVIRONMENTAL PTY LTD | REVIEW OF REHABILITATION PLAN | 1,056.00 |
| EFT45073 | 21/02/2024 | MASONS SOUTH WEST RUBBER STAMPS | SELF INKING STAMPS | 80.60 |
| EFT45074 | 21/02/2024 | STANTEC AUSTRALIA PTY LTD | TO UNDERTAKE AN INDEPENDENT REVIEW OF A TRAFFIC MANAGEMENT PLAN (TMP) AND TRAFFIC IMPACT STATEMENT (TIS) FOR A LOCALLY OPERATING EXTRACTIVE INDUSTRY LICENCE | 10,780.00 |
| EFT45075 | 21/02/2024 | TOTALLY WORKWEAR | STAFF UNIFORM ALLOWANCE | 123.60 |
| EFT45076 | 21/02/2024 | TOTALLY SOUND T/F CARMUNNING PARK PTY LTD | OPERATOR AND EQUIPMENT FOR AUSTRALIA DAY EVENT | 4,219.60 |



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|----------|------------|--|---|------------|
| EFT45077 | 21/02/2024 | THOMPSON SURVEYING CONSULTANTS | REFUND FOR INCORRECT FEE CHARGED | 61.65 |
| EFT45078 | 21/02/2024 | T-QUIP | MOWER PARTS | 107.35 |
| EFT45079 | 21/02/2024 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT | 171.84 |
| EFT45080 | 21/02/2024 | MICHAEL VAN DER WIELE | FUEL | 85.56 |
| EFT45081 | 21/02/2024 | WREN OIL | OIL TRANSFER FROM WTS | 16.50 |
| EFT45082 | 21/02/2024 | KARENA WEST | SPORTS PARTICIPATION SCHEME | 200.00 |
| EFT45083 | 21/02/2024 | WOOLWORTHS LIMITED (WA) | CATERING YOUTH PROGRAMMING 2023/24 | 27.35 |
| EFT45084 | 21/02/2024 | AMPOL | MONTHLY FUEL CARDS – REFER TO ATTACHMENT FOR FUEL TRANSACTION DETAILS | 6,909.16 |
| EFT45085 | 28/02/2024 | KAARA ANDREW | FORMER COUNCILLOR – 4 YEARS OF BACKDATED TRAVEL REIMBURSEMENTS | 2,825.16 |
| EFT45086 | 28/02/2024 | BIG W | BOOKSTOCK PURCHASES | 272.00 |
| EFT45087 | 28/02/2024 | BUNBURY MOWER SERVICE | PLANT SERVICING AND CONSUMABLE EXPENSES | 1,630.90 |
| EFT45088 | 28/02/2024 | B & B STREET SWEEPING | CAPEL CIVIC CENTRE PRECINCT - JANUARY 2024 | 1,537.80 |
| EFT45089 | 28/02/2024 | BUNNINGS BUILDING SUPPLIES PTY LTD | CONSUMABLES | 167.92 |
| EFT45090 | 28/02/2024 | HEATLEYS SAFETY & INDUSTRIAL | PPE | 1,487.38 |
| EFT45091 | 28/02/2024 | BUNBURY HARVEY REGIONAL COUNCIL | ORGANIC PROCESSING SERVICES AT BHRC BANKSIA ROAD | 10,750.32 |
| EFT45092 | 28/02/2024 | BENDIGO BANK EMERGENCY SERVICES DEBIT CARD | WELFARE INCIDENTS REFRESHMENTS | 32.55 |
| EFT45093 | 28/02/2024 | BUNBURY CITY CAR CLEANERS | EXECUTIVE DETAIL OF RANGER VEHICLES | 440.00 |
| EFT45094 | 28/02/2024 | KATHY BLAIR | MATERIALS FOR LIBRARY EVENTS | 63.58 |
| EFT45095 | 28/02/2024 | BOYLES PLUMBING & GAS | CONSUMABLES AND REPAIRS | 514.14 |
| EFT45096 | 28/02/2024 | CLEANAWAY | MONTHLY CLEANAWAY EXPENSES | 207,350.57 |
| EFT45097 | 28/02/2024 | CHANGING SPACES | REFUND WITHDRAWN BA | 89.74 |
| EFT45098 | 28/02/2024 | CLEANWAY XTRA CLEANING SERVICES | SHIRE BBQ MONTHLY CLEANING | 4,118.40 |



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| EFT45099 | 28/02/2024 | COUNTRY WATER SOLUTIONS | GARDEN MAINTENANCE & SLASHING INCLUDING RETICULATION TO GELORUP BFB GARDEN | 18,939.44 |
| EFT45100 | 28/02/2024 | COLROYS COUNTRY KITCHEN | WELFARE FOR INCIDENTS BFB INCIDENTS AND WORKSHOP FOR DISABILITY ACCESS PLAN | 400.00 |
| EFT45101 | 28/02/2024 | CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 378.05 |
| EFT45102 | 28/02/2024 | DEPARTMENT OF PREMIER & CABINET | BASIS OF RATES APPROVALS | 93.60 |
| EFT45103 | 28/02/2024 | BUSSELTON DYMOCKS | BOOKSTOCK PURCHASES | 24.99 |
| EFT45104 | 28/02/2024 | DYENAMIC SUBLIMATION WA PTY LTD | ABORIGINAL THEMED CORPORATE SHIRTS FOR CD TEAM AND SUSTAINABILITY TEAM | 576.40 |
| EFT45105 | 28/02/2024 | BLUE TANG (WA) PTY LTD | IRONSTONE GULLY FALLS MANAGEMENT OPTIONS STUDY | 10,824.00 |
| EFT45106 | 28/02/2024 | DEPARTMENT OF COMMUNITIES | FREEDOM OF INFORMATION FEES | 292.50 |
| EFT45107 | 28/02/2024 | BRIAN FISHER FABRICATION | SUPPLY AND INSTALL CAGE AROUND FIRE HYDRENT AT STIRLING BFB | 550.00 |
| EFT45108 | 28/02/2024 | FIT 2 WORK.COM.AU | EMPLOYEE POLICE CHECKS | 121.77 |
| EFT45109 | 28/02/2024 | FLICK ANTICIMEX PTY LTD | SUPPLY & SERVICE 8X SANITARY BINS | 279.98 |
| EFT45110 | 28/02/2024 | FIELDFORCE4 | BEST PRACTICE SERVICE REVIEW | 34,851.74 |
| EFT45111 | 28/02/2024 | GEOSPREAD | TO SUPPLY MACHINERY AND OPERATORS TO MULCH GREENWASTE AT THE CAPEL WASTE TRANSFER STATION | 28,600.00 |
| EFT45112 | 28/02/2024 | HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD | LABOUR AND PARTS FOR REPAIRS TO PLANT | 6,325.81 |
| EFT45113 | 28/02/2024 | AE HOSKINS BUILDING SERVICES | MAINTENANCE TO ELGIN HALL, WENTWORTH PARK SHELTER AND FETTLERS PARK PAVING | 2,543.21 |
| EFT45114 | 28/02/2024 | HARBOUR SOFTWARE | DOC ASSEMBLER FULL DAY TRAINING | 1,925.00 |
| EFT45115 | 28/02/2024 | CONNECT CALL CENTRE SERVICES | AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE | 504.08 |



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| EFT45116 | 28/02/2024 | JB HI FI GROUP PTY LTD | 5 MOBILE PHONES AND CASES | 4,513.98 |
| EFT45117 | 28/02/2024 | WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA | COUNCILLOR MANDATORY TRAINING | 6,484.50 |
| EFT45118 | 28/02/2024 | LANDGATE | ID OF LAND PARCELS | 45.56 |
| EFT45119 | 28/02/2024 | LD TOTAL | GELORUP COMMUNITY CENTRE - LANDSCAPE ARCHTICTURE SERVICES | 4,400.00 |
| EFT45120 | 28/02/2024 | MCDONALD FENCING | PEPPERMINT GROVE ROAD - NEW BARRIER BOLLARD | 572.00 |
| EFT45121 | 28/02/2024 | MALATESTA ROAD PAVING AND HOTMIX | MALLOKUP ROAD REPAIR | 32,664.08 |
| EFT45122 | 28/02/2024 | MCLEODS BARRISTERS AND SOLICITORS | LEGAL REPRESENTATION SAT APPEAL, EXTRACTIVE INDUSTRY | 8,153.20 |
| EFT45123 | 28/02/2024 | MOBILE MOUSE | TRAINING | 295.00 |
| EFT45124 | 28/02/2024 | REBECCA MCLEVIE | YOUTH SERVICES EXPENSES | 129.16 |
| EFT45125 | 28/02/2024 | MONSTERBALL AMUSEMENTS | CAPTIVATE CAPEL AMUSEMENT PACKAGE HIRE | 2,495.00 |
| EFT45126 | 28/02/2024 | MARGARET RIVER PERFORMANCE FOR KIDS | AUSTRALIA DAY 2024 - SINGING COMMUNITY PERFORMANCE INCLUDING TRAVEL | 250.00 |
| EFT45127 | 28/02/2024 | ONSITE RENTAL GROUP | MONTHLY RENTAL TOILET BLOCK, TANK AND STEPS PLUS WEEKLY PUMP OF TANK AT DALYELLUP SKATE PARK | 1,323.45 |
| EFT45128 | 28/02/2024 | OMNICOM MEDIA GROUP PTY LTD | ADVERTISING | 470.60 |
| EFT45129 | 28/02/2024 | PROMOTE YOU | CITIZENSHIP CEREMONY GIFTS | 522.50 |
| EFT45130 | 28/02/2024 | PROTECTOR FIRE SERVICES | BOYANUP COMMUNITY CENTRE FIRE PANEL MONTHLY INSPECTION AND SERVICE | 110.00 |
| EFT45131 | 28/02/2024 | PLE COMPUTERS PTY LTD | DATA RECOVERY | 69.00 |
| EFT45132 | 28/02/2024 | PRIME INDUSTRIAL PRODUCTS | CONSUMABLES | 19.12 |
| EFT45133 | 28/02/2024 | HARCHER PRESTIGE BUSSELTON | FESITVAL EVENTS AND TOILETRY PRODUCTS | 178.60 |
| EFT45134 | 28/02/2024 | AUSTRALIAN TAXATION OFFICE | PAYG PAYRUN | 85,641.00 |



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| EFT45135 | 28/02/2024 | RAIN BIRD AUSTRALIA PTY LTD | GLOBAL SERVICE PLAN DALYELLUP IRRIGATION CONTROL SYSTEM AND SUPPORT | 6,846.40 |
| EFT45136 | 28/02/2024 | RECRUITWEST PTY LTD | LABOUR HIRE | 7,391.70 |
| EFT45137 | 28/02/2024 | SPENCER SIGNS | BEN SIGNS | 190.74 |
| EFT45138 | 28/02/2024 | SOUTHERN LOCK & SECURITY | REPAIR OIF DURESS ALARM AND KEYS CUT | 234.01 |
| EFT45139 | 28/02/2024 | SYNERGY | ELECTRICITY | 2,224.37 |
| EFT45140 | 28/02/2024 | SEEK | ANNUAL SEEK ADVERTISING CONTRACT | 594.00 |
| EFT45141 | 28/02/2024 | SONIC HEALTHPLUS PTY LTD | PRE-EMPLOYMENT MEDICAL CHECKS | 154.00 |
| EFT45142 | 28/02/2024 | SURVEYING SOUTH | SURVEYING WEST ROAD | 450.00 |
| EFT45143 | 28/02/2024 | SMARTSALARY | PAYROLL DEDUCTIONS | 906.18 |
| EFT45144 | 28/02/2024 | SYRINX ENVIRONMENTAL PTY LTD | DAP EIL LOT 103 BOYANUP WEST ROAD STRATHAM REVIEW AND MEMO PREPARATION | 5,500.00 |
| EFT45145 | 28/02/2024 | SLMC PROPERTY AUSTRALIA | MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY | 8,832.62 |
| EFT45146 | 28/02/2024 | STRATEGIC DIRECTIONS | ERP ADVISORY SERVICE | 1,584.00 |
| EFT45147 | 28/02/2024 | SOUTH WEST SOILS AND LANDSCAPING SUPPLIES | COLLEGE FIELDS MAINTENANCE | 636.00 |
| EFT45148 | 28/02/2024 | SLR CONSULTING AUSTRALIA PTY LTD | DWER ANNUAL WATER MONITORING REQUIREMENT FOR CAPEL TRANSER STATION | 3,509.00 |
| EFT45149 | 28/02/2024 | SEA CONTAINERS WA PTY LTD T/A TOTAL CONTAINERS | SUPPLY AND INSTALL OF TWO SEA CONTAINNERS AT THE SHIRE DEPOT | 7,367.91 |
| EFT45150 | 28/02/2024 | SWOOP TELECOMMUNICATIONS PTY LTD | REFUND BA 18467 | 137.00 |
| EFT45151 | 28/02/2024 | TOTALLY WORKWEAR | GELORUP BFB PPE AND STAFF UNIFORM ALLOWANCE | 856.35 |
| EFT45152 | 28/02/2024 | TRAFFIC FORCE | TRAFFIC MANAGEMENT FOR STIRLING STREET | 2,094.97 |
| EFT45153 | 28/02/2024 | TOTAL GREEN RECYCLING PTY LTD | TRANSPORT OF E-WASTE AND E-WASTE DISPOAL & RECYCLING | 3,148.99 |



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| EFT45154 | 28/02/2024 | TENDERLINK | ADVERTISING | 1,262.80 |
| EFT45155 | 28/02/2024 | TUTT BRYANT HIRE | MACHINERY HIRE FOR WELD ROAD | 7,953.42 |
| EFT45156 | 28/02/2024 | T-QUIP | MOWER MAINTENANCE | 95.15 |
| EFT45157 | 28/02/2024 | TYREPOWER CAPEL | FLEET VEHICLE SERVICING | 940.00 |
| EFT45158 | 28/02/2024 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT | 65.87 |
| EFT45159 | 28/02/2024 | TALIS CONSULTANTS PTY LTD | COMPLETE A DETAILED REVIEW OF THE SHIRE'S EXISTING WASTE MANAGEMENT SERVICES CONTRACT | 4,400.00 |
| EFT45160 | 28/02/2024 | WIN TELEVISION WA PTY LTD | ADDITIONAL JOINT MOSQUITO CAMPAIGN TV ADVERTISING | 220.00 |
| EFT45161 | 28/02/2024 | WEST COAST SHADE | SHADE SAIL REMOVAL, REPAIR, STORAGE AND REINSTATEMENT FOR ALL PO AND PARK SHELTERS | 13,293.83 |
| EFT45162 | 28/02/2024 | WESTERN POWER | TREE CUT AT 1 FORREST ROAD CAPEL | 419.27 |
| EFT45163 | 28/02/2024 | WOOLWORTHS LIMITED (WA) | CATERING YOUTH PROGRAMMING | 93.00 |
| EFT45164 | 28/02/2024 | DEVLYN AUSTRALIA PTY LTD | CONSTRUCTION OF GELORUP VOLUNTEER BUSH FIRE BRIGADE BUILDING | 206,811.25 |
| 50794 | 07/02/2024 | WATER CORPORATION | WATER USAGE | 886.39 |
| 50795 | 14/02/2024 | SHIRE OF CAPEL | FEB BSL COMMISSION | 150.00 |
| 50796 | 14/02/2024 | WATER CORPORATION | WATER USAGE | 65.94 |
| 50797 | 21/02/2024 | CAPEL BUSHFIRE BRIGADE | WELFARE COSTS | 195.53 |
| 50798 | 21/02/2024 | AUSTRALIAN COMMUNICATIONS & MEDIA AUTHORITY ACMA | LICENCE OF LAND MOBILE | 114.00 |
| 50799 | 21/02/2024 | WATER CORPORATION | WATER USAGE | 4,077.74 |
| 50800 | 28/02/2024 | AQWEST | WATER CONSUMPTION | 33,993.60 |
| 50801 | 28/02/2024 | SHIRE OF CAPEL | K ANDREW NOMINATION FEE | 100.00 |
| 50802 | 28/02/2024 | WATER CORPORATION | WATER USAGE | 7,464.27 |
| 50803 | 28/02/2024 | SHIRE OF CAPEL | PETTY CASH RECOUP | 137.55 |
| | | | | 1,867,539.62 |



Payments made during the month of February 2024 are as follows:

Payroll Transactions:

| | | |
|------------|---------------------------------|--------------|
| 02.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$300.26 |
| 11.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$20,542.07 |
| 11.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$259,220.89 |
| 25.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$2,291.06 |
| 25.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$26,994.67 |
| 25.02.2024 | SHIRE OF CAPEL PAYROLL PAYMENTS | 243,372.12 |

\$552,721.07

Term Deposit Transactions:

No transactions.

Summary

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 13 March 2024 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

Simple Majority.



Officer's Recommendation – 15.2.

OC/2024/53 - Officer's Recommendation /Council Decision - 15.2

Moved Cr Dillon, Seconded Cr Mogg.

That in accordance with Regulation 13(11) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month of February 2024 be received by the Council and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT44913 to EFT45164, CHQ50794 to CHQ50803 equated to \$4,271,171.07 during the month of February 2024.**
- 2 Payroll payments for the month of February 2024, equated to \$552,721.07.**

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



15.3. Financial reports 31 January 2024

| | |
|-------------------------------|---|
| Author | Accountant, Jonathan Kosareff |
| Authorising Officer | Director Community and Corporate Services, Samantha Chamberlain |
| Nature of the Decision | Legislative |
| Attachments | 1. 2024-01-31 Monthly Financial Report V 3 [15.3.1 - 26 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Provide the Financial Report for the month ended 31 January 2024.

Officer's Recommendation

That Council receives the Financial Report for the month ended 31 January 2024.

Background

Local Government (Financial Management) Regulations 1996 section 34(4)(a) require a statement of financial activity to be presented at an ordinary meeting of the council within 2 months after the end of the relevant month.

Previous Council Decisions

The Financial Report for the month ended 31 December 2023 (28 February 2024 Ordinary Council Meeting).

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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

4.1 Effective and compliant governance.

4.2 Informed and transparent decision making.

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 2023-2027

FIN 9 - **Annual and Monthly Financial Reporting** - Statutory reporting of income and expenditures to the Council and regulatory authorities.



Statutory Framework

Local Framework

There are no local frameworks relevant to this item.

State Framework

Local Government (Financial Management) Regulations 1996 r34.

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

- Budget Management - Capital Acquisitions and Works.
- Financial Reports.

Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|---------------------------|
| Risk 1 Financial Rating: Medium | Unlikely | Moderate | Report financials monthly |
| Risk Description: 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.



Officer's Comment

The attached budget analysis data is presented in a new format, which conforms to legislative requirements, is contemporary in scope and is presented in the same format as the Shire's Annual Budget and the Annual Financial Report, aiding consistency across the Shire's mandatory and supplementary reporting obligations.

The Financial Report for the month ended 31 January 2024 has been completed. The report includes the statements and disclosures required by the *Local Government (Financial Management) Regulations 1996*. The report contains the following:

1. Statement of Financial Activity.
2. Statement of Financial Position.
3. Basis of Preparation Note.
4. Statement of Financial Activity Information Note.
5. Explanation of Material Variances Note.

The Statement of Financial Activity compares the year-to-date actual figures with the year-to-date budget estimates. Explanations for variances greater than, or less than, 10% are provided in the Explanation of Material Variances note.

The Statement of Financial Activity is segmented based on Operating Activities, Investing Activities and Financing Activities. Any amounts which have been excluded from the calculation of budgeted deficiency are disclosed in the Statement of Financial Activity Information note.

In addition to the required disclosures above, the report contains supplementary information which is not required by legislation. The supplementary information is provided as an aid to further understand the above statements, and to analyse financial trends in more detail.

The supplementary information contains the following:

1. Key Information.
2. Key Information – Graphical.
3. Cash and Financial Assets.
4. Reserve Accounts.
5. Capital Acquisitions.
6. Disposal of Assets.
7. Receivables.
8. Other Current Assets.
9. Payables.
10. Rate Revenue.
11. Borrowings.
12. Lease Liabilities.
13. Grants and Contributions.
14. Capital Grants and Contributions.
15. Trust Fund.



January 2024 Financial Analysis Summary

The issuing of rates for 2023/24 was completed in the August 2023 month. The first rates instalment and due date for a single full payment occurred on 15 September 2023. The second rates instalment due date occurred on 15 November 2023, with the third instalment due date occurring on 15 February 2023. The final and fourth instalment due date is 15 April 2024.

At the end of January 2024, the Shire's surplus was \$13,845,696, which was 63% higher than the year-to-date budget estimate of \$8,501,552.

This was largely due to payments for capital acquisitions, which totalled \$2,982,235 at the end of January 2024, being 76% below the year-to-date budget estimate of \$7,387,158.

A review of Note 5 of the Financial Report identified the following significant variances in capital acquisitions compared to budget, with explanations provided below:

| Infrastructure - Roads | | |
|---------------------------|--|---|
| Job No. | Description | Status |
| RC107 | Barlee Road Capel | Purchase orders raised subsequent to 31 January |
| RC094 | Salter Road Boyanup | Deferred to 24/25 |
| RC493 | Murtin Road Dalyellup | Deferred to 24/25 |
| RC104 | Weld Road Capel | New RFT works to be scheduled |
| RC137 | Forrest Road Capel | Deferred to 24/25 |
| RC000 | Non-Cash Infrastructure | Infrastructure built by subdivision developers to be handed over to the Shire |
| RC096 | Gray Road Boyanup | Deferred to 24/25 |
| RC127 | Lakes Road Stratham | Deferred to 24/25 |
| RC008 | Mallokup Road Capel | Work significantly completed subsequent to 31 January |
| RC023 | Cain Road The Plains | Deferred to 24/25 |
| R2R042 | Austin Road Capel | New RFT works to be scheduled |
| R2R012 | Queelup Road North Boyanup | Deferred to 24/25 |
| R2R008 | Mallokup Road Capel | Possible carryover to 24/25 |
| R2R280 | Roberts Road Stirling Estate | Work significantly completed subsequent to 31 January |
| RRG003 | Gavins Road Capel | Purchase orders raised subsequent to 31 January |
| RRG294 | Boyanup Road West Boyanup | Deferred to 24/25 |
| RRG104 | Weld Road and Payne Street - Offset Planting | Purchase orders raised subsequent to 31 January |
| RRG294E | Boyanup Road West Boyanup Offset Planting | Purchase orders raised subsequent to 31 January |
| Infrastructure - Carparks | | |
| Job No. | Description | Status |
| OC12411 | Capel Infant Health Centre Carpark | Deferred to 24/25 |
| OC12438 | Access Road Capel Hard Courts off Spurr Street | Deferred to 24/25 |
| OC12408 | Access Road Capel Hard Courts off Berkshire Street | Deferred to 24/25 |
| OC12436 | Rich Road Carpark | Work commenced subsequent to 31 January |
| OC12413 | Capel Cemetery Carpark | Seeking clarification with Cemetery group |
| OC12428 | Hardey Road Carpark | Currently being priced for |
| Infrastructure - Drainage | | |
| Job No. | Description | Status |
| DC065 | Skippings Road Boyanup | RFQ in progress |
| DC003 | Gavins Road Elgin | Deferred to 24/25 |
| DC020 | Goodwood Road Capel | Possible carryover to 24/25 |
| DC466 | Waddington Loop Drainage Reserve Capel | Possible carryover to 24/25 |
| DC116 | Capel Oval Reserve | Deferred to 24/25 |
| DC000 | Gelorup Flood Modelling Report | RFT document being developed |
| DC000 | Capel Oval Reserve | Deferred to 24/25 |
| DC000 | Non-Cash Infrastructure | Infrastructure built by subdivision developers to be handed over to the Shire |



MINUTES - Ordinary Council Meeting - 27 March 2024

| Infrastructure - Dual Use Paths | | |
|---|---|---|
| Job No. | Description | Status |
| FC073 | South Western Highway Meadowbrook | Deferred to 24/25 |
| FC013 | South Western Hwy - Turner St to Bridge St Boyanup | Purchase orders raised subsequent to 31 January |
| FC020 | South Western Hwy - Turner St to Bridge St Boyanup | Completed works for new path, acquittal and final invoicing being concluded. |
| FC003 | Trigwell Road - Bridge Street to South Western Highway Boyanup | Under investigation |
| FC330 | Norton Promenade - Dalyellup Beach Carpark South Dalyellup | Possible carryover to 24/25 |
| FC212 | Spurr Street - Tucker Street to Berkshire Street Capel | To be put out design consultancy |
| FC167 | Sleaford Park Gelorup | Deferred to 24/25 |
| FC000 | Non-Cash Infrastructure - Paths | Infrastructure built by subdivision developers to be handed over to the Shire |
| Infrastructure - Parks, Ovals and Other | | |
| Job No. | Description | Status |
| PC11366 | Replacement Fountain/Rehydration Station - Central Lakes Park | On track. Higher forecast due to insufficient budget project funds |
| PC11322 | Boyanup Memorial Park AFL Ground - LED floodlighting | RFQ in progress |
| OC11377 | Shade Sails Sleaford Park Gelorup | Purchase orders raised subsequent to 31 January |
| OC11343 | Playground Shading Program - Lewana POS Dalyellup | Purchase orders raised subsequent to 31 January |
| OC11354 | Playground Shading Program - Naroon POS Dalyellup | Purchase orders raised subsequent to 31 January |
| OC11338 | Playground Shading Program - Daablone Vista POS Dalyellup | Purchase orders raised subsequent to 31 January |
| PC11357 | Playground Shading Program - North Lake POS Dalyellup | Purchase orders raised subsequent to 31 January |
| OC11355 | Ferndale Park Dalyellup - Lighting | RFQ in progress |
| OC11368 | Playground Replacement Program-Wentworth POS Dalyellup | Currently out for design |
| OC11371 | Age Friendly Community Plan - Bus Shelter (Dalyellup Baptist College) | Purchase orders raised subsequent to 31 January |
| PC11377 | Sleaford Park Gelorup Redevelopment | Purchase orders raised subsequent to 31 January |
| OC11389 | Central irrigation control upgrades and improvements | Work has progressed subsequent to 31 January |
| OC11389 | Irrigation probe, upgrade and repairs - Dalyellup Roundabout Lake | Work commenced subsequent to 31 January |
| OC11389 | Dalyellup Integrated Lake Water Management Strategy (Stage 1) | Work commenced subsequent to 31 January |
| OC11307 | Trails Master Plan-Ironstone Gully Falls Trail | Purchase orders raised subsequent to 31 January |
| OC113419 | Beach access Staircase (Northern) Norton Promenade Dalyellup | Investigation underway |
| OC113432 | Beach access Staircase (Southern) Norton Promenade Dalyellup | Works awarded 13/09/2023 |
| OC113402 | Forrest Beach Staircase-remediation works | Project under investigation. |
| PC000 | Water fountain implementation campaign | Deferred to 24/25 |
| PC000 | Whole of Shire POS - Parks Signage, Entry Statements | To be moved to maintenance |
| PC000 | Subdivision Parks & Gardens Infrastructure | Infrastructure built by subdivision developers to be handed over to the Shire |
| Land and Buildings | | |
| Job No. | Description | Status |
| BC11120 | Dalyellup Community Centre - replace roof section | Work commenced subsequent to 31 January |
| BC11121 | Dalyellup Multipurpose Community and Youth Centre | Management plan undergoing |
| BC113106 | Dalyellup Sports Pavilion - Sewer connection | RFT due to be developed with anticipated delivery March -Jun 2024 |
| BC113106 | Dalyellup Sports Pavilion - Render repairs | Due for completion Jan- April 2024 |
| BC113110 | Boyanup Lions Toilet - tiling | Works awarded to AE Hoskins 05/01/2024 |
| BC113116 | Dalyellup Beach Toilets - tiling floors and walls | Purchase orders raised subsequent to 31 January |
| BC113116 | Dalyellup Beach Toilets - rainwater tank | Purchase orders raised subsequent to 31 January |
| BC113119 | Gelorup Skatepark Toilet - tiling | Purchase orders raised subsequent to 31 January |
| BC113123 | Capel Regional Equestrian Park (CREP) Clubhouse | Work has progressed subsequent to 31 January |
| BC14201 | Cyclic Plant Replacement Program | Investigation underway |



We note that purchase orders for a number of capital works jobs have been raised subsequent to the period ended 31 January 2024.

Historically, capital expenditure has been higher in the second half of the year, and the 2023/24 forecasted year-end surplus, based on the mid-year budget review, is \$649,595 compared to the budgeted position of \$0.00. This is mainly due to forecast underspends in capital works and salaries.

The current projected surplus is intended to be used for future capital works design and construction and reallocated in the 2024/25 Draft Annual Budget to fund the 2024/25 Program of Works Schedules and other future capital priorities.

Furthermore, through the drafting of the 2024/25 Annual Budget, there will be an emphasis on responsible financial planning for:

- Investment in financial reserves.
- Continued development and valuation of the Shire's entire asset portfolio.
- Reallocation of funds to secure 2024/25 and beyond capital priorities.

The Shire's forecasts for revenue and expenditure balances will be adjusted for changes and reported as part of the monthly financial reporting as we continue through the remainder of the financial year.

The continued adjustments to forecasts across all accounts will reflect changes in operations and will be used as a benchmark to support the 2024/25 Draft Annual Budget process.

Summary

The Financial Report for the month ended 31 January 2024 includes the statements and disclosures required by the *Local Government (Financial Management) Regulations 1996*, with additional supplementary disclosures, for the purpose of monitoring the Shire's financial position and progress toward achieving the budget estimates set at the start of the 2023/24 financial year.

Variation to the year-end projected balance was reported to Council through the mid-year budget review in February 2024. The forecasted year-end 2023/24 surplus is \$649,595. This is greater than the budgeted surplus of \$0.00 and is mainly derived from forecast underspends in capital works and salaries.

Variations to the year-end projected balance will be presented through subsequent monthly analysis reporting to the Council.

Voting Requirements

Simple Majority.



Officer's Recommendation – 15.3.

OC/2024/54 - Officer's Recommendation / Council Decision - 15.3

Moved Cr Noonan, Seconded Cr Mogg.

That Council receive the Financial Report for the month ended on 31 January 2024.

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



15.4. 2023 Compliance Audit Return

| | |
|-------------------------------|---|
| Author | Governance Officer, Amanda Lorrimar |
| Authorising Officer | Director Community and Corporate Services, Samantha Chamberlain |
| Nature of the Decision | Legislative |
| Attachments | 1. CAR 2023 [15.4.1 - 10 pages] |
| Confidential Status | <i>This item is not a confidential matter.</i> |

Proposal

Receive and adopt the Shire of Capel 2023 Compliance Audit Return (CAR) as recommended by the Audit and Risk Committee meeting of 27 March 2024.

Officer's Recommendation

That Council:

1. Notes the recommendations of the Audit and Risk Committee meeting held 27 March 2024.
2. Adopts the 2023 Compliance Audit Return as the Official Shire of Capel Return.
3. Authorises the Shire President and Chief Executive Officer to sign the 2023 Compliance Audit Return in preparation for submission to the Department of Local Government, Sport, and Cultural Industries (DLGSC).

Background

Local governments in Western Australia must complete and submit an annual CAR to the Department of Local Government Sport & Cultural Industries (DLGSC).

The format of the CAR is a self-assessment style questionnaire that is designed to test the level of statutory compliance within each local government.

The key areas of focus for the 2023 CAR are:

- Commercial enterprises by local governments.
- Delegation of power/duty.
- Disclosure of interest.
- Disposal of property.
- Elections.
- Finance.
- Integrated planning & reporting.
- Local Government Employees.
- Official conduct.
- Optional questions (9).
- Tenders for providing goods and services.

Upon receipt of the 2023 CAR, the questionnaire was distributed to those Officers with direct relevance to the targeted areas. Officer responses were then placed into a draft format and presented for preliminary review by the Council and Audit Committee members in late February. This extra step in the process this year, was necessary to allow adequate time for consideration, and any queries, or potential amendments to occur, prior to the 27 March 2024 meetings of both Audit and Risk Committee and Council.



With both meetings held in succession so close the deadline for submission of the official response 31 March 2024, it was important that the content of the 2023 CAR presented to the Audit and Risk Committee and Council for endorsement, was settled.

Following Council endorsement and execution by the Shire President and Chief Executive Officer, the certified Shire of Capel 2023 CAR, and an extract of the Council meeting minute at which it was endorsed, will be submitted to the DLGSC portal.

Previous Council Decisions

Ordinary Council Meeting 29/03/2023 OC/2023/55.

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

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 2023-2027

GOV 11 - **Legislative Compliance Management** - Oversee the achievement of compliance audit return.

Statutory Framework

State Framework

Local Government Act 1995

Regulations as to audits

- (1) *Regulations may make provision –
 - (i) Requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are
 - (i) of a financial nature or not: or
 - (ii) under this act or another written law*

Local Government (Audit) Regulations 1996

14 Compliance Audits by Local Governments

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit, the local government is to prepare a compliance audit return in a form approved by the minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under sub-regulation (3A), the compliance audit return is to be:
 - (a) presented to the council at a meeting of the council, and
 - (b) adopted by the council, and*

(c) recorded in the minutes of the meeting at which it is adopted



15 Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3), a certified copy of the return together with -
 - (a) A copy of the relevant section of the minutes referred to in 14(3)(c), and
 - (b) any additional information explaining or qualifying the compliance audit, (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review, is to be submitted to the Department CEO by 31 March next following the period to which the term relates.
- (2) In this regulation –
 - certified in relation to a compliance audit return means signed by –
 - (a) the mayor or president; and
 - (b) the CEO.

Local Government Act 1995, (Act s. 7.13(1)(i)) Local Government (Audit) Regulations 1996 13

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

- Compliance.
- Purchasing.

Implications

Risk Implications

| Risk | Likelihood | Consequence | Mitigation |
|--|------------|-------------|--|
| Risk 1 Legislative Compliance Rating: Medium | Rare | Moderate | Apply compliance practices as legislated. |
| Risk Description: Serious breach of legislated compliance. | | | |
| Risk 2 Financial Rating: Medium | Possible | Moderate | Increased focus on training and awareness for staff. |
| Risk Description: Budget impact through compliance failure. | | | |



| Risk | Likelihood | Consequence | Mitigation |
|--|-------------------|--------------------|--|
| Risk 3 Reputation Rating: Medium | Possible | Moderate | Alignment and commitment to meeting compliance through clear processes and procedures. |
| Risk Description: Loss of community trust. | | | |
| Opportunity: Audits help to mitigate risk by identifying areas of improvement in the compliance processes and procedures. | | | |

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

Continued legislative compliance meets the community's expectation of effective governance and contributes to the social and economic sustainability of the Shire.

Economic

The assessments and reviews undertaken through the completion of the annual CAR test and strengthen the internal processes that deliver sound economic governance.

Asset

There are no relevant asset implications relevant to this item.

Consultation/Engagement

External Consultation

There was no external consultation undertaken.



Internal Consultation

Contribution to the process of consultation, review, and response to the 2023 CAR, was undertaken by the: Chief Executive Officer, Director of Community and Corporate, Manager of Finance, Strategic Governance and Risk Coordinator, Procurement Officer, and Governance Officer.

Officer's Comment

The 2023 CAR contains two areas of non-compliance.

The first area of non-compliance falls under the disclosure of interest section, Question 5, s5.76 Admin reg 23, form 3 asks; "Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023." The answer is no, two returns were not received by the due date. The late returns were eventually received on 09/09/23 and 16/09/23 constituting a serious breach that was reported to the DLGSC as required under legislation. While the Attain system has simplified the process for the completion of Annual Returns, an increased focus on training in this area will improve future compliance.

The second instance of non-compliance is noted under the Tenders for Providing Goods and Services section, Question 1 F&G Reg 11A (1) & (3) asks; "Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, Regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less." The answer to this question is also negative due to an instance where a staff member failed to obtain the required number of quotations applicable for the \$5,001 - \$20,000 threshold.

The breach was discovered through scrutiny of the invoices assigned to the relevant task.

Improvements to the purchasing and compliance training of staff has been implemented and any repetitive occurrence will be subject to an investigative process.

Through the review and consultation process, all remaining auditable processes and functions as detailed in the CAR were correctly performed and executed.

Summary

The internal audit process undertaken to complete the annual CAR, tests the procedural processes and application of the statutory compliance systems within the organisation and provides opportunities for improvement where necessary.

The two areas of non-compliance, as detailed above, do indicate where additional training is required to mitigate future acts of misconduct in these areas.

Voting Requirements

Simple Majority.



Officer's Recommendation – 15.4.

OC/2024/55 - Officer's Recommendation /Council Decision - 15.4

Moved Cr Dillon, Seconded Cr Schiano.

That Council:

- 1. Notes the recommendations of the Audit and Risk Committee meeting held 27 March 2024.**
- 2. Adopts the 2023 Compliance Return as the Official Shire of Capel Return.**
- 3. Authorises the Shire President and Chief Executive Officer to sign the 2023 Compliance Audit Return in preparation for submission to the Department of Local Government Sport and Cultural Industries (DLGSC).**

Carried 8 / 0

For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr Mogg, Cr Noonan, Cr Schiano, Cr Sharp and Cr Terrantroy

Against - Nil



16. New Business of an Urgent Nature

Nil

17. Public Question Time

Public Question Time began at 7:16pm.

M Norton - Capel

Question 1:

I have a keen interest in the Boyanup Saleyards is that going to be come up on the agenda or you read the paperwork with great interest, is that as far as it's going or is it going to be discussed or moved on this evening?

Shire President:

The Stakeholder Working Group and the Project Steering Group are still working through some things, we had a late site identification come to our attention late in the piece so the consultant is still working through that which will be fed back to the groups but the intention is to still have the report on stage one of the Agri Business Precinct and Saleyards relocation presented to Council before the end of the financial year.

Question 2:

I do have a bit of a conflict of interest because I do sit on one of those committees but I was quite impressed by the papers that have been put out it's going to be approximately a \$4 million project but unfortunately there's still plenty of things that can go wrong in the next eight years on that site and I think the Shire is making good progress on looking for another site the quicker we can put our footprint on another site the better so it's pretty important that we push on expeditiously to identify that site and get the cash to start the purchase program and I guess that's not going to be easy but I think we've made good progress to date we just need to keep going.

The other issue is dry weather conditions and I was interested in your climate adaptation policy, I was getting phone calls today on the very dry weather conditions and when are we going to push for drought declaration in the State? Having had a bit of experience in drought declarations in some of my former jobs that they're not easy and it gets back to you can only declare on a Shire basis because we've had plenty of good rain out in the wheatbelt and there's nice green grass out there but there's nothing on the coast.

Alot of feedback there's bores and wells drying up and some of them are turning salty down around Peppermint Grove Beach and along that Coastal strip and the phone calls I'm getting for as far as south as Karridale very dry so unless we get some good opening rains there's going to be pushes on a lot of rainwater tanks are empty and people are asking for perhaps government help and that'll have to be pushed through the Shires if we get that far and of course feed for livestock is the next thing cattle prices are getting quite low because nobody wants to buy them because there's no water and there's no feed so we're heading into some pretty difficult climatic conditions .



Shire President

We regularly meet with our state and federal members and we have had plenty of discussions around water security in the district and we are working that in all areas so in Dalyellup but particularly in some of the rural areas as well so we've got some hotpots particularly in Gelorup which is experiencing quite a few issues with its bores there so we have presented those issues to the local and federal members and we have been working with the Department of Water as well and referring on any information that the Shire receives on the nature of the water issues through to them for them to undertake the proper studies and investigations of what's going on in that area.

The Saleyards does remain a priority of the local government, we do want to be in a new site before the current lease expires on the existing facility so that is our aim and that is our goal and that's what we're working towards.

Public question time finished at 7:20pm.

18. Motions Without Notice (Absolute Majority by Council)

Nil

19. Notices of Motion for Consideration at the Next Ordinary Meeting of the Council

Nil

20. Items for Consideration Behind Closed Doors

Nil

21. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 7:22pm.