



# Ordinary Council Meeting Minutes

31 January 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 6:00pm 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)

### PRESENT:

Councillor - Shire President	D Kitchen
Councillor - Deputy President	S Schiano
Councillor	A Dillon
Councillor	J Fergusson
Councillor	P McCleery
Councillor	R Mogg
Councillor	K Noonan
Councillor	T Sharp
Councillor	C Terrantroy
Chief Executive Officer	G MacMile
Director Community and Corporate	S Chamberlain
Director Infrastructure and Development	T Gillett
Strategic Governance and Risk	T Shipley
Coordinator Planning Services	M Wansborough

LEAVE OF ABSENCE: Nil

APOLOGIES: Nil

MEMBERS OF PUBLIC - Gallery: 6

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

Nil



#### 4. Public Question Time

*Public Question Time began at 6:02pm.*

##### **S Alderson – Peppermint Grove Beach**

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

Peppermint Grove Beach is a residential area, there are already thirty Air bnb's advertised. Will the Shire limit this growing business before the community disappears?

###### **Deputy Shire Presidents Response:**

Thank you Mrs Alderson for the question. The Shire has prepared a draft Holiday Homes policy that has been out for public consultation and comment, closing soon.

The draft policy will come to Council in the next month or so for final consideration, and if adopted, will provide guidance on holiday homes and short term rental accommodation across the Shire.

Our policy however will be an interim one, as we know that comprehensive WA State Government Short Term Rental Accommodation legislation is coming later this year, that will ultimately override any policy that a local government has in place, including the Shire of Capel.

We understand that the new Short Term Rental Accommodation legislation will have a registration requirement, and we also expect a role for local government in the approval and conditions process.

Once the State Government legislation is in place and we understand exactly how it will be implemented, the Shire will consider how we can work with the new requirements. We will also communicate these changes to the local community.

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##### **M Alderson – Peppermint Grove Beach**

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

Up to 30 properties at the moment advertise holiday accommodation in Peppermint Grove Beach. Is the Shire aware of this and how many are registered with the Shire? I presently live next door to one and my neighbour on the other side is about to advertise that property. Caught in the middle.

###### **Deputy Shire Presidents Response:**

Thank you Mr Alderson for the question.

The Shire currently maintains an annual register of home-based businesses, capturing a particular type of land uses (for example hairdressers and mechanics). This does not currently include Holiday Home or Short Term Rental activity.



Should Council adopt the Holiday Homes policy referred to in answering the previous question, the intention is to establish and maintain an annual register and license for this type of use.

This would potentially allow the Shire to not re-register a license if the owner has demonstrated consistent poor management of the activity across the year.

We also understand that the State Government's Short Term Rental Accommodation legislation will include a centralised (State Government managed) registration and licensing system when it comes into effect.

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## **P Scallan – Stratham**

### **Question 1:**

In relation to the Coastal Hazard Risk Management Adaption Plan. Assuming Council endorses the plan will Council now be including this in their Strategic Plan and associated ten year Financial Plan?

### **Shire President Response:**

The Shire's Plan for the Future incorporating the Strategic Community Plan was recently updated and contains a key priority area of 'Manage and protect our environment', with an Outcome of 'Improve management of our natural environment assets and attractions'.

A key performance indicator for this outcome is endorsement of the CHRMAP and implementation of actions.

This demonstrates that the CHRMAP is already strongly considered and included in our strategic planning.

Council already has a Climate Change, Adaptation and Sustainability Reserve and added additional funds to the Reserve as part of the 2023/24 Annual Budget.

Subject to endorsement of the CHRMAP, future mitigation strategies and actions requiring funding will be investigated and included in subsequent iterations of the Shire's Long Term Financial Plan.

### **Question 2:**

In relation to the Coastal Hazard Risk Management and Adaption Plan. Assuming Council endorses the plan and that Council will be including this in their Strategic Plan and associated ten year Financial Plan how will this be funded? Will Council be looking at funding from the potentially affected Capel Shire Ratepayers, or from all the Capel Shire Ratepayers or will council be looking for funding from State and/or Commonwealth Government?



**Shire President Response:**

Part of the recommendation for consideration later in the meeting is to investigate alternative funding mechanisms for the actions in the final CHRMAP. Subject to adoption of the recommendation, a thorough investigation of funding mechanisms will occur and will involve consultation with the community at appropriate times.

The Shire will definitely be pursuing any available funding from both State and Federal Governments in the future.

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**M Pilling – Capel**

Capital expenditure generally leads to new or improved assets that directly affect rate payers, typically these are visible and leads to improved amenities for all. These improvements in the environment around the Shire of Capel can add to the positive feeling of living in the community and of the works council undertakes. I am keen the council spends the budgeted amount in this financial year. Graph 5 shows capital expenditure rate in line with last financial year. The shire has budgeted approximately double of last years actual expenditure, hence a trend towards 50% underspend is apparent.

**Question 1:**

Does the council have confidence it will plan and spend up to or close to the budgeted \$12M of Capital Expenses in this FY?

**Shire President Response:**

Thank you for the question Mr Pilling. Officers are currently undertaking our Mid-Year Budget Review, tracking the performance of income and expenditure to date and projected year end balances. This Review is based on works completed to date and expected to be completed, with operating and capital budgets expended for the remainder of this financial year.

During this process, officers conduct a line by line review of each capital project, analysing the progress of works and identifying projects at risk of non-completion and the reasons for this.

A report detailing the above information, will be presented to Council at the February 2024 OCM, with supporting commentary where any non-completion and underspends in capital expenditure have been identified.

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**G Bone – Gelorup**

On 7 January 2024 I emailed the Shire about the lack of firebreak compliance regarding 12 lots in Eucalypt Court, Gelorup and enquired about the Shire's intended actions.

This was acknowledged as per ICR151290 on 8 January 2024, however no reply has been forthcoming and it is now well outside the response period stated in the Customer Service Charter.



**Question 1:**

What enforcement action is the Shire now going to take regarding the lack of firebreak compliance of those 12 lots in Eucalypt Court, Gelorup?

**Shire President Response:**

Thank you for the question Mr Bone. The Shire of Capel conducts a bushfire compliance program during the compliance period between 1 December and 26 April each year.

The Shire of Capel takes a reasonable and practical approach to compliance and issues notices in instances where improvements need to be made for the preventing the spread of bushfire.

During the 2023/24 bushfire program each of the properties identified in your attachment to the question have been inspected, with 10 being deemed compliant with the requirements, 1 infringement issued, and 1 property not identified from the information provided.

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**B Hastie – Stratham**

**Question 1:**

Would the Shire of Capel consider implementing public statement time during the council meetings, similar to initiatives undertaken by other local governments in Western Australia, to improve communication between the council and the community?

**Shire President Response:**

Thank you for your question Mr Hastie. The order of business specified within the agenda is established through the Shire of Capel Standing Orders Local Law 2016 Part 4. The inclusion of a 'public statement' item would require an amendment to the Standing Orders. This process takes around 12-18 months.

The Department of Local Government, Sport and Cultural Industries have advised that model local laws will be included as part of the upcoming Local Government Reforms (Part Three) and we understand this will include Model Standing Orders.

The Shire does not intend to amend any local laws until the models are endorsed, as the intention will be for Council to adopt the model local laws. Therefore, the process of an amendment would be time consuming, and likely to require review and change to comply with new legislation and regulations.

Currently the public may make a very short context statement prior to their public question, there is also the option to request a Presentation on an item relating to the Agenda for a total of 5 minutes or a Deputation relating to an item that is not on the Agenda for a total of 5 minutes, that may be extended to 10 minutes upon approval. Both options require approval from the Shire President prior to the meeting.

We can note the suggestion for future inclusion of a 'public statement time' at the time of the Model Standing Orders Local Law review.



Public question time finished 6:14pm.

## 5. Application for Leave of Absence

Nil

## 6. Declarations of Interest

*Cr Noonan declared an Impartiality Interest in item 14.3- Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that he is a non-executive member for the Friends of Gelorup Corridor.*

*Cr Sharp declared an Impartiality Interest in item 14.3- Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that she lives in Gelorup and has provided photography for the Friends of Gelorup Corridor.*

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

The following item/s to be discussed behind closed doors are:

- 20.1 Service Capability and Resourcing Review

## 8. Confirmation of Minutes

### 8.1. Ordinary Council Meeting - 29 November 2023

#### Voting Requirements

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Simple Majority

#### **OC/2024/1 - Officer's Recommendation / Council Decision - 8.1**

*Moved Cr Mogg, Seconded Cr Noonan.*

**That the Minutes of the Ordinary Council Meeting - 29 November 2023 be confirmed as a true and correct record.**

**Carried 9 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, 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 below the Shire President Activity Report for the *November 2023 – January 2024* Period.

Event:	02/11/2023 – Bunbury Geographe Economic Alliance
Report:	Annual General Meeting. The Shire of Capel is now represented as a member of the Board.
Event:	03/11/2023 – Meeting Don Punch MLA
Report:	Meeting with Don, CEO and myself. Followed by a meeting with all Council
Event:	05/11/2023 – Capel District Cemeteries a morning tea to remember
Report:	Celebrations of the Mark and Honour Project
Event:	06/11/2023 – Boyanup Hall Committee AGM
Report:	
Event:	07/11/2023 – Meeting with Nola Marino MP
Report:	Updating Nola on priorities and key issues in the Shire of Capel
Event:	21/11/2023 – South West Development Commission
Report:	Update and briefing on Shire essential infrastructure business case
Event:	22/11/2023 – Meeting with Minister Carey MLA
Report:	Presentation to Minister Carey and Government representatives on essential infrastructure business case
Event:	22/11/2023 – Meeting with Louise Kingston MLC
Report:	Updating Louise on priorities and key matters in the Shire of Capel
Event:	30/11/2023 – Meeting with ARC Infrastructure
Report:	Discussion on rail corridors in Shire
Event:	28/11/2023 – CHRMAP Information Session – Dalyellup
Event:	05/12/2023 – Outstanding Volunteers Breakfast
Report:	Celebrating the fantastic work undertaken by volunteers in the District throughout the year
Event:	05/12/2023 – CHRMAP Information Session – Peppy
Report:	
Event:	06/12/2023 – Capel Primary School Year 6 Presentation
Report:	
Event:	08/12/2023 – Boyanup Primary School Year 6 Presentation
Report:	
Event:	12/12/2023 – Meeting with WA Planning Commission
Report:	
Event:	13/12/2023 – Meeting with Jodie Hanns MLA
Report:	Bringing Jodie up to date on matter in the Shire of Capel
Event:	13/12/2023 – Commercial & Business Sundowner



Report:	Sundowner at the Capel Library for local businesses
Event:	14/12/2023 – Audit Exit Meeting
Report:	Receival of the final auditors opinion for the Shire of Capel
Event:	15/12/2023 – Gelorup Bushfire Brigade Facility Official Opening
Report:	
	15/12/2023 – Meeting with Minister Dawson MLC
	Updating the Minister on matters in the Shire of Capel
	20/12/2023 – Meeting with Water Corp
	Meeting to discuss essential infrastructure constraints in the District
	21/12/2023 – Meeting with WALGA
	Discussion with WALGA CEO and President
	03/01/2024 – Meeting with Steve Thomas MLC
	Updating Steve on matters in the Shire of Capel
	17/01/2024 – Meeting with Minister Carey MLA
	Discussion with Minister on essential infrastructure constraints
	17/01/2024 – Meeting with Minister McGurk MLA
	Discussion with Minister on essential infrastructure constraints

Date	Briefing
15/11/2023	BORR update
	Bunbury Geographe CCI Presentation
	Chamber of Minerals and Energy Presentation
22/11/2023	Youth Group Presentation to Council
20/12/2023	CHRMAP Briefing
17/01/2024	BORR update
	FieldForce4 update
	Place Plan Briefing

### Australia Day Celebrations

A big thank you to the Boyanup Lion Club and Capel RSL on another successful Australia Day breakfast. It is pleasing to hear that both events received record patronage with a strong turnout from the community.

The Boyanup breakfast received over 400 patrons, with record vintage motorcycles and cars in attendance. The Capel breakfast received high numbers, with the RSL again putting on a feast for all.

### Citizenship Ceremony & Community Awards

The Shire was proud to welcome 24 new citizens to the District, with conferees coming from 10 countries from all over the globe.



We had strong nominations for all community award categories with;

10 nominations for our Young Citizen category. The winner was Zoe Wallin, with Riley Bourne taking out the Act, Belong, Commit award.

2 nominations for our Community Citizen category. The winner was Simon O'Neill, with Lucy Nolan claiming the Act, Belong, Commit award.

4 nominations for our Senior Community Citizen category. The winner was Trevor James  
5 nominations for our Community Group of the year. The Elgin Community Hall inc. was the winner, with the Ironstone Adventure Riding Club claiming the Act, Belong, Commit award.  
Congratulations to Lyn McMahon, Deanne Chat, Steve O'Brian, Paul Verhagen, Wayne Roberts, Caitlin Ashton, Moira Taylor, Jeremy Conner, Goerge Turner, Honorary Freeman Marget Smith OAM, Evelyn Taylor, Kathleen Thomson and Lisa O'Neill on receiving the volunteer honorariums.

The Shire would once again like to thank all the nominees, award winners, and honorarium recipients. The Shire of Capel appreciates all work volunteers undertake to make this place the vibrant and diverse place it is. Together, we give this District the Lifestyle of Choice.

### **Australia Day Awards**

Chris Scott was among four Western Australians awarded the Australian Fire Service Medal (AFSM) in the 2024 Australia Day Honours List.

Chris has been a volunteer firefighter in the Shire of Capel since he was just 16 years old and has dedicated his life to protecting his community from bushfires.

In 2000, he became the Chief Bushfire Control Officer for the shire, and today he oversees more than 120 volunteers across 550 square kilometres. Even after more than 50 years of service, Chris is still an active frontline firefighter and is available 24/7 during summer to assist with any emergencies.

We are extremely grateful for Chris's exceptional commitment to the community and his outstanding leadership skills.

We congratulate him on this well-deserved recognition and thank him for his many years of service.

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

### 10.1 Adam Gregory - Telephone

- Item 14.6 – Proposed Change of Use – Retrospective Holiday House Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach; and
- Item 14.7 - Retrospective Change of Use - Single House to Holiday House - Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach



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

Nil

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

Nil



## 13. Chief Executive Officer Reports

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### 13.1. Corporate Business Plan 2023 to 2027 - Quarter 2 Reporting (July to December 2023)

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<b>Author</b>	Chief Executive Officer, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Note the quarterly progress report for the Shire of Capel's Corporate Business Plan 2023 to 2027 – Quarter 2 (1 July to 31 December 2023).

#### Officer's Recommendation

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That Council notes the quarterly progress report (Quarter 2 – 1 July to 31 December 2023) of the Shire of Capel's Corporate Business Plan 2023 – 2027.

#### Background

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##### Previous Council Decisions

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

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

October 2021 – Council adopted the Shire of Capel's Corporate Business Plan 2021 – 2025.

Council endorsed (OC237/2021) the Corporate Business Plan and further:

- Approved the immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2021 – 2025; and
- Noted that the final published version of the Corporate Business Plan 2021 – 2025 will be graphically designed and illustrated to a standard suitable for public presentation.



August 2022 – Council adopted the Shire of Capel’s Corporate Business Plan 2022 to 2026.

Council endorsed (OC/2022/153) in part:

1. Endorses the Shire of Capel Corporate Business Plan 2022 – 2026 – Service Area Action Plan.
2. Approves immediate commencement and / or continuation of all necessary actions for implementation of the Corporate Business Plan 2022 to 2026.
3. Notes that quarterly reporting will continue throughout 2022/23 to monitor progress and achievement.

August 2023 – Council accepted (OC/2023/145) the proposed modifications and endorses the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions.

Council further approved the immediate commencement and / or continuation of all necessary initiatives and actions for implementation of the Corporate Business Plan 2023 to 2027 and noted that quarterly reporting will continue throughout 2023/24 to monitor progress and achievement.

September 2023 – Council endorsed (OC/2023/161) the incorporation of the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives into a consolidated ‘Plan for the Future’.

Council further noted that the adopted Corporate Business Plan 2023 to 2027 – Core Business Actions will be detailed in Annual Operational Delivery Plans, with significant items included and reported as required, as part of the quarterly reporting.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

The six Future Directions outlined in the Shire of Capel Strategic Community Plan 2023 – 2033 are all relevant to the Corporate Business Plan 2023 – 2027.

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

Direction 2: Manage and protect our environment.

Direction 3: Foster a dynamic, diverse and strong local economy.

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

Direction 5: Provide and maintain suitable infrastructure and facilities.

Direction 6: Effective communication, engagement, and relationship development.

### **Corporate Business Plan 2023-2027**

CEO 9 - Ensure Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan, Asset Management Plan, Risk Management Plan, Workforce Plan and all supporting sub-plans are adopted in the 2022/23 financial year, with quarterly reporting to the Council and subsequently maintained in accordance with the WA Integrated Planning Framework.



## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

*Local Government Act 1995, Section 5.56*

#### 6.56 Planning for the Future

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

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

#### Division 3 –Planning for the future

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

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

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to –
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

### Federal Framework

There are no federal frameworks relevant to this item.



**Policy Framework**

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Policy 2.7 – Preparation of Integrated Financial Plan and Budget applied.

**Implications**

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**Risk Implications**

Adoption of a Corporate Business Plan is mandated in the Integrated Planning and Reporting Framework (IPRF).

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Mitigation</b>
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Possible	Moderate	The Corporate Business Plan details anticipated cost impacts which the Council considers ongoing as part of a sustainable approach to future financial planning.
<b>Risk 2</b> Service Delivery  <b>Rating: Medium</b>	Likely	Moderate	Regular monitoring and reporting against the Corporate Business Plan actions allows for a continued focus on service delivery deemed important by the community.
<b>Risk 3</b> Reputation  <b>Rating: Medium</b>	Possible	Moderate	Regular monitoring and reporting against the Corporate Business Plan actions allows for: <ul style="list-style-type: none"> <li>• A continued focus on strategies and actions deemed important by the community through the Strategic Community Plan development process.</li> <li>• Confidence within the Council and transparency within the community of progress against priority strategies and actions.</li> <li>• Ability to identify any areas of achievement risk and appropriate remedial action taken to ensure the achievement of outcomes.</li> </ul>
<b>Risk Description:</b> Failure to plan adequately and systematically for the delivery of services expected by the community.			

**Financial Implications**

Budget

The Corporate Business Plan 2023 – 2027 has been prepared ensuring that the 2023/24 cost of all proposed Actions are accommodated within the current adopted budget.

There are no financial implications relevant to this proposal.



## Long Term

The Corporate Business Plan 2023 – 2027 details growth in specific areas of expenditure over and above the current adopted Long Term Financial Plan (LTFP) in all future years (2023, 2024 and 2025).

Future annual reviews of the Corporate Business Plan, in line with the LTFP and Annual Budget will need to take these potential future costs into account.

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

## **Whole of Life**

Whole of life considerations for any assets delivered as part of implementing the Corporate Business Plan are addressed separately.

## **Sustainability Implications**

The IPRF is designed to improve the sustainability of local governments, through stronger engagement with the community and integrated forward planning.

The Corporate Business Plan 2023 – 2027 was prepared to align closely with the Future Directions outlined in the adopted Strategic Community Plan 2023 – 2033 being:

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

## **Consultation/Engagement**

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Consultation carried out during the preparation of the Corporate Business Plan 2023 – 2027 included:

- Management briefings and 'Bottom up' input of Action Plans for each Service Area;
- Strategic Community Plan review and gap analysis;
- Presentations to all staff to encourage 'Buy In' and ownership of the Plan;
- Challenge Reviews to critique proposed Actions and revise priorities;
- Internal review and cost estimation with Director of Community and Corporate to align Draft Plan to LTFP; and
- Workshop with Councillors to present findings and receive feedback on proposed Actions.

Following adoption of the Plan, Shire departments and work areas responsible generated a series of comprehensive, time-dependent / officer allocated sub-actions that enable the delivery and achievement of actions and outcomes. These sub-actions are tracked, status updated and reported monthly via a 'bottom up' approach, whereby work teams and Managers, update progress on actions within their specific area of responsibility and accountability.



**Officer Comment**

CBP Summary of Completion – Quarter 2 2023/24 (1 July to 31 December 2023)

The current Shire of Capel Corporate Business Plan 2023 – 2027 contains 355 individual actions / outcomes, detailed across the 4-year period.

These actions were allocated a priority ranking based on the significance of implications to the community, the Shire and the overall importance of achievement compared against others.

Each action and sub-action are tracked and reported monthly with a status update to the Shire’s Executive and quarterly to the Council.

Status descriptions of Corporate Business Plan actions are as follows:

- Not Started – Noting that the CBP is a 4-year plan, some actions are scheduled to commence at a future time.
- Complete – Action has been achieved within with identified parameters (time, budget, resources etc).
- On Track – Action is progressing towards achievement within with identified parameters (time, budget, resources etc).
- Overdue – Action is behind time, with all other controllable and non-controllable factors in hand. Reasonable level of confidence exists that the time can be recovered, and action / outcome still achieved within identified parameters (time, budget, resources etc).
- At Risk - Controllable and non-controllable factors (including time / deadlines) of the Action may not be in hand, and / or there is a likelihood and potential that the action / outcome may not be achieved without intervention.

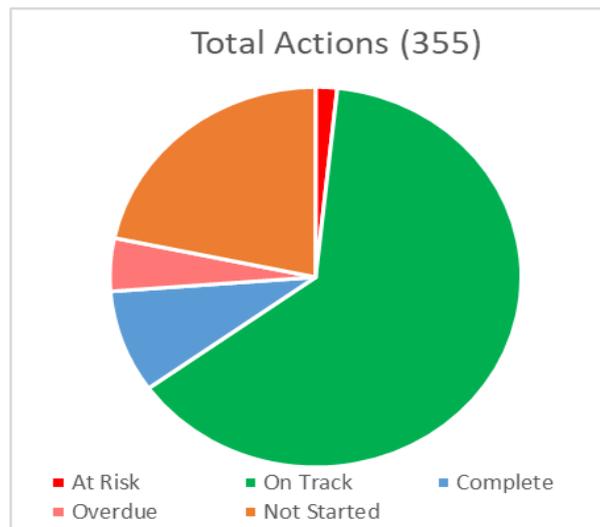
Regular (quarterly) reporting on the Corporate Business Plan is intended to provide transparency to the community on progress toward the achievement of the Strategic Community Plan 2023 – 2033, an outcome-focused overview of the Shire’s operations and an update on progress and areas of risk to the Council.

The status of actions at the end of Quarter 2 2023/24 (for the period 1 July to 31 December 2023) is summarised in the Tables below as:

Status	Number of Actions				Percentage (%)			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Completed	28	33			8%	10%		
On Track	226	223			64%	62%		
Overdue	9	16			3%	4%		
At Risk	0	6			0%	2%		
Not Started	92	77			25%	22%		
<b>Total</b>	<b>355</b>	<b>355</b>			<b>100%</b>	<b>100%</b>		



The status of the 353 CBP actions as at 30 September 2023 is presented in the graph below.



Noting the 4-year period of the Plan in that 25% of actions have either not started (until later years) or are being delivered across multi-years.

## Summary

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The Q2 2023/24 report demonstrates expected progress towards achievement.

Key factors to date with Overdue actions (16 in total) and At Risk actions (6 in total) are detailed in Attachment 13.1.1).

Attachment 13.1.1 also provides an update of completed Actions since the last quarterly report (noting that only completed high-level actions are reported, not sub-actions or sub-tasks).

Recruiting, resourcing and retention remains particularly challenging especially in the Infrastructure area with shortages being experienced in key specialised areas (Technical, Asset, Engineering), as well as general trades (Parks and Gardens, Works). Teams in these areas are experiencing significant periods at below desired levels of resourcing, impacting on the delivery of CBP initiatives, and potentially capital maintenance activities.

Where possible, external contractor is being used to progress key actions and initiatives, albeit having an impact on timelines.

Additionally, a small number of projects have been adjusted to coincide with and be informed by the current Service Review VS Capability study.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 13.1.**

**OC/2024/2 - Officer's Recommendation / Council Decision- 13.1**

*Moved Cr McCleery, Seconded Cr Noonan.*

**That Council notes the quarterly progress report (Quarter 2 – 1 July to 31 December 2023) of the Shire of Capel's Corporate Business Plan 2023 – 2027.**

**Carried 9 / 0**

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

*Against - Nil*



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## 13.2. Review of Cemeteries Act 1986 and Cremations Act 1929

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Please note – this agenda item may contain topics and information that may cause readers to experience emotions such as grief and anxiety. Readers should seek appropriate support as required.

<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Legislative Review
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Review-of-the- Cemeteries- Act-1986- Discussion- Paper [13.2.1 - 54 pages]</li><li>2. Cemeteries and Cremations Review (Jan 2024) - Draft Final for Council Consideration [13.2.2 - 8 pages]</li><li>3. Review of Cemeteries and Cremation Acts - Capel Cemeteries Group - Submission (Jan 2024) [13.2.3 - 3 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Endorse the recommended positions detailed in Attachment 13.2.2 as the Shire of Capel's submission to the Review of the *Cemeteries Act 1986* and the *Cremations Act 1929* – Regulatory Impact Statement Consultation process.

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### Officer's Recommendation

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The Council:

1. Endorses the recommended positions detailed in Attachment 13.2.2 for the Review of the *Cemeteries Act 1986* and the *Cremations Act 1929*; and
2. Supports the submission of the Shire of Capel's positions to Regulatory Impact Statement Consultation process, within the required timeframe.

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### Background

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The (then) Minister for Health and the (then) Minister for Local Government announced the Review in Parliament on 10 September 2020. The Review is being led by the Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Minister for Local Government, in consultation with the community, the Department of Health, the Metropolitan Cemeteries Board (MCB), regional cemetery Boards, local government and industry stakeholders.

Given the substantially unchanged legislation governing cemeteries and crematoria in Western Australia (WA), it was identified by the (then) Minister for Local Government that the following topics should be addressed through the review process:

- adequacy and effectiveness of both Acts;
- relationship between crematoria and cemeteries in WA;
- powers of the Chief Health Officer, the Minister for Health and the Minister for Local Government in administering both Acts;



- current regulatory and occupational licensing regime of the broader cemetery, crematoria, and funeral industry;
- governance structure of the industry including the effectiveness of Boards;
- management of burial grounds in Aboriginal communities;
- approach to the renewal of cemeteries; and
- relevant industry models in other jurisdictions.

DLGSC is undertaking a public consultation as part of a review (the Review) of the *Cremation Act 1929* (Cremation Act) and the *Cemeteries Act 1986* (Cemeteries Act).

The aim of the Review is to consider the adequacy and effectiveness of both Acts and relevant subsidiary legislation, and obtain feedback from the public, community groups, local government, and stakeholders to inform potential legislative reforms that aim to strengthen regulatory oversight of the funeral industry and reflect contemporary needs and expectations of both the community and industry.

## Decision Framework

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### 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

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

6.2 Improved cross sector relationships and collaboration

### Corporate Business Plan 2023-2027

GOV 12 - **Legislative Compliance Management** - Manage the Shire's legislative compliance, including maintaining registers

## Statutory Framework

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### Local Framework

Local laws and by-laws are reviewed and amended periodically by relevant cemetery Boards and local governments.

The *Cemeteries Act 1986* enables Cemetery Boards and local governments that manage cemeteries to make by-laws and local laws respectively, on matters detailed in section 55(1) of the *Cemeteries Act*.



These local laws and by-laws generally regulate such matters including, but not limited to:

- applications for funerals, burials, and cremations in a cemetery;
- licensing of funeral directors;
- specifications of burial, cremation, and the placement of ashes in the cemetery;
- applications for memorials and monumental work in the cemetery; and
- specifications for memorials and monumental work undertaken in the cemetery.

The Shire of Capel is responsible for the Capel and Boyanup Cemeteries.

## **State Framework**

### Legislation

The disposal of deceased persons in WA is provided for in the *Cemeteries Act 1986* (Cemeteries Act), the *Cremation Act 1929* (Cremation Act) and the *Cremation Regulations 1954* (Cremation Regulations).

Cemeteries Act - The Cemeteries Act is administered by the Minister for Local Government and deals with the:

- declaration and management of cemeteries;
- establishment, constitution, and functions of cemetery Boards;
- licensing of funeral directors and conduct of funerals; and
- regulation of burials.

The Cemeteries Act replaced the repealed *Cemeteries Act 1897* and has not been substantively amended since 1 July 1987. There are no Regulations under the *Cemeteries Act 1986*.

Cremation Act - The Cremation Act is administered by the Minister for Health and deals with the:

- licensing of crematoria;
- disposal of ashes of human bodies;
- regulation of the cremation of bodies (following death). The Cremation Act was last substantially amended in 1953.

The content of the Cremation Regulations which are also administered by the Minister for Health, were last amended in 2012.

### Governance of Cemeteries and Crematoria

The operation and administration of cemeteries and crematoria in WA is managed on a day-to-day basis by local governments and metropolitan or regional cemetery Boards (cemetery authorities) that are State Government bodies. WA has over 200 cemeteries, both open and closed, and eight publicly owned crematoria which are situated within metropolitan and regional cemeteries.



### Metropolitan Cemeteries Board (MCB)

The MCB is a statutory authority and a body corporate with perpetual succession, responsible to the Minister for Local Government, and with responsibilities as provided for by the Cemeteries Act and the Cremation Act. The MCB is a key provider of burial, cremation and memorialisation facilities, services, and records in WA, and is responsible for managing the following public cemeteries:

- Fremantle Cemetery
- Guildford Cemetery
- Karrakatta Cemetery
- Midland Cemetery
- Pinnaroo Valley Memorial Park
- Rockingham Regional Memorial Park
- Ngarara Aboriginal Cemetery

Fremantle Cemetery, Karrakatta Cemetery, Pinnaroo Valley Memorial Park, and Rockingham Regional Memorial Park all operate public crematoria onsite.

### Regional Cemetery Boards

WA has several regional cemetery Boards that operate as body corporates in perpetual succession under the *Cemeteries Act 1986*. These include:

- Albany Cemetery Board
- Bunbury Cemetery Board
- Chowerup Cemetery Board
- Dwellingup Cemetery Board
- Geraldton Cemetery Board
- Kalgoorlie-Boulder Cemetery Board

Albany Cemetery Board, Bunbury Cemetery Board, Geraldton Cemetery Board, and Kalgoorlie-Boulder Cemetery Board all operate crematoria onsite.

### Local Governments

Western Australian legislation currently covers 139 local government areas, including Christmas Island and Cocos (Keeling) Islands.

There are currently 108 local government with responsibility for cemeteries, administering and/or maintaining around 200 cemeteries, both open and closed. Although some local governments are not directly responsible for the management of cemeteries, any cemetery being operated in their local government area is subject to relevant local government planning requirements.

### **Federal Framework**

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- Legislative Compliance

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Moderate	Suitable policy, procedure and administrative requirements are in place to comply with legislation and regulation, while providing an essential service to the local community.
<b>Risk Description:</b> Failure to comply with existing and (potential) future legislative and regulatory environment.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Reputation  <b>Rating: Medium</b>	Possible	Moderate	Suitable policy, procedure and administrative requirements are in place to provide an essential service to the local community in a professional, dignified, respectful and cost-effective manner.
<b>Risk Description:</b> Failure to provide a professional and respectful service, impacting on the Shire’s reputation and position within the community.			
<b>Risk 3</b> Service Delivery  <b>Rating: Medium</b>	Possible	Moderate	Suitable resourcing and budget allocations in place to provide an essential service to the local community in a professional, dignified, respectful and cost-effective manner.
<b>Risk Description:</b> Failure to provide a professional and respectful service.			
<b>Opportunity:</b> Opportunity to preserve the Shire’s history, while providing a professional, dignified and respectful service to the community.			

**Financial Implications**

Budget

There are no financial implications relevant at this stage. Future legislative reforms may impact on the requirements of local government and will be considered at the time of effect.

Long Term

There are no financial implications relevant at this stage. Future legislative reforms may impact on the requirements of local government and will be considered at the time of effect.



## **Sustainability Implications**

### Climate Change and Environmental

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

### Social

Proposed reforms are, in part, designed to better consider the changing societal needs and expectations regarding processes for dealing with the end of human life.

### Economic

There are no relevant economic implications relevant to this item.

### Asset

There are no relevant asset implications relevant to this item at this stage.

## **Consultation/Engagement**

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### **External Consultation**

DLGSC has already completed consultation with industry focus groups, relevant sector stakeholders, and the interagency Cemeteries and Cremation Act Review Working Group in the production of the discussion paper.

Extensive early targeted stakeholder consultation was undertaken by DLGSC to refine and guide the issues presented for broader public consultation. Methods of consultation were tailored to best suit the needs and requirements of each stakeholder group and included electronic and hard copy surveys; in-person workshops; meetings; correspondence via email; correspondence via telephone; and webinars.

Stakeholders engaged with included members of the Western Australian funeral and monumental mason industries; medical referees; regional and metropolitan cemetery Boards; Aboriginal Community Controlled Organisations; Native Title Prescribed Body Corporates; the Western Australian Local Government Association; Local Government Professionals WA; and the AFDA.

The Consultation Regulatory Impact Statement is presented as a Review Discussion Paper (Attachment 13.2.1). that identifies topics regarding the effectiveness of the current legislation.

Feedback on the review is being coordinated by DLGSC and provided via an online survey for each of the seven topics and/or a written submission. Consultation on the Cemeteries and Cremations Acts Review closes on Friday, 16 February 2024.

Feedback was also obtained from a representative of the Capel Cemetery Group regarding the Capel Cemetery (see Attachment 13.2.3). Part of feedback was specific to the historical and future circumstances of the Capel Cemetery and the Shire; the remainder was considered in formulating the recommended positions.

The Boyanup Lions were provided the information, however a representative advised that they did not believe the matters covered in the review were relevant to the role that the Club played in assisting to maintain the Boyanup Cemetery.



## Internal Consultation

Internal consultation has occurred to prepare recommended positions to Council with representation from Office of the CEO, Infrastructure and Development, Governance, Rate (Cemeteries) and Environmental Health.

## Officer Comment

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The Consultation Regulatory Impact Statement is presented as a Review Discussion Paper (Attachment 13.2.1) and requests the consideration and response from stakeholders, including local governments on seven main topic areas as:

- Topic 1: Legislation
- Topic 2: Alternative methods for the disposal of human remains
- Topic 3: Cemetery redevelopment
- Topic 4: Burials outside of proclaimed cemeteries
- Topic 5: Licensing of funeral directors and monumental masons
- Topic 6: Cremation Services in WA; and
- Topic 7: Consistency of forms and fees.

Each topic above is presented in the Discussion Paper including detail of the current legislative / regulatory environment, background information, a summary of the current issue, potential reform options and guiding questions to enable a considered response.

The Shire of Capels' recommended position on each topic (and / or sub-topic) along with relevant commentary is detailed in Attachment 13.2.2.

The Shire's recommended position on each topic has also been informed by:

- The experience of managing the Capel and Boyanup Cemeteries.
- Feedback received from the Capel Cemetery Group
- The operational environment that prevailed during the recent COVID-19 Pandemic, that resulted from the existing legislative / regulatory circumstances.
- Experience of officers working previously within State Government with cemeteries boards and both pieces of legislation currently under review.

## Summary

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The *Cemeteries Act 1986* and *Cremation Act 1929* were legislated some time ago and may no longer be reflective of societal needs and expectations, nor adequate to effectively administer the operational environment around the end of human life, including that undertaken by local government.

The WA State Government is undertaking a Consultation Regulatory Impact process regarding future reforms to the Cemeteries Act and Cremation Act that includes the potential to combine the legislation, as well as requesting feedback on several other areas.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 13.2.**

**OC/2024/3 - Officer's Recommendation / Council Decision - 13.2**

*Moved Cr Mogg, Seconded Cr Noonan.*

**The Council:**

- 1. Endorses the recommended positions detailed in Attachment 13.2.2 for the Review of the Cemeteries Act 1986 and the Cremations Act 1929; and**
- 2. Supports the submission of the Shire of Capel's positions to Regulatory Impact Statement Consultation process, within the required timeframe.**

**Carried 9 / 0**

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

*Against - Nil*



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### 13.3. Shire of Capel - Place Plan 2023 to 2027

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	<ol style="list-style-type: none"><li>23-092 Capel Place Plan Engagement Strategy and Outcomes [13.3.1 - 79 pages]</li><li>23-092 Capel Place Plan - Draft Final for Council Consideration (Jan 2024) [13.3.2 - 79 pages]</li><li>23-092 Capel Place Plan - Appendix 1 - Place Strategy Matrix (Place Plan 2023 to 2027) [13.3.3 - 2 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Consider and endorse the inaugural Shire of Capel Place Plan 2023 to 2027, noting the comprehensive community / key stakeholder engagement and review process that informed the development.

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#### Officer's Recommendation

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That Council:

- Notes the comprehensive community / key stakeholder engagement that informed the development of the Place Plan outlined in Attachment 13.3.1
- Endorses the Shire of Capel Place Plan 2023 to 2027 as per Attachment 13.3.2 and Appendix 1 – Place Strategy Matrix (Attachment 13.3.3).
- Notes that the Place Plan 2023 to 2027 will be further expanded to locality specific Place Development and Management initiatives, and utilised to inform future Corporate, Service Delivery, Organisational and Development planning, as well as future budgeting and expenditure; and
- Notes that the finalised Place Plan will be further developed to presentation standard before public release.

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#### Background

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'Place' is a holistic, partnered, multi-level process to understand, develop, preserve and enhance unique characteristics of region, district, local area or individual site / location. The place process begins at a high level and sets the overall direction and vision for the area covered.

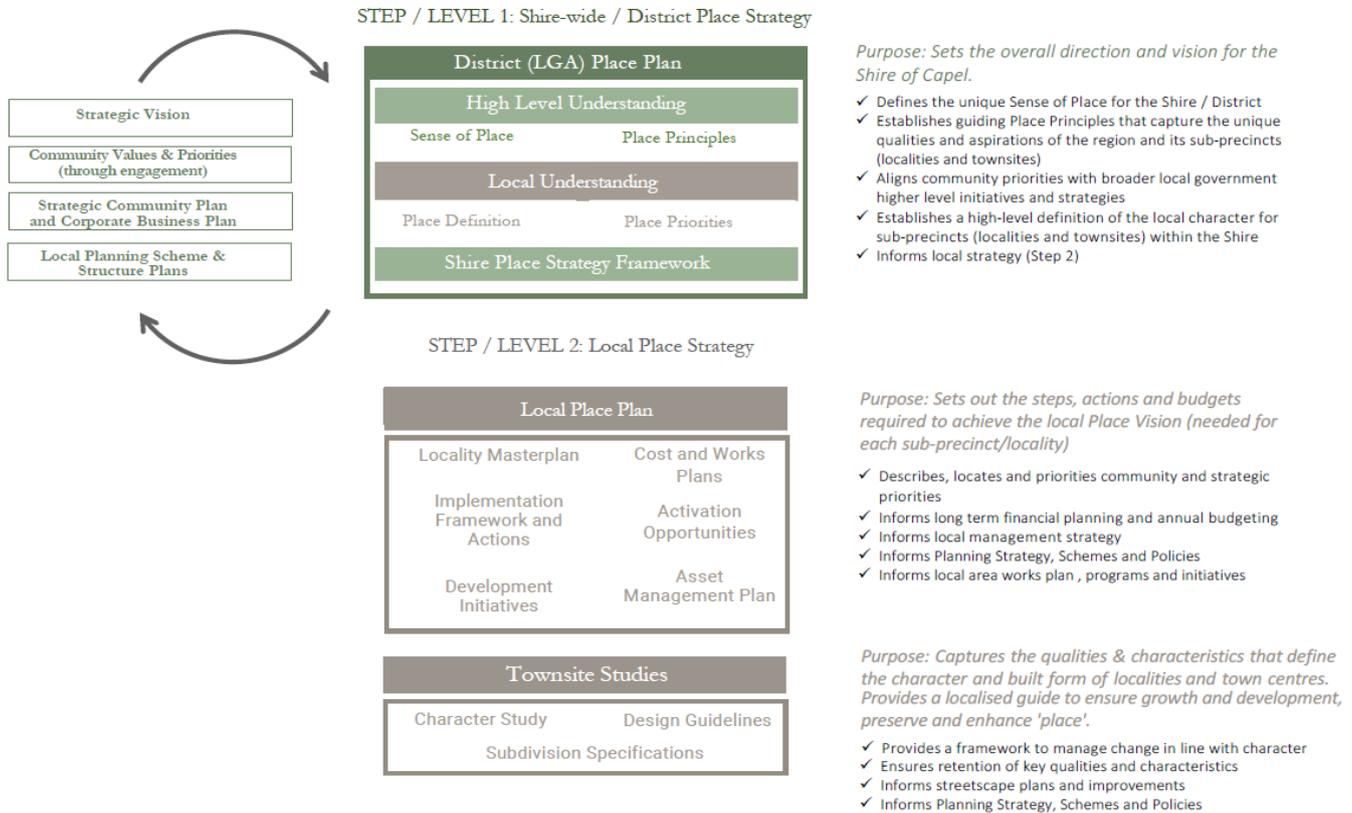
Next steps and lower level studies, plans, and actions align to the overall higher level and provide an increasing level of detail that is essential to understand and be able to deliver, implement, activate and manage place initiatives at a ground / community level.



## MINUTES - Ordinary Council Meeting – 31 January 2024

In the Shire of Capel's context, this 'Place Plan' (2023 to 2027) is the first step / highest level that captures the districts overall sense of place and unique characteristics, establishes guiding place principles and sets the overall direction and vision, that subsequent work will provide the detail on.

The overall place process that the Shire has commenced is:



### Shire of Capel Place Planning

Community consultation processes conducted throughout 2021 and 2022, as well as the Shire of Capel's completed Community Perception Survey (October 2022) highlighted that while the lifestyle that our environment provides connects us all, the people that live in the district and in each of the localities are unique, with quite different priorities, needs and future aspirations.

Additionally, each locality and area within the Shire has evolved with different origins, histories and events that has shaped their present-day character, look, and feel.

With these circumstances in mind, the Shire sought to better understand:

- What is good and valued about the place (the district overall and each within).
- The local community's common values, needs and future aspirations.
- The unique differences between the localities and community areas; and
- How the shared and unique elements can be best nurtured to recognise our potential.

Using the above information gathered, the Shire will better understand the issues, interconnections and relationships throughout our place and be able to take a place-based approach to coordinate action and investment to improve the quality of life over time for our community.

The Place Plan 2023 to 2027 captures the qualities of the district's environment and communities that unify the Shire, and those that define each of the unique localities, from Boyanup to Stratham and all parts between. An overarching Sense of Place will function as an umbrella statement for the Shire district, supported by a set of guiding Place Principles for each of the localities.



Understanding the above circumstances will allow for articulating the Capel 'Sense of Place' and the development of an inaugural 'Place Plan 2023 to 2027'. The Shire of Capel Place Plan 2023 to 2027 will include:

- An overall Sense of Place.
- Individual Place Principles and Place Locality approaches; and
- A Place Framework and Place Development / Management initiatives.

The Place Plan is the first step in the Shire of Capel's place-based approach to coordinated action and investment in the community, to improve the quality of life over time and will identify Capel's overall sense of place, unique place localities, place principles, strategic alignment, place framework, and place strategy. The Place Plan 2023 to 2027 will then be incorporated into the reviewed and updated Shire of Capel Community Strategic Plan 2023 to 2033, Corporate Business Plan 2023 to 2027 and as a guide to activate and implement the Shire's Local Planning Strategy and Local Planning Scheme No.8.

*Purpose of a Place Plan - A 'Place' approach to planning is characterised by collaborative partnerships engaging in shared design, stewardship, and accountability of planned outcomes.*

### Study Concept and Vision

The Shire of Capel engaged Element consultancy in late-May 2023 to assist in the development of an inaugural 'Place Plan 2023 to 2027'. Development of the Shire's Place Plan was undertaken in accordance with the adopted Community Engagement Framework 2022 to 2026 and includes the following key elements:

- a. Overall Capel Sense of Place – through a comprehensive consultation / engagement process, develop and capture a strong understanding of the 'Capel Sense of Place' that includes the community's relationship with the places, capturing stories and individual experiences, what makes Capel unique in their minds and lives.
- b. Unique Place Localities – through the same comprehensive engagement process, understand the unique communities and people that live in each of the Shire's Place Localities. This understanding will be critical to the development of Place Principles and individual future Place Locality Development Plans.

Develop high-level Place Development approaches to each unique locality throughout the Capel community including Boyanup, Capel, Dalyellup, Gelorup, Peppermint Grove Beach, Stratham, and broader rural areas. This information will form the basis for the future development of local place plans (incorporating local planning, service delivery, resourcing, and investment).

- c. Place Principles – Based on the understanding of Capel's Sense of Place and unique Place Localities, develop a set of Place Principles that promotes a shared understanding of place (that can be incorporated into the Shire 's revised Strategic Vision), and allows for a more collaborative approach to be taken in providing services, facilities and activities to achieve better outcomes for people and communities of Capel.
- d. Strategic Alignment – assist in understanding how the Sense of Place and Place Principles can be incorporated into a revised Strategic Community vision.
- e. Place Framework - develop a Place Framework that describes the over-arching focus areas that make the Place Principles a consistent reality within the Capel community, which sets out the baseline approach to how we plan at a local level, how services are delivered, and places activated, how investments and decisions are made.



- f. Shire Place Strategy - a continuation of the Place Framework, expanding on and developing the Place Principles to beginning to consider both Place Development (embedding place considerations in the strategic and statutory planning process and identifying the important relationships and planning stages where it is critical for this to be considered) and Place Management (approach to coordinating a range of initiatives in an area to support and realise the vision for that place); supporting the ongoing implementation of the Shire's Place Approach.

#### Previous Council Decisions

- August 2023 – Council endorsed the Shire of Capel Corporate Business Plan 2023 to 2027 – Service Area Strategic Initiatives and Core Business Actions that included the finalisation and implementation of the adopted Shire of Capel Place Plan 2023 to 2027.
- September 2023 (OC/2023/161) – Council:
  - Noted the extensive information gathered from recent community engagement processes that have informed the review and update of the Strategic Community Plan.
  - Endorsed the new Shire of Capel Vision to be “A Lifestyle of Choice: Connecting Community, Culture and Country”.
  - Adopted the reviewed and updated Shire of Capel Strategic Community Plan 2023 to 2033.
  - Endorsed the incorporation of the Strategic Community Plan 2023 to 2033 and Corporate Business Plan 2023 to 2027 – Strategic Initiatives into a consolidated ‘Plan for the Future’.

#### **Decision Framework**

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##### **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
- 1.4 A safe and prepared community
- 1.5 A healthy and active community

Direction 2 - Manage and protect our environment

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

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

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

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

- 4.2 Informed and transparent decision making
- 4.3 Contemporary planning and local development
- 4.5 Improved customer engagement



Direction 5 - Provide and maintain suitable infrastructure and facilities  
5.1 Appropriate community facilities, that meet the communities' needs  
5.4 Improved beach infrastructure to support a healthy beach lifestyle

Direction 6 - Effective communication, engagement and relationship development  
6.1 Greater trust and the development of positive relationships within the Shire and with the community

### **Corporate Business Plan 2023 to 2027**

- CEO 4 – **Capel Place Plan** - Finalise and implement the adopted Shire of Capel Place Plan 2023 to 2027
- CDVS 16 – **Community Led Place Building through Development Strategies** - Strategic development of our Community. Establish a single coordinated Shire of Capel position on land development, subdivision, Shire projects and related development. Includes Social, Economic and Infrastructure Development objectives.
- DEVS 2 – **Design Guidelines and Streetscape Compatibility Planning Framework** - Utilise Place Plan information to develop a temporary planning framework to guide design-based outcomes for residential and commercial development.

### **Statutory Framework**

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Place Planning is a progressive and inclusive approach to community and development initiatives that is not governed by legislation or regulation.

#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

There are no state frameworks relevant to this item.

#### **Federal Framework**

There are no federal frameworks relevant to this item.

### **Policy Framework**

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There are no Council policies relevant to this item.



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  Rating: <b>Medium</b>	Possible	Moderate	Developing the Place Plan based on comprehensive community engagement and information gathering, based on the Shire’s adopted Community Engagement Strategy.
<b>Risk Description:</b> Failure to comprehensively engage with the community and / or capture accurate information on which to develop the Place Plan and to base future decisions.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Service Delivery  Rating: <b>Medium</b>	Possible	Moderate	Developing the Place Plan based on comprehensive engagement and information gathering that accurately captures the future service needs of the community and enables informed decision-making.
<b>Risk Description:</b> Failure to accurately capture the future needs and aspirations of the community and to make ill-informed decisions as a result.			
<b>Opportunity:</b> A comprehensive and successful engagement; enabling the development of a quality Place Plan that sees the broader District and individual localities grow, develop, and activate into the future.			

**Financial Implications**

There are no financial implications currently relevant to this proposal. Any future financial implications will be considered separately within long term and annual budgeting processes.

Long Term

Future periodical reviews of the SCP and annual updating of the Corporate Business Plan and the Long Term Financial Plan, in line with annual budgets will need to be aligned and account for all future costs that result from initiatives triggered by the Place Plan 2023 to 2027.

**Sustainability Implications**

Climate Change and Environmental

The proposed Place Plan 2023 to 2027 contains climate change and environmental information that will be responded to in future initiatives and actions, with any implications considered separately at the time.

Social

The proposed Place Plan 2023 to 2027 contains a range of social and community development information. Any future social and / or community initiatives will be considered separately and reported if relevant at the time of implementation.



## Economic

The proposed Place Plan 2023 to 2027 contains economic development information, with any future actions and initiatives will be considered separately at the time.

## Asset

The proposed Place Plan 2023 to 2027 identified a range of potential facilities and asset information that may result in a range of capital works, asset upgrades and development initiatives being delivered through the CBP and Annual Budgets. Any additional or amended assets circumstances that result from the delivery of the Corporate Business Plan will be assessed separately at the time and included in future consideration of the Asset Management Strategy and Programs of Works.

## **Consultation/Engagement**

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### **External Consultation**

The community and stakeholder engagement were conducted in accordance with the Shire's Community Engagement Framework and designed to gather a rich set of information that allowed for the development of the Place Plan. The engagement was based on three main methods:

- Direct household / resident survey.
- Online community consultation questionnaire, accompanied by a social media campaign; and
- Community (Boyanup, Capel, Peppermint Grove Beach, Gelorup and Dalyellup) and key stakeholder workshops (Youth Advisory Council, Councillors, Skate Park opening and Wadandi Elders).

The Capel Place Plan Engagement Strategy and Outcomes is detailed in Attachment 13.1.1

Following receipt of the (draft) Place Plan a targeted peer review process was undertaken with various community organisations throughout the district, individual interested parties and other knowledge holders throughout the community.

Feedback, suggestions and fact checking / correction provided from the peer review were all considered and the majority included in the Draft Final Plan. Where suggestions were not included was predominantly based on the information belonging in another document or at another level of 'place' (development, management and activation), and not a level of detail for the Place Plan.

### **Internal Consultation**

The Place Plan development was guided by internal Shire Project Steering and Working Groups comprised of:

#### Project Steering Group (PSG)

- Chief Executive Officer, Director Infrastructure and Development, Director Corporate and Community, Manager Community Development and Safety, Manager Development Services and Planning Coordinator.



### Project Working Group (PWG)

- Development Services team representatives, Community Development team representatives, Sustainability and Environment team representatives, Manager Customer Relations and Libraries, Manager Operations and Communications Coordinator.

A Place Planning workshop was held and included a focus group of 25 staff representing the whole organisation.

Additionally, staff were encouraged to attend and participate in community Place Plan workshops.

Following receipt of the (draft) Place Plan a targeted peer review process was undertaken including staff from the Shire's Library Services for informational accuracy.

### **Officer Comment**

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The Draft Shire of Capel Place Plan 2023 to 2027 (see Attachment 13.1.2) contains the following key features:

1. Place Framework – the Place Framework provides a tiered approach to support future coordinated actions and investment, that commences at district-wide and then unpacks to a locality and the place level.
2. Sense of Place (Statement).
3. Place Themes and Principles.
4. Place Matrix.

### **Sense of Place Statement**

The Sense of Place statement captures the emotional, cultural, historical, and environmental attributes that define a specific place to create a distinct identity for it. Its purpose is to articulate the values and connections people have with a particular place and to foster a shared understanding and appreciation of its significance.

Based on the community and key stakeholder engagement, the Draft Capel Sense of Place is:

***The Shire of Capel – where connected communities live in an enviably diverse natural landscape that spans along the Capel and Preston rivers from the foothills of the Whicher Range to the beaches of Geographe Bay, embracing a built and cultural heritage born of a complex Aboriginal and Colonial history.***

Accompanied by the following draft broader description:

*In the heart of Wadandi Country lies the Shire of Capel. Nestled between hills and coastline, divided by the course of rivers, the Shire of Capel seamlessly weaves together a rich tapestry of history, culture, country, and community.*

*Our land whispers stories of a complex and protected past, where the ebb and flow of Aboriginal and migrant communities have shaped the very fabric of our existence.*

*Here, heritage intertwines with the present and looks to a connected and vibrant future, inviting community and visitors to immerse themselves in the history of our industrious past rooted in rail, agriculture, mining and forestry; together acting as custodians of our diverse natural environment for future generations.*



*From the coastal wetlands and ancient forests to the inland pastures and expansive beaches, our landscapes offer protected havens for a myriad of wildlife and rare Tuarts, Paperbarks, Peppermints and other endemic trees, shrubs and flowers. Heritage buildings and remnants of the past excite those with a passion for our history, whilst the love of nature nurtures the soul. Trails carve paths of exploration through the forests and beaches, allowing intrepid walkers, cyclists and horse-riders to uncover hidden gems, and immerse themselves in the raw beauty of our landscape.*

*Amidst open farmland and rural tranquility, life takes on a slower pace, embodying the essence of small-town living, offering respite from the bustling world while remaining within reach of the supporting amenities and infrastructure of adjacent major centres. From rural retreats in Gwindinup to coastal-suburban areas in Dalyellup, an array of diverse living environments meets the needs of diverse family compositions within our nature-loving community.*

*Built on a foundation of volunteers' dedication and commitment, our people support and connect with one another with a camaraderie that transcends generations. Active, inclusive community groups and clubs cater to diverse interests, all ages and all abilities. Community facilities, events and services abound, nurturing the wellbeing and enrichment of all who call this place home.*

*Our community respectfully bears the responsibility of being custodians of this remarkable landscape we have inherited and will pass on to future generations. They look to a future of controlled, sustainable development around their civic and town-centres, to meet the evolving housing and service demands of an aging population, alongside a growing population of urban and rural residents looking for a tranquil lifestyle away from the stresses of city living.*

### **Place Themes and Principles**

The Place Themes and Principles are guiding concepts to support the delivery of liveable, thriving, and sustainable environments that will enrich the lives of the people who inhabit them.

Place Principles provide a framework for the design, development, and activation of an area in keeping with its unique sense of place, informed by the local context and community priorities.

Place Principles focus on identity, are people-centred, incorporate environmental and cultural sustainability, support the creation of meaningful spaces, and promote social and economic vitality.

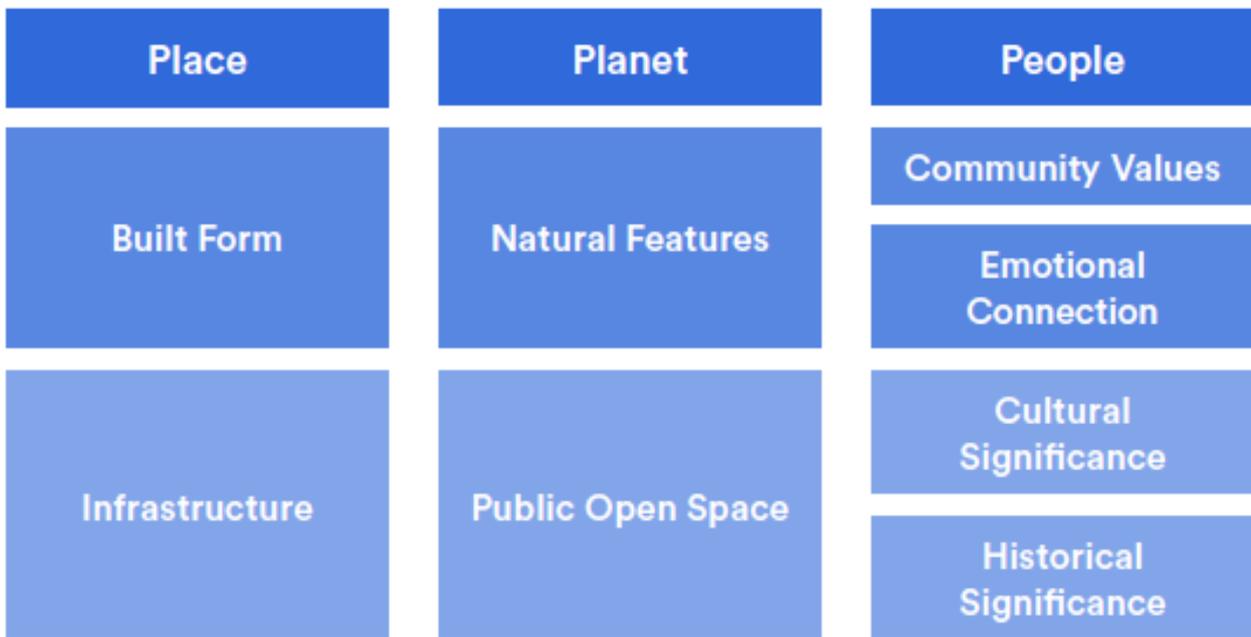
The Place Principles may be grouped within collective Place Themes that provide prominent level, region-wide objectives.

They provide direction and purpose to the actions of those involved in shaping the region, ensuring that the decisions made, and the physical changes implemented are in harmony with the overall vision and values associated with the specific locality.

They can be applied at all levels of local government service delivery from statutory and strategic planning down to the delivery of community services and infrastructure, and in so doing they will ensure the retention and augmentation of the unique local character of a locality.



Using the Shire’s SCP Future Directions, these fall under:



Based on the community and key stakeholder engagement, the Draft Place Themes and Principles are:



**Theme 1.  
Supporting Local**

Recognition of the tight-knit, supportive communities, hard-working producers and active sporting and social groups that provide the foundation to our localities.

**Principles:** 

- T1.P1 Develop and sustain community connections
- T1.P2 Encourage and promote local producers and businesses
- T1.P3 Foster community groups and events



**Theme 2.  
Sustainable Growth**

Retain the inherent values of each locality while adapting to the increasing population attracted to life within easy reach of regional amenities and natural environments.

**Principles:** 

- T2.P1 Manage growth in balance with the distinct local character
- T2.P2 Living in harmony with the natural environment
- T2.P3 Consolidate the urban centre



**Theme 3.  
Protect our Diversity**

Preserve our rich natural, cultural and social diversity through the nurturing of people and places.

**Principles:** 

- T3.P1 Safeguard the varied rural and coastal environments
- T3.P2 Support the urban and village communities
- T3.P3 Sustainable stewardship of our neighbourhoods



**Theme 4.  
Discover Capel**

Entice visitors to discover our hidden treasures – the scenic forests, coastal shores and rich history.

**Principles:** 

- T4.P1 Showcase our natural assets
- T4.P2 Celebrate our built heritage
- T4.P3 Acknowledge our shared history
- T4.P4 Provide interpretation of the Wadandi connection to country



Based on the above Draft Place Themes and Principles, each locality (Boyanup, Capel, Dalyellup, Gelorup, Peppermint Grove Beach, Stratham / Coastal Rural Areas, and Inland Rural Areas (Elgin, The Plains et al) are then future detailed in terms of a:

- Place Definition.
- Character Definition.
- Local Priorities; and
- Place Context.

### **Place Matrix**

The priorities for Place Development and Place Management identified in the previous section are founded in the community's aspirations for their localities and have informed the Place Themes and their Principles. These priorities complement the future directions and outcomes set out in the Shire's Strategic Community Plan (SCP) and the projects identified within the Corporate Business Plan.

The Place Matrix as an attachment to the Place Plan, provides early mapping of how each Place Priority – Development or Management – aligns with the Place Principles and Future Directions (in the SCP).

The next steps and lower level studies, plans, and actions will align to the overall higher level (Place Plan) and provide an increasing level of detail that is essential to understand and be able to deliver, implement, activate and manage place initiatives at a ground / community level.

The matrix also illustrates which localities and organisational departments will be involved with and benefit from the realisation of these actions.

### **Way Forward / Using the Place Plan**

The Place Plan and Place Strategy Matrix will be used to expand and detail future Place Development and Management initiatives and support the Shire's future decision making, costing and programming process; clearly identifying where investment and actions can have the most impact across the district and departments, supporting a collaborative, place-based approach to planning for the Shire of Capel.

Importantly, place planning / development / making is not doing something extra to what the Shire currently does. The Place process means that we do what we do: better informed, with a greater understanding and more deliberately, designed to enhance the unique character of Capel and its unique localities.

The Shire will use this information in the future to inform future residential / commercial development, development design guidelines, community events, public open space designs and fit outs, street tree planting etc.

### **Informing the Vision**

The information gathered throughout the Place Planning engagement has also been used to guide the development of a new Vision contained in the reviewed and updated Strategic Community Plan 2023 to 2033 and the Shire's new 'Plan for the Future'.



The overwhelming responses gathered relating to a lifestyle of choice (with many diverse options), uniqueness (of people, places, needs and choice), community (diversity yet unity and connectedness), culture (heritage, history, ethnicity) and country (heritage, custodianship, environment, landscapes) have strongly influenced the proposed Vision.

These response themes can be clearly identified in the word clouds (Place Plan pg.5) that highlight the descriptors most frequently associated with the district, further in Sense of Place Statement (Place Plan pg.6) and detailed throughout the characteristics of the entire district (Place Plan pgs. 9 to 17).

Council adopted a new Vision (September 2023) for the Shire of Capel as “*A Lifestyle of Choice: Connecting Community, Culture and Country*”, based on the information gathered during the place planning process.

## Summary

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The Draft Shire of Capel Place Plan 2023 to 2027 has been developed based on a comprehensive community and key stakeholder engagement process.

The completed Draft Place Plan incorporates:

1. Place Framework.
2. Sense of Place (Statement).
3. Place Themes and Principles of individual localities and areas; and
4. Place Matrix (to be used to inform future decision making).

Following receipt of the (draft) Place Plan a targeted peer review process was undertaken with various community organisations throughout the district, individual interested parties and other knowledge holders throughout the community.

Feedback, suggestions and fact checking / correction provided from the peer review were all considered and the majority included in the Draft Final Plan. Where suggestions were not included was predominantly based on the information belonging in another document or at another level of ‘place’ (development, management and activation).

The Place Plan 2023 to 2027 will enable the Council and the Shire to be better informed, with a greater understanding and be able to make future decisions more deliberately, to enhance the unique character of Capel and its unique localities.

Information gathered in developing the Place Plan has also been used to inform the review and recently Council-endorsed updating of the Shire’s Strategic Community Plan 2023 to 2033.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 13.3.**

**OC/2024/4 - Officer's Recommendation / Council Decision - 13.3**

*Moved Cr Noonan, Seconded Cr Terrantroy.*

**That Council:**

- 1. Notes the comprehensive community / key stakeholder engagement that informed the development of the Place Plan outlined in Attachment 13.3.1.**
- 2. Endorses the Shire of Capel Place Plan 2023 to 2027 as per Attachment 13.3.2 and Appendix 1 – Place Strategy Matrix (Attachment 13.3.3).**
- 3. Notes that the Place Plan 2023 to 2027 will be further expanded to locality specific Place Development and Management initiatives, and utilised to inform future Corporate, Service Delivery, Organisational and Development planning, as well as future budgeting and expenditure; and**
- 4. Notes that the finalised Place Plan will be further developed to presentation standard before public release.**

**Carried 9 / 0**

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

*Against - Nil*



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## 13.4. Economic Development Advisory Committee (EDAC) - Terms of Reference Review

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. 13.4.1 EDAC Updated Terms of Reference (Draft) - Clean [13.4.1 - 5 pages]</li><li>2. 13.4.2 EDAC Updated Terms of Reference (Draft) - Tracked Changes [13.4.2 - 5 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Endorse the proposed amendments to the Terms of Reference considered and recommended by the Economic Development Advisory Committee (EDAC) at the meeting of 13 December 2023.

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### Officer's Recommendation

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That Council endorse the updated Terms of Reference for the Economic Development Advisory Committee as per Attachment 13.4.1.

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### Background

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#### Previous Council Decisions

The Ordinary Meeting of Council on 29 September 2021 resolved (OC185/2021) that an Economic Development Committee was to be established.

The Economic Development Advisory Committee (EDAC) was established at the Ordinary Meeting of Council on 24 November 2021, in accordance with s5.8 of the *Local Government Act*. The Terms of Reference (OC244/2021) were also endorsed.

There has been no review of the Terms of Reference since.

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### Decision Framework

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#### **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

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

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

3.2 Effective promotion of the Shire and its towns

3.4 Continued improvement in town centre vibrancy



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

6.2 Improved cross sector relationships and collaboration

**Corporate Business Plan 2023-2027**

**CEO 2 - Local Economy** - Implement the adopted Economic Development Framework that supports and advocates for greater local business success, investment and diversity, via annual actions in the CBP.

**Statutory Framework**

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**Local Framework**

There are no local frameworks relevant to this item.

**State Framework**

There are no state frameworks relevant to this item.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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There are no Council policies relevant to this item.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: Low</b>	Unlikely	Minor	The inclusion of additional memberships on the committee.
<b>Risk Description: Failure to incorporate a broad demographic of external agencies and businesses into the committee's membership.</b>			



<b>Risk 2</b> Legislative Compliance  <b>Rating: Low</b>	Rare	Minor	Ensuring the terms of reference are regularly reviewed.
<b>Risk Description: Failure to ensure the Terms of Reference comply with legislative compliance.</b>			
<b>Opportunity:</b> A compliant and contemporary Terms of Reference to meet the needs of the community and provide structure to the Economic Development Advisory 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

### 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

The Economic Development Advisory Committee has broad stakeholder representation and is an important mechanism for the Shire implementing the initiatives approved within the Economic Development Framework 2023 to 2027.

### Asset

There are no relevant asset implications relevant to this item.

## Consultation/Engagement

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### **External Consultation**

The draft, updated Terms of Reference for the EDAC were considered, supported and recommended to Council at the Committee meeting 13 December 2023.

### **Internal Consultation**

Internal consultation between the Strategic Governance and Risk Coordinator and the Chief Executive Officer was undertaken.



## Officer Comment

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The amendments to the Terms of Reference are designed to update and reflect amendments to membership (as a Committee of Council members are to be specifically named and endorsed), as well as the newly legislated changes to the process of appointing the Chair and Deputy Chair (LG Reform – Preferential Voting).

There have also been minor amendments made to the Terms of Reference for clarity and conciseness.

The proposed update Terms of Reference are attached to this report as:

- Attachment 13.4.1 – Updated Terms of Reference (Draft) – Clean
- Attachment 13.4.2 – Updated Terms of Reference (Draft) – Tracked Changes.

Update of the Terms of Reference will allow the Committee to commence 2024 activities with a current operating framework, with the next meeting scheduled for March 2024.

## Summary

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The Terms of Reference for the EDAC have been updated to reflect legislative reforms and changes to stakeholder organisation representation.

Following the recommendation for endorsement of the revised Terms of Reference, a report will be required to go the January 2024 Ordinary Meeting of Council for final approval.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 13.4.

#### **OC/2024/5 - Officer's Recommendation / Council Decision - 13.4**

*Moved Cr Fergusson, Seconded Cr McCleery.*

**That Council endorse the updated Terms of Reference for the Economic Development Advisory Committee as per Attachment 13.4.1.**

**Carried 9 / 0**

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

*Against - Nil*



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## 13.5. Committees of Council - Minutes

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<b>Author</b>	Governance Support Officer, Belinda Facey
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. BFAC 230712 Minutes Final [13.5.1 - 20 pages]</li><li>2. Audit and Risk Minutes - 28 June 2023 - Final [13.5.2 - 44 pages]</li><li>3. EDAC Meeting Minutes - 27 September 2023 [13.5.3 - 7 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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

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### Officer's Recommendation

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That the Council notes the following confirmed minutes:

1. Bush Fire Advisory Committee meeting held on the 12 July 2023;
2. Economic Development Advisory Committee meeting held on the 27 September 2023; and
3. Audit and Risk Committee meeting held on 28 June 2023.

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### Background

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

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

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

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



## Decision Framework

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### Shire of Capel Strategic Community Plan 2023-2033

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

1.1 A more engaged community

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

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

### Corporate Business Plan 2023-2027

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

## Statutory Framework

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

## Policy Framework

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There are no Council policies relevant to this item.

## Implications

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

## Summary

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Each of the Committees can make specific and individual recommendations referred to and later considered by the Council.

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

Accordingly, the confirmed Minutes of the Committees are presented to the Council on a periodical basis as required, to allow for timely information processes.



## Voting Requirements

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Simple Majority

### Officer's Recommendation – 13.5

#### OC/2024/6 – Officer's Recommendation / Council Decision - 13.5

*Moved Cr Dillon, Seconded Cr Mogg.*

**That the Council notes the following confirmed minutes:**

- 1. Bush Fire Advisory Committee meeting held on the 12 July 2023;**
- 2. Economic Development Advisory Committee meeting held on the 27 September 2023; and**
- 3. Audit and Risk Committee meeting held on 28 June 2023.**

**Carried 9 / 0**

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

*Against - Nil*



## 14. Infrastructure and Development Reports

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### 14.1. Advertisement of Draft Local Planning Policies

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<b>Location</b>	Shire of Capel
<b>File Reference</b>	LP.PCY.1
<b>Applicant</b>	Shire of Capel
<b>Owner</b>	Shire of Capel
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Attachment 1 LPP 6 9 Rural Pursuits [14.1.1 - 9 pages] 2. Attachment 2 LPP 6 12 Outbuildings [14.1.2 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Consider the draft local planning policy being presented as part of this report and to commence the community consultation process.

The Shire has prepared two draft local planning policies to complement provisions of Local Planning Scheme 8 (LPS8) (see Attachments 14.1.1 and 14.1.2). The draft local planning policies are:

- Local Planning Policy 6.9 - Rural Pursuits; and
- Local Planning Policy 6.12 - Outbuildings on rural lots below 15ha.

#### Recommendation

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That Council:

1. In accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to advertise draft Local Planning Policies:
  - Draft Local Planning Policy 6.9 - Rural Pursuits;
  - Draft Local Planning Policy 6.12 - Outbuildings on rural lots below 15ha.

as set out in Attachments 14.1.1 and 14.1.2 for public comment for a period of not less than twenty-one (21) days; and

2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising, including any submissions received, for consideration.



## Background

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Since the gazettal of LPS8, Council has been progressively adopting local planning policies.

A list of 14 new Local Planning Policies were discussed and agreed when Council resolved to advertise the Local Planning Strategy and Local Planning Scheme 8 (LPS8) in September 2019.

LPS8 was gazetted on the 17 July 2023 and since this time, 12 of the 14 policies have been adopted. These two policies represent the last of the originally identified policies.

Local Planning Policies guide the exercise of discretion in decision making and are afforded due regard. "Due regard" in a planning context means that the relevant matters be given:

- Active and positive consideration; or
- Proper, genuine and realistic consideration.

## Decision Framework

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### 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

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

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

Clause 4(1) and 4(2) of *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed provisions for local planning schemes.

### Federal Framework

There are no state frameworks relevant to this item.



## Policy Framework

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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

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Minor	Approving the policy to provide a clear and consistent approach for assessment of development applications
<b>Risk Description:</b> Failure to adopt new local planning policies will potentially lead to development applications being lodged with no statutory ability for the Local Government to consistently and appropriately assess and control land use and development outcomes.			

### Financial Implications

#### Budget

There will be a minor financial implication to the Shire in carrying out consultation on the draft policies.

#### 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

The policies provide guidance for assessing rural pursuits to ensure that the use is conducted in an environmentally sensitive and sustainable manner that reflects local site conditions.

#### Social

There are no relevant social implications relevant to this item.



## Economic

The policies provide guidance and certainty for rural pursuit activities and outbuilding construction.

## Asset

There are no relevant asset implications relevant to this item.

## **Consultation/Engagement**

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### **External Consultation**

Should the Council resolve to adopt the policy for the purposes of public advertising it will be 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.

In addition, Local Planning Policy 6.7 Community Engagement requires a notice in the local newspaper.

A further report will be referred to Council with recommendations incorporating any comments received during the public advertising period. The report put to Council to consider formal adoption of the local planning policies will be accompanied by a schedule of submissions.

### **Officer Comment**

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A local planning policy provides additional criteria for development assessment not otherwise contained in a planning scheme.

The primary matters set out in each draft policy are detailed below. The draft policies are included in Attachments 14.1.1 and 14.1.2.

#### Local Planning Policy 6.9 - Rural Pursuits (LPP 6.9)

LPP 6.9 establishes the Shire's position on Rural Pursuits for Rural Residential and Rural lots below 15ha. LPP 6.9 has the purpose to ensure rural pursuits are operated in a way that stocking rates are sustainable and minimises impacts on:

- erosion and land degradation;
- native vegetation;
- local water environment (including wetlands and groundwater);
- Local amenity in terms of dust, odour and noise.

LPP 6.9 includes requirements for rural pursuit proposals to address and satisfy, having regard to elements associated with:

- Management
- Environment
- Amenity
- Stocking rates
- Setbacks and design
- Buildings/supporting infrastructure
- Waste
- Training tracks/dressage areas.



LPP 6.9 also includes details on calculating stocking rates, matters to be considered in a management plan, site plan design and fencing standards.

#### Local Planning Policy 6.12 - Outbuildings on rural lots below 15ha (LPP 6.12)

LPP 6.12 establishes the Shire's position on outbuildings on rural lots below 15ha where there is no dwelling in place. LPP 6.12 has the purpose to ensure:

- Outbuildings do not adversely affect local amenity
- Acceptable development outcomes are achieved;
- Clearly define criteria to be addressed.

LPP 6.12 includes criteria to be addressed to ensure the above outcomes are achieved, including:

- Location considerations;
- Orientation and screening potential;
- Cladding and colour selection;
- Limits to floor area and wall heights.

### **Conclusion**

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The draft local planning policies have been subject to internal review and refinement, and it is recommended that they proceed to public advertising.

A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether to adopt the draft revised policy, with or without modifications.

### **Voting Requirements**

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Simple Majority

### **Officer's Recommendation – 14.1.**

*Moved Cr Schiano, Seconded Cr Terrantroy*

**That Council:**

- 1. In accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to advertise draft Local Planning Policies:**

- **Draft Local Planning Policy 6.9 - Rural Pursuits;**
- **Draft Local Planning Policy 6.12 - Outbuildings on rural lots below 15ha.**

**as set out in Attachments 14.1.1 and 14.1.2 for public comment for a period of not less than twenty-one (21) days; and**

- 2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising, including any submissions received, for consideration.**



**OC/2024/7 - Amendment / Council Decision - 14.1**

*Moved Cr Kitchen, Seconded Cr Terrantroy.*

**To add a condition 3 'In relation to draft local planning policy rural pursuits policy 6.9, an exemption applies that the policy statement does not apply to lots under 15 hectares in size where the use is part of a wider agriculture land use on adjoining lots.'**

**Carried 9 / 0**

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

*Against - Nil*

**OC/2024/8 - Amended Recommendation / Council Decision - 14.1**

*Moved Cr Schiano, Seconded Cr Terrantroy.*

**That Council:**

**1. In accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to advertise draft Local Planning Policies:**

- **Draft Local Planning Policy 6.9 - Rural Pursuits;**
- **Draft Local Planning Policy 6.12 - Outbuildings on rural lots below 15ha.**

**as set out in Attachments 14.1.1 and 14.1.2 for public comment for a period of not less than twenty-one (21) days; and**

**2. Following completion of the public comment period, receive a further report detailing the outcomes of the advertising, including any submissions received, for consideration.**

**3. In relation to draft local planning policy rural pursuits policy 6.9, an exemption applies that the policy statement does not apply to lots under 15 hectares in size where the use is part of a wider agriculture land use on adjoining lots.**

**Carried 9 / 0**

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

*Against - Nil*



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## 14.2. Update of Delegation 11.2.1 - Development Applications

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<b>Author</b>	Manager Development Services, Scott Price
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	1. Delegation 11.2.1 [14.2.1 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Review and adopt a revised version of Delegation 11.2.1 Development applications.

This revision is proposed to replace the existing version and ensure decisions can continue to be made in alignment to the legal capabilities of the Shire. Further, the proposed changes align the delegation to the recent decision making that stemmed from the State Government planning reform measures.

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### Officer's Recommendation

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That Council endorse the changes to Delegation 11.2.1 Development applications outlined in Attachment 14.2.1 to come into effect on the date of the January 2024 Ordinary Council Meeting, being 31 January 2024.

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### Background

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The Shire's Corporate Business Plan actions for the financial year of 2022-2023 included a review of the current delegations for Planning decisions and required an update to coincide with the gazettal of Local Planning Scheme No. 8.

Following the period that saw a change to the sub-delegations, more responsibility was being placed upon the Planning Coordinator (a newly created position at the time) for signing development approvals.

A year on, the Shire is presenting a revised version of Delegation 11.2.1 for consideration. The strategy to review the delegation a year after its endorsement was to allow for any refinement in aspects that were either administratively challenging or judged as excessive.

Separately to the administrative discussions above, the State Government released a series of changes to the current legislation that would reform the planning system within Western Australia. One change that passed through the Amendment Bill in November 2023 was for clearer decision pathways for single houses and associated minor development.

The reforms to decision making in local government for single houses will mean that most single houses and any associated development, except where heritage is involved, are now mandated to the local government administration for determination rather than Council. These applications will be determined, through the Chief Executive Officer or local government employee, enforcing a more efficient process to speed up the delivery of housing.



This will enable councils to focus on strategic planning for their communities to ensure that local planning frameworks (strategies, schemes and policies) are contemporary and fit for purpose.

### Previous Council Decisions

January 2023 – Review of Delegation 166 Town Development Application put to January OCM to consider and endorse. Changes largely involved a restructure of the sub-delegations, and updates to several Titles to reflect recent changes to the organisational structure.

June 2023 - Annual Delegation review – update of numerical system. Delegation 116 Town Planning is changed to 11.1 and Development applications changed to 11.2.1 OC/2023/116 28/06/23

### **Decision Framework**

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#### **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**

The Corporate Business Plan actions are not applicable to this item.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

The State Frameworks relevant to this item include:

- Local Government Act 1995 – s5.42(b) Delegation of some powers or duties to the CEO, s5.43 Limitations on delegations to the CEO
- *Planning and Development Act 2005* – s16 Delegation by Commission (3)(e)
- *Planning and Development (Local Planning Schemes) Regulations 2015* – s2 cl 82
- *Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2023*
- Town Planning Scheme No.8, No. 3
- *Strata Title Act 1985* - s25

#### **Federal Framework**

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- There are no Council policies relevant to this item.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Service Delivery  <b>Rating: Medium</b>	Possible	Moderate	Endorsing the updated delegation register will ensure greater efficiency in service delivery.
<b>Risk Description:</b> Failure to endorse the suggested changes to Delegation 166 will result in prolonged determination timeframes and general customer dissatisfaction.			
<b>Opportunity:</b> The changes proposed to the Delegation will allow for a greater flexibility in determination mechanisms, and ultimately save time under the statutory timeframes for decisions to be made without the need for Council involvement.			

**Financial Implications**

Budget

The financial implications relevant to this proposal are outlined below.

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 are no relevant economic implications relevant to this item.

Asset

There are no relevant asset implications relevant to this item.



## Officer Comment

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Council is requested to endorse the revised version of Delegation – 11.2.1, which will look to enhance service delivery throughout the Development Services department. Feedback from both Shire Officers and the Council has largely been focused on the need to ensure a greater streamlining of determinations to be issued under delegated authority, as opposed to being out to an Ordinary Council Meeting for decision-making purposes.

Specifically, the sub-delegation requires that all development applications that receive neighbouring objections on relevant planning grounds be determined by Council. With a growing number of objections to applications for Single Houses, and Holiday House proposals, the administrative burden on both Shire Officers to deliver a greater number of Council reports would be cause for concern given the resourcing of the Development Services department.

Further, it's becoming increasingly evident that a greater number of reports are being put to Council for decision making, thus resulting in longer meeting times and agendas.

By removing this provision in the sub-delegations, the service delivery of determining applications in an appropriate period of time would improve, rather than prolonging the period in which a decision is to be made by awaiting a decision at an Ordinary Council Meeting.

The other aspect of service delivery improvement that is proposed would be to extend the sub-delegations of the Shire's Senior Planning Officer position. The Development Services department has experienced a 'bottleneck' in the ability to sign off on applications under delegated authority when either the Planning Coordinator, or Manager Development Services is on leave.

This scenario results in all applications being channelled to the one Officer for determination. By extending the sub-delegation of basic Residential Design Codes assessments to the Senior Planning Officer, it provides a level of relief for either the Planning Coordinator, or Manager Development Services whilst ensuring applications are attended to in a timely manner.

## State Government Reform

The *Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2023* was tabled in October 2023 and contains specific clauses which refer to 'prescribed Single House development.'

**Prescribed Single House development** consists of –

- (a) the erection of, or alterations or additions to, a single house; or
- (b) the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house –
  - (i) an ancillary dwelling;
  - (ii) an outbuilding;
  - (iii) an external fixture;
  - (iv) a boundary wall or fence;
  - (v) a patio;
  - (vi) a pergola;
  - (vii) a verandah;
  - (viii) a deck;
  - (ix) a garage;
  - (x) a carport.



The performance of prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by either the local government CEO, or an authorised employee.

The changes as part of the planning reform have been reflected in Attachment 14.2.1 of this report.

## Summary

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It's been recognised that annual reviews of such delegations are considered appropriate given the fast-paced changes to the planning legislative landscape, but also to respond to any administrative challenges that may arise from such trends as an increase in submissions or number of applications received.

The changes to the Delegation are summarised as follows:

- Removal of clause b) under 'Exclusions to Delegated Authority'; *Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval.*
- Inclusion under the 'Development Applications' sub delegation to read as follows:
  - *Senior Planning Officer limited to:*
    - *Development with an estimated cost of up to \$1 million; and*
    - *Variations that are considered minor under the State Planning Policy 7.3 Residential Design Codes – Volume 1.*
- Inclusion of provision under the 'Development Applications' sub delegation for 'Delegation to Shire Officers,' which read as follows:
  - *Prescribed Single House development, as per Clause 84B of the Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2023. When a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by –*
    - (a) the local government CEO; or*
    - (b) an authorised employee.*

By supporting such changes to the Development, under Delegation 11.2.1, the Shire's Development Services can maintain its desired level of service delivery and enhance the responsiveness to such determinations. As such, the revised changes to Delegation 11.2.1 are recommended to be endorsed by the Council.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 14.2.**

**OC/2024/9 - Officer's Recommendation / Council Decision - 14.2**

*Moved Cr McCleery, Seconded Cr Fergusson.*

**That Council endorses the changes to Delegation 11.2.1 Development applications outlined in Attachment 14.2.1 to come into effect on 31 January 2024, being the date of the January 2024 Ordinary Council Meeting.**

**Carried 7 / 2**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, Cr Noonan, Cr Sharp and Cr Terrantroy*

*Against - Cr Mogg and Cr Schiano*



Cr Noonan declared an Impartiality Interest in item 14.3- Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that he is a non-executive member for the Friends of Gelorup Corridor.

Cr Sharp declared an Impartiality Interest in item 14.3- Request for Reconsideration of Bunbury Outer Ring Road (BORR) Resolutions, the nature of the interest is that she lives in Gelorup and has provided photography for the Friends of Gelorup Corridor.

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

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<b>Author</b>	Executive Assistant to CEO, Ashlee Docking
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Request for Reconsideration of Resolution - Main Roads letter (002) [14.3.1 - 2 pages]</li><li>2. LDP highlighting local roads for dedication _ BORR (southern section) [14.3.2 - 1 page]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

### Proposal

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Reconsider the request from Main Roads Western Australia (MRWA) regarding the dedication and care, control and maintenance of Reserves and Local Roads created by the Bunbury Outer Ring Road (BORR) construction.

### Officer's Recommendation

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That Council:

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



## Background

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Council has considered the MRWA request for dedication and acceptance of care, control and management on several previous occasions. The result is that all of these considerations have been lost, and therefore this consideration by Council is to be undertaken afresh.

### Previous Council Decisions

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

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

The Council resolved (OC186/2019):

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

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

The Council resolved (OC231/2019):

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

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

The Council resolved (OC032/2020):

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

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



The Council resolved (OC051/2021):

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

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

The Council resolved (OC183/2021):

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

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

The Council resolved (OC226/2021):

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

August 2022 The Council was requested by Main Roads Western Australia to reconsider the Ordinary Council Resolution Number OC32/20 of April 2020, and the subsequent deferral (OC51/2021) of March 2021.

The reconsidered motion, a foreshadowed motion and amended motion were all moved and seconded, but ultimately lost at this meeting. Given this, Council will be considering the Main Roads WA request afresh.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023-2033**

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

1.4 A safe and prepared community

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

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

Direction 5 - Provide and maintain suitable infrastructure and facilities

5.2 Improved transport options

5.3 Better and safer roads

Direction 6 – Effective communication. Engagement and relationship development

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

6.2 Improved cross-sector relationships and collaboration



## Corporate Business Plan 2023-2027

AST 7 - **Implement and Review Asset Management Plans - Tech Services portfolio** - Review Asset Management Plans for Roads, Paths, Trails, Drainage, Bushland Reserves, POS and Buildings

AST 8 - **Review, Update and implement Capital PoW** - Review Asset Capital Programs of Works for Roads, Paths, Trails, Drainage, Bushland Reserves, POS and Buildings

GOV 22 - **Land Management** - Provide oversight and coordinate the execution of legal instruments including leases, licenses and deeds relating to the management of land.

## Statutory Framework

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The following Acts of Parliament apply:

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

## Policy Framework

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There are no Council policies relevant to this subject.

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Engagement with the wider community to explain the rationale for acceptance of new assets where necessary.
<p><b>Risk Description:</b> The Council’s prior decision making with respect to the BORR had reflected opposition to the proposed BORR South. Granting this request for acceptance of additional assets as requested moves on from this previously stated Council position.</p> <p>The BORR has proceeded under regulatory approval from relevant State and Federal Government authorities which includes the approved road and land requirements within those processes.</p> <p>Should the Council continue to refuse to accept the resultant roads and reserves created, a high reputational risk to the Shire remains with Ministers, State Government Departments and (parts) of the community. Separately, although the BORR construction proceeds, parts of the community remain strongly opposed.</p>			



<b>Risk 2</b> Financial  <b>Rating: Extreme</b>	Almost Certain	Severe	Consideration of future financial impacts to enable appropriate financial planning.
<p><b>Risk Description:</b> The Shire of Capel will be required via legislation to accept handover of the identified 'local' assets by Ministerial direction, irrespective of the wishes of the Council.</p> <p>Acquiring additional assets because of the construction of the proposed BORR South will require considerable future planning including maintenance and management of those assets in the Shire's Long Term Financial Plan (LTFP). Should these assets not be included within the Shire's LTFP and forward Asset Management Plans, the Shire is at extreme risk of failing to plan for and be able to meet asset management and financial requirements into the future.</p>			
<b>Risk 3</b> Infrastructure / Systems / Utilities  <b>Rating: Extreme</b>	Almost Certain	Severe	Ensure that maintenance needs of acquired assets are fully understood and managed.
<p><b>Risk Description:</b> The Shire will be required legislatively to accept handover of the identified local assets by Ministerial direction, irrespective of the wishes of the Council. Acquiring additional assets because of the construction of the proposed BORR South will require consideration of the future maintenance and management of those assets in the Shire's long term Asset Management Plans.</p>			
<p><b>Opportunity:</b> Some of the accepted roads and non-road assets proposed for acquisition by the Shire (such as reserves, walking trails etc.) may contribute to future promotion and greater development opportunities within the Shire.</p>			

**Financial Implications**

Budget

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

Long Term

The Shire's future budgets will be affected by acquiring local roads and a number of non-road assets.

As shown in the Whole of Life Cost Estimate below (**current at April 2020**), the Shire will inherit substantial ongoing costs in the order of \$325,743 per annum in relation to the local assets identified. Noting there have been some changes within the planning listed below since 2020, these costings give an indicative overview without any price increases included since that time.

Additionally, no new sources of revenue to offset these costs have been identified.



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



<b>Whole of Life Cost Estimate - Current to April 2020</b>		
<b>General Design Description – BORR Local Roads</b>		
* 2x 3.2 chip sealed lanes with 1m sealed shoulder (length 8,574m total)		
* Roundabout at Yalinda Drive (length 89m total)		
* Shared Path Cycle/Pedestrian Path (length 2,219m total)		
<b>Capital Expense</b>		
Initial Seal Cost		\$289,398
Cost to Construct Pavement		\$3,021,775
<b>Total cost to Construct &amp; Seal Road</b>		<b>\$3,750,035</b>
Reseal at Year No		
	15	\$361,815
	30	\$452,352
	45	\$565,545
Total cost to Reseal		\$1,379,712
<b>Cost to Construct Path</b>		<b>\$249,305</b>
<b>Cost to Construct Kerb</b>		<b>\$189,557</b>
<b>Whole of Life Capital Expense</b>		<b>\$5,129,747</b>
Annualised Capital Costs		\$85,496
<b>Operational Expenses</b>		
Finance/Opportunity Cost		\$0
Depreciation		\$1,916,125
Operations & Maintenance (O&M)		\$9,519,945
Seal write off		\$1,103,770
Pavement write off		\$1,875,018
<b>Whole of Life Operational Expense</b>		<b>\$14,414,858</b>
Annual Operational Expense		\$240,248
<b>Whole of Life Cost Over 60 Years</b>		
Total Capital, Depreciation & O&M		<b>\$19,544,605</b>
Annualised Whole of Life Cost		\$325,743

### Sustainability Implications

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

#### Climate Change and Environmental

The Council's prior decisions with respect to the BORR project have recognised the negative impact of vegetation clearing in the local environment. A full environmental review and approvals (including appeals) has resulted in the entire Borr Project being approved for construction with comprehensive conditions of approval to be met. The vegetation clearing elements have now been substantially completed and road construction works are well underway in the southern section of the BORR most affecting the Shire of Capel.



## Social

Negative impacts on the community (such as social dislocation) have been identified and well documented through consultation as an outcome of the BORR project due to its alignment bisecting the Gelorup community.

The Shire has since conducted a number of workshops for feedback on road closures, road renaming and renumbering and assistance has been provided such as mail diversion with Australia Post and the producing of an information sheet for landowners to work with government departments advising them of their required road name and/or number changes.

Further, the South West Gateway Alliance continues to work with the most affected landowners within our community to best assist people through the process as the project progresses. This has highlighted many impacts arising from road alignment, driveways and crossover locations, noise walls, fencing and noise/dust mitigation, noting that there are some very impacted landowners that remain unhappy with the BORR and its ultimate alignment and proximity to their homes.

## Economics

The local economy benefits from improved local traffic management, including improved access to and for industry as well as short-term procurement of local goods and services while under construction.

The Shire's long term economic outlook is negatively impacted through additional Whole of Life Costs that are not matched by additional revenues and no additional rateable land parcels are created because of this project.

## Asset

Accepting the proposed local assets will increase the Shire's overall roads and footpaths asset Fair Value by approximately \$5.1 Million, or (in the order of) 5% (**current at April 2020**). This expansion of the asset implies a need for ongoing capital works expenses in the order of \$85,496 per annum. In addition, allowance will also be required for operational (including financing) costs in the order of \$240,248 per annum.

## **Consultation/Engagement**

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### **External Consultation**

There has been extensive external consultation with Main Roads WA, South West Gateway Alliance, Council and Shire Officers during the approval and design phases, and this continues during the construction phase of the project and initial meetings for asset acquisition have commenced.

### **Internal Consultation**

There has been extensive internal stakeholder consultation on BORR matters including Projects, Engineering and Assets, Development Services, Governance, Finance and the Executive Team.



## Officer Comment

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The Shire of Capel received a letter from Main Roads Western Australia on 24 February 2020 requesting Council's support for the granting consent to the excision and dedication of land, dedication of load roads and road widenings, as well as the accepting care, control and maintenance of reserves created by the BORR construction.

As a matter of procedure, Section 56 of the *Land Administration Act 1997* requires Main Roads Western Australia to consult with the local Government, wherever land is to be dedicated as a road. This matter was therefore brought to the Council for a decision in line with these provisions.

The Council resolved (OC032/2020) to decline all of the requested actions, did so again on October 2021 (OC226/2021) and most recently in August 2022 (OC/2022/171), despite receiving subsequent letters from MRWA requesting Council's reconsideration.

Council's most recent deliberations on this request were all lost, therefore this (re) request for consideration by MRWA should be considered afresh.

During the intervening period since Council's last deliberation, construction of the BORR has proceed and is expected to be completed and opened in late 2024.

Legislatively, the dedications will eventually be granted to the Shire. Given this it would be expedient for the Shire to effectively plan, budget for and resource these occurrences.

## Summary

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This item is returning to Council following a (re) request by MRWA. Given the BORR construction has proceeded, resolution of these matters has now become time critical.

Granting of consent and acceptance by Council will allow for the completion of legislative requirements.

It should be noted that some items in the original request for reconsideration (Items 1 and 2) related to Reserve Number 45214 (Sleaford Park) have been dealt with (in part) through a subsequent Decision of Council (OC183/2021 – August 2021). These items remain in this report as a to deal effectively with the unresolved matters and for completeness.

Recommendations 1 – 3 relate to Sleaford Park, point 4 relates to the dedication of roads and road widening, point 5 relates to the acceptance of the dedication of the care, control and maintenance of specific local roads following construction and point 6 is an indemnification clause for both the Minister and the Shire of Capel in accordance with the Act.

Council is requested to reconsider this item with regard to the largely progressed construction of the southern portion of the BORR within the Shire of Capel.

## Voting Requirements

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Absolute Majority



**Officer's Recommendation**

**OC/2024/10 - Officer's Recommendation / Council Decision - 14.3**

*Moved Cr McCleery, Seconded Cr Noonan.*

**That Council:**

- 1. Grants consent to the excision and dedication of the land required for road purposes from Reserve Number 45214 (Sleaford Reserve), as depicted on Main Roads drawing 201902-0276-1;**
- 2. Grants consent to Main Roads Western Australia and its contractors to enter onto Reserve number 45214 to carry out any works in association with the BORR project is granted. Entry is permitted prior to excision and dedication of the road widening from Reserve number 45214;**
- 3. Authorises the Chief Executive Officer to request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserve number 45214 and dedicate the road widening shown on Main Roads drawing 201902-0276-1.**
- 4. Supports the dedication of the roads and road widenings within the Shire of Capel depicted on Main Roads drawings 201902-0022-1, 201902-0274-2, 201902-0275, 201902-0276-1, 201902-0277-1, 201902-0278, 201902-0279-2, 201902-0235, and 2019-0218-1 on Attachment 14.3.2, pursuant to section 56 of the *Land Administration Act 1997* (The Act);**
- 5. Accepts the care, control and maintenance of the roads shown highlighted in green on the attachment (14.3.2) labelled 'LDP highlighting local roads for dedication – BORR (southern section)' following construction and dedication;**
- 6. Indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widenings in accordance with section 56(4) of the Act. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and indemnifies the Shire of Capel.**

**Carried 9 / 0**

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

*Against - Nil*



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#### 14.4. Local Planning Policy 6.14 - Temporary Residential Accommodation - Consideration and Final Adoption

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<b>Location</b>	Shire of Capel
<b>File Reference</b>	N/A
<b>Applicant</b>	Shire of Capel
<b>Owner</b>	Shire of Capel
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Attachment 1 [14.4.1 - 3 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Adopt Local Planning Policy 6.14 Temporary Residential Accommodation (LPP 6.14).

Council granted consent to advertise the draft LPP 6.14 at its meeting held 26 April 2023.

Modifications have been made following the advertising process and are being presented as part of this final adoption process.

#### Recommendation

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That Council in accordance with the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopts the draft Local Planning Policy 6.14 - Temporary Residential Accommodation as shown in Attachment 14.4.1; and
2. Publishes a public notice in the local newspaper circulating within the district and on the Shire's website, notifying of the adoption of the local planning policy.

#### Background

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A list of 14 new Local Planning Policies were discussed and agreed when Council resolved to advertise the Local Planning Strategy and LPS8 in September 2019.

LPS8 was gazetted on the 17 July 2023 and since this time, Council has been progressively adopting policies. This represents one of the originally identified policies.

Local Planning Policies guide the exercise of discretion in decision making and are afforded due regard. "Due regard" in a planning context means that the relevant matters be given:

- Active and positive consideration; or
- Proper, genuine and realistic consideration.



## Decision Framework

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### 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

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

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

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

Clause 4 outlines procedures for making local planning policies, including advertising requirements, adoptions processes and ongoing public availability.

*Caravan Parks and Camping Grounds Regulations 1997*

Clause 11 details requirements for camping outside a caravan park or camping ground. Clause 11(2)(c) allows the local government to approve camping for a period of 12 consecutive months if the person owns or has a legal right to occupy the land.

### Federal Framework

There are no state frameworks relevant to this item.

## Policy Framework

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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**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <b>Medium</b>	Possible	Minor	Approving the policy will provide a clear and consistent approach for assessment for approving temporary residential accommodation in limited circumstances.
<b>Risk Description:</b> Failure to adopt new local planning policies will potentially lead to uncertainty relating to requirements and no formalised arrangements for assessing proposals.			

**Financial Implications**

Budget

There will be a minor financial implication to the Shire in conducting consultation on the draft policies.

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 provides clear direction and consistency for decision making to allow for approval of temporary accommodation (up to 12 months) for owners to live on site while their home is being constructed. This approach will improve affordability and remove the need to find alternative rental properties in the locality, taking pressure off the local rental market.

Economic

The policy provides alternative living arrangements during construction of the dwelling. This reduces costs associated with living in the locality during construction. It also frees up limited rental accommodation for others wanting to move or live within the region.

Asset

There are no relevant asset implications relevant to this item.



## Consultation/Engagement

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### External Consultation

The Draft LPP 6.14 was advertised for a period of at least twenty one (21) days in accordance with clauses 4(1) and 4(2) of the Deemed Provisions. Notices were placed in the local newspaper circulating within the Shire and uploaded to the Shire's website.

No submissions were received. It is noted that informal advice was provided by the officers at the Department of Planning Lands and Heritage. This advice has been considered and the draft LPP 6.14 has been updated to reflect advice provided.

Key changes include:

- Removing need for development approval process;
- Removing potential for temporary accommodation without link to building permit;
- Including additional criteria for standards and services to be addressed.

### Internal Consultation

Proposed changes have been referred for internal comments. Advice provided included:

- Supply of bin services;
- Approval process arrangements;
- Standards for accommodation; and
- Servicing and keeping of pets.

## Officer Comment

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LPP6.14 provides a clear and consistent approach to addressing housing affordability during the construction process while protecting local health and amenity.

A search of rental property availability in the South West has indicated that there are presently 131 properties available, including 26 in the Shire of Capel and 68 in the City of Bunbury. Weekly rentals range from \$240 (small unit) to \$1300 with the average rental price being over \$500 for a traditional family home.

This policy helps reduce competitive pressures on limited rental properties, freeing up the market for others and allow a more affordable solution for the community, whilst still ensuring residential accommodation is suitable.

The policy outlines circumstances where approval can be provided for temporary accommodation (see Attachment 14.4.1) and the criteria to be complied with to ensure servicing is adequate. In summary, the criteria include:

- a) a building permit being issued for a residential dwelling;
- b) Lots being greater than 200m<sup>2</sup>; and
- c) services being addressed (water/effluent disposal/power/waste disposal).

The approval process has been designed to minimise assessment timeframes (excludes need for a development approval). Approvals will be issued under the *Caravan Parks and Camping Grounds Regulations 1997*.



The policy represents a proactive approach to improving affordability as well as providing a practical living arrangement during the construction process. It addresses some of the practical and financial pressures of moving to the South West which presently include finding temporary accommodation in a tight and expensive local market. This will free up existing rental properties for others that do not have alternative accommodation options and rely on the rental market on a more permanent basis to stay and enjoy the South West.

### Summary

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Adoption of LPP 6.14 and its minor amendments to the advertised version will improve housing affordability and living options during the construction phase of a new house,

The LPP 6.14 provides an effective balance between meeting the needs of new residents and local amenity, health and environmental considerations.

### Voting Requirements

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Simple Majority

*5 members of the public left the room and did not return at 7:15pm.*

### Officer's Recommendation – 14.4.

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#### **OC/2024/11 - Officer's Recommendation / Council Decision - 14.4**

*Moved Cr Fergusson, Seconded Cr Mogg.*

**That Council in accordance with the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**

- 1. Adopts the draft Local Planning Policy 6.14 - Temporary Residential Accommodation as shown in Attachment 14.4.1; and**
- 2. Publishes a public notice in the local newspaper circulating within the district and on the Shire's website, notifying of the adoption of the local planning policy.**

**Carried 9 / 0**

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

*Against - Nil*



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**14.5. Capel-Leschenault Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)  
- Final for Endorsement**

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**Author** Planning Coordinator, Matthew Wansborough

**Authorising Officer** Director Infrastructure Development, Tanya Gillett

**Nature of the Decision** Executive/Strategic

1. Capel CHRMAP Main Report 21040031 R 09 v 04 FINAL [14.5.1 - 92 pages]
2. Appendix A\_ Context 21040031 R 01 v 02 FINAL [14.5.2 - 60 pages]
3. Appendix B\_ Coastal Hazards 21040031 R 02 v 04 FINAL [14.5.3 - 113 pages]
4. Appendix C\_ Assets And Values 21040031 R 03 v 03 FINAL [14.5.4 - 162 pages]
5. Appendix D\_ Vulnerability Analysis 21040031 R 04 v 01 FINAL [14.5.5 - 50 pages]
6. Appendix E\_ Risk Evaluation And Treatment 21040031 R 05 v 02 FINAL [14.5.6 - 42 pages]
7. Appendix F\_ A Cost Benefit Analysis 21040031 R 06 v 03 FINAL [14.5.7 - 52 pages]
8. Appendix F\_ B BDA 21040031 R 12 v 02 FINAL [14.5.8 - 16 pages]
9. Appendix F\_ C Marsden Jacobs BDA Report V 5 WT V 02 [14.5.9 - 43 pages]
10. Appendix G\_ Implementation 21040031 R 07 v 02 FINAL [14.5.10 - 69 pages]
11. Appendix H\_ Capel Community Comments 21040031 R 09 V 01 FINAL [14.5.11 - 37 pages]
12. Appendix I\_ PGB Community Workshop 02052023 21040031 R 09 FINAL [14.5.12 - 5 pages]
13. Capel CHRMAP Summary November 2023 [14.5.13 - 8 pages]
14. CHRMAP Community Session PGB 5 th December 2023 [14.5.14 - 4 pages]
15. Capel Community Comments - Further Officer Response [14.5.15 - 84 pages]
16. Recommendations to be Accepted [14.5.16 - 4 pages]

**Attachments**

**Confidential Status** *This item is not a confidential matter.*

**Proposal**

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The Shire of Capel coastline is highly valued by the people who call it home and who visit it; however the coastline is changing.

The coastline is constantly being impacted by storm events, usage / activity and human intervention such as stairs, seawalls, boat ramps, groynes and residential development. The impacts of climate change, such as the potential for sea level rise and more severe storm events have and will continue to affect the coastline.

The whole Shire of Capel coastline, including Dalyellup and Peppermint Grove Beach are vulnerable to erosion (a loss of beach sand, dunes and vegetation). Peppermint Grove Beach and some of the adjacent natural areas and farmland near the Capel River are also vulnerable to inundation (flood from sea water).



These coastal changes are now becoming more noticeable and predicted to intensify over time. Our community often asks for the Shire to act broadly and locally protect our unique natural environment; and doing so in a responsible manner, socially, environmentally, and economically, is important.

For this reason, the Shire has worked with the Peron Naturaliste Partnership to prepare a Coastal Hazard Management and Adaptation Plan (CHRMAP) to understand the possible and predicted impacts of long-term climate change, to take early steps to reduce impacts and to plan for what to do if those impacts occur.

### Officer's Recommendation

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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.
2. Notes all the comments made by members of the community throughout the process of the production of the Capel CHRMAP as detailed in Attachments 14.5.4, 14.5.11, 14.5.12, 14.5.14 and 14.5.15 ;
3. Accepts the Recommendations for Management Units MU1-Peppermint Grove Beach, MU2-Capel Coast and MU3-Dalyellup as set out in Attachment 14.5.16.
4. Does not accept the funding mechanisms detailed in the Benefit Distribution Analysis in Attachments 14.5.8 and 14.5.9 for Management Units 1 and 2 to construct a levee on the Capel River (PR6) and for Management Unit 3 to construct groynes in Dalyellup and resolves to investigate alternative funding mechanisms for the actions identified in the Final Capel CHRMAP.
5. Refers the Final Capel CHRMAP to the Department of Planning, Lands and Heritage and the Western Australian Planning Commission for their consideration and recommends that a two-stage approach to CHRMAP production is considered, in order to allow for better community understanding and engagement.
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.
7. Resolves to continually update the Final Capel CHRMAP as necessary as new data or information becomes available.

### Background

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The Shire of Capel has an attractive and popular coastal environment comprising about 27 kilometres of continuous sandy beaches. The Capel coast is predominantly sand overlying and abutting various relict geological features, principally Tamala limestone formations.



Coastal hazards can result in property damage, loss of life and / or environmental degradation. The impacts are generally greatest where the shoreline has been modified and developed for infrastructure or settlements. The most significant hazards include:

- Erosion – occurs when winds, waves and coastal currents act to shift sediments away from an area of the shore, often during a storm. In most locations this is a short-term process, and the shore gradually regains sediment;
- Inundation – during a storm, low atmospheric pressure and onshore winds can cause storm surge and extreme wave heights along the coast. When these coincide with high tide, inundation may result; and
- Landform mobility (dunes and estuary entrance) – is influenced by a range of factors including stress due to vehicles or pedestrians (through damage to vegetation), coastal erosion, drought, bushfires and man-made activities, disturbances and modifications to dunes and estuary entrances.

There are numerous and significant potential coastal impacts and risks associated with climate change, such as:

- Under a high-emissions scenario, a sea-level rise of up to a metre or more by the end of the century is plausible;
- Sea-level rise will not stabilise by 2100. Regardless of reductions in greenhouse gas emissions, sea level will continue to rise for centuries; an eventual rise of several metres is possible. This has implications for decisions taken now on the 'footprint' of our cities;
- Rising sea levels combined with storm surge is likely to cause accelerated erosion and increased risk of inundation. For settlements and infrastructure this is likely to result in damage to and loss of infrastructure. For ecosystems, sea level rise may lead to loss of habitat and salinization of soils may cause changes to the distribution of plants and animals;
- The switch from generally accreting beaches to a receding coastline is a key threshold for coastal management and is not well understood;
- Changes in movement of sand will potentially have impacts on the natural and built environment;
- Reduction in annual and seasonal rainfall will impact the natural environment, including decline in fresh water entering estuarine systems; and
- More intense rainfall events will increase flood risk and have potential emergency management implications.

These impacts and risks will affect Capel's natural and built environments and may have further consequences on the community, which could include;

- 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 vulnerability of assets within the Shire of Capel coastal zone from coastal hazards such as erosion and inundation is expected to increase in the future. The risk arising from vulnerability of assets is influenced by the level of preparedness and response of the community and its recovery capacity.

While the scientific community has established that human-created climate change is occurring, uncertainty remains about the magnitude and extent of the impacts from these processes and changes. Despite the uncertainty, early consideration of coastal hazards and the management of appropriate planning responses is essential in order to provide economic, environmental and social benefits.

National and international coastal planning practices are increasingly adopting a risk management approach to deal with uncertainty associated with the potential adverse impacts and their timeframes, arising from coastal hazards. This ensures that risks arising from coastal hazards are appropriately factored into decision-making processes for sustainable land use and development in the coastal zone.

Local government, on behalf of the community, is primarily responsible for managing risk to public goods and public assets which it owns and manages.

Therefore, local governments should seek to:

- develop local policies and regulations consistent with State risk management approaches;
- facilitate building resilience and adaptive capacity within the local community, including providing information about relevant known coastal hazards like erosion and inundation; and
- work in partnership with the community to identify and manage risks.

The State Government's coastal planning policy State Planning Policy 2.6 Coastal Planning Policy (SPP 2.6) requires a risk management approach and provides the framework for undertaking risk management planning for risks to identified assets arising from coastal hazards in Western Australia.

In particular, SPP 2.6 requires that all local governments prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) in order to demonstrate that these risks are being managed.

For the purpose of the CHRMAP, assets are defined as:

- natural features such as beaches and natural vegetation;
- buildings and other structures (houses and commercial buildings);
- infrastructure relating to drainage, water and sewerage;
- roads, paths and walkways; and
- coastal structures, such as jetties, boat ramps, seawalls and groynes.

As defined in the Australian Standard for Climate Change Adaptation for Settlements and Infrastructure – A Risk-based Approach (AS 5334-2013), an asset's value can be tangible or intangible, financial or non-financial. Examples of non-tangible assets include ecological function and coastal views.



The value of an asset also includes consideration of risks and liabilities and can be positive or negative at different stages of the asset's life. Values in the context of the CHRMAP further encompass the economic, social (including heritage) and environmental values of the coastal area.

A summary of the stages involved in the production of a CHRMAP is set out below.



Essentially it involves assessing potential hazards, risk and adaptation options through several rounds of community input and discussion.

Due to the technical nature of the hazard assessment in particular, which requires the dynamics of the coastal environment (sediment cells, tides, currents, erosion rates, geomorphology, etc.) to be modelled, it is necessary that the CHRMAP be produced by an expert consultant, as the Shire does not have the capability, expertise and resource to complete a CHRMAP in-house.

Through its membership of the Peron-Naturaliste Partnership (PNP), the Shire joined forces with the City of Bunbury, the Shires of Harvey and Dardanup, the Southern Ports Authority and the Department of Biodiversity, Conservation and Attractions to commission consultants to produce a sub-regional CHRMAP for an area from Forrest Beach to Leschenault, incorporating the whole of the Capel Coast along with Koombana Bay, Bunbury Port, Pelican Point, Collie River Mouth and the Leschenault Estuary.

With Craig Perry of the PNP as Project Manager, and Shire officers on a Steering Group with other stakeholders, the Shire was able to access grant funding from the Department of Planning, Lands and Heritage and achieve significant cost savings by working together rather than undertaking its own CHRMAP.

Coastal engineering consultancy Water Technology along with community planning consultancy Shape Urban were appointed in March 2021 to produce the CHRMAP for the Capel-Leschenault sub-region. This technical study has been produced with significant community engagement throughout the process through informal community information alongside a formal Community Reference Group and formal consultation on the draft CHRMAP.

The Final CHRMAP was presented to the Steering Group in November 2023 and this report is recommending that Council endorse this final version and use it as a guide for the future management of the Capel Coast.

#### Previous Council Decisions

The Shire's Climate Change Adaptation and Sustainability Committee resolved at the meeting held on 26 February 2020 (CC03/2020) to:

1. Recommend Council to agree to participate in a joint Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) managed by the Peron-Naturaliste Partnership with the City of Bunbury, the Shires of Dardanup and Harvey, Southern Ports Authority and Department of Biodiversity, Conservation and Attractions, to include the entirety of the Capel Coastal Zone; and



2. Recommend Council to consider budgeting for the joint CHRMAP, an amount of \$35,000 in 2020/21.

The Council resolved (OC052/2020) at the Ordinary Council Meeting on 27 May 2020 to:

1. Agree to participate in a joint Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) managed by the Peron-Naturaliste Partnership with the City of Bunbury, the Shires of Dardanup and Harvey, Southern Ports Authority and Department of Biodiversity, Conservation and Attractions, to include the entirety of the Capel Coastal Zone; and
2. Consider budgeting for the joint CHRMAP, an amount of \$35,000 in 2020/21.

Officers have provided updates to the Council and/or the Climate Change and Sustainability Committee on progress on the Capel-Leschenault CHRMAP on the following dates:

- 22 November 2021
- 27 April 2022
- 26 October 2022
- 01 February 2023

The Shire's Climate Change Adaptation and Sustainability Committee resolved (CC002/2023) at the meeting held on 29 March 2023 to note the information provided regarding the upcoming public consultation process for the Coastal Hazard Risk Management and Adaptation Plan.

## **Decision Framework**

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### **Shire of Capel Strategic Community Plan 2023 to 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
- 1.4 A safe and prepared community

Direction 2 - Manage and protect our environment

- 2.1 Improved management of our natural environment assets and attractions
- 2.2 Increased community capacity in supporting positive environmental management
- 2.3 A Shire committed to sustainable practices
- 2.5 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

- 5.1 Appropriate community facilities, that meet the communities' needs
- 5.4 Improved beach infrastructure to support a healthy beach lifestyle

Direction 6 - Effective communication, engagement and relationship development

- 6.1 Greater trust and the development of positive relationships within the Shire and with the community
- 6.2 Improved cross sector relationships and collaboration



## Corporate Business Plan 2023-2027

AST 2 - **Develop Asset Management Strategy (starting 2023)** - Review and rewrite Asset Management strategy based on 2023 findings and data condition.

AST 3 - **Develop Asset Management Plans - POS portfolio** - Develop and complete long-term asset management plans for all POS within the Shire

CEO 9 - **Sustainability Framework** - Implement the adopted Sustainability Framework for the Shire, via annual actions in the CBP

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

SENV 10 - **Sustainability** - Development and implementation of a Corporate Adaptation Action Plan to drive the strategic priorities of the Shire

SENV 29 - **WALGA/PNP** - Reduce activities in support of our participation and contribution to the WALGA/PNP. Reduce monitoring to 4 times per annum (summer/winter)

## Statutory Framework

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### Local Framework

Shire of Capel Local Planning Strategy

Shire of Capel Town Planning Scheme No.8

Shire of Capel Sustainability Framework 2023-2027

### State Framework

*Land Administration Act 1997*

*Planning and Development Act 2005*

Greater Bunbury Region Scheme

### Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Community Engagement
- Asset Management
- Local Planning Policy 6.7 - Community Engagement

The following Western Australian Government strategies, policies and guidelines are also relevant:

- State Planning Strategy 2050;
- WA Coastal Zone Strategy (August 2017);
- State Planning Policy No.1 (SPP1) – State Planning Framework (2014);
- State Planning Policy No.2 (SPP2.0) – Environment and Natural Resources (2003);
- State Planning Policy No.2.6 (SPP2.6) – State Coastal Planning (July 2013);
- State Coastal Planning Policy Guidelines (December 2012);
- Coastal Hazard Risk Management and Adaptation Planning Guidelines (July 2019);
- Southwest Region Planning and Infrastructure Framework (2015);
- Bunbury Geopraphe Sub-Regional Strategy (January 2022); and
- State Development Control Policy No.4.2 (DCP4.2) - Planning for Hazards and Safety (1991)



**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Environmental <b>Rating: Extreme</b>	Likely	Severe	Final Capel CHRMAP outlines a number of adaptation measures to mitigate the likely physical impacts of coastal erosion and/or inundation.
<b>Risk Description:</b> Final Capel CHRMAP models risks to environmental assets due to coastal hazards of erosion and/or inundation.			
<b>Risk 2</b> Financial <b>Rating: Extreme</b>	Likely	Major	Final Capel CHRMAP outlines a number of adaptation measures to mitigate the likely financial impacts of coastal erosion and/or inundation.
<b>Risk Description:</b> Final Capel CHRMAP identifies potential risks to private and public finances due to coastal hazards of erosion and/or inundation.			
<b>Risk 3</b> Infrastructure / Systems / Utilities <b>Rating: Extreme</b>	Likely	Severe	Final Capel CHRMAP outlines a number of adaptation measures to mitigate the likely infrastructure impacts of coastal erosion and/or inundation.
<b>Risk Description:</b> Final Capel CHRMAP identifies potential risks to private and public infrastructure from coastal hazards of erosion and/or inundation.			
<b>Opportunity:</b> The Final Capel CHRMAP makes a number of recommendations to accommodate, adapt or protect assets from coastal hazards such as erosion and/or inundation and represents a significant opportunity to reduce or mitigate negative impacts through better management of the Capel coast.			

**Financial Implications**

Budget

The Shire of Capel has contributed a total of \$24,421.1 for the production of the Final Capel CHRMAP against a total budgeted amount of \$35,000.

The full cost of the Capel-Leschenault CHRMAP, including other stakeholder contributions and DPLH CMPAP grant funding amounts to approximately \$300,000.

Long Term / Whole of Life

The Final Capel CHRMAP outlines a number of potential financial implications associated with recommended mitigation, adaptation or protection measures. The final long-term financial implications will depend on which measures are implemented and can only be determined through further engagement with the community and the future agreement of the Council.



## **Sustainability Implications**

Very significant environmental, economic and social sustainability implications due to the potential loss of land and property to the sea.

### Environmental:

- Loss of landforms;
- Biodiversity;
- Waste disposal and facilities;
- Natural resources;
- Wetlands and estuarine environments

### Economic:

- Business operations;
- Insurance premiums;
- Property development;
- Strategic minerals and basic raw materials;
- Tourism;
- Commercial fishing;

### Social:

- Loss of communities and public assets;
- Emergency and crisis management;
- Recreational use of coastal areas;
- Public health;

### Asset

- Implications for a range of Environmental, Economic, Social and Cultural Assets are discussed in detail in the Final Capel CHRMAP, particularly Appendix C (Attachment 4).

## **Consultation/Engagement**

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### **External Consultation**

Collaboration with the community is an essential element in the production of a CHRMAP with the community, residents, businesses and users of the Shire of Capel coastal zone having input into the process in different ways and at different times.

A summary of the community engagement undertaken throughout the production of the Capel CHRMAP is set out below:



MINUTES - Ordinary Council Meeting – 31 January 2024

Date	Event	Responsibility	Comments
August 2021	Invitation letter to express interest in involvement in Capel-Leschenault CHRMAP	Shire of Capel	A letter inviting community to register interest in CHRMAP sent to all properties within 1km of the Capel coast (Approx. 1000 letters) along with copy of Coastal Values survey to be completed and returned to Shire.
August 2021	Social Media Posts	Shire of Capel	Several posts seeking community interest in the CHRMAP and community workshop made on Shire's social media platforms.
August 2021	Media Release	PNP	Media release to launch production of Capel-Leschenault CHRMAP made to several local outlets. Article in Bunbury Mail 6/8/2021.
August 2021	Stakeholder letter	Shire of Capel	Letter outlining CHRMAP project sent to 18 local stakeholder groups.
August 2021	Online Values Survey	Shape Urban	Social Pinpoint online survey opened to capture community coastal values.
3 September 2021	Community Workshop	Water Tech / Shape Urban / Shire of Capel	Community workshop held simultaneously at Shire of Capel, City of Bunbury, Shires of Dardanup and Harvey. Approximately 13 local residents in attendance. Full details of workshop can be found in Attachment 4.
April 2022	Engagement with Traditional Owners	PNP	Meeting with Kerry Pollard of Goomburrup Aboriginal Corporation held. Undalup Association and others approached.
21 July 2022	First Coastal Community Advisory Group Meeting	PNP / Shape Urban	First meeting of community reference group held at City of Bunbury. 4 community attendees provided feedback on Multi-Criteria Analysis.
30 November 2022	Second Coastal Community Advisory Group Meeting	PNP / Shape Urban	Second meeting of community reference group held at City of Bunbury. 9 community attendees provided feedback on Draft CHRMAP.
27 March 2023	Public Consultation on Draft CHRMAP commenced	PNP	Draft CHRMAP document advertised publicly on PNP website for comment for an eight-week period. Media release and social media posts made.
04 April 2023	Radio Interview	Shire of Capel	Shire President Doug Kitchen interviewed about Draft CHRMAP on ABC Radio South West.



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Date	Event	Responsibility	Comments
18 April 2023	Community Information Session in Dalyellup.	Water Tech/ Shire of Capel	Drop-in session for the community with presentation from Water Tech on Draft CHRMAP. 3 community members in attendance and 4 councillors.
02 May 2023	Community Information Session in Peppermint Grove Beach	Water Tech / Shire of Capel	Drop-in session for the community with presentation from Water Tech on Draft CHRMAP. 80+ community members in attendance and 3 councillors. Full notes of discussion can be found in Attachment 12.
18 May 2023	Extension of public comment period	PNP / Shire of Capel	Deadline for comments on Draft CHRMAP extended by 4 weeks until 16 June 2023 in response to community concern. Letters sent to property owners in PGB and Dalyellup to advise.
13 June 2023	Meeting with PGB Community Association	Shire of Capel	Shire CEO and officers met with PGB Community Association to discuss draft CHRMAP.
16 June 2023	Public Consultation on Draft CHRMAP closed	PNP / Shire of Capel	Draft CHRMAP document advertised publicly for comment for a twelve-week period. 53 individual community submissions received. Full details of the submissions received along with the consultant and officer response to each comment can be found in Attachments 11 and 15.
28 November 2023	Community Information Session in Dalyellup	PNP / Shire of Capel	Drop-in session for the community with presentation from PNP on Final CHRMAP. Notifications via social media and the Shire website were provided and a short summary document was produced to aid understanding. 3 community members in attendance and 4 councillors.
05 December	Community Information Session in Peppermint Grove Beach	PNP / Shire of Capel	Drop-in session for the community with presentation from PNP on Final CHRMAP. Notifications via social media, public notice board and the Shire website were provided, and a short summary document was produced to aid understanding. 34 community members in attendance and 4 councillors. Full notes of discussion can be found in Attachment 14.

Given the large volume of public submissions on the Draft CHRMAP and at the community information sessions, community comments were very wide ranging and varied in terms of the issues raised. The overwhelming majority of comments were, however, expressing concern about the CHRMAP and the implications it had for people's property or financial obligations.



A summary of the main concerns expressed by the community is as follows:

- Some community members were concerned that the CHRMAP was not based on an appropriate scientific method, and they believed that the beach at Peppermint Grove Beach was not eroding as predicted in the CHRMAP model.
- There was concern that the model in the CHRMAP was not based on the latest data that was available (such as the recent geotechnical surveys that were completed in Dalyellup and Peppermint Grove Beach), and therefore the CHRMAP should be redone so that the hazard modelling is more accurate.
- Concern was raised that the erosion hazard lines for Dalyellup were incorrect and conflicted with modelling work undertaken in an earlier CHRMAP for this area.
- The community was concerned that the proposed mechanisms to fund some of the recommended actions in the CHRMAP - such as the proposed rate rise for properties in Peppermint Grove Beach to contribute to the cost of raising the levees on the Capel River to prevent future inundation detailed in the Benefit Distribution Analysis – were unfair and inequitable and that other residents in the Shire, beach users and the state government should be covering the costs.
- Community members were clear that the Council should investigate alternative funding mechanisms for the recommended actions in the CHRMAP before imposing any additional charges on ratepayers.
- There was significant concern that people would lose their properties to the ocean and that the CHRMAP itself was too confronting and alarmist.
- Some community members were concerned that the publication of the CHRMAP would negatively impact on property values in the area and mean they would have to pay higher insurance premiums.
- Many community members questioned the need for notifications on property titles warning of coastal hazards and rejected the imposition of such a notification on an existing title.
- Significant concerns were raised with the public consultation and communication about the CHRMAP by the Shire, with several believing that social media posts were insufficient and that individual letters be sent to property owners informing them of issues or events.
- Some community members argued for better community engagement on the CHRMAP with ongoing community involvement in the review and implementation of the CHRMAP. Several people raised the possibility of setting up a community trust with funds to manage coastal change in their communities, for example.

Full details of all the comments made along with a specific consultant and officer response can be found in Attachments 11, 12, 14, and 15. Further discussion on the issues raised by the community is provided in the Comment section below.

### **Internal Consultation**

Engagement of internal Shire Officers and Shire's Executive Management Team has been ongoing throughout the production of the Capel CHRMAP.



## Officer Comment

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The purpose of a CHRMAP is to outline key directions for coastal adaptation in response to a predicted sea level rise of 0.9m over the next 100 years and prioritise management works over the next 10-15 years.

It will help the Shire meet its responsibilities to manage affected public assets and support the community (residents, businesses and property-owners) to adapt to the specific coastal hazards that the Shire is likely to face over the next 100 years.

The Final Capel CHRMAP systematically identifies risk, helps the community understand coastal hazard impacts, and supports controls (being a measure that modifies risk) to manage (adapt to and/or mitigate) consequences and risk level in association with the affected community and stakeholders.

Ultimately, the Final Capel CHRMAP can be used to inform any review of the following Shire strategies and plans:

- Strategic Community Plan;
- Long Term Financial Plan;
- Asset Management Strategy / Plans;
- Local Planning Strategy and Local Planning Scheme 8;
- Foreshore Management Plans
- Emergency Evacuation Plans

In addition, following endorsement of a CHRMAP, grant funding is potentially available to assist local governments with the implementation of a CHRMAP, usually on a matched-funding basis. In particular, the Coastal Management Plan Assistance Program (CMPAP) administered by the WAPC and Coastal Adaptation and Protection (CAP) grants administered by the Department of Transport, are available to assist in the delivery of recommended actions in the endorsed CHRMAP, such as further studies, a future review of the endorsed CHRMAP, mechanisms to manage retreat, or to contribute to the cost of coastal protection measures such as artificial reefs or levees.

However, the most critical aspect of any CHRMAP is that it is developed with the community, that it is supported by the community and that the community is fully involved in its implementation. Without community involvement and engagement at all levels and stages, a CHRMAP cannot be implemented successfully and deliver on its objectives to manage risks to assets arising from coastal hazards.

Therefore, in considering whether or to what extent to endorse the Final Capel CHRMAP, the Council will need to carefully consider all the comments made by the community when making its resolution.

With regards to the issues raised by the community, as summarised above, the following commentary is provided.

In relation to the concerns that the CHRMAP methodology is flawed and that it does not take account of the latest data that is available, it is considered that the Final CHRMAP report has been produced in accordance with State Planning Policy SPP2.6 and associated guidelines and therefore is reasonably sound and robust and has been accepted by DPLH in this regard. It should be noted that the science on which the CHRMAP is based is developing over time and the policy response will need to evolve in response.



In particular, it is considered that the presentation in the CHRMAP of both the problem (that is the hazard modelling) and the solution (such as the costing of a specific protection measure) has proved to be too confronting for the community and it would be better to adopt a two-stage approach of the community understanding and accepting what the problem is first, before moving on to agreeing how to tackle the problem. Therefore, it is recommended that the Council advises DPLH that the CHRMAP process should change to reflect this.

Regarding the availability of other or new data, such as the geotechnical surveys of Dalyellup and Peppermint Grove Beach recently undertaken by the Department of Transport, it is considered that the Final CHRMAP produced by Water Technology made appropriate use of the best available data and can be considered as robust in this respect. In order to incorporate the newly available geotechnical data, it would be necessary to go back to step two of the process and redo the hazard mapping.

This would require the rest of the CHRMAP including public consultation to be redone which would result in significant additional expense and a likely delay of 18 months before a final CHRMAP would be available. On balance, it is considered that Final Capel CHRMAP should be endorsed now, with the new geotechnical data used to better inform the implementation of and a future review of the plan.

The main community concern was around the proposal in the Final CHRMAP to apply additional Shire rates to properties in order to contribute to the cost of certain measures, such as raising the existing levees on the Capel River to prevent the future modelled inundation. The purpose of the Benefit Distribution Analysis included in the Final CHRMAP is to determine who would benefit from a particular action and to what extent, in order to work out what a fair contribution to the costs associated with the action would be. It does not, however, consider the ability of the beneficiary to pay nor does it include indirect beneficiaries of an action (such as those elsewhere who benefit from access to the beach).

Therefore, in response to the community concerns, it is recommended that Council does accept the recommendation to consider the construction of a levee on the Capel River (PR6), but does not accept the specific funding mechanisms detailed in the Benefit Distribution Analysis, and instead resolves to investigate alternative funding mechanisms, to ensure the costs of any action are distributed fairly and equitably.

Another specific recommendation of the Final Capel CHRMAP that was largely rejected by the community was for notifications warning of coastal hazards to be placed on property titles (NR3). Further advice on what this means has been sought from DPLH and it is clear that the requirement could only be justified through an amendment to the Shire's Local Planning Strategy and Local Planning Scheme No.8 and would only apply in an affected area and where a new property is being created (that is, through a subdivision approval) or where a development approval is issued. The Shire may have discretion to exempt certain forms of minor development such as patios or sheds from the latter requirement.

The Council is advised that before notifications can be imposed on titles, an extensive scheme amendment process will need to be completed with future opportunities for community members to have their say about the issue. Given, the positive purpose of notifications on title is to provide advice to prospective purchasers of a property, it is recommended that Council accept this recommendation of the Final CHRMAP and resolve to further engage with the community on its implementation.

With regards to community concerns over consultation and communication on the CHRMAP, it is advised that Council recognise the significant community response and endeavours to inform the community consistently and regularly in relation to coastal matters.



It is considered that the consultation on the Capel to Leschenault CHRMAP was consistent with the state government guidelines and that the Shire went further than the minimum requirements, and that of other local governments with multiple mail-outs and community information sessions to allow people to be informed and have their say.

Finally, in relation to community concerns over engagement and involvement, it is recommended that Council set up a new sub-committee for the Capel Coast to address the governance of and responsibility for coastal matters. 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. In doing this, Council would be recognising that the CHRMAP and its implementation, along with the ongoing management of the Capel Coast, requires a long-term commitment that is consistent and sustainable, with the community in mind.

## Summary

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Council is recommended to endorse the Final Capel CHRMAP as attached, along with most of the recommendations listed in the CHRMAP. However, given the level of community concerns about the financial mechanisms proposed in the Final CHRMAP, it is also recommended that the Council investigate alternative funding mechanisms for actions in the CHRMAP to ensure they are fair and equitable.

In addition, it is recommended that the Council establish a sub-committee, including community representatives and other stakeholders, in order to assist in the management of implementation of actions to mitigate coastal change in the Shire. By adopting the above measures, and implementing the Final Capel CHRMAP, it is considered that the Council can secure a sustainable future for the Capel coast and its communities.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 14.5.

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.
2. Notes all the comments made by members of the community throughout the process of the production of the Capel CHRMAP as detailed in Attachments 14.5.4, 14.5.11, 14.5.12, 14.5.14 and 14.5.15 ;
3. Accepts the Recommendations for Management Units MU1-Peppermint Grove Beach, MU2-Capel Coast and MU3-Dalyellup as set out in Attachment 14.5.16.



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4. Does not accept the funding mechanisms detailed in the Benefit Distribution Analysis in Attachments 14.5.8 and 14.5.9 for Management Units 1 and 2 to construct a levee on the Capel River (PR6) and for Management Unit 3 to construct groynes in Dalyellup and resolves to investigate alternative funding mechanisms for the actions identified in the Final Capel CHRMAP.
5. Refers the Final Capel CHRMAP to the Department of Planning, Lands and Heritage and the Western Australian Planning Commission for their consideration and recommends that a two-stage approach to CHRMAP production is considered, in order to allow for better community understanding and engagement.
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.
7. Resolves to continually update the Final Capel CHRMAP as necessary as new data or information becomes available.



**OC/2024/12 - Alternative Recommendation / Council Decision - 14.5**

*Moved Cr Fergusson, Seconded Cr Mogg.*

**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.**
- 2. Notes all the comments made by members of the community throughout the process of the production of the Capel CHRMAP as detailed in Attachments 14.5.4, 14.5.11, 14.5.12, 14.5.14 and 14.5.15;**
- 3. Accepts the Recommendations for Management Units MU1-Peppermint Grove Beach, MU2- Capel Coast and MU3-Dalyellup as set out in Section 8.7 of the Final Shire of Capel CHRMAP and summarized in Attachment 14.5.16**
- 4. Does not accept the funding mechanisms detailed in the Benefit Distribution Analysis in Attachments 14.5.8 and 14.5.9 for Management Units 1 and 2 to construct a levee on the Capel River (PR6) and for Management Unit 3 to construct groynes in Dalyellup and resolves to investigate alternative funding mechanisms for the actions identified in the Final Capel CHRMAP.**
- 5. Refers the Final Capel CHRMAP to the Department of Planning, Lands and Heritage and the Western Australian Planning Commission for their consideration and recommends that a two-stage approach to CHRMAP production is considered, in order to allow for better community understanding and engagement.**
- 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.**
- 7. Resolves to continually update the Final Capel CHRMAP as necessary as new data or information becomes available.**

**Carried 9 / 0**

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

*Against - Nil*



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**14.6. Proposed Change of Use - Retrospective Holiday House - Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach**

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<b>Location</b>	Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach
<b>File Reference</b>	PA146/2023
<b>Applicant</b>	Big City Lawyer Pty Ltd
<b>Owner</b>	Big City Lawyer Pty Ltd
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - location plan [14.6.1 - 1 page]</li><li>2. Attachment 2 - floor plans [14.6.2 - 1 page]</li><li>3. Attachment 3 topography and street views [14.6.3 - 3 pages]</li><li>4. Attachment 4 - car parking plans [14.6.4 - 1 page]</li><li>5. Attachment 5 public submissions [14.6.5 - 43 pages]</li><li>6. Attachment 6 - Bushfire Management Plan (No. 14 PG T) [14.6.6 - 85 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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

The proposal is considered as part of the overall Short-Term Rental Accommodation framework that has recently been legislatively introduced by the State Government.

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**Officer’s Recommendation**

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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 0.2m<sup>2</sup>.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**

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<b>Land / Title Information:</b>	Lot 31 (14) Peppermint Grove Terrace, Peppermint Grove Beach
<b>Development Description:</b>	Retrospective approval for change of land use from "Single House" to "Holiday Accommodation".
<b>Land Area:</b>	809m <sup>2</sup>
<b>Existing Land Use</b>	Single House and Ancillary Dwelling
<b>Town Planning Scheme zone:</b>	Residential R12.5
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	N/A
<b>Application Received Date:</b>	4 August 2023
<b>Application Process Days:</b>	180 days



## Previous Council Decisions

10 May 1991 – Single House and Ancillary Dwelling - building permit (115707) issued under delegated authority.

A similar separate application (PA149/2023) by the same applicant is also being considered on this agenda.

## **Decision Framework**

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### **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**

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### **Local Framework**

*Local Planning Scheme No.8 (LPS8)*

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

Holiday Accommodation is defined as:

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

Holiday Accommodation is also 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 Accommodation” 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
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.

**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 Accommodation	In accordance with the Residential Design Codes for Grouped or Multiple dwelling.

The Residential Design Codes requires two carparking spaces for residential houses of two or more bedrooms.



*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 had not commenced at the time of this report being prepared. As a result, it does not satisfy the criteria of a seriously entertained planning proposal. Accordingly, it cannot be used to assess this application. The draft LPP 6.16 reflects the Guidelines in terms of intent and criteria.

**Implications**

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**Risk Implications**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Mitigation</b>
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>	Likely	Minor	Include conditions to manage scale and follow up breaches with compliance enforcement
<b>Risk Description:</b> Failure to monitor and enforce conditions.			
<b>Risk 2</b> Environmental  <b>Rating: Medium</b>	Likely	Minor	Include conditions to limit scale to ensure capacity of infrastructure can accommodate demand
<b>Risk Description:</b> Failure to monitor and enforce conditions.			
<b>Opportunity:</b> 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**

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### **External Consultation**

In accordance with Clause 61(1)(b) of the LPS Regulations, the application was advertised for public comments.

The application was advertised for a period of 21 days from 22 August 2023 to 12 September 2023 (7 days more so than the required 14-day standard consultation period). The application was also made available for viewing on the Shire's website for the duration of the public consultation period

A total of 17 submissions were received, raising objections to the proposal. Attachment 14.6.5 provides details on the submission raised and recommended responses.

In summary, key issues raised relate to:

- Noise and anti-social behaviour generated from the site;
- Traffic impacts due to parking;
- Scale and intensity of the use;
- Incompatibility with existing character of Peppermint Grove Beach.

The applicant has provided a response to submissions (See Attachment 14.6.5). In summary, the key points raised are:

- Using technology such as 'Minut' noise monitoring device and Arlo security cameras to monitor noise (these systems are designed for remote monitoring of rental properties);
- Enforcing curfews from 10pm on weekdays and 10:30pm on weekends (as a response to complaints);
- Vetting guests and ejecting non-compliant guests. Noting that larger groups are multi-generational family gatherings – not party focused groups;
- Engaging local caretakers to enforce compliance;
- Additional waste services are provided and can be confirmed by Shire records; and
- Parking is adequate as many guests arrive in groups and often come in mini-buses.



**Internal Consultation**

The table below details internal comments and suggested responses.

<b>HEALTH SERVICES</b>	
<p><b>Comment:</b></p> <p>The Current approved effluent disposal system has a maximum capacity for 10 people in total. Total accommodation for the property does not exceed 10 people (includes all structures).</p> <p>A Holiday house can only be hired to single family or groups.</p> <p>Note: Holiday houses where the whole house is hired out to a single family or group is not deemed a lodging house. If the property is hired in two separate entities, it would be deemed a lodging house and would need to comply with Health Local Laws Part 8 – Lodging Houses. This cannot be achieved for this property.</p> <p>The development that is the subject of this planning approval must comply with the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Noise) Regulations 1997</i> in relation to noise emissions.</p> <p><b>Note:</b></p> <p>Attached is a Noise Information Sheet. Guests are to be advised that parties are not permitted. Music noise, loud TV or stereo will exceed prescribed noise levels and will not be tolerated. After-hours contact must be provided to neighbouring properties for noise complaints. Ongoing noise complaints may result in termination or your approval.</p>	<p><b>Planning Officer Response:</b></p> <p>Servicing capacity limitations can be addressed through a condition to restrict occupant numbers. It is noted that ultimate capacity may be constrained by additional considerations such as car parking.</p> <p>Note. Please see officer comments section below that explores land use definitions under LPS8. It is noted that definitions may vary under separate legislation and can be addressed as separate applications if required.</p> <p>Note. Advice on this matter is recommended as the EPA Act and EPA (Noise) Regulations 1997 will apply to the land independently of any development approval. The planning assessment can consider potential impacts on local amenity resulting from the operation of the holiday home.</p> <p>Note. Conditions can be imposed to control potential impacts on local amenity.</p>
<b>FINANCE</b>	
<p><b>Comment:</b></p> <p>No impact on rates levied as no policy to treat holiday homes differently than residential dwelling.</p>	<p><b>Planning Officer Response:</b></p> <p>Note.</p>



OPERATIONS	
<b>Comment:</b>  No comments, all vehicle parking on lot.	<b>Planning Officer Response:</b>  Note. It is reasonable to require parking to be retained on site.

## Officer Comment

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### Proposal

The proposal is to accommodate 12 patrons at any one time within the building and provides four on-site car parking spaces.

The subject site contains a dwelling with a total floor area of 343m<sup>2</sup> over three levels (see Attachment 14.6.2). The first floor (ground level) contains a self-contained unit with two bedrooms, kitchen, bathroom and living area. The other two floors are externally accessed via outdoor steps consists of two bedrooms, two bathrooms (one containing a laundry), kitchen, living room and a 68.1m<sup>2</sup> balcony.

The proposal seeks to provide opportunities for two separate listings on the same property. The subject land has a steep topography rising from the road pavement (10.75m) to the dwelling pad (20.5m). Attachment 14.6.3 provides details of the site's topography and street views. As a result, vehicular access is via a steep winding driveway and a crossover that intersects the road at an angle (rather than the standard 90-degree intersection).

The subject site has space for four carparking bays on-site. There is no opportunity for verge parking due to retaining and landscaping constraints (see Attachment 14.6.4 – location of parking). Furthermore, parking on the driveway is constrained due to the curvature and steep nature.

The subject site is serviced by on-site effluent treatment system located in the front of the property within a highly landscaped setting. The effluent system has a design capacity for ten people.

### Land Use Classification

There are two potential land use classifications that could apply to this proposal – "Holiday House" and "Holiday Accommodation". In this instance, it is suggested that the proposal best fits under the use class "Holiday Accommodation" as the subject building has been designed and is used as a Single House with self-contained Ancillary Dwelling.

### Car Parking Requirements

Access to the property is constrained due to the crossover alignment (intersects with road at an angle) and steep gradient and curving alignment of the driveway. Parking is restricted to bays at the top of the driveway. Retaining and landscaping excludes opportunity to park safely on any other portion of the property. Parking on the road represents a traffic safety hazard due to crests and bends that limit visibility.



Parking requirements are guided by LPP 6.1 which states that minimum parking provision is to be in accordance with the Residential Design Codes (R Codes) for grouped/multiple dwellings. The R Codes require a minimum of 1.5 bays per dwelling over 110m<sup>2</sup> and 1.25 for dwellings less than 110m<sup>2</sup> (total 2.75 required). A total of four bays is provided.

Four car bays for a holiday house use will accommodate eight people in most situations (assuming a minimum of two people per car), acknowledging the need to provide space for a visitor's car.

### **Infrastructure Capacity**

The key infrastructure constraint relates to the septic system capacity. The Shire's records confirm that the septic system is designed to accommodate ten adults. This servicing constraint sets the upper limit for patron numbers.

### **Scale and intensity of use in a residential setting**

The intensity of use has generated adverse impacts on local amenity and has resulted in complaints being raised with the Shire and local police. These impacts are primarily in relation to noise associated with large gatherings of people combined with the building design and location. The building has a large balcony and when combined with its elevated position, allows noise to travel.

The patron numbers proposed are of a scale greater than that of a traditional residential dwelling. The average household size in the Shire of Capel and Western Australia is 2.5. It is also noted that in larger households, the composition will be varied when compared to a larger holiday house gathering, which is likely to attract a higher proportion of adults to children.

The implications are that a holiday house with higher patron capacity will likely attract (and has attracted) larger groups of people that are unrelated and wish to enjoy social activities, free from the confines of the regular work week routine. This has resulted in instances of late-night parties with amplified music and raised voices, subsequently creating disturbances to neighbouring residents and their ability to quietly enjoy living in a small coastal community.

The proposed patron numbers will not be in keeping with that reasonably expected in a low-density residential setting. It has historically generated several instances of land use conflict. It is noted that the applicant has recently installed monitoring devices to assist with reducing instances of disturbances to local amenity. However, to ensure that the use operates in harmony with the intent of the residential setting and established character of the locality, it is recommended that the:

- Patron numbers be restricted below the figure applied for; and
- Approval period is limited to 12 months to allow review based on level of compliance.

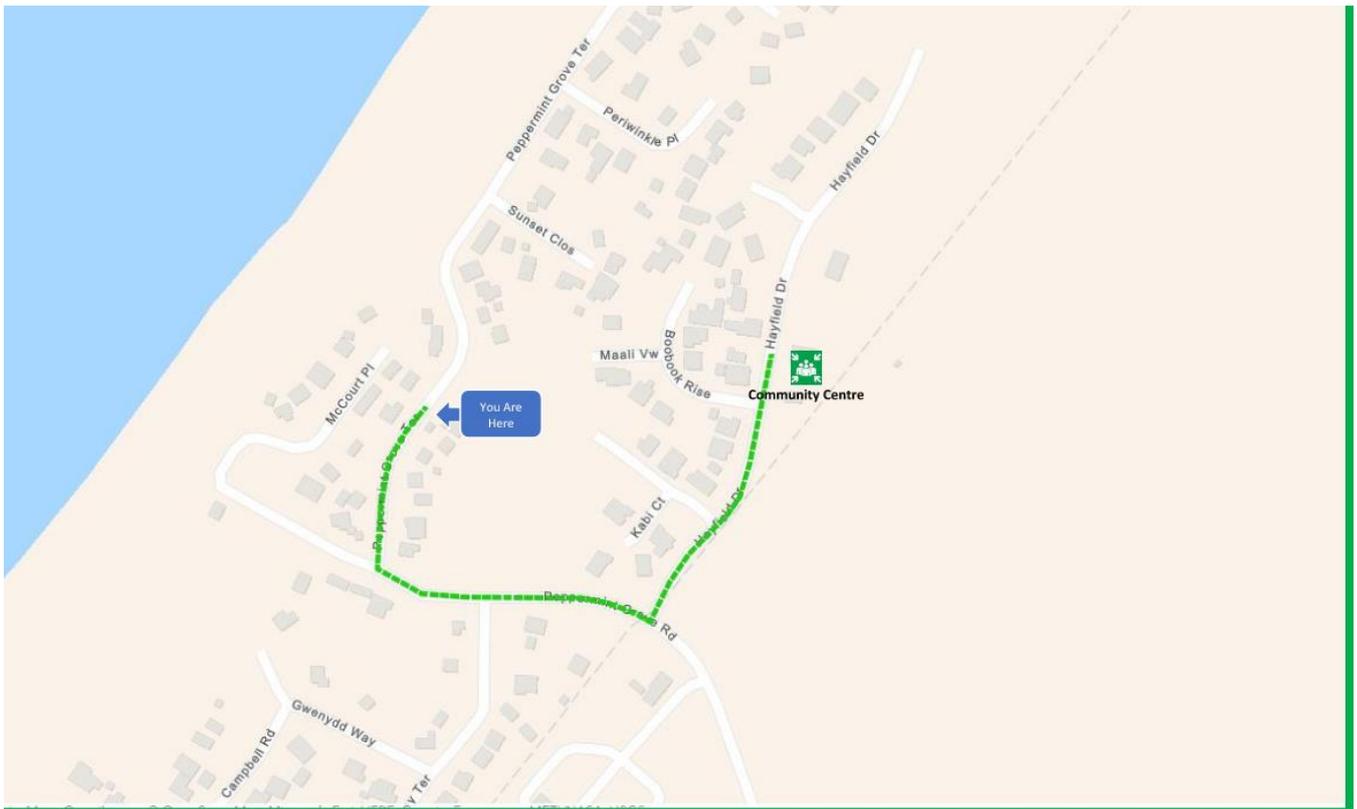
It is suggested that these measures will assist in ensuring that the use reflects the intent of the residential zoning and operates in harmony with the locality.

### **Fire Management**

Peppermint Grove Beach is an isolated community that is accessed by a single road. A high-level Bushfire Hazard Level Assessment including Peppermint Grove Beach was undertaken as part of the Local Planning Strategy. The study suggested that there were no obvious "suitable destination" muster points for residents of Peppermint Grove Beach. The study did however note that this was a high order assessment and should not be used to determine individual development applications.

Therefore, a case-by-case assessment should be conducted due to the varying levels of scale of development and the potential implications that may arise from being in a vulnerable location.

The proposal is supported by a Bushfire Management Plan (BMP) prepared by a suitably qualified practitioner (see Attachment 14.6.6), which would be requested in the same manner that a Single House was constructed on a lot greater than 1,100m<sup>2</sup> and failed to downgrade its classification to less than BAL29. The BMP concludes that property is located within a “residential built out area” and identifies a “suitable destination” (see extract below).



The BMP addresses Element 5 of the State Planning Policy 3.7 guidelines. Element 5 includes criteria for assessment relating to:

- Siting and design
- Vehicular access
- Provision of water.

There are two streams available to satisfy the criteria, these are “Acceptable Solutions” and “Performance Principles”. A “Performance Principles” allows for alternative solutions to be developed where the Acceptable Solutions cannot be achieved.

The BMP states that the proposal satisfies the “Acceptable Solutions” and no variations are required. The Acceptable Solution is proposed in relation to P5i (Siting and Design). Specifically, the site is not of sufficient size to enable an Asset Protection Zone (APZ) to be established within the site that will result in a BAL at the dwelling that is within BAL-29. The assessed BAL is BAL FZ (Flame Zone).

An APZ is defined as a low fuel area immediately surrounding a building. A BAL is defined as a Bushfire Attack Level which relates to potential radiant heat impacts and associated with classified vegetation within 100m of the development. A BAL rating will determine construction standards necessary to comply with the BAL rating. The following extract from the Guidelines provides details on BAL descriptions and exposure.

BAL	DESCRIPTION OF PREDICTED BUSHFIRE ATTACK AND LEVELS OF EXPOSURE
Source: AS 3959-2018, Table 3.1	
BAL-LOW	There is insufficient risk to warrant specific construction requirements, but there is still some risk.
BAL-12.5	There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5kW/m <sup>2</sup> .
BAL-19	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux. The construction elements are expected to be exposed to a heat flux not greater than 19kW/m <sup>2</sup> .
BAL-29	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux. The construction elements are expected to be exposed to a heat flux not greater than 29kW/m <sup>2</sup> .
BAL-40	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of direct contact with flames. The construction elements are expected to be exposed to a heat flux not greater than 40kW/m <sup>2</sup> .
BAL-Flame Zone (FZ)	Direct exposure to flames from fire front in addition to heat flux and ember attack. The construction elements are expected to be exposed to a heat flux greater than 40kW/m <sup>2</sup> .

Figure 7: BAL construction levels in context



The BMP shows that the proposal qualifies as “minor development”. “Minor development” includes “change to a vulnerable land use in an existing residential development.”

A building permit will be required for a change in use from a class 1A to 1B. This will require an interconnected fire alarm and emergency lighting system. This requirement will be addressed separately.

Based on the BMP, the proposal adequately addresses risks associated with bush fire scenarios.



## Conditions of use

The local government can apply conditions to address potential land use conflicts. In imposing conditions, it is necessary to ensure that they meet the tests for a valid condition.

The tests for a valid condition are based on the *Newbury DC v Secretary of State for the Environment (1981) AC578* decision.

The tests require a condition to:

- a. Be imposed for a planning purpose;
- b. Fairly and reasonable relate to the development for which permission is given; and
- c. Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

If supported, it is recommended to impose conditions that align with WAPC Guidelines to require:

- a) a code of conduct being prepared and implemented to address (amplified music, pets and need to respect neighbour's amenity);
- b) restrict the maximum number of occupants;
- c) restrict times for visitors attending the premises (to 10pm);
- d) ensure suitable arrangements storage and collection of waste;
- e) require signage is provided to display current contact number for the owner/manager to be reached;
- f) restrict parking to designated parking areas;
- g) complying with a bush fire management; plan;
- h) provide an initial limit of 12 months.

## Summary

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The Peppermint Grove Beach locality is an attractive location for residents and holiday makers. There is a proven demand for holiday house accommodation in the locality.

The proposal is supported by a bushfire management plan prepared by a suitably qualified fire consultant to address bushfire risk.

There is opportunity to impose conditions to limit potential for local amenity impacts as well as limiting the term of the approval to allow for future re-evaluation.

These measures provide a suitable level of comfort and reasonable balance between the potential competing needs of holiday makers and local residents.

Approval is recommended.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 14.6.**

*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:**
  - 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 0.2m<sup>2</sup>.**

**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

1. Any activity at the premises must comply with the assigned noise levels within the Environmental Protection (Noise) Regulations 1997.
2. 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/2024/13 - Procedural Motion / Council Decision - 14.6

*Moved Cr Fergusson, Seconded Cr Dillon.*

**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.**

**Carried 9 / 0**

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

*Against - Nil*



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**14.7. Retrospective Change of Use - Single House to Holiday House - Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach**

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<b>Location</b>	Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach
<b>File Reference</b>	PA149/2023
<b>Applicant</b>	Big City Lawyer Pty Ltd
<b>Owner</b>	Big City Lawyer Pty Ltd
<b>Author</b>	Senior Planning Officer, Bob Wallin
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - Application document [14.7.1 - 4 pages]</li><li>2. Attachment 2 - Location Plan [14.7.2 - 1 page]</li><li>3. Attachment 3 - floor plan [14.7.3 - 1 page]</li><li>4. Attachment 4 - car parking [14.7.4 - 1 page]</li><li>5. Attachment 5 public submissions (1) [14.7.5 - 42 pages]</li><li>6. Attachment 6 - Bushfire Management Plan ( No. 1 SD D) [14.7.6 - 75 pages]</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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Seek retrospective approval for a change of use from “Single House” to “Holiday Accommodation” at Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach (subject site).

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**Officer’s Recommendation**

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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 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 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.

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 0.2m<sup>2</sup>.

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 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

<b>Land / Title Information:</b>	Lot 104 (1) Sand Dune Drive, Peppermint Grove Beach
<b>Development Description:</b>	Retrospective approval for change of land use from "Single House" to "Holiday Accommodation."
<b>Land Area:</b>	930m <sup>2</sup>
<b>Existing Land Use</b>	Single House and Ancillary Dwelling
<b>Town Planning Scheme zone:</b>	Residential R12.5
<b>Greater Bunbury Region Scheme zone:</b>	Urban
<b>Bushfire Prone Area:</b>	Yes
<b>Heritage Listing:</b>	N/A
<b>Application Received Date:</b>	4 August 2023
<b>Application Process Days:</b>	180 days

A similar item is also being considered on this agenda by the same owner (PA146/2023).



### Previous Council Decisions

15 July 1994 - Single House building permit (966) issued under delegated authority.

10 October 2022 – dwelling alteration permit (4335) issued under delegated authority.

12 January 2023 – balcony and retaining wall (PA8/2023) issued under delegated authority.

### **Decision Framework**

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#### **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**

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#### **Local Framework**

*Local Planning Scheme No.8 (LPS8)*

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

Holiday Accommodation is defined as:

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

Holiday Accommodation is also 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 accommodation 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)*

The Planning Bulletin 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 Accommodation” and lists it as a discretionary use (A) within the “Residential” zone. This requires a development application and advertising.
General local planning considerations	Comments/response
Caping 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 (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
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.

### 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 Accommodation	In accordance with the Residential Design Codes for a Grouped or Multiple Dwelling.

The Residential Design Codes requires two carparking spaces for residential houses of two plus bedrooms.



*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 had not commenced at the time of this report being prepared. As a result, it does not satisfy the criteria of a seriously entertained planning proposal. Accordingly, it cannot be used to assess this application. The draft LPP 6.16 reflects the Guidelines in terms of intent and criteria.

**Implications**

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Rating: <b>Medium</b>	Likely	Minor	Include conditions to manage scale and follow up breaches with compliance enforcement
<b>Risk Description:</b> Failure to monitor and enforce conditions.			
<b>Risk 2</b> Environmental  Rating: <b>Medium</b>	Likely	Minor	Include conditions to limit scale to ensure capacity of infrastructure can accommodate demand
<b>Risk Description:</b> Failure to monitor and enforce conditions.			
<b>Opportunity:</b> 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/accommodation 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**

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### **External Consultation**

In accordance with Clause 61(1)(b) of the LPS Regulations, the application was advertised for public comments.

The application was advertised for a period of 21 days from 22 August 2023 to 12 September 2023 (longer than standard 14 days required). The application was also made available for viewing on the Shire's website for the duration of the public consultation period.

A total of 26 submissions were received, raising objections to the proposal. Attachment 14.7.5 provides details on the submission raised and recommended responses.

In summary, key issues raised relate to:

- Noise and anti-social behaviour generated from the site;
- Traffic impacts due to parking;
- Scale and intensity of the use;
- Incompatibility with existing character of Peppermint Grove Beach.

The applicant has provided a response to submissions (See Attachment 14.7.5). In summary, the key points raised are:

- Using technology such as 'Minut' noise monitoring device and Arlo security cameras to monitor noise (these systems are designed for remote monitoring of rental properties);
- Enforcing curfews from 10pm on weekdays and 10:30pm on weekends (as a response to complaints);
- Vetting guests and ejecting non-compliant guests. Noting that larger groups are multi-generational family gatherings – not party focused groups;
- Engaging local caretakers to enforce compliance;
- Additional waste services are provided and can be confirmed by Shire records; and
- Parking is adequate as many guests arrive in groups and often come in mini-buses.



**Internal Consultation**

The table below details internal comments and suggested responses.

<b>HEALTH SERVICES</b>	
<p><b>Comment:</b></p> <p>The Current approved effluent disposal system has a maximum capacity for 10 people in total. Total accommodation for the property does not exceed 10 people (includes all structures).</p> <p>Holiday house can only be hired to single family or group.</p> <p>Note: Holiday houses where the whole house is hired out to a single family or group is not deemed a lodging house. If the property is hired in two separate entities, it would be deemed a lodging house and would need to comply with Health Local Laws Part 8 – Lodging Houses. This cannot be achieved for this property.</p> <p>The development that is the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.</p> <p>Note: Attached is a Noise Information Sheet. Guests are to be advised that parties are not permitted. Music noise, loud TV or stereo will exceed prescribed noise levels and will not be tolerated. After-hours contact must be provided to neighbouring properties for noise complaints. Ongoing noise complaints may result in termination or your approval.</p>	<p><b>Planning Officer Response:</b></p> <p>Servicing capacity limitations can be addressed through a condition to restrict numbers. It is noted that ultimate capacity may be constrained by additional considerations.</p> <p>Note. Please see officer comments section below that explores land use definitions under LPS8. It is noted that definitions may vary under separate legislation and can be addressed as separate applications if required.</p> <p>Note. Advice on this matter is recommended as the EPA Act and <i>EPA (Noise) Regulations 1997</i> will apply to the land independently of any development approval. The planning assessment can consider potential impacts on local amenity resulting from the operation of the holiday home.</p> <p>Note. Conditions can be imposed to control potential impacts on local amenity.</p>
<b>FINANCE</b>	
<p><b>Comment:</b></p> <p>No impact on rates levied as no policy to treat holiday homes differently than residential dwelling.</p>	<p><b>Planning Officer Response:</b></p> <p>Note.</p>

TECHNICAL SERVICES	
<p><b>Comment:</b></p> <p>No comment from a quick review of this application, Parking appears sufficient to accommodate usage requirement, listing 5 car parking spaces on the Lot.</p> <p>Compliance issues with parking consider allocating parking under a permit system.</p>	<p><b>Planning Officer Response:</b></p> <p>Note. It is reasonable to require parking to be retained on site.</p>

**Officer Comment**

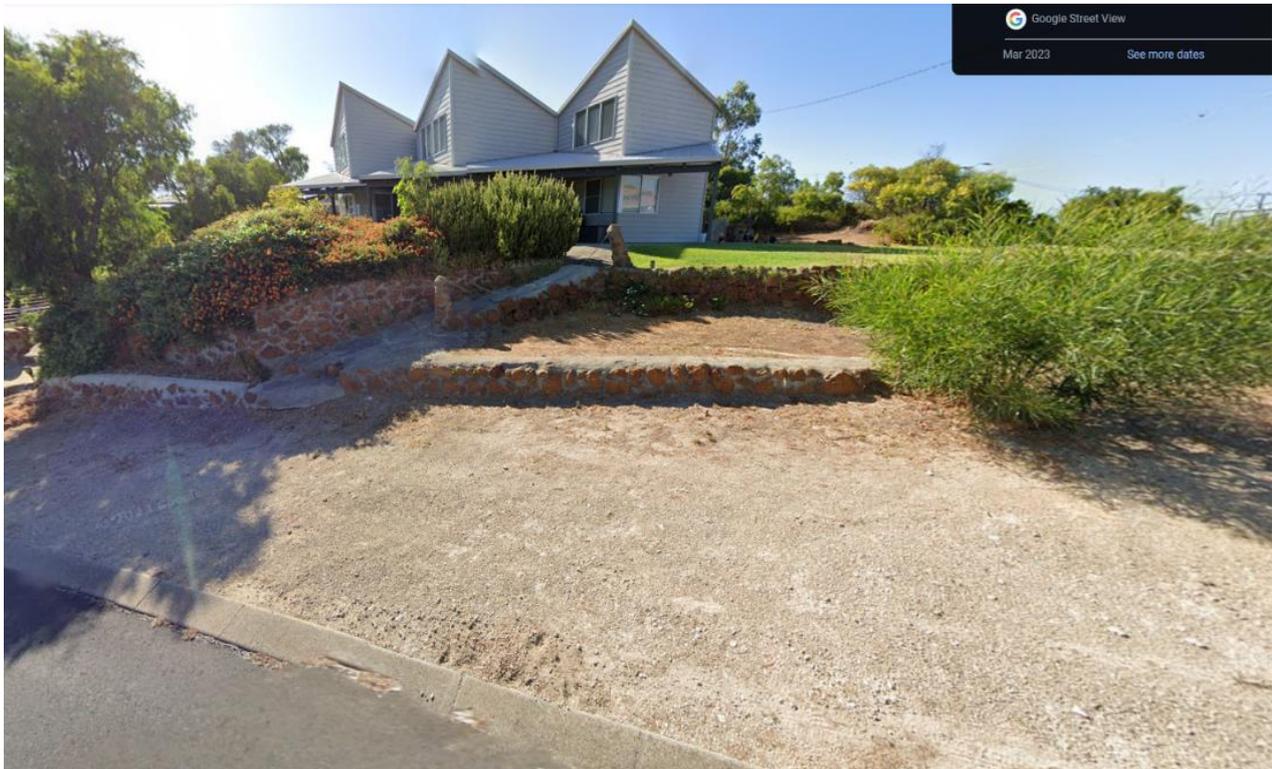
**Proposal**

The proposal is to change the use of the site to ‘Holiday Accommodation’ which would seek to accommodate up to 19 patrons at any one time.

The subject site contains a dwelling with a total floor area of approximately 257m<sup>2</sup> consisting of a ground floor of 185m<sup>2</sup> and 72m<sup>2</sup> for the first floor (see Attachment 14.7.3). The internal design provides opportunity to create two separate self-contained units, separated by an internal door.

The smaller “unit” contains a kitchen, family room, master bedroom and master bathroom. The larger “unit” consists of dining area, kitchen, living room, bathroom, 3x bedrooms. A shared laundry room is potentially accessible to both units.

The site is located on a corner lot with vehicular access via Sand Dune Drive. Retaining walls along the road frontages provide a relatively flat building pad (see photo’s below).



**Image 1: View from Peppermint Grove Tce**



**Image 2: View from Sand Dune Drive**

A parking plan shows space for five parking spaces on the property and one on the verge (see Attachment 14.7.4).

The subject site is serviced by on-site effluent treatment system located in the front landscaping.

The system has a design capacity for ten people.

### **Land Use Classification**

There are two potential land use classifications that could apply to this proposal – “Holiday House” and “Holiday Accommodation”. In this instance, it is suggested that the proposal best fits under the use class “Holiday Accommodation” as Holiday Accommodation relates to two or more grouped dwellings on one lot. The subject building has been designed and is used as an ancillary dwelling and single house.

### **Car Parking Requirements**

Access to the property is via Sand Dune Drive. The plan shows spaces for five vehicles on the property. Four of these are via a tandem configuration on the driveway. The remaining one is to the side of the driveway. Parking on the verge is not supported.

Parking requirements are guided by LPP 6.1 which states that minimum parking provision is to be in accordance with the Residential Design Codes (R Codes) for grouped/multiple dwellings. The R Codes require a minimum of 1.5 bays per dwelling over 110m<sup>2</sup> and 1.25 for dwellings less than 110m<sup>2</sup> (total 2.75 required). A total of four bays is provided.

Five car bays for Holiday Accommodation use will likely be able to accommodate ten people (assuming a minimum of two people per car) and providing space for a visitor’s car.



## **Infrastructure Capacity**

The key infrastructure constraint relates to the septic system capacity. The Shire's records confirm that the septic system is designed to accommodate ten adults. The capacity of the effluent disposal system constrains patron numbers. It is noted that the existing system was showing evidence of overflowing when inspected by the Shire's Environmental Health team.

## **Scale and intensity of use in a residential setting**

The intensity of use has generated adverse impacts on local amenity and has resulted in complaints being raised with the Shire and local police. These impacts are primarily in relation to noise associated with large gatherings of people combined with the building design and location.

This potential for noise will increase if the recently approved balcony is constructed.

The patron numbers proposed are of a scale greater than that of a traditional residential dwelling.

The average household size in the Shire of Capel and Western Australia is 2.5. It is also noted that in larger households, the composition will be varied when compared to a larger "holiday accommodation" gathering, which is likely to attract a higher proportion of adults to children.

The implications are that holiday accommodation with higher patron capacity can attract (and has attracted) larger groups of people that are unrelated and wish to enjoy social activities, free from the confines of the regular work week routine. This has resulted in instances of late-night parties with amplified music and raised voices. This has created disturbances to neighbouring residents and their ability to quietly enjoy living in a small coastal community.

The proposed patron numbers will not be in keeping with that reasonably expected in a low-density residential setting. It has historically generated several instances of land use conflict. It is noted that the applicant has recently installed monitoring devices to assist with reducing instances of disturbances to local amenity. However, to ensure that the use operates in harmony with the intent of the residential setting and established character of the locality, it is recommended that the:

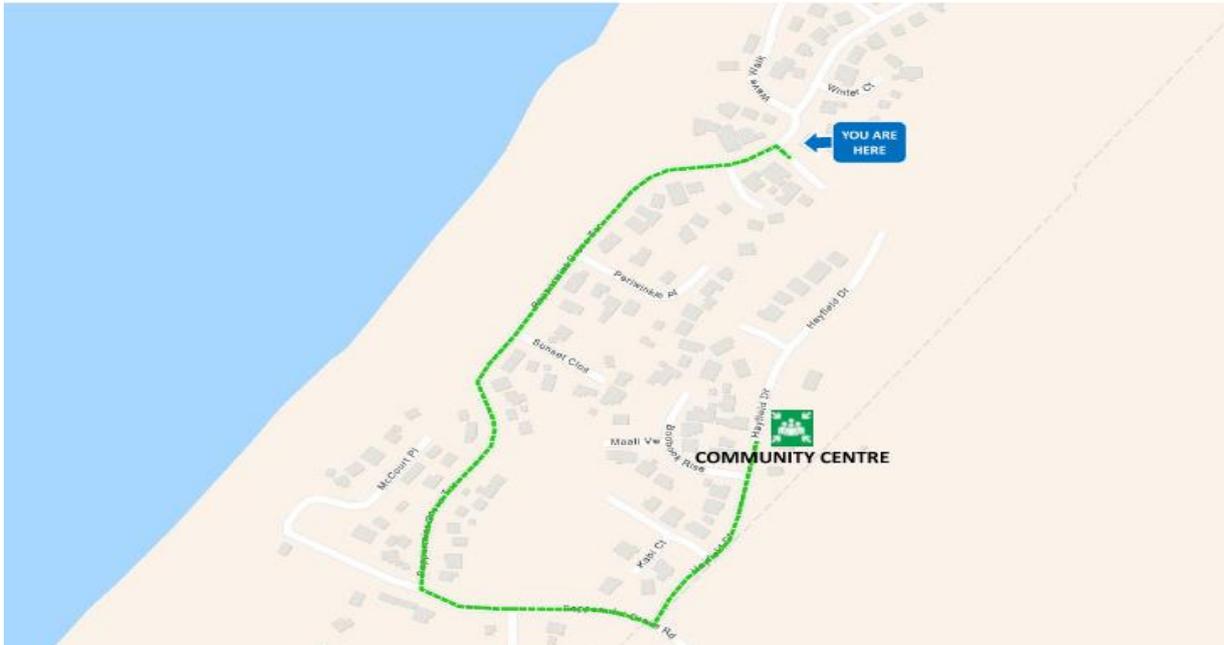
- Patron numbers be restricted below that applied for; and
- Approval period is limited to 12 months to allow review based on level of compliance.

It is suggested that these measures will assist in ensuring that the use reflects the intent of the residential zoning and operates in harmony with the locality.

## **Fire Management**

Peppermint Grove Beach is an isolated community that is accessed by a single road. A high-level Bushfire Hazard Level Assessment including Peppermint Grove Beach was undertaken as part of the Local Planning Strategy. The study suggested that there were no obvious "suitable destination" muster points for residents of Peppermint Grove Beach. The study did however note that this was a high order assessment and should not be used to determine individual development applications. Therefore, a case-by-case assessment should be conducted due to the varying levels of scale of development and the potential implications that may arise from being in a vulnerable location.

The proposal is supported by a Bushfire Management Plan (BMP) prepared by a suitably qualified practitioner (see Attachment 14.7.6), which would be requested in the same manner that a Single House was constructed on a lot greater than 1,100m<sup>2</sup> and failed to downgrade its classification to less than BAL29. The BMP concludes that property is located within a "residential built out area" and identifies a "suitable destination" (see extract below).



**Image 3: Suitable Destination**

The BMP addresses Element 5 of the guidelines. Element 5 includes criteria for assessment relating to:

- Siting and design
- Vehicular access
- Provision of water.

There are two streams available to satisfy the criteria, these are “Acceptable Solutions” and “Performance Principles”. A “Performance Principles” allows for alternative solutions to be developed where the Acceptable Solutions cannot be achieved.

The BMP states that the proposal satisfies the “Acceptable Solutions”, and no variations are required. The site has been identified as a BAL –29 (see extract from mapping below).



A BAL is defined as a Bushfire Attack Level which relates to potential radiant heat impacts and associated with classified vegetation within 100m of the development. A BAL rating will determine construction standards necessary to comply with the BAL rating. The following extract from the Guidelines provides details on BAL descriptions and exposure.

BAL	DESCRIPTION OF PREDICTED BUSHFIRE ATTACK AND LEVELS OF EXPOSURE
Source: AS 3959-2018, Table 3.1	
BAL-LOW	There is insufficient risk to warrant specific construction requirements, but there is still some risk.
BAL-12.5	There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5kW/m <sup>2</sup> .
BAL-19	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux. The construction elements are expected to be exposed to a heat flux not greater than 19kW/m <sup>2</sup> .
BAL-29	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux. The construction elements are expected to be exposed to a heat flux not greater than 29kW/m <sup>2</sup> .
BAL-40	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of direct contact with flames. The construction elements are expected to be exposed to a heat flux not greater than 40kW/m <sup>2</sup> .
BAL-Flame Zone (FZ)	Direct exposure to flames from fire front in addition to heat flux and ember attack. The construction elements are expected to be exposed to a heat flux greater than 40kW/m <sup>2</sup> .

Figure 7: BAL construction levels in context



The BMP shows that the proposal qualifies as “minor development”. “Minor development” includes “change to a vulnerable land use in an existing residential development.”

A building permit will be required for a change in use from a class 1A to 1B. This will require an interconnected fire alarm and emergency lighting system. This requirement will be addressed separately.

A standard condition requiring compliance with the BMP is proposed to address bushfire.

### Conditions of use

The local government can apply conditions to address potential land use conflicts. In imposing conditions, it is necessary to ensure that they meet the tests for a valid condition.



The tests for a valid condition are based on the Newbury DC v Secretary of State for the Environment (1981) AC578 decision.

The tests require a condition to:

- a. Be imposed for a planning purpose;
- b. Fairly and reasonable relate to the development for which permission is given; and
- c. Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

If supported, it is recommended to impose conditions that align with WAPC Guidelines to require:

- a) a code of conduct being prepared and implemented to address (amplified music, pets and need to respect neighbour's amenity);
- b) restrict the maximum number of occupants;
- c) restrict times for visitors attending the premises (to 10pm);
- d) ensure suitable arrangements storage and collection of waste;
- e) require signage is provided to display current contact number for the owner/manager to be reached;
- f) restrict parking to designated parking areas;
- g) complying with a bush fire management; plan;
- h) provide an initial limit of 12 months.

## Summary

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The Peppermint Grove Beach locality is an attractive location for residents and holiday makers. There is a proven demand for holiday accommodation in the locality.

The proposal is supported by a bushfire management plan prepared by a suitably qualified fire consultant to address bushfire risk.

There is an opportunity to impose conditions to limit potential for local amenity impacts as well as limiting the term of the approval to allow for future re-evaluation.

These measures provide a suitable level of comfort and reasonable balance between the potential competing needs of holiday makers and local residents.

## Voting Requirements

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Simple Majority



**Officer's Recommendation – 14.7.**

*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**

1. 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:
  - 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 0.2m<sup>2</sup>.

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**

- 1. Any activity at the premises must comply with the assigned noise levels within the *Environmental Protection (Noise) Regulations 1997*.**
- 2. 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.**
- 3. 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/2024/14 - Procedural Motion / Council Decision - 14.7**

*Moved Cr Fergusson, Seconded Cr Dillon.*

**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.**

**Carried 9 / 0**

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

*Against - Nil*



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**14.8. Lot 43 Plantation Road - JDAP Extractive Industry License - Consideration of Support Recommendation**

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<b>Author</b>	Manager Projects, Engineering & Assets, Shawn Lombard
<b>Authorising Officer</b>	Director Infrastructure Development, Tanya Gillett
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Development Plans and Accompanying Material</li><li>2. Responsible Authority Report</li><li>3. Joint Development Assessment Panel Minutes</li></ol>
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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**Proposal**

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Grant an Extractive Industry Licence at Lot 43 (546) Plantation Road Ludlow, under the Shire of Capel Extractive Industry Local Law 2016.

This proposal is presented to the Council as a licence only as the original development application was approved through the Joint Development Assessment Panel, and no delegation is currently available for Shire Officers to determine any extractive industry licence proposals under Delegation 11.2.1 – Development Applications.

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**Officer's Recommendation**

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That Council approves an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development on Lot 43 (546) Plantation Road (Plan 69043) in Ludlow, in accordance with the Shire of Capel Extractive Industries Local Law 2016 and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.

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**Background**

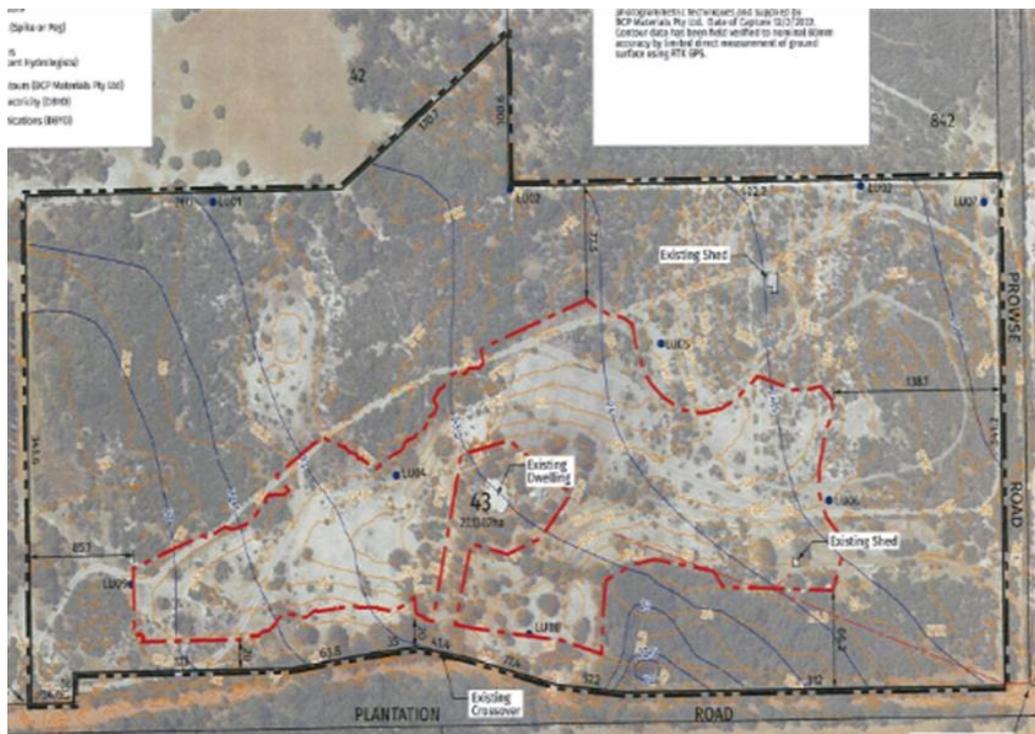
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<b>Land / Title Information:</b>	Lot and Plan P069043 43
<b>Development Description:</b>	Extractive Industry (Issue of License)
<b>Land Area:</b>	Property area 27.13 Ha Extraction area 6.79 Ha
<b>Existing Land Use</b>	Extractive Industry use
<b>Local Planning Scheme Zone:</b>	Refer to attachment 2
<b>Greater Bunbury Region Scheme zone:</b>	Refer to attachment 2
<b>Bushfire Prone Area:</b>	Yes

<b>Heritage Listing:</b>	No
<b>Application Received Date:</b>	Registered 11 November 2022 Signed 26 August 2022

The site (**Figure 1**) is located on Lot 43 (HSE) 546 Plantation Road (Plan 69043) in Ludlow (the property).

**Figure 1: Subject Site.**





## Decision Framework

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### 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

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

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

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

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

4.3 Contemporary planning and local development

Direction 6 - Effective communication, engagement and relationship development

6.2 Improved cross sector relationships and collaboration

### Corporate Business Plan 2023-2027

DEVS 12 - **Development Applications** – (PLN13) Process and determine development applications in accordance with the local planning framework.

ETS 9 - **EIL Administration** - Monitor and oversee compliance of basic raw materials (sand and gravel) mines with Extractive Industry Licences

GOV 22 - **Land Management** - Provide oversight and coordinate the execution of legal instruments including leases, licenses and deeds relating to the management of land.

## Statutory Framework

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### Local Framework

- Shire of Capel Local Planning Scheme No. 8 (LPS8); and
- Shire of Capel Local Planning Policy 6.2 – Extractive Industries.

### State Framework

- *Planning and Development Act 2005 (P&D Act);*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations);*
- *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations);*
- Greater Bunbury Region Scheme (GBRS); and
- State Planning Policy 2.4 – Basic Raw Materials.

### Federal Framework

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- Local Planning Policy 6.2 - Extractive Industries

**Implications**

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Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  Rating: <b>Medium</b>	Possible	Minor	Controlled through imposing conditions and holding of existing bonds.
<b>Risk Description:</b> Bonds and associated costs/audits are implemented partly through the license process. The risk to the Shire results from impacts associated with the local road network and rehabilitation of the site, should the Shire fail to bond appropriately.			
<b>Risk 2</b> Legislative Compliance  Rating: <b>Medium</b>	Possible	Minor	Support the license on the basis that the development application has been approved by the Joint Development Assessment Panel
<b>Risk Description:</b> Failure to grant the license for a development application already approved could potentially result in a State Administrative Tribunal appeal.			
<b>Opportunity:</b> Approval allows use of sand resources for land use development within the Shire and South West region.			

**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 impacts relevant to the issuing of this extractive industry licence that hasn't already been considered within the development approval process.

Social



There are no relevant social implications relevant to this item.

### Economic

Sand is a basic raw material (BRM) that is essential for the building industry and its supply supports development within the southwest.

### Asset

The proposal will use the local road network. Suitable contributions will be sought from the applicant to ensure the deterioration of road conditions is addressed, in addition to sections of the road identified in the development approval conditions for the applicant to maintain, to the satisfaction of the Shire.

## **Consultation/Engagement**

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### **External Consultation**

Consultation was undertaken as part of the JDAP process. Please refer to Attachment 2 for the details of consultation for both external agencies, and the community.

In addition to this, the Shire sought third party review advice from supporting environmental consultancies as part of the submission documentation review process, this informed the final recommendation as stated in this document.

### **Internal Consultation**

Consultation between the relevant Shire of Capel stakeholders was undertaken in processing this recommendation.

## **Officer Comment**

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The Planning Assessment is contained within the Responsible Authority Report (Attachment 2).

Whilst the Shire did not recommend approval for the proposal, the JDAP have granted an approval on the basis that appropriate conditions be applied to the development.

The conditions applied to the development approval are largely to capture the issues relating to the environmental risk and the potential impacts to the amenity of nearby residents and users of the local road network.

## **Summary**

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The Extractive Industry application for Lot 43 (HSE) 546 Plantation Road (Plan 69043) in Ludlow (the property) was presented to the Shire of Capel in the form of a JDAP application.

The Shire of Capel undertook a thorough and diligent review process and requested amendments to the overall submission documentation around aspects of land management and rehabilitation outcomes. These required adjustment and additional information to be provided.



The applicant received these requests favourably and made every effort to revise and provide responses and amendments to these documents to satisfy the Local Government requirements, these were reviewed by a Shire engaged environmental consultancy, clarified and amended, resulting in the final approval document package.

Based on this process and the amended documentation Shire Officers are now confident that this application meets requirements and is able to proceed to formal license issue, this pending Council endorsement.

### Voting Requirements

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Simple Majority

*1 member of the public left the room and did not return at 7:39pm.*

<b>Officer's Recommendation – 14.8.</b>
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<b>OC/2024/15 - Officer's Recommendation / Council Decision - 14.8</b>
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*Moved Cr Dillon, Seconded Cr McCleery.*

**That Council approves an Extractive Industry Licence, subject to conditions, in respect of the approved "Industry – Extractive" development on Lot 43 (546) Plantation Road (Plan 69043) in Ludlow, in accordance with the Shire of Capel Extractive Industries Local Law 2016 and that the Director Infrastructure and Development be authorised to sign the Licence on behalf of the Council.**

**Carried 9 / 0**

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

*Against - Nil*

*The Presiding Member adjourned for 10 minutes at 7:40pm.*

*The meeting resumed at 7:50pm.*



## 15. Community and Corporate Reports

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### 15.1. Financial Reports 30 November 2023

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<b>Author</b>	Manager Finance, Andrew Mattaboni
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. Financial Report 2311 [15.1.1 - 49 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

#### Proposal

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Provide the monthly financial statements for the period ending on 30 November 2023.

#### Officer's Recommendation

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That the Council receives the monthly financial statements for the period ending on 30 November 2023.

#### Background

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The *Local Government (Financial Management) Regulations 1996* prescribe the requirement to prepare financial reports monthly and prescribe the content and format.

#### Previous Council Decisions

Financial Statement for month ending 31 October 2023 (29 November Ordinary Council Meeting).

#### Decision Framework

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##### 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**

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**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**

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The following Shire Policies apply:

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

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Medium</b>	Unlikely	Moderate	Report financials monthly
<b>Risk Description:</b> Monetary loss that may or may not be managed within existing budget or may not impact a program or service.			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal.

Long Term

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



## Officer's Comment

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The financial monitoring for the month of November 2023 has been completed, analysing income and expenditure trends through the following financial mechanisms:

1. Assessed Rate Levy and Debtor balances which has been brought to account.
2. The Depreciation calculation year to date.
3. Annual comparison of Operating Revenue
4. Annual comparison of Operating Expenditure.
5. Liquidity year to date.
6. Rate of return-on-investment position.
7. Capital spends year to date.

The attached financial statements provide the granular data for the following analysis on the Shire's financial performance for November 2023. The attachments consist of:

1. Statement of Financial Activity.
2. Statement of Financial Position.
3. Notes to and Forming Part of the Financial Report.
4. Cash on Hand and Investments.
5. Year to Date Variance Analysis.
6. Capital Works Program - includes commentary on capital expenses progress to date.

The Statement of Financial Activity shows operating revenue and expenditure by statutory program and by nature and type, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget and the year-to-date revised budget.

For trend analysis purposes, the previous year's annual results and current year forecasts are also presented in the graphs.

### November 2023 Financial Analysis Summary

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

The audit process for the 2022/23 financial year is now complete. The Final Audit Report from the Office of the Auditor General (OAG) was received in December 2023 and is published in the 2022/23 Annual Report.

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.

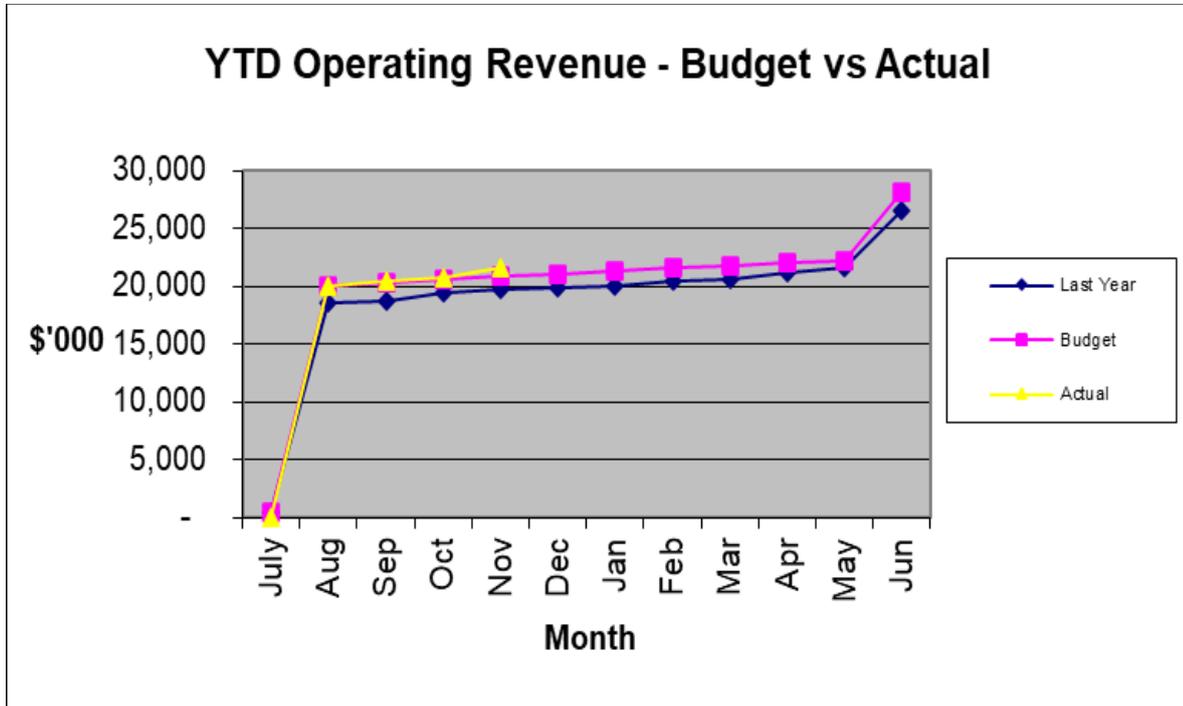
The monthly depreciation transaction of Shire assets has been calculated at a general ledger level only, for the purpose of reporting a depreciation figure in the Monthly Financial Statements. A further depreciation transaction will need to be run in the Asset Register, ensuring the calculation aligns to the general ledger, which can now be actioned given the OAG have since approved the 2022/23 Annual Financial Report.



Compared to the 2023/24 Annual Budget, approximately 76.81% of Operating Revenue has been brought to account and 33.97% of the Operating Expenditure has been spent.

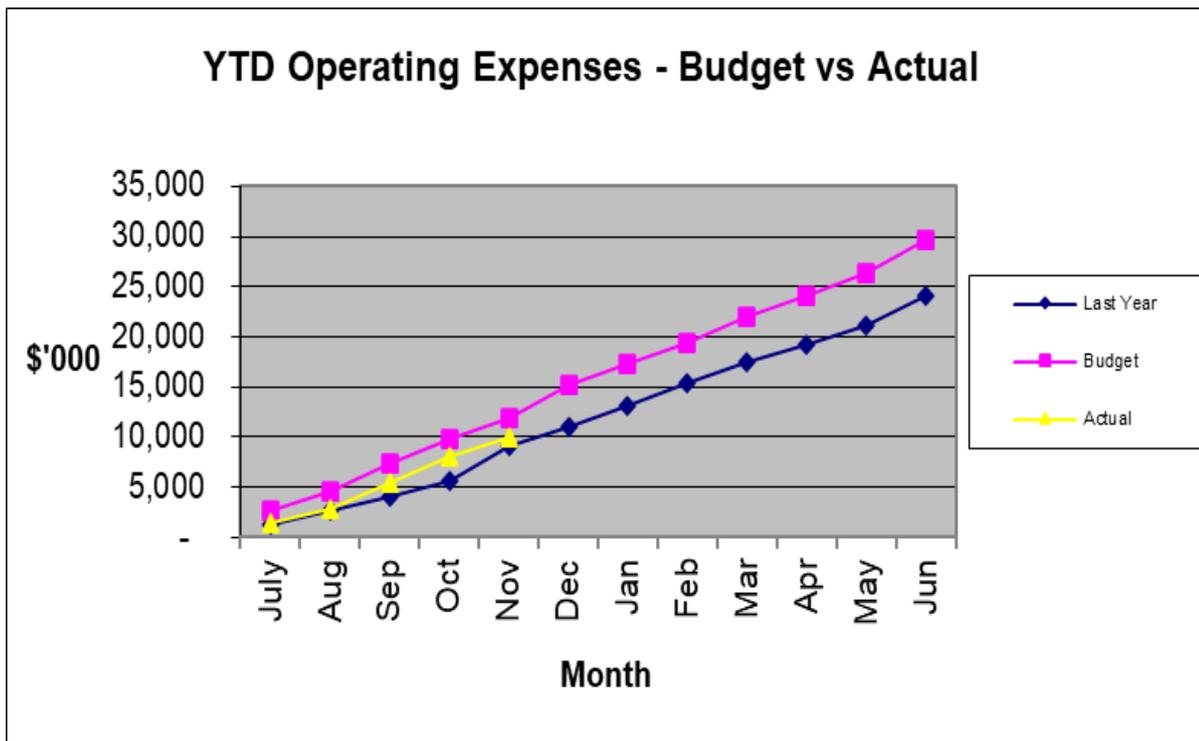
The following graphs compare actual Operating Revenue and Operating Expenditure against the 2023/24 Annual Budget on a year-to-date basis.

Graph 1.



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

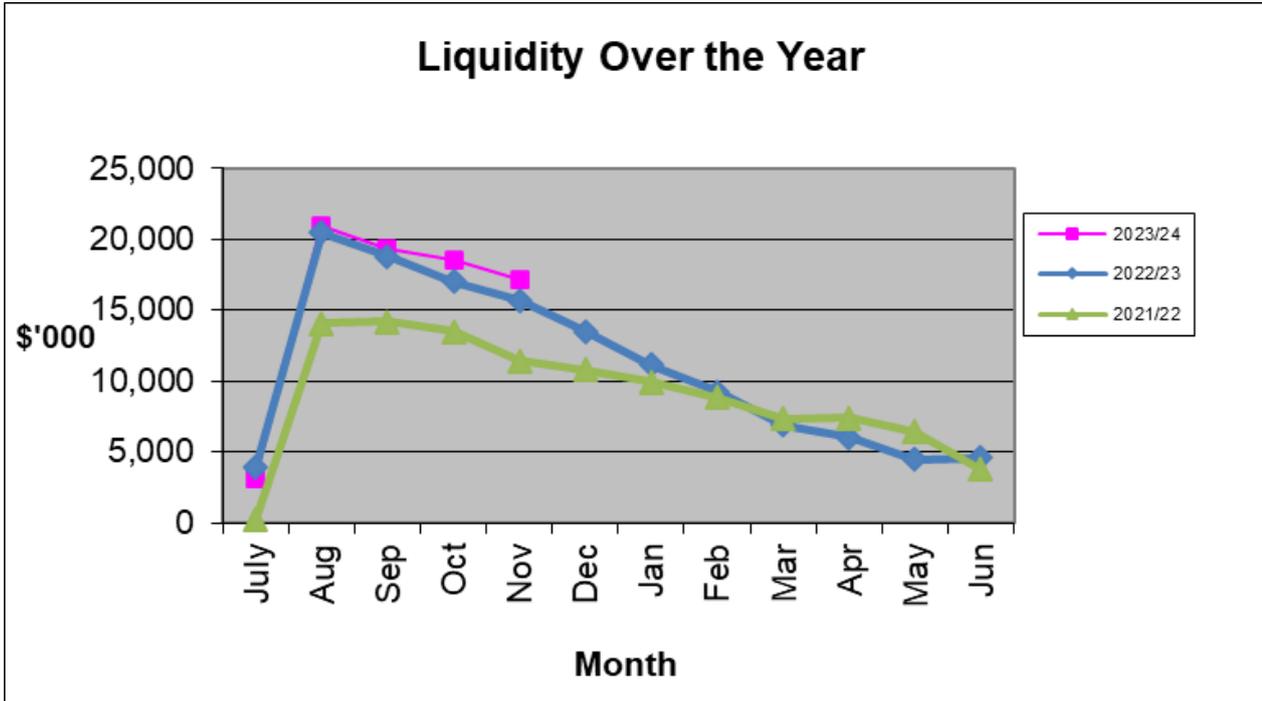
Graph 2.





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

Graph 3.



Overview of above analysis

The Shire’s municipal cash and investments position for the month of November 2023 has decreased by \$37,157.00 compared to October 2023.

The municipal cash position is an amount of \$28,179,330.00 of which \$16,579,308.00 is restricted for specific purposes as shown at Note 3 in the attachments.

The decrease in the cash position was due to the payment of contractors.

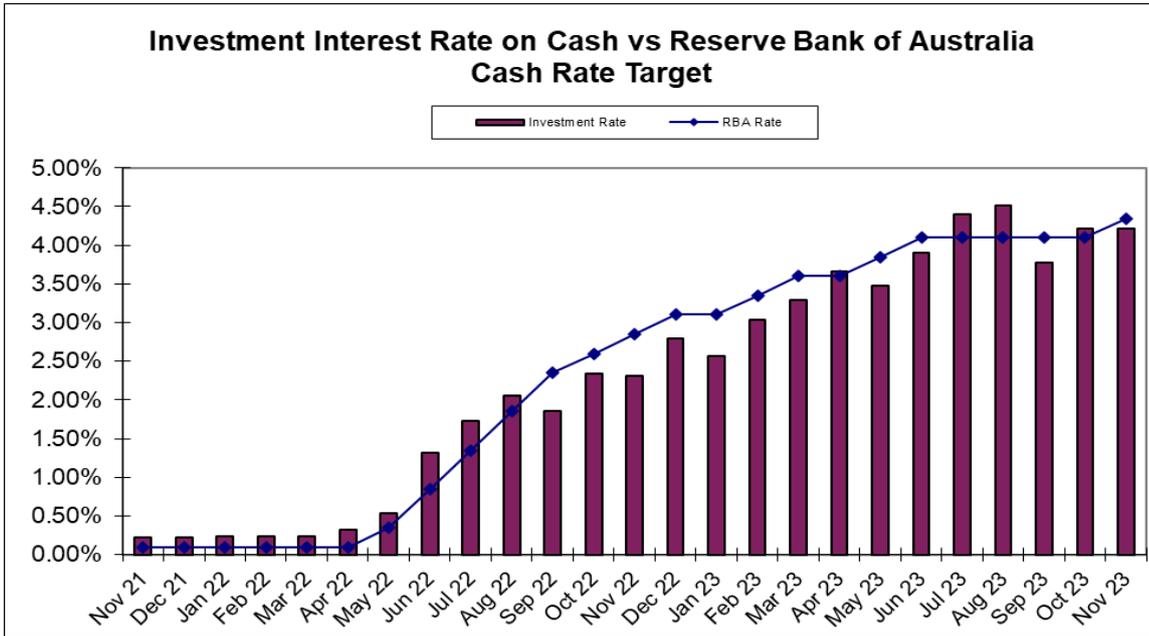
The amount of interest income received is \$326,555.00 which is above the year-to-date budget due to the timing of term deposit renewals and continued high interest rates.

At present, the average investment rate of return is 4.22%. This is slightly below the November 2023 RBA cash rate of 4.35%. The Reserve Bank’s cash rate target remains at 4.35% as of 6 December 2023.

The following Graph 4 details an analysis chart which maps the movement in investment and applied interest rates.



Graph 4.

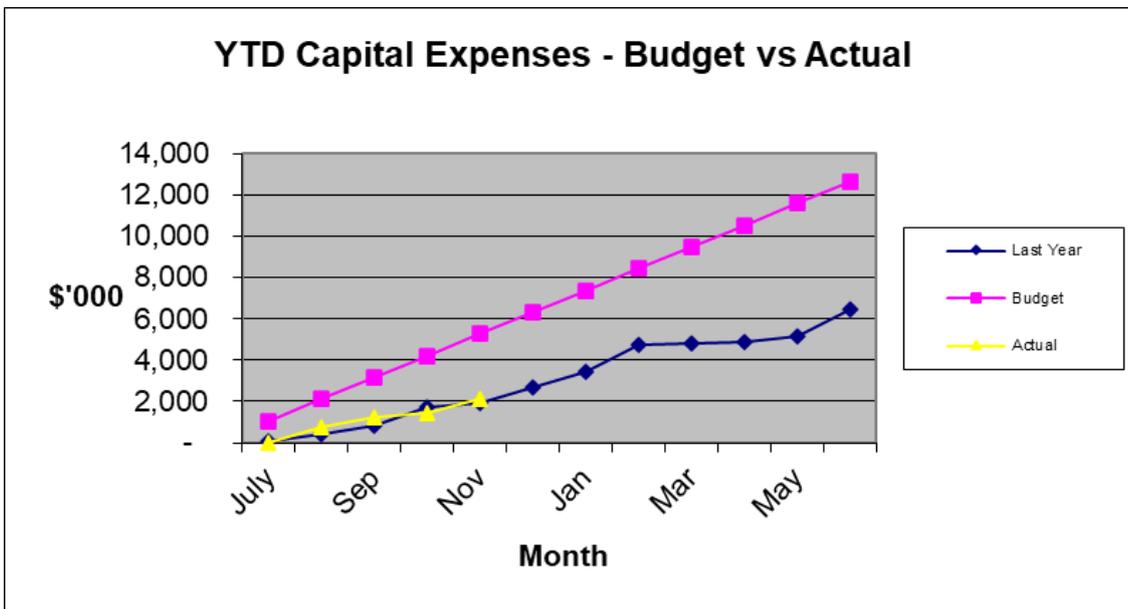


The November review of capital expenditure items totalled \$667,859.00 and was distributed across the following projects/purchases:

- \$252,443.00 Roads.
- \$ 35,545.00 Paths.
- \$ 21,136.00 Dalyellup Secondary College - Oval Lighting Upgrade.
- \$343,944.00 Gelorup Bush Fire Brigade Facility.
- \$ 14,792.00 Health Inspection Noise Meter.

The following graph compares the actual capital expenditure against the 2023/24 budget on a year-to-date basis and includes the prior year actual for comparative purposes.

Graph 5.





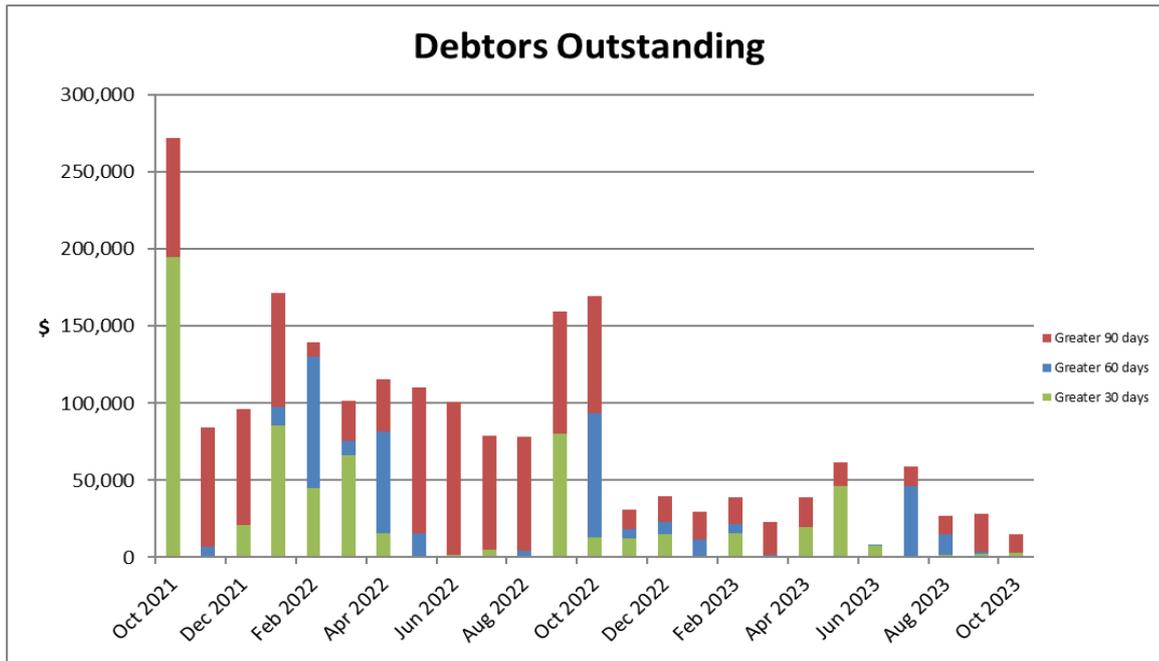
Committed Capital Expenditure (not reported in above analysis)

There is currently \$2,214,104.00 of infrastructure and building capital expenditure purchase orders issued to suppliers. These are made up of \$607,465.00 roads infrastructure, \$35,176.00 paths infrastructure, \$195,529.00 parks infrastructure and \$1,375,934.00 building projects.

Based on the above committed capital expenditure, trend analysis will be reported through the remaining periods.

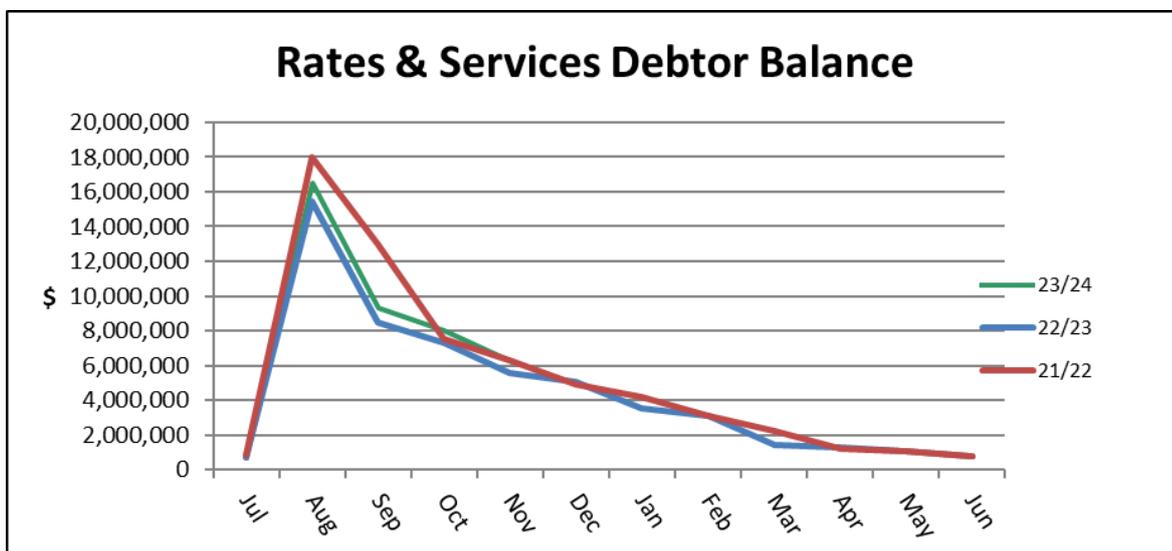
The following graph illustrates the Council’s current level of general debt recovery for 30-60 days, 61-90 days and greater than 90 days.

Graph 6.



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

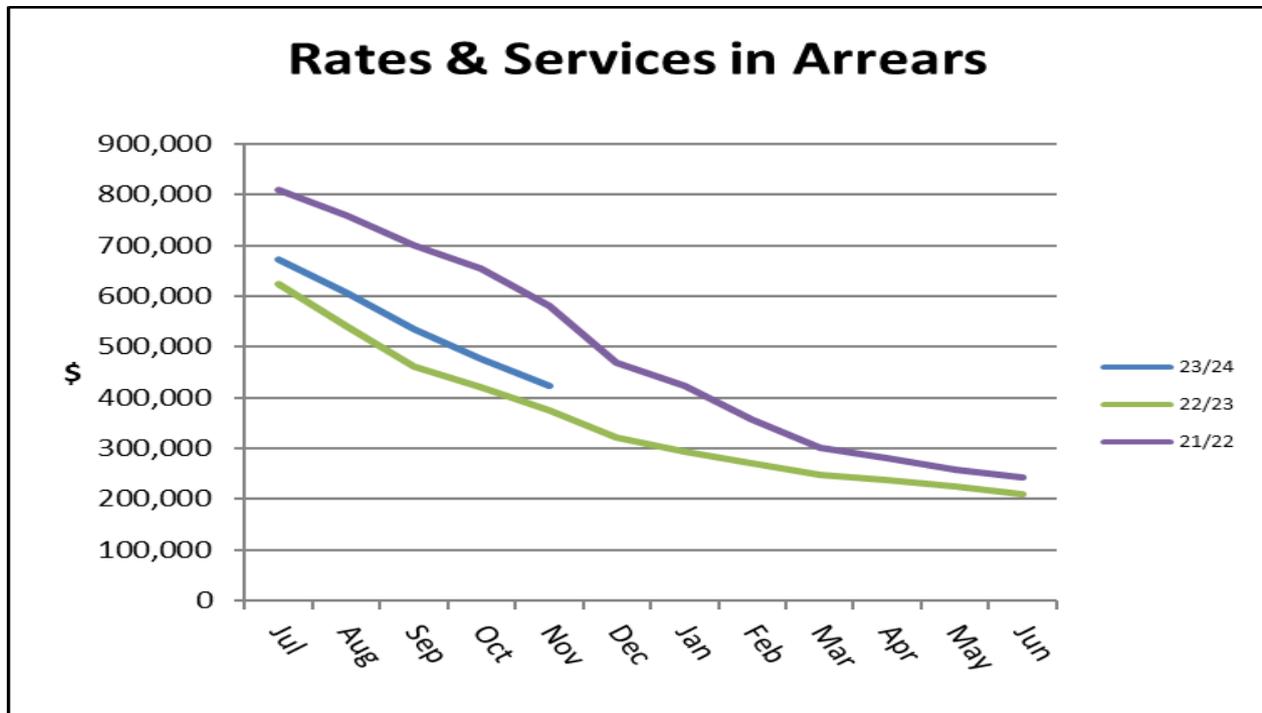
Graph 7.





The following graph shows the level of rates and services in arrears for the last three years. Rates and services in arrears at the start of each financial year as a percentage of the rates and services debtor balance has been: 2023/24 3.68%, 2022/23 3.51% and 2021/22 4.22%.

Graph 8.



The Council’s financial ratios are disclosed in Note 19 of the attached Financial Statements.

### Summary

This report monitors the Shire’s financial position for the month of November 2023 and tracks the progress against the budget set at the start of the 2023/24 financial year.

Commentary relating to the progress of capital expenses has been included where work has commenced against individual capital projects. This level of reporting will continue in future financial statements and broadened in detail where required.

A determination of the Shire’s November 2023 financial position has been analysed comparing year to date actual and budget, with variances explained as:

- 1) Operating revenue decreases (Timing of interim rates and service charges).
- 2) Operating expenditure decrease (Employee recruitment and timing of expenditure on contractors).
- 3) Capital expenditure below budget (Timing of expenditure).
- 4) Asset disposal below budget (Timing of disposals).

The November financial statements show the forecast year end 2023/24 Net Current Asset position of \$61,670.00. This is an increase to the budgeted amount of \$0.00.

Variation to the year-end projected balance will be reported to the Council through the Mid-Year Budget Review process and subsequent report to the Council.



## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.1.

#### **OC/2024/16 - Officer's Recommendation / Council Decision - 15.1**

*Moved Cr Terrantroy, Seconded Cr Sharp.*

**That the Council receive the monthly financial statements for the period ending on 30 November 2023.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.2. Accounts Paid During the Months of November and December 2023

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<b>Author</b>	Finance Officer, Susan Searle
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. Ampol October Statement [15.2.1 - 7 pages] 2. Ampol November Statement [15.2.2 - 6 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

### Proposal

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Accounts paid during November and December 2023 are submitted for the endorsement of the Council.

### Officer's Recommendation

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That in accordance with Regulation 13(11) of the *Local Government (Financial Management) Regulations 1996*, the list of payments made under delegated authority for the month of November and December 2023 be received by the Council and recorded in the minutes of the Council, the summary of which follows:

- 1 The Schedule of Accounts covering EFT44145 to EFT44669, CHQ50755 to CHQ50774 equated to \$4,271,171.07 during the month of November and December 2023;
- 2 Payroll payments for the month November and December 2023, equated to \$1,226,970.18; and
- 3 Transfers to and from investments as listed.

### Background

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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

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### 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.

### Federal Framework

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- Financial Reports.
- Legislative Compliance.
- Purchasing.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  Rating: <b>Low</b>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description:</b> Additional checks and balances of accounts paid by the Shire.			
<b>Risk 2</b> Legislative Compliance  Rating: <b>Low</b>	Unlikely	Minor	Monthly reporting of accounts paid.
<b>Risk Description:</b> Meeting legislative requirement of financial reporting to the Council			
<b>Opportunity:</b> 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

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### 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

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Payments made during the month of November and December 2023 are as follows:

EFT44145	01/11/2023	ARBORGUY	TREE PRUNING SALTER ROAD BOYANUP	10,032.00
EFT44146	01/11/2023	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS/CONTRIBUTIONS	112.00
EFT44147	01/11/2023	LIONS CLUB OF BOYANUP (INC.)	CEMETERY MAINTENANCE AND EVENT SPONSORSHIP	5,810.00
EFT44148	01/11/2023	BUNBURY MOWER SERVICE	PLANT CONSUMABLES	510.00
EFT44149	01/11/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	339.00
EFT44150	01/11/2023	HEATLEYS SAFETY & INDUSTRIAL	PPE (Personal Protective Equipment)	83.71
EFT44151	01/11/2023	BYFIELD BR & CA	RATES REFUND	1,744.64
EFT44152	01/11/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL INCLUDING VEHICLE LABOUR AND MESSAGE SIGN	9,259.80
EFT44153	01/11/2023	CAPEL CELLARBRATIONS	REFRESHMENTS FOR COUNCILLOR CIVIC CEREMONY	164.98
EFT44154	01/11/2023	COLROYS COUNTRY KITCHEN	CATERING FOR STAFF WORKING LG ELECTION DAY	80.00
EFT44155	01/11/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT44156	01/11/2023	S R DALLYWATER	REFUND DUE TO STERILISATION	25.83
EFT44157	01/11/2023	Dept of Fire and Emergency Services (DFES).	ESL SECTION 36L AND 36M	3,783.75
EFT44158	01/11/2023	FUR LIFE VET	EUTHANASIA OF ANIMAL	40.00
EFT44159	01/11/2023	GLOBALPOS PTY LTD	SMARTNET SUBSCRIPTION	3,003.00
EFT44160	01/11/2023	A INGRAM	BOOK STOCK PURCHASES	453.43



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EFT44161	01/11/2023	INDUSTRY MAINTENANCE SOLUTIONS	WITHDRAWN BA 18371	61.65
EFT44162	01/11/2023	SHIRE OF KONDININ	ENTRY FEES TO WAVE ROCK ON SENIORS' SILO ART TOUR	75.00
EFT44163	01/11/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	TRAINING AND DEVELOPMENT	320.00
EFT44164	01/11/2023	LGRCEU	PAYROLL DEDUCTIONS/CONTRIBUTIONS	66.00
EFT44165	01/11/2023	MALATESTA ROAD PAVING AND HOTMIX	ASPHALT FOR HASTIES ROAD	7,855.64
EFT44166	01/11/2023	MONADELPHOUS ENGINEERING ASSOCIATES PTY LTD	BASE FOR UTE MOUNTED SPRAY UNIT AND LOCKING POINTS INSTALLED AT STIRLING FIRE SHED	2,239.60
EFT44167	01/11/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	VACUUM CLEANER AND CLEANING AND TOILETRY PRODUCTS	1,179.00
EFT44168	01/11/2023	MARRIWOOD CONTRACTING	TRANSPORTATION OF IMPOUNDED CATTLE	825.00
EFT44169	01/11/2023	OFFICEWORKS SUPERSTORES PTY LTD	CAPEL RIVER CLASSIC EVENT SIGNAGE	108.00
EFT44170	01/11/2023	OPTUS BILLING SERVICES PTY LTD	MONTHLY FIXED LINE AND MOBILE BILLS	1,646.15
EFT44171	01/11/2023	AUSTRALIAN TAXATION OFFICE	PAYG	69,447.00
EFT44172	01/11/2023	REPCO A DIVISION OF GPC ASIA PACIFIC PTY LTD	SIPHON PUMP FOR WORKSHOP	77.00
EFT44173	01/11/2023	RECRUITWEST PTY LTD	LABOUR HIR	1,384.41
EFT44174	01/11/2023	STIRLING BUSHFIRE BRIGADE	LINE MARKING PAINT	43.20
EFT44175	01/11/2023	SOS OFFICE EQUIPMENT	SHIRE PHOTO COPIER METER BILLINGS	1,549.90
EFT44176	01/11/2023	CHRIS SCOTT	FUEL REIMBURSEMENT	109.39
EFT44177	01/11/2023	SYNERGY	ELECTRICITY	1,354.01
EFT44178	01/11/2023	STRONG ANGELS INC.	ANNUAL DONATION TO STRONG ANGELS	2,000.00
EFT44179	01/11/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	154.00



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EFT44180	01/11/2023	STRATHAM RURAL SERVICES	ANNUAL SERVICING SHIRE BORES AND STANDPIPES/ BFB'S	1,532.03
EFT44181	01/11/2023	SURVEYING SOUTH	FEATURE SURVEY BARLEE ROAD, CAPEL	1,100.00
EFT44182	01/11/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,813.42
EFT44183	01/11/2023	TOTALLY WORKWEAR	PPE	191.10
EFT44184	01/11/2023	TENDERLINK	ADVERTISING FOR RFQ'S AND RFT'S	360.80
EFT44185	01/11/2023	T-QUIP	SERVICING AND PARTS FOR MOWERS	998.00
EFT44186	01/11/2023	TYREPOWER CAPEL	REMOVE 28 TYRES FROM RIMS AT WTS	510.00
EFT44187	01/11/2023	WORK CLOBBER BUNBURY	PPE	580.72
EFT44188	01/11/2023	WESTRAC EQUIPMENT	PLANT CONSUMABLES	132.88
EFT44189	01/11/2023	WOODLANDS DISTRIBUTORS PTY LTD	10 BIN LOCKS FOR EAST DALYELLUP SPORTS PAVILION	1,611.50
EFT44190	01/11/2023	SHIRE OF WAGIN	PAYROLL DEDUCTIONS/CONTRIBUTIONS	160.00
EFT44191	01/11/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING FOR PROGRAMS AND EVENTS	73.04
EFT44192	01/11/2023	DE LAGE LANDEN PTY LIMITED	LEASE PAYMENTS FOR PHOTOCOPIERS	1,051.27
EFT44193	01/11/2023	IINET	DALYELLUP LIBRARY INTERNET	119.94
EFT44194	01/11/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	OCTOBER SUPERANNUATION	86,822.67
EFT44195	01/11/2023	WESTNET PTY LTD	CAPEL LIBRARY AND ADMIN MONTHLY INTERNET	219.98
EFT44196	03/11/2023	DE LAGE LANDEN PTY LIMITED	WIDE FORMAT PRINTER LEASE	155.21
EFT44197	08/11/2023	AUSTRALIA POST	POSTAGE	7,143.84
EFT44198	08/11/2023	ARROW BRONZE	CAST BRONZE PLAQUE	348.18
EFT44199	08/11/2023	AMPAC DEBT RECOVERY	DEBT RECOVERY PROCESS	44.00
EFT44200	08/11/2023	AMITY SIGNS	STREET NAME BLADES	205.15



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EFT44201	08/11/2023	ARBORGUY	VARIOUS TREE PRUNING AND REMOVAL AT AUSTIN ROAD, STEPHEN STREET, FRANCES ROAD, MCTAGGART ROAD, PAYNE STREET, JILLEY ROAD AND CAPEL DRIVE	29,430.50
EFT44202	08/11/2023	BUNBURY MOWER SERVICE	WORKSHOP CONSUMABLES AND REPAIR CHAINSAW	980.60
EFT44203	08/11/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE PURCHASES	610.99
EFT44204	08/11/2023	HEATLEYS SAFETY & INDUSTRIAL	PPE	522.60
EFT44205	08/11/2023	BUDGET CAR & TRUCK RENTALS	MONTHLY HIRE OF DUAL CAB	2,433.20
EFT44206	08/11/2023	BUNBURY PLUMBING SERVICES	PUMP OUT GREASE TRAP BOYANUP AND CAPEL HALLS	427.00
EFT44207	08/11/2023	BETTERCUP	UNRETURNED CUP FEE FOR CAPEL RIVER CLASSIC	105.11
EFT44208	08/11/2023	D R BALL	REFUND ON DOG REGISTRATION	42.50
EFT44209	08/11/2023	S J BELL	CROSSOVER CONTRIBUTION	577.25
EFT44210	08/11/2023	CAPEL PHARMACY	PPE MEDICAL EXPENSES	345.65
EFT44211	08/11/2023	CAPEL FRESH IGA	REFRESHMENTS	536.35
EFT44212	08/11/2023	CAPEL CLEANING	CARRY OUT END OF SEASON CLEAN FOR CAPEL, DALYELLUP AND EAST DALYELLUP SPORTS PAVILIONS	1,887.60
EFT44213	08/11/2023	CAPEL NEWSAGENCY	NEWSPAPER PURCHASES CAPEL LIBRARY	116.70
EFT44214	08/11/2023	COMBINED TEAM SERVICES PTY LTD	STAFF TRAINING	160.00
EFT44215	08/11/2023	CASCADE VISUALS	CAPEL RIVER CLASSIC - EVENT VIDEOGRAPHER	880.00
EFT44216	08/11/2023	COLROYS COUNTRY KITCHEN	CATERING - WARA ZONE MEETING	270.00
EFT44217	08/11/2023	TJ DEPIAZZI & SONS	DELIVERY MULCH TO CORNER MAIDMENT PARADE AND DALYELLUP BLVD VERGE GARDEN	5,417.25
EFT44218	08/11/2023	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BSL OCT REMITTANCE	8,957.13
EFT44219	08/11/2023	K DAY	TRAINING EXPENSES	160.64



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EFT44220	08/11/2023	ELGIN HALL COMMITTEE	REFUND TO ELGIN COMMUNITY HALL COMMITTEE FOR POWER USED BY BFB	70.03
EFT44221	08/11/2023	EASIFLEET MANAGEMENT	VEHICLE PAYROLL DEDUCTION	1,105.23
EFT44222	08/11/2023	GOLDEN WEST PLUMBING & DRAINAGE	INSTALLATION OF RMC WATER METRE FOR STIRLING FIRE SHED AND REPAIR KITCHEN TAP AT BOYANUP COMMUNITY CENTRE	746.90
EFT44223	08/11/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	1,181.96
EFT44224	08/11/2023	GRACE RECORDS MANAGEMENT	DIGITISATION OF HISTORICAL RESERVE FILE AND DATA STORAGE AND LICENCES	3,600.77
EFT44225	08/11/2023	GRANITE NETWORKS PTY LTD	WESTERN DIGITAL WD IT EQUIPMENT	5,126.50
EFT44226	08/11/2023	GEOGRAPHE FORD	PURCHASE OF VEHICLE INCLUDING TRADE-IN	14,185.72
EFT44227	08/11/2023	MOORE AUSTRALIA (WA) PTY LTD	LONG TERM FINANCIAL PLANNING CONSULTANCY SUPPORT AND WORKSHOP	4,455.00
EFT44228	08/11/2023	IRONSTONE ADVENTURE RIDING CLUB INC	EVENT SPONSORSHIP SCHEME	4,000.00
EFT44229	08/11/2023	JETLINE KERBING CONTRACTORS	KERBING, FOOTPATH AND VEHICLE CROSSOVER FOR WELD ROAD	28,187.00
EFT44230	08/11/2023	K D POWER & CO	COMPULSORY WEIGHBRIDGE DOCUMENTATION	30.00
EFT44231	08/11/2023	R MCLEVIE	YOUTH CATERING AND PRODUCTS	103.41
EFT44232	08/11/2023	NATURALISTE TURF	FERTILISER, TURF MAINTENANCE FOR ALL SHIRE POS AND FIELDS	71,300.03
EFT44233	08/11/2023	THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD	MONTHLY SHIRE SECURITY PATROLS	4,435.45
EFT44234	08/11/2023	OBAN GROUP	CARRY OUT ANNUAL TERMITE TREATMENT AT SHIRE BUILDINGS	4,111.25



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EFT44235	08/11/2023	PERON NATURALISTE PARTNERSHIP	ANNUAL CONTRIBUTION PAYMENT TO PERON NATURALISTE PARTNERSHIP AS PROJECT MANAGER FOR THE CAPEL-LESCHENAULT COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)	16,221.68
EFT44236	08/11/2023	PHOENIX PETROLEUM	BFB FUEL	118.52
EFT44237	08/11/2023	PRIME INDUSTRIAL PRODUCTS	PPE AND CONSUMABLES	161.92
EFT44238	08/11/2023	K PAYNE	RATES REFUND	886.05
EFT44239	08/11/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	2,091.00
EFT44240	08/11/2023	ROSE & CROWN	ACCOMMODATION AND MEALS FOR STAFF TRAINING	400.00
EFT44241	08/11/2023	ROOF ACCESS WA	SUPPLY AND INSTALL ROOF ANCHOR POINTS AT CAPEL COUNTRY CLUB AND ANNUAL ROOF ACCESS AUDIT TO ALL SHIRE BUILDINGS	4,632.10
EFT44242	08/11/2023	SOUTHERN LOCK & SECURITY	LOCKS FOR THE STIRLING FIRE SHED	556.18
EFT44243	08/11/2023	SOS OFFICE EQUIPMENT	SHIRE PHOTOCOPIER METER BILLING	3,242.05
EFT44244	08/11/2023	SYNERGY	ELECTRICITY	7,932.98
EFT44245	08/11/2023	SEEK	SEEK - ADDITIONAL ADDS FOR BILLING PERIOD 1 OCT 2023 - 31 OCT 2023	1,695.38
EFT44246	08/11/2023	SDH PAINTING & DECORATING	GRAFFITI REMOVAL AT GELORUP SKATE PARK, DALYELLUP BEACH, NAROONA PLAYGROUND, ERLE SCOTT RESERVE SHELTER, LAKES PARK SHELTER AND GUTMAN WAY POWER BOXES	2,134.00
EFT44247	08/11/2023	SOUTHWEST BLUES CLUB INC	CAPEL RIVER CLASSIC BAND	1,600.00
EFT44248	08/11/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	16.42
EFT44249	08/11/2023	UNITING GLOBAL	MONTHLY CLEANING OF SHIRE'S PUBLIC TOILETS	13,854.59
EFT44250	08/11/2023	WESTRAC EQUIPMENT	FAULT FIND & REPAIR RADIATOR HOSE & LOOSE WIRE ON JOYSTICK	1,105.81



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EFT44251	08/11/2023	WA POLICE SERVICE	VOLUNTEER POLICE CHECK	34.00
EFT44252	08/11/2023	WA SKILLS TRAINING	STAFF TRAINING	220.00
EFT44253	08/11/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 63 REPAYMENT	6,668.89
EFT44254	08/11/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING AND LIBRARY SUPPLIES	278.00
EFT44255	03/11/2023	BENDIGO BANK BUSINESS CREDIT CARD	<p>OCTOBER CREDIT CARD TRANSACTIONS:</p> <p>4.10.2023 - WESTERN GROW - \$267 - CATERING FOR AUTHOR TALK - <b>CARD 261 MFIN</b></p> <p>4.10.2023 - SQ THE NOSTALGIA - \$79.20 - YOUTH INZONE TRIP - <b>CARD 442 DCC</b></p> <p>4.10.2023 - SOUTH WEST EVENTS - \$242.55 - EQUIPMENT HIRE FOR AUTHOR TALK - <b>CARD 261 MFIN</b></p> <p>4.10.2023 - ZERO LATENCY - \$258.42 - YOUTH INZONE TRIP - <b>CARD 442 DCC</b></p> <p>5.101.2023 - TICKETS ESTABLISH - \$118.38 - TRAINING - <b>CARD 442 DCC</b></p> <p>5.10.2023 - WESTERN GROWERS - \$380 - CATERING FOR CITIZENSHIP CEREMONY - <b>CARD 442 DCC</b></p> <p>5.10.2023 - ATLISSIAN - \$147.03 -HELPDESK PLAN - <b>CARD 442 DCC</b></p> <p>5.10.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$4.41</p> <p>6.10.2023 - OK ALONE - \$318.24 - MOBILE APP FOR LONE WORKER - <b>CARD 442 DCC</b></p> <p>6.10.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$9.55</p> <p>7.10.2023 - SUPER CHEAP AUTO - \$337.90 - FLEET VEHICLE PARTS - <b>CARD 261 MFIN</b></p> <p>8.10.2023 - BUNNINGS - \$39.96 BATTERY FOR FLEET VEHICLE- <b>CARD 261 MFIN</b></p>	9,320.07



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			<p>11.101.2023 - TRYBOOKING - \$67.00 - WORKSHOP - <b>CARD 442 DCC</b></p> <p>12.10.2023 - WESTIN PERTH - \$695.28 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>13.10.2023 - PDQ.COM - \$4,237.07 - ANNUAL INVENTORY LICENCE - <b>CARD 442 DCC</b></p> <p>13.10.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE \$127.11</p> <p>21.10.2023 - WESTERN AUSTRALIAN P LA - \$30 - FOI - <b>CARD 261 MFIN</b></p> <p>21.10.2023 - CROWN PROMENADE - \$383.23 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>21.10.2023 - CROWN PROMENADE - TRAINING ACCOMMODATION - \$383.23 - <b>CARD 442 DCC</b></p> <p>21.10.2023 - CROWN PROMENADE - \$383.23 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>25.10.2023 - EZI BUNBURY FARMERS - \$459.85 - CATERING FOR COUNCILLOR CIVIC CEREMONY - <b>CARD 253 CEO</b></p> <p>27.10.2023 - WATER CORP - \$30.22 - FOI - <b>CARD 261 MFIN</b></p> <p>27.10.2023 - DWER WATER - \$30 - FOI - <b>CARD 261 MFIN</b></p> <p>28.10.2023 - TICKETS ENGAGEMENT - \$85 - ENGAGEMENT FORUM - <b>CARD 442 DCC</b></p> <p>30.10.2023 - CARD FEE X 4 - \$16.00</p> <p>31.10.2023 - DROPBOX - \$184.67 - TRANSFER OF LARGE FILES FOR BUILDING - <b>CARD 442 DCC</b></p> <p>31.101.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$5.54</p>	
EFT44256	14/11/2023	IINET	MONTHLY DEPOT INTERNET	109.99



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EFT44257	14/11/2023	WA FUEL SUPPLIES PTY LTD	BFB FUEL	193.70
EFT44258	15/11/2023	BUNBURY RETRAVISION	2 X TV TILT WALL MOUNTED BRACKETS FOR GELORUP BFB SHED	596.00
EFT44259	15/11/2023	CONSTRUCTION TRAINING FUND	BCITF REMITTANCE	77.75
EFT44260	15/11/2023	B & B STREET SWEEPING	PREPARE AND SUBMIT NOISE MANAGEMENT PLAN	3,300.00
EFT44261	15/11/2023	HEATLEYS SAFETY & INDUSTRIAL	PPE	901.48
EFT44262	15/11/2023	BOYANUP GENERAL STORE & NEWSAGENCY	NEWSPAPER EXPENSES FOR BOYANUP LIBRARY	54.70
EFT44263	15/11/2023	BP AUSTRALIA	DIESEL FUEL SUPPLY & DELIVERY TO DEPOT	18,418.86
EFT44264	15/11/2023	COATES HIRE SERVICE	CAPEL RIVER CLASSIC - HIRE OF 6 X PORTABLE TOILETS 2X LIGHTING TOWERS 1X GENERATOR	3,341.94
EFT44265	15/11/2023	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE PURCHASES	839.31
EFT44266	15/11/2023	CB TRAFFIC SOLUTIONS	VARIOUS TRAFFIC CONTROL WITH VEHICLES AND MESSAGE BOARDS FOR HASTIES ROAD, LUDLOW ROAD AND WELD ROAD	18,702.75
EFT44267	15/11/2023	C BROWN	WORKSHOP	162.34
EFT44268	15/11/2023	COLROY'S COUNTRY KITCHEN	REFRESHMENTS FOR AGRIBUSINESS STAKEHOLDER WORKSHOP, COUNCILLOR INDUCTIONS AND TOUR	618.00
EFT44269	15/11/2023	GELORUP COMMUNITY INC	OVERCHARGE REFUND	210.00
EFT44270	15/11/2023	DORMAKABA AUSTRALIA PTY LTD	CARRY OUT SCHEDULED SERVICE AUTOMATIC DOORS AT SHIRE OFFICES AND BOYANUP COMMUNITY CENTRE	528.00
EFT44271	15/11/2023	GOLDEN WEST PLUMBING & DRAINAGE	INSTALLATION OF PUMP AND FITTINGS TO THE STIRLING FIRE SHED AND WORKS AT BOYANUP COMMUNITY CENTRE TOILET AND DALYELLUP SKATEPARK TOILETS	4,180.55
EFT44272	15/11/2023	DEPARTMENT OF COMMUNITIES	FREEDOM OF INFORMATION	30.00



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EFT44273	15/11/2023	GRANTS EMPIRE	GROWING REGIONS FUNDING - GRANT SUBMISSION DEVELOPMENT ASSISTANCE	660.00
EFT44274	15/11/2023	GILL HK & MOYLE ZC	RATES REFUND	1,600.00
EFT44275	15/11/2023	HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD	LOADER PARTS	2,597.36
EFT44276	15/11/2023	HATCH PTY LTD	SITE IDENTIFICATION AND ANALYSIS - OPPORTUNITIES AND CONSTRAINTS	13,793.45
EFT44277	15/11/2023	INTERFIRE AGENCIES PTY LTD	PPE	677.82
EFT44278	15/11/2023	KIDSAFE	CONDUCT OPERATIONAL INSPECTION OF PARK FACILITIES -	3,300.00
EFT44279	15/11/2023	LANDGATE	UV VALUATIONS	74.15
EFT44280	15/11/2023	R MCLEVIE	YOUTH SUPPLIES	270.00
EFT44281	15/11/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	CONTAINERS OF GRAFFITI REMOVER	319.60
EFT44282	15/11/2023	MONDAY.COM LTD	ANNUAL SUBSCRIPTION - ENTERPRISE PLAN 10 SEATS	7,800.00
EFT44283	15/11/2023	NATURAL AREA HOLDINGS PTY LTD	SEPARABLE PORTION - WATERING	3,465.00
EFT44284	15/11/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	457.94
EFT44285	15/11/2023	PRICE CONSULTING GROUP PTY LTD	CEO PERFORMANCE REVIEW	4,235.00
EFT44286	15/11/2023	D PAULL	TRAINING MEAL	37.00
EFT44287	15/11/2023	STEWART & HEATON CLOTHING CO PTY LTD	PPE	2,395.84
EFT44288	15/11/2023	SYNERGY	ELECTRICITY	3,393.32
EFT44289	15/11/2023	SDH PAINTING & DECORATING	APPLY ANTI-GRAFFITI COAT TO MURALS AT PEPPERMINT BEACH TOILET BLOCK	484.00
EFT44290	15/11/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	281.60
EFT44291	15/11/2023	SOILS AINT SOILS BUNBURY	SUPPLY OF YELLOW BRICKIES SAND	23.00
EFT44292	15/11/2023	SOUTHWEST SHIPWRIGHTS	PREPARE 4 X DAMAGED AREAS ON PONTOON	1,453.10



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EFT44293	15/11/2023	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	29.05
EFT44294	15/11/2023	TROPHIES WEST	NAME PLATES AND WOODEN STAND	218.00
EFT44295	15/11/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	76.30
EFT44296	15/11/2023	TEAM DIGITAL PTY LTD	STAFF TRAINING	875.00
EFT44297	15/11/2023	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING AND DRAIN	13,507.53
EFT44298	15/11/2023	VERAISON PTY LTD	TRAINING AND DEVELOPMENT	1,903.00
EFT44299	15/11/2023	WESTRAC EQUIPMENT	REPAIR GRADER, NEW BLADES	9,022.20
EFT44300	15/11/2023	THE DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	DWER CLEARING PERMIT APPLICATION FEE AS PART OF WELD ROAD WIDENING PROJECT.	400.00
EFT44301	15/11/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING	23.70
EFT44302	15/11/2023	TELSTRA CORPORATION LTD	MONTHLY MOBILE CHARGES	394.07
EFT44303	16/11/2023	TELSTRA CORPORATION LTD	TELSTRA LANDLINES	330.79
EFT44304	21/11/2023	AMPOL	MONTHLY FUEL ON FLEET CARDS OCT 2024	8,852.72
EFT44305	22/11/2023	ALINTA ENERGY	GAS CONSUMPTION	27.30
EFT44306	22/11/2023	AUDIKA AUSTRALIA PTY LTD	FULL AUDIOLOGICAL ASSESSMENT AS PER WORKCOVER REQUIREMENTS	204.05
EFT44307	22/11/2023	BUNBURY MOWER SERVICE	PLANT PARTS AND CONSUMABLES	416.00
EFT44308	22/11/2023	BARRY BELL	DEPUTY BUSH FIRE CONTROL OFFICER PAYMENT AS PER POLICY 4.16	1,100.00
EFT44309	22/11/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	505.52
EFT44310	22/11/2023	BRIDGESTONE SELECT BUSSELTON	TYRES FOR FLEET VEHICLE	1,525.00
EFT44311	22/11/2023	BOYLES PLUMBING & GAS	DALYELLUP BEACH SHOWER - SUPPLY AND INSTALL NEW SPINDLE TO SHOWER	344.52
EFT44312	22/11/2023	WINC AUSTRALIA PTY LTD	STATIONERY	64.94



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EFT44313	22/11/2023	CROSS SECURITY SERVICES	CHECK FAULT WITH ZONE 16 SENSOR SHIRE OFFICES	143.00
EFT44314	22/11/2023	CAPEL PHARMACY	REPAYMENT OF RETURNED FUNDS	345.65
EFT44315	22/11/2023	CAPEL PRIMARY SCHOOL	2 X \$50 AWARDS - YEAR 6 ACTIVE CITIZENSHIP AWARDS	100.00
EFT44316	22/11/2023	CAPEL CLEANING	CLEANING OF SHIRE PREMISES	5,193.31
EFT44317	22/11/2023	CB TRAFFIC SOLUTIONS	SUPPLY TRAFFIC CONTROLLERS AND VEHICLE	5,186.50
EFT44318	22/11/2023	CSSTECH GROUP ICT SERVICES	TELSTRA SIM CARDS	22.00
EFT44319	22/11/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT44320	22/11/2023	DEPARTMENT OF PREMIER & CABINET	BASIS OF RATES APPROVAL	93.60
EFT44321	22/11/2023	DATA #3	NEW SUBSCRIPTION FOR CODETWO EMAIL SIGNATURES AND ACROBAT AND CLOUD RENEWALS	6,380.87
EFT44322	22/11/2023	DEPARTMENT OF PLANNING, LANDS AND HERITAGE	DAP APPLICATION	6,003.00
EFT44323	22/11/2023	ELLIOTTS FILTRATION	IRON FILTRATION SERVICES AND RETICULATION MAINTENANCE	1,536.43
EFT44324	22/11/2023	GOLDEN WEST PLUMBING & DRAINAGE	CARRY OUT INSPECTION/REPAIR ATU CAPEL SPORTS PAVILION AND REPAIR WATER LEAK AT CAPEL DOG POUND	1,603.25
EFT44325	22/11/2023	FLICK ANTICIMEX PTY LTD	SUPPLY & SERVICE 8 X SANITARY BINS AT CAPEL SHIRE ADMINISTRATION BUILDING	117.23
EFT44326	22/11/2023	GEOVET CAPEL	ONSITE INSPECTION OF CATTLE PRE-TRANSPORTATION AND EUTHANASIA OF ANIMALS	1,396.40



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EFT44327	22/11/2023	GARAGE DOORS SOUTHWEST	PRESSURE CLEAN AND SERVICE: CAPEL FIRE STATION ELECTRIC ROLLER DOORS, ELGIN FIRE STATION MANUAL DOORS, BOYANUP FIRE STATION ELECTRIC DOORS AND PEPPERMINT GROVE BEACH FIRE STATION	935.00
EFT44328	22/11/2023	JETLINE KERBING CONTRACTORS	WELD ROAD FOOTPATH WORKS	10,912.00
EFT44329	22/11/2023	LANDGATE	LAND VALUATIONS	240.36
EFT44330	22/11/2023	LESCHENAULT CATCHMENT COUNCIL	CONTRIBUTION TOWARDS PREPARATION & DESIGN OF KEEPING IT LOCAL BOOKLET" - SOUTHERN COASTAL PLAIN & HILLS"	2,750.00
EFT44331	22/11/2023	MODERN TEACHING AIDS PTY LTD	MAKEY MAKEY CODING PROGRAMME EQUIPMENT AND FREIGHT	593.84
EFT44332	22/11/2023	M2 TECHNOLOGY PTY LTD	CHRISTMAS HOLIDAY CALL MESSAGE	242.00
EFT44333	22/11/2023	CR ROSINA MAY MOGG	LOCAL ELECTION NOMINEE FEE REFUND	100.00
EFT44334	22/11/2023	CR KIERAN JAMES NOONAN	LOCAL ELECTION NOMINEE FEE REFUND	100.00
EFT44335	22/11/2023	NETSIGHT CONSULTING PTY LTD	MYOSH SUBSCRIPTION	1,853.50
EFT44336	22/11/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	1,052.18
EFT44337	22/11/2023	OPTUS BILLING SERVICES PTY LTD	INTERNET FOR SHIRE OFFICES	215.00
EFT44338	22/11/2023	PRIME INDUSTRIAL PRODUCTS	WORKSHOP CONSUMABLES, TOOLS, AND PPE	1,881.13
EFT44339	22/11/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	82,465.25
EFT44340	22/11/2023	RECRUITWEST PTY LTD	LABOUR HIRE	2,451.57
EFT44341	22/11/2023	SPENCER SIGNS	SIGNAGE FOR CAPEL BUSH FIRE BRIGADE STATION	1,078.88
EFT44342	22/11/2023	CHRIS SCOTT	CHIEF BUSH FIRE CONTROL OFFICER PAYMENT AS PER POLICY 4.16	3,300.00
EFT44343	22/11/2023	SYNERGY	ELECTRICITY	68,940.55



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EFT44344	22/11/2023	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID KIDS	104.75
EFT44345	22/11/2023	CR SEBASTIAN SCHIANO	LOCAL ELECTION NOMINEE DEPOSIT REFUND	100.00
EFT44346	22/11/2023	SMARTSALARY	SMARTSALARY PAYROLL DEDUCTION	1,222.95
EFT44347	22/11/2023	D & K THOMAS ELECTRICAL	CAPEL RECREATION GROUNDS - REPAIR DAMAGED BBQ, REPAIR LIGHT AT BOYANUP COMMUNITY CENTRE AND TEST PUMP AT BUNBURY BAPTISTE COLLEGE	759.80
EFT44348	22/11/2023	TOTALLY WORKWEAR	PPE AND STAFF UNIFORM ALLOWANCE	194.25
EFT44349	22/11/2023	TECHNOLOGY ONE	FIREBREAK ROLLOVER CONSULTING SERVICES	3,547.50
EFT44350	22/11/2023	TYREPOWER CAPEL	REPLACE HEADLIGHT AND REPAIR BRAKE LINE ON FLEET VEHICLES	795.00
EFT44351	22/11/2023	DANIEL A TAIT	DEPUTY BUSH FIRE CONTROL OFFICER PAYMENT AS PER POLICY 4.16	1,100.00
EFT44352	22/11/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 64 REPAYMENT	27,185.80
EFT44353	22/11/2023	THE PRINT SHOP	BUSINESS CARD PRINTING	137.50
EFT44354	22/11/2023	WEST COAST SHADE	RFQ 23-13 SHADE SAIL REMOVAL, REPAIR, STORAGE AND REINSTATEMENT AT ALL SHIRE POS AND PARKS	15,603.50
EFT44355	22/11/2023	M WANSBOROUGH	LG PRO CONFERENCE EXPENSES	237.85
EFT44356	22/11/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING	89.39
EFT44357	29/11/2023	AUSQ TRAINING	BASIC WORKSITE TRAFFIC MANAGEMENT (BWTM) & TRAFFIC CONTROLLER (TC) COURSE	766.00
EFT44358	29/11/2023	ABN RESIDENTIAL WA PTY LTD	CANCELLED SEPTIC APPLICATION 670	118.00
EFT44359	29/11/2023	AMITY SIGNS	6 X CORFLUTE SIGNS	323.40



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EFT44360	29/11/2023	ADVOCACY WA INC	PARTNERSHIP FOR INTERNATIONAL DAY OF PEOPLE WITH DISABILITY	420.00
EFT44361	29/11/2023	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS/CONTRIBUTIONS	112.00
EFT44362	29/11/2023	BUNBURY MACHINERY	PLANT SERVICING AND CONSUMABLES	2,193.93
EFT44363	29/11/2023	B & B STREET SWEEPING	STREET SWEEPING FOR CAPEL CIVIC PRECINCT AND COMMERCIAL CAR PARKS	2,306.70
EFT44364	29/11/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE	634.95
EFT44365	29/11/2023	HEATLEYS SAFETY & INDUSTRIAL	PPE	181.70
EFT44366	29/11/2023	BUNBURY HARVEY REGIONAL COUNCIL	ORGANIC PROCESSING SERVICES	14,885.18
EFT44367	29/11/2023	BOYANUP TAVERN	CATERING FOR SENIORS' LOCAL HISTORY TOUR	1,120.00
EFT44368	29/11/2023	WINC AUSTRALIA PTY LTD	STATIONERY	200.76
EFT44369	29/11/2023	COATES HIRE SERVICE	PORTABLE TOILET FOR WELD ROAD WORKS	400.70
EFT44370	29/11/2023	CEMETERIES & CREMATORIA ASSOC OF WA	STAFF TRAINING	300.00
EFT44371	29/11/2023	CLEANAWAY	RUBBISH DISPOSAL WTS, GENERAL WASTE DISPOSAL, FESTIVAL BINS, RECYCLABLE PROCESSING, FOGO COLLECTION AND TRANSPORT AND BIN REPAIRS REPLACEMENT AND DELIVERIES	174,429.36
EFT44372	29/11/2023	CLEANWAY XTRA CLEANING SERVICES	SHIRE BBQ CLEANING	4,118.40
EFT44373	29/11/2023	COUNTRY LANDSCAPING PTY LTD	BORE AND PUMP MAINTENANCE AND VARIOUS RETICULATION AND BORE REPAIRS	104,321.07
EFT44374	29/11/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL	9,696.50



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EFT44375	29/11/2023	COUNTRY WATER SOLUTIONS	IRRIGATION REPAIRS TO PORTOBELLO ROAD AND LUTHERAN COLLEGE AND BUNBURY BAPTISTE PUMP REPAIRS	10,957.23
EFT44376	29/11/2023	C BROWN	WORKSHOP CATERING	81.93
EFT44377	29/11/2023	CARBONE BROS PTY LTD	SUPPLY AND DELIVER GRAVEL TO WELD ROAD LAYDOWN AREA	164,513.74
EFT44378	29/11/2023	COLROYS COUNTRY KITCHEN	CATERING FOR OFFICERS FOR WALGA PROCUREMENT NETWORK FORUM	144.00
EFT44379	29/11/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT44380	29/11/2023	DALYELLUP COLLECTIVE INC	DALYELLUP COLLECTIVE - MULTI-YEAR SERVICE AGREEMENT	20,000.00
EFT44381	29/11/2023	BUSSELTON DYMOCKS	BOOK STOCK PURCHASES	49.98
EFT44382	29/11/2023	DALYELLUP NEWS & LOTTERIES	NEWSPAPER PURCHASES DALYELLUP LIBRARY	65.60
EFT44383	29/11/2023	DEVLYN AUSTRALIA PTY LTD	CONSTRUCTION OF GELORUP VOLUNTEER BUSH FIRE BRIGADE BUILDING	368,024.69
EFT44384	29/11/2023	ERG ELECTRICS PTY LTD	REPLACEMENT OF 21 SPORTS LIGHT FITTINGS AT DALYELLUP COLLEGE TO LED LIGHTING	23,249.60
EFT44385	29/11/2023	EARTH 2 OCEAN COMMUNICATIONS	BFB RADIO MAINTENANCE	39.00
EFT44386	29/11/2023	ELMO SOFTWARE LTD	ANNUAL LICENSE FEE FOR ELMO: - RECRUITMENT	17,641.80
EFT44387	29/11/2023	ELEMENT ADVISORY PTY LTD	RFQ 23-6 SHIRE OF CAPEL - PLACE PLAN	1,386.95
EFT44388	29/11/2023	ENVIRONMENTAL HEALTH AUSTRALIA	NUTRITION AND ALLERGIES WORKSHOP	100.00
EFT44389	29/11/2023	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE WATER METER ON ELGIN STANDPIPE, BACKFLOW DEVICE TESTING AND UNBLOCKING OF TOILETS AT PEPPERMINT GROVE MAIN BEACH	2,171.95
EFT44390	29/11/2023	FLICK ANTICIMEX PTY LTD	SUPPLY & SERVICE SANITARY BINS AT CAPEL SHIRE ADMINISTRATION BUILDING	279.98



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EFT44391	29/11/2023	GANNAWAYS CHARTERS AND TOURS	BUS CHARTER FOR SENIORS' WEEK LOCAL HISTORY TOUR	1,782.00
EFT44392	29/11/2023	HERSEY'S SAFETY PTY LTD	WORKSHOP CONSUMABLES	1,416.73
EFT44393	29/11/2023	HENDERSON PHOTOGRAPHICS	INDIVIDUAL COUNCILLOR AND EMT PHOTOS	470.80
EFT44394	29/11/2023	AE HOSKINS BUILDING SERVICES	CARRY OUT REPAIRS TO PANEL ADJOINING GATE CAPEL CHILDRENS CENTRE, REPAIR DOOR AT DALYELLUP SPORTS PAVILION AND REPAIR CEILING AT DALYELLUP LIBRARY	3,281.42
EFT44395	29/11/2023	H + H ARCHITECTURE PTY LTD	FINAL DESIGN AND CONSTRUCTION SUPERVISION - GELORUP BUSH FIRE BRIGADE FACILITY	2,656.50
EFT44396	29/11/2023	HARVEY NORMAN	TV FOR GELORUP BUSH FIRE BRIGADE	7,061.00
EFT44397	29/11/2023	HOST CORPORATION	KITCHEN, CLEANING AND MISCELLANEOUS ITEMS TO FURNISH THE NEW GELORUP BUSH FIRE BRIGADE FACILITY	3,139.79
EFT44398	29/11/2023	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE	324.61
EFT44399	29/11/2023	IRONSTONE ADVENTURE RIDING CLUB INC	MINOR COMMUNITY GRANT ROUND 1	3,077.00
EFT44400	29/11/2023	IMCO AUSTRALASIA	CONCRETE REPAIR FOR ROAD MAINTENANCE	4,650.80
EFT44401	29/11/2023	KEN NEILL SERVICES	REPLACEMENT OF FACIA BOARDS AT CAPEL PLAYGROUP	1,856.80
EFT44402	29/11/2023	LONSDALE PARTY HIRE	MARQUEE HIRE FOR INTERNATIONAL DAY OF PEOPLE WITH DISABILITY	340.00
EFT44403	29/11/2023	LANDGATE	ID OF LAND PARCELS	45.56
EFT44404	29/11/2023	LGRCEU	PAYROLL DEDUCTIONS/CONTRIBUTIONS	66.00
EFT44405	29/11/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE	3,037.10
EFT44406	29/11/2023	JEFFORY MCDOUGALL	DEPUTY BUSH FIRE CONTROL OFFICER PAYMENT AS PER POLICY 4.16	1,100.00



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EFT44407	29/11/2023	ONSITE RENTAL GROUP	MONTHLY RENTAL FOR TOILET BLOCK, 4000L TANK AND STEPS PLUS WEEKLY PUMP OF TANK - DALYELLUP SKATEPARK	1,323.45
EFT44408	29/11/2023	OMNICOM MEDIA GROUP PTY LTD	ADVERTISING FOR RFQ'S AND RFT'S	1,982.84
EFT44409	29/11/2023	PROMOTE YOU	STAFF NAME BADGES	220.00
EFT44410	29/11/2023	PROTECTOR FIRE SERVICES	CAPEL LIBRARY AND BOYANUP COMMUNITY CENTRE FIRE PANEL MONTHLY INSPECTION AND SERVICE	247.50
EFT44411	29/11/2023	P E CIVIL	MECHANICAL WORKS TO MULCH, SLASH AND PARKLAND CLEAR AREA BEHIND BOYANUP PRIMARY SCHOOL	4,620.00
EFT44412	29/11/2023	HARCHER PRESTIGE BUSSELTON	SUPPLY AND DELIVER CARTONS OF TOILET ROLLS	455.80
EFT44413	29/11/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	71,825.00
EFT44414	29/11/2023	RECORDS AND INFORMATION MANAGEMENT PROFESSIONALS AUSTRALASIA RIMPA	11 X ON-LINE RECORDS MANAGEMENT TRAINING WORKSHOPS	2,145.00
EFT44415	29/11/2023	RECRUITWEST PTY LTD	LABOUR HIRE	3,864.82
EFT44416	29/11/2023	STEWART & HEATON CLOTHING CO PTY LTD	PPE	209.15
EFT44417	29/11/2023	SYNERGY	ELECTRICITY	1,409.94
EFT44418	29/11/2023	SDH PAINTING & DECORATING	DALYELLUP SKATEPARK GRAFFITI REMOVAL	1,188.00
EFT44419	29/11/2023	SOUTHERN CROSS AUSTEREO	CAPEL RIVER CLASSIC RADIO AND SOCIAL MEDIA CAMPAIGN	1,438.80
EFT44420	29/11/2023	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID FOR MENTAL HEALTH PROFESSIONAL DEVELOPMENT TRAINING	195.00
EFT44421	29/11/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	1,222.95
EFT44422	29/11/2023	THERESA ANNE SHARP	REFUND LOCAL ELECTION NOMINEE DEPOSIT	100.00
EFT44423	29/11/2023	SOLUTIONS IT	RECEIPT PRINTER FOR BOYANUP LIBRARY	572.00



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EFT44424	29/11/2023	SLMC PROPERTY AUSTRALIA	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	8,581.70
EFT44425	29/11/2023	STRATEGIC DIRECTIONS	ERP ADVISORY SERVICE	1,254.00
EFT44426	29/11/2023	TRAFFIC FORCE	TRAFFIC CONTROL	1,384.69
EFT44427	29/11/2023	TECHNOLOGY ONE	INTRAMAPS ANNUAL SUBSCRIPTION FEE	21,717.44
EFT44428	29/11/2023	TOTAL GREEN RECYCLING PTY LTD	TRANSPORT OF EWASTE, DISPOSAL AND RECYCLING	2,782.47
EFT44429	29/11/2023	TENDERLINK	POSTING OF RFQ AND TENDERS	1,443.20
EFT44430	29/11/2023	TUTT BRYANT HIRE	MACHINERY HIRE FOR WELD ROAD AND MACHINERY DAMAGE	19,317.80
EFT44431	29/11/2023	TRUE EQUANIMITY YOGA	REFUND BOND	150.00
EFT44432	29/11/2023	WML CONSULTANTS	SOIL EVALUATION CAPEL REGIONAL EQUESTRIAN CENTRE	3,872.00
EFT44433	29/11/2023	WESTRAC EQUIPMENT	MACHINERY MAINTENANCE	571.03
EFT44434	29/11/2023	SHIRE OF WAGIN	PAYROLL DEDUCTIONS/CONTRIBUTIONS	160.00
EFT44435	29/11/2023	WEST COAST SHADE	REPAYMENT OF FUNDS FOR SHADE REMOVAL, REPAIR AND STORAGE	15,603.50
EFT44436	29/11/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING	89.84
EFT44437	30/11/2023	CAPEL NEWSAGENCY	NEWSPAPER PURCHASES CAPEL LIBRARY	50.40
EFT44438	30/11/2023	COLROYS COUNTRY KITCHEN	CATERING FOR WALGA SW COUNTRY ZONE MEETING	420.00
EFT44439	30/11/2023	EMERG SOLUTIONS PTY LTD	BART DIRECT SMS NUMBERS ANNUAL FEE	825.00
EFT44440	30/11/2023	GOLDEN WEST PLUMBING & DRAINAGE	UNBLOCK PEPPERMINT GROVE MAIN BEACH TOILETS	352.00
EFT44441	30/11/2023	SOUTHWEST HYGIENE	SUPPLY AND SERVICE SANITARY BINS SHIRE ADMIN OFFICE	1,260.00
EFT44442	30/11/2023	A INGRAM	BOOK STOCK PURCHASES	313.95
EFT44443	30/11/2023	MARK ROBERTS	DEPUTY BUSHFIRE CONTROL OFFICER PAYMENT AS PER POLICY 4.16	1,100.00
EFT44444	30/11/2023	SATTERLEY PROPERTY GROUP PTY LTD	REFUND BOND	27,885.00



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EFT44445	30/11/2023	D SIMS	ACCESS & INCLUSION PRIZE AT CHRISTMAS FESTIVAL	100.00
EFT44446	30/11/2023	S TUCKER	PICNIC BLANKETS AND VOUCHERS FOR EOY AWARDS	359.90
EFT44447	30/11/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING	66.45
EFT44448	30/11/2023	DE LAGE LANDEN PTY LIMITED	MONTHLY RENTAL FOR TORO GROUNDMASTER MOWER	2,515.08
EFT44449	01/12/2023	DE LAGE LANDEN PTY LIMITED	LEASE PAYMENTS FOR SHIRE PHOTOCOPIERS	1,051.27
EFT44450	01/12/2023	IINET	DALYELLUP LIBRARY INTERNET	119.94
EFT44451	01/12/2023	PRECISION ADMINISTRATION SERVICES PTY LTD	NOVEMBER 2023 SUPERANNUATION	87,843.62
EFT44452	01/12/2023	WESTNET PTY LTD	SHIRE AND CAPEL LIBRARY MONTHLY INTERNET	219.98
EFT44453	04/12/2023	DE LAGE LANDEN PTY LIMITED	PRINTER LEASE	155.21
EFT44454	06/12/2023	AUDIKA AUSTRALIA PTY LTD	FULL AUDIOLOGICAL ASSESSMENT AS PER WORKCOVER REQUIREMENTS	408.10
EFT44455	06/12/2023	ASSURED AUTOMOTIVE	AIR CON CHECK FOR SHIRE FLEET VEHICLE	150.00
EFT44456	06/12/2023	ARBORGUY	PRUNING FOR ARMSTRONG ROAD	7,920.00
EFT44457	06/12/2023	BUNBURY MOWER SERVICE	MOWER CONSUMABLES	433.50
EFT44458	06/12/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	15.64
EFT44459	06/12/2023	HEATLEYS SAFETY & INDUSTRIAL	PPE	42.55
EFT44460	06/12/2023	BCF	AIR TYRE DEFLATORS FOR RANGERS' VEHICLES	249.98
EFT44461	06/12/2023	BUDGET CAR & TRUCK RENTALS	MONTHLY HIRE OF DUAL CAB	2,433.20



EFT44462	06/12/2023	BENDIGO BANK BUSINESS CREDIT CARD	<p>NOVEMBER CREDIT CARD TRANSACTIONS:</p> <p>1.11.2023 - INGOT HOTEL - \$151.95 - TRAINING ACCOMMODATION - <b>CARD 261 MFIN</b></p> <p>1.11.2023 - TRYBOOKING - \$66.00 - REFUND FOR ONLINE WORKSHOP- <b>CARD 442 DCC</b></p> <p>3.11.2023 - DOMINOS - \$67.00 - YOUTH SERVICES CATERING - <b>CARD 261 MFIN</b></p> <p>3.11.2023 - STANDARDS AUSTRALIA - \$208.85 - OHS STANDARDS - <b>CARD 442 DCC</b></p> <p>4.11.2023 - PENSIONE HOTEL - \$266.95 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>4.11.2023 - HARVEY NORMAN - \$799.00 REFUNDED ON</p> <p>22.11.2023 - <b>CARD 261 MFIN</b></p> <p>14.11.2023 - SQFLORIST - \$90.00 - STAFF CONDOLENCES - <b>CARD 442 DCC</b></p> <p>16.11.2023 - ATLISSIAN - \$152.98 - HELPDESK INCREASE - <b>CARD 442 DCC</b></p> <p>16.11.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$4.59</p> <p>16.11.2023 - PENSIONE HOTEL - \$431.78 - ACCOMMODATION FOR TRAINING - <b>CARD 442 DCC</b></p> <p>17.11.2023 - SP HYPOP - \$177.47 - PHOTOGRAPHY TRIPOD AND REFLECTOR KIT <b>CARD 253 CEO</b></p> <p>17.11.2023 - WONIL HOTEL - \$727.41 - TRAINING ACCOMMODATION - <b>CARD 261 MFIN</b></p> <p>18.22.2023 - DIGIDIRECT - \$171.72 - CAMERA LIGHT - <b>CARD 253 CEO</b></p> <p>19.11.2023 - INGOT HOTEL - \$177.28 - TRAINING ACCOMMODATION - <b>CARD 442 DCC</b></p> <p>22.11.2023 - HARVEY NORMAN - \$-799.00 - REFUND FOR TRANSACTION ON 4.11.2023 - <b>CARD 261 MFIN</b></p>	3,151.04
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			<p>24.11.2023 - OK ALONE - \$305.57 - LONE WORK APP - <b>CARD 442 DCC</b></p> <p>25.11.2023 - HANDS ON WILDLIFE - \$66.00 - SNAKE AWARENESS COURSE - <b>CARD 261 MFIN</b></p> <p>29.11.2023 - FACEBOOK - \$100.31 - YOUTH LEADERSHIP CAMP SOCIAL MEDIA POST - <b>CARD 253 CEO</b></p> <p>29.11.2023 - INTERNATIONAL TRANSACTION FEE FOR ABOVE - \$3.01</p> <p>29.11.2023 - KMART - \$50.00 - VOUCHER FOR SAFETY AWARD - <b>CARD 261 MFIN</b></p> <p>29.11.2023 - CARD FEE X 4 - \$16.00</p> <p>30.11.2023 - ACQUIRE HOME LIVING - \$39.00 - SERVICE AWARD GIFTS <b>CARD 261 MFIN</b></p> <p>24.11.2023 - INTERNATIONAL TRANSACTION FEE - \$9.17 - FEE FOR ABOVE SUBSCRIPTION</p>	
EFT44463	06/12/2023	BOYLES PLUMBING & GAS	REPAIR UV FILTER AT GELORUP COMMUNITY CENTRE AND DALYELLUP BEACH PARK SHOWER	233.75
EFT44464	06/12/2023	BELLA BUILD & DESIGN	REFUND OF FEES	3,676.06
EFT44465	06/12/2023	CAPEL FRESH IGA	REFRESHMENTS	543.30
EFT44466	06/12/2023	CAPEL NEWSAGENCY	STATIONERY AND NEWSPAPER	49.85
EFT44467	06/12/2023	CB TRAFFIC SOLUTIONS	SUPPLY THREE (3) TRAFFIC CONTROLLERS AND ONE (1) VEHICLE FOR WELD ROAD	6,494.40
EFT44468	06/12/2023	CRAYON AUSTRALIA PTY LTD	WINDOWS SERVER DATACENTER PER CORE 2 LICENSES FROM WINDOWS SERVER	13,845.26
EFT44469	06/12/2023	J CONTI	RATES REFUND	1,289.88
EFT44470	06/12/2023	DEPARTMENT OF MINES, INDUSTRY	NOVEMBER BSL REMITTANCE	6,747.19



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		REGULATION & SAFETY		
EFT44471	06/12/2023	K DAY	WORK PANTS	148.80
EFT44472	06/12/2023	ELLIOTTS FILTRATION	IRON FILTRATION SERVICES	602.80
EFT44473	06/12/2023	GOLDEN WEST PLUMBING & DRAINAGE	REMOVE, CLEAN AND REINSTALL CISTERN AND PAN AT EAST DALYELLUP PAVILION DISABLED TOILET (INSURANCE CLAIM) AND RECAP SHOWER AT DALYELLUP SURF BEACH	2,689.50
EFT44474	06/12/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT44475	06/12/2023	CR JOHN FERGUSSON	ELECTION NOMINEE DEPOSIT REFUND	100.00
EFT44476	06/12/2023	GEOSPREAD	TO SUPPLY MACHINERY AND OPERATORS TO MULCH GREENWASTE AT THE CAPEL WASTE TRANSFER STATION	15,400.00
EFT44477	06/12/2023	HITACHI CONSTRUCTION MACHINERY (AUST) PTY LTD	WORKSHOP CONSUMABLES	258.02
EFT44478	06/12/2023	AE HOSKINS BUILDING SERVICES	PAINTING OF CAPEL FIRE SHED, REPLACEMENT OF WINDOW AT DALYELLUP BEACH TOILETS AND MAINTENANCE (INSURANCE) ON EAST DALYELLUP SPORTS PAVILION	23,009.51
EFT44479	06/12/2023	KIM BUTTFIELD CONSULTING	CAPEL BOWLS CLUB STRATEGIC PLANNING	7,260.00
EFT44480	06/12/2023	NOISE & VIBRATION MEASUREMENT SYSTEMS PTY LTD	NOISE METER & CALIBRATOR	16,271.20
EFT44481	06/12/2023	NATURALISTE TURF	FERTILISER FOR NAROONA DVE POS AND TURF MAINTENANCE FOR ALL SHIRE FIELDS	13,999.26
EFT44482	06/12/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY FOR BFB'S AND GELORUP GAZETTE - PRINTING SUPPLIES \$502.95	546.95
EFT44483	06/12/2023	OPTUS BILLING SERVICES PTY LTD	MONTHLY SHIRE FIXED LINE PHONE - AND MOBILE DEVICES	1,646.15



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EFT44484	06/12/2023	PERTH MATERIALS BLOWING PTY LTD	SUPPLY, DELIVERY AND BLOWER TRUCK INSTALLATION OF BUSHLAND MULCH FOR BIBRA LOOP	19,664.34
EFT44485	06/12/2023	PHOENIX PETROLEUM	BB FUEL COSTS	59.11
EFT44486	06/12/2023	PRIME INDUSTRIAL PRODUCTS	TRUCK WASH	180.80
EFT44487	06/12/2023	AUSTRALIAN TAXATION OFFICE	PAYG	3,612.00
EFT44488	06/12/2023	RAECO	BOOK COVERING, SCANNER & FREIGHT	378.95
EFT44489	06/12/2023	STEWART & HEATON CLOTHING CO PTY LTD	BFB PPE	209.15
EFT44490	06/12/2023	SOS OFFICE EQUIPMENT	MONTHLY RENTAL FOR PHOTOCOPIERS	1,549.90
EFT44491	06/12/2023	SYNERGY	ELECTRICITY	3,122.56
EFT44492	06/12/2023	SHORE WATER MARINE PTY LTD	PONTOON INSTALLATION	4,543.00
EFT44493	06/12/2023	TECHNOLOGY ONE	TECH ONE FIREBREAK ROLLOVER CONSULTING SERVICES	1,182.50
EFT44494	06/12/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT FOR WATER, ASBESTOS AND FOOD SAMPLES TO LABORATORIES IN PERTH	87.03
EFT44495	06/12/2023	VERAISON PTY LTD	TRAINING AND DEVELOPMENT	17,317.66
EFT44496	06/12/2023	WORK CLOBBER BUNBURY	ONE PAIR OF WORK BOOTS	200.70
EFT44497	06/12/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	REPAYMENT OF LOAN NO. 76	84,004.51
EFT44498	06/12/2023	WESTSIDE HEAVY DUTY MECHANICAL	SERVICING OF ALL BFB VEHICLES	25,219.70
EFT44499	06/12/2023	WOOLWORTHS LIMITED (WA)	CATERING YOUTH PROGRAMMING	41.40
EFT44500	13/12/2023	AUSTRALIA POST	POSTAGE	2,013.33
EFT44501	13/12/2023	ARROW BRONZE	CAST BRONZE PLAQUE	348.18
EFT44502	13/12/2023	AMPAC DEBT RECOVERY	DEBT RECOVERY - DALYELLUP EAGLES FOOTBALL CLUB	643.62
EFT44503	13/12/2023	ARBORGUY	PRUNING AND REMOVAL OF TREES INCLUDING ELGIN ROAD AFTER STORM	48,719.00



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EFT44504	13/12/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	PINE	135.18
EFT44505	13/12/2023	BENDIGO BANK EMERGENCY SERVICES DEBIT CARD	GELORUP STIRLING OPENING KITCHEN ITEMS	44.50
EFT44506	13/12/2023	BUSSELTON MOTORS PTY LTD	FLEET VEHICLE SERVICE	643.15
EFT44507	13/12/2023	BOYLES PLUMBING & GAS	DALYELLUP BEACH SHOWER - SUPPLY AND INSTALL NEW SPINDLE TO SHOWER	359.95
EFT44508	13/12/2023	BROLLY AUSTRALASIA PTY LTD	CONTRACT RENEWAL PLAN TYPE FLYING SOLO ARCHIVE SOFTWARE	1,306.80
EFT44509	13/12/2023	BUNBURY AUTO ELECTRICS	REPAIRS	130.00
EFT44510	13/12/2023	BUNBURY APPLIANCE SERVICE	REPAIR OF DISH WASHER IN THE SHIRE OFFICE KITCHEN	165.50
EFT44511	13/12/2023	BP AUSTRALIA	DIESEL FUEL SUPPLY & DELIVERY TO	16,337.34
EFT44512	13/12/2023	CAPEL CLEANING	CARRY OUT TWICE WEEKLY CLEANING CAPEL HALL AND LIBRARY TO	799.98
EFT44513	13/12/2023	WAYNE BASIL CHAMBERS	REFUND BOND	100.00
EFT44514	13/12/2023	COLROYS COUNTRY KITCHEN	CATERING FOR FIRST AID AND CPR COURSES	504.00
EFT44515	13/12/2023	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	373.60
EFT44516	13/12/2023	DEPARTMENT OF PREMIER & CABINET	BASIS OF RATES APPROVAL	93.60
EFT44517	13/12/2023	CR ASHLEY DILLON	RENUMERATION DECEMBER 2023	4,356.75
EFT44518	13/12/2023	ELGIN COMMUNITY HALL INC	CATERING FOR OUTSTANDING VOLUNTEERS' BREAKFAST	2,200.00
EFT44519	13/12/2023	EXTERIA	GELORUP SKATEPARK TABLE SETTINGS TO REPLACE STORM DAMAGED SETTINGS (INSURANCE CLAIM)	6,356.90
EFT44520	13/12/2023	ECONISIS PTY LTD	DALYELLUP MULTIPURPOSE COMMUNITY & YOUTH CENTRE GROWING REGIONS ECONOMIC ASSESSMENT	6,875.00



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EFT44521	13/12/2023	GOLDEN WEST PLUMBING & DRAINAGE	PLUMBING WORKS AT VARIOUS LOCATIONS	3,473.25
EFT44522	13/12/2023	Dept of Fire and Emergency Services (DFES).	ESLB 2ND QTR CONTRIBUTION	345,204.00
EFT44523	13/12/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98
EFT44524	13/12/2023	FLICK ANTICIMEX PTY LTD	SUPPLY & SERVICE SANITARY BINS AT CAPEL SHIRE ADMINISTRATION BUILDING	22.77
EFT44525	13/12/2023	GRACE RECORDS MANAGEMENT	DIGITISATION OF WIDE FORMAT COMMERCIAL DRAWINGS	2,912.01
EFT44526	13/12/2023	GPS GEO GUARD	MONITORING OF GPS DEVICE	132.00
EFT44527	13/12/2023	HANSON CONSTRUCTION MATERIALS PTY LTD	AGGREGATE	600.60
EFT44528	13/12/2023	H + H ARCHITECTURE PTY LTD	FINAL DESIGN AND CONSTRUCTION SUPERVISION - GELORUP BUSH FIRE BRIGADE FACILITY	11,049.50
EFT44529	13/12/2023	A INGRAM	BOOKSTOCK	396.76
EFT44530	13/12/2023	INTERFIRE AGENCIES PTY LTD	BFB PPE	1,291.60
EFT44531	13/12/2023	JETLINE KERBING CONTRACTORS	PRAM RAMP FOR LAURENT WAY	5,658.40
EFT44532	13/12/2023	KEN NEILL SERVICES	REPLACEMENT OF EXTERNAL DOOR, INTERNAL DOOR, PAINT, TRIM INTERNAL DOOR AT THE BOYANUP FIRE SHED AND CREATION OF CASH DRAWERS' SHIRE ADMIN BUILDING	2,896.30
EFT44533	13/12/2023	CR DOUG KITCHEN	MEMBER REMUNERATION DEC 2023	11,567.00
EFT44534	13/12/2023	K D POWER & CO	COMPULSORY WEIGHBRIDGE SERVICES	30.00
EFT44535	13/12/2023	EN KENNEALLY	REFUND DUE TO STERILISATION OF ANIMAL	103.32
EFT44536	13/12/2023	CR ROSINA MAY MOGG	MEMBER REMUNERATION DEC 2023	4,356.75
EFT44537	13/12/2023	CR P McCLEERY	MEMBER REMUNERATION DEC 2023	4,356.75
EFT44538	13/12/2023	MCDONALD FENCING	CAPEL WASTE FACILITY ENTRY FENCE REPAIR WORKS	15,631.00
EFT44539	13/12/2023	MALATESTA ROAD PAVING AND HOTMIX	EMULSION FOR ROAD WORKS	960.00



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EFT44540	13/12/2023	R MCLEVIE	YOUTH BARBIE DAY DECORATIONS	70.97
EFT44541	13/12/2023	CR KIERAN JAMES NOONAN	MEMBER REMUNERATION DEC 2023	4,356.75
EFT44542	13/12/2023	NQPETRO PTY LTD	FUEL KEY FOBS	223.08
EFT44543	13/12/2023	THE NIGHTGUARD SECURITY SERVICES (WA) PTY LTD	SECURITY PATROLS IN SHIRE LOCATIONS	4,169.64
EFT44544	13/12/2023	OPTUS BILLING SERVICES PTY LTD	MONTHLY FIXED LINE PHONE AND SHIRE INTERNET	901.65
EFT44545	13/12/2023	PICTON TYRE CENTRE PTY LTD	REPLACE TYRE ON SHIRE TRUCK	86.00
EFT44546	13/12/2023	PASES AQUA PTY LTD	DALYELLUP NORTHERN LAKE COPTROL TREATMENT FOR ALGAE	9,185.90
EFT44547	13/12/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	74,243.00
EFT44548	13/12/2023	RECRUITWEST PTY LTD	LABOUR HIRE	8,817.46
EFT44549	13/12/2023	SOS OFFICE EQUIPMENT	PHOTOCOPIER BILLING	3,981.28
EFT44550	13/12/2023	SYNERGY	ELECTRICITY	13,493.87
EFT44551	13/12/2023	CR SEBASTIAN SCHIANO	MEMBER REMUNERATION DEC 2023	5,546.50
EFT44552	13/12/2023	SAFER SANDS	SAND CLEANING AT SHIRE PLAYGROUNDS	9,005.37
EFT44553	13/12/2023	THERESA ANNE SHARP	MEMBER REMUNERATION DEC 2023	4,356.75
EFT44554	13/12/2023	SOUTHWESTERN ELECTRICAL PROJECTS	REPAIR ELECTRICAL AT PARK EVENT	495.00
EFT44555	13/12/2023	D & K THOMAS ELECTRICAL	VARIOUS ELECTRICAL WORKS INCLUDING SUPPLY AND INSTALL WIRING FOR THE A THREE PHASE PUMP AT PEPPERMINT GROVE FIRE SHED	4,087.05
EFT44556	13/12/2023	TOTALLY WORKWEAR	UNIFORM ALLOWANCES	267.30
EFT44557	13/12/2023	CR CHRISTINE TERRANTROY	MEMBER REMUNERATION DEC 2023	4,356.75
EFT44558	13/12/2023	J TAYLOR	REIMBURSEMENT OF FUEL	20.01
EFT44559	13/12/2023	TYREPOWER CAPEL	TYRE REPLACEMENT	345.00
EFT44560	13/12/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	108.17
EFT44561	13/12/2023	S TUCKER	SERVICE AWARD GIFTS	351.98



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EFT44562	13/12/2023	UNITING GLOBAL	MONTHLY CLEANING OF ALL SHIRE PUBLIC TOILETS	13,854.59
EFT44563	13/12/2023	VEOLIA ENVIRONMENTAL SERVICES	STREET SWEEPING AND DRAIN CLEANING OF BEACH CARPARK AREAS	2,701.51
EFT44564	13/12/2023	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN REPAYMENT	33,012.87
EFT44565	13/12/2023	WREN OIL	OIL WASTE DISPOSAL	16.50
EFT44566	13/12/2023	WORKPAC GROUP	LABOUR HIRE	2,403.55
EFT44567	13/12/2023	WOOLWORTHS LIMITED (WA)	YOUTH CATERING AND PET SUPPLIES	130.12
EFT44568	14/12/2023	ADVENTURE WORLD	ADVENTURE WORLD INZONE 19 DEC 2023	1,348.50
EFT44569	14/12/2023	AUSTRALIAN SOCIETY OF ARCHIVISTS INC	REGISTRATION FEE - DIGITISATION AND DIGITAL PRESERVATION	100.00
EFT44570	14/12/2023	BUSINESS BASE FURNITURE	TABLES FOR GELORUP BFB BUILDING	3,360.00
EFT44571	14/12/2023	COATES CIVIL CONSULTING PTY LTD	DESIGN, DRAFTING & DOCUMENTATION OF PROPOSED NEW PARKING AND ACCESS UPGRADES TO THE PLAYGROUND AREA AT SLEAFORD DRIVE, GELORUP	4,125.00
EFT44572	14/12/2023	EATON TROPHIES	STAFF AWARDS	187.00
EFT44573	14/12/2023	H HINDLE	RATES REFUND	398.74
EFT44574	14/12/2023	JS CONSULTING	CONSULTANCY FOR ENGINEERING TECHNICAL SERVICES	3,240.00
EFT44575	14/12/2023	NT ORGANIC INDUSTRIES PTY LTD T/A HOPE CODA SERVICES	KELLY HOPE AUSLAN PROVIDER 6 MONTH PROGRAM FOR YOUTH SERVICES	1,440.00
EFT44576	14/12/2023	SMARTSALARY	PAYROLL DEDUCTIONS/CONTRIBUTIONS	511.26
EFT44577	14/12/2023	SLMC PROPERTY AUSTRALIA	MONTHLY LEASE FEE - DALYELLUP PUBLIC LIBRARY	8,539.15
EFT44578	14/12/2023	WIGHT & EMMETT	1 X ROLL HAY - FEED FOR SEIZED CATTLE.	145.00
EFT44579	14/12/2023	WA FUEL SUPPLIES PTY LTD	BFB FUEL	138.56
EFT44580	18/12/2023	IINET	IINET INTERNET ACCESS FOR DEPOT - MONTHLY	109.99



MINUTES - Ordinary Council Meeting – 31 January 2024

EFT44581	18/12/2023	TELSTRA CORPORATION LTD	TELSTRA LANDLINES - GELORUP COMMUNITY CENTRE AND LIBRARY	334.09
EFT44582	18/12/2023	TELSTRA CORPORATION LTD	TELSTRA MOBILE CHARGES - FACILITIES TEAM/TECHNICAL SERVICES	490.81
EFT44583	20/12/2023	AUSQ TRAINING	STAFF TRAINING	1,306.00
EFT44584	20/12/2023	ASTRAL SIGNS	RANGER VEHICLE STICKERS	165.00
EFT44585	20/12/2023	AMITY SIGNS	SIGNS FOR WASTE TRANSFER STATION	531.52
EFT44586	20/12/2023	ARBORGUY	TREE PRUNING AND REMOVAL INCLUDING BOYANUP ROAD WEST	77,071.50
EFT44587	20/12/2023	BIG W	BOOK STOCK PURCHASES	144.00
EFT44588	20/12/2023	BUNBURY MOWER SERVICE	PLANT MAINTENANCE AND CONSUMABLES	806.55
EFT44589	20/12/2023	B & B STREET SWEEPING	CAPEL CIVIC CENTRE PRECINCT STREET SWEEPING	1,537.80
EFT44590	20/12/2023	BUSSELTON REFRIGERATION & AIR CONDITIONING	DEGAS APPROXIMATELY 96 FRIDGES AT CAPEL WASTE TRANSFER STATION	1,108.80
EFT44591	20/12/2023	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE EXPENSES	273.26
EFT44592	20/12/2023	BUNBURY HARVEY REGIONAL COUNCIL	ORGANIC PROCESSING SERVICES AT BHRC BANKSIA ROAD	17,372.60
EFT44593	20/12/2023	BENDIGO BANK EMERGENCY SERVICES DEBIT CARD	CHAIRS, DRAWERS, CLEANING AND KITCHEN PRODUCTS FOR GELORUP BFB AND CATERING FOR INCIDENT 650837	1,937.09
EFT44594	20/12/2023	BP AUSTRALIA	FUEL SUPPLY & DELIVERY TO DEPOT	16,088.28
EFT44595	20/12/2023	WINC AUSTRALIA PTY LTD	STATIONERY ORDER 23/24	45.06
EFT44596	20/12/2023	COATES HIRE SERVICE	PORTABLE TOILET HIRE FOR WELD ROAD WORKS	387.77
EFT44597	20/12/2023	CLEANAWAY	ALL CLEANAWAY MONTHLY BILLS INCLUDING GENERAL WASTE DISPOSAL, RECYCLABLE PROCESSING, RENTAL AND DISPOSAL OF BIND FROM WTS AND EVENT HIRE	209,393.64



MINUTES - Ordinary Council Meeting – 31 January 2024

EFT44598	20/12/2023	CROSS SECURITY SERVICES	PROVIDE QUARTERLY ALARM MONITORING SERVICE FOR CAPEL SHIRE ADMINISTRATION BUILDING AND EAST DALYELLUP PAVILION AND LIBRARY	618.00
EFT44599	20/12/2023	CAPEL RSL	ANNUAL DONATION OF \$830 AND ANNUAL DONATION FOR PEPPERMINT GROVE BEACH DAWN SERVICE	5,330.00
EFT44600	20/12/2023	CLEANWAY XTRA CLEANING SERVICES	ERLE SCOTT	4,118.40
EFT44601	20/12/2023	COUNTRY LANDSCAPING PTY LTD	VARIOUS RETIC, PUMP AND POS WORKS AND WEEDING AND SPRAYING ON PARADE ROAD	25,040.81
EFT44602	20/12/2023	CB TRAFFIC SOLUTIONS	TRAFFIC CONTROL FOR WELD ROAD WORKS AND LAURENT WAY	19,618.50
EFT44603	20/12/2023	COUNTRY WATER SOLUTIONS	LAKE FLOW METER WORKS ON NORTON PROM, IRRIGATION REPAIRS AT SHERWOOD PARK AND MIDDLE LAKE PARK	7,730.38
EFT44604	20/12/2023	CARBONE BROS PTY LTD	SUPPLY AND DELIVER GRAVEL TO WELD ROAD LAYDOWN AREA	147,427.60
EFT44605	20/12/2023	COLROYS COUNTRY KITCHEN	ICE FOR BFB INCIDENT 650837	10.00
EFT44606	20/12/2023	DATA #3	PC DOCKS AND MONITORS	4,210.69
EFT44607	20/12/2023	DEVLYN AUSTRALIA PTY LTD	CONSTRUCTION OF GELORUP VOLUNTEER BUSH FIRE BRIGADE BUILDING	302,010.56
EFT44608	20/12/2023	EARTH 2 OCEAN COMMUNICATIONS	GELORUP LT - REPAIR AERIAL	435.58
EFT44609	20/12/2023	GOLDEN WEST PLUMBING & DRAINAGE	WORKS INCLUDING BACKFLOW TESTING, REPAIR OF FLUSH, REPLACEMENT OF ANTI VANDAL TAP AND DALYELLUP SKATEPARK TOILET PAN REPLACEMENT	739.75
EFT44610	20/12/2023	FIT 2 WORK.COM.AU	POLICE CHECKS	275.00
EFT44611	20/12/2023	FRONTLINE FIRE AND RESCUE EQUIPMENT	GELORUP ULTRA LIGHT TANKER - N409 - 30L DRAWER ENGEL FRIDGE	1,155.00
EFT44612	20/12/2023	FLEET NETWORK	VEHICLE PAYROLL DEDUCTION	590.98



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EFT44613	20/12/2023	FLICK ANTICIMEX PTY LTD	SUPPLY & SERVICE SANITARY BINS AT CAPEL SHIRE ADMINISTRATION BUILDING	279.98
EFT44614	20/12/2023	GOULD E & J	RATES REFUND	470.15
EFT44615	20/12/2023	GRANTS EMPIRE	DEVELOPMENT OF FULL APPLICATION AND BUSINESS CASE FOR GROWING REGIONS FUNDING DMCYC	3,894.00
EFT44616	20/12/2023	GEOGRAPHE FORD	PURCHASE OF ONE NEW 2023 FORD RANGER DUAL CAB 2.0L DIESEL 4X4 UTILITY INCLUDING TRADE-IN	27,335.57
EFT44617	20/12/2023	AE HOSKINS BUILDING SERVICES	REPAIR OF THE DISABLED TOILET DUE TO FIRE AT DALYELLUP EAST PAVILION (INSURANCE CLAIM), REPAIR OF SKYLIGHT, DOOR AT DOG POUND, SLIDING DOOR AT DEPOT AND TOILET DOOR AT EAST DALYELLUP PAVILION	9,914.65
EFT44618	20/12/2023	HARVEY NORMAN	SAMSUNG 40L MICROWAVE FOR GELORUP BFB SHED	269.00
EFT44619	20/12/2023	PL HUTCHISON	REFUND DA FEE	147.00
EFT44620	20/12/2023	CONNECT CALL CENTRE SERVICES	AFTER HOURS CALL ANSWERING AND RE-DIRECTION SERVICE	493.35
EFT44621	20/12/2023	INTERFIRE AGENCIES PTY LTD	BFB PPE	5,411.34
EFT44622	20/12/2023	T JAMES	STAFF PPE	181.96
EFT44623	20/12/2023	KLEENHEAT GAS	SERVICE EQUIPMENT CHARGE FOR 2 GAS CYLINDERS	100.10
EFT44624	20/12/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	CONTRIBUTION TO IR TRANSITION FUND AND SW COUNTRY ZONE ANNUAL SUBSCRIPTION	2,860.00
EFT44625	20/12/2023	LANDGATE	LAND VALUATIONS	728.40
EFT44626	20/12/2023	LITTLE STAR MEDIA	CONVERT 19.5 HOURS OF ORAL HISTORY TAPES TO MP3 - LIBRARY	412.50
EFT44627	20/12/2023	LITTLE RIPPERS	COMPOSTABLE DOG BAGS AND DISPENSERS	8,330.85
EFT44628	20/12/2023	MUIR'S MANJIMUP	SHIRE FLEET VEHICLE SERVICE	461.25
EFT44629	20/12/2023	MJB INDUSTRIES	ROAD BARRIERS FOR HURST ROAD BRIDGE	1,171.02



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EFT44630	20/12/2023	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE	4,415.95
EFT44631	20/12/2023	MARCHESE ENTERPRISES PTY LTD T/A MJ GOODS	TOILETRIES AND CLEANING PRODUCTS	564.40
EFT44632	20/12/2023	NETSIGHT CONSULTING PTY LTD	MYOSH SUBSCRIPTION	1,415.70
EFT44633	20/12/2023	OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY	2,898.21
EFT44634	20/12/2023	ONSITE RENTAL GROUP	MONTHLY RENTAL FOR 6.0 X 3.0 TOILET BLOCK AT DALYELLUP SKATEPARK	1,280.77
EFT44635	20/12/2023	OMNICOM MEDIA GROUP PTY LTD	ADVERTISING	225.15
EFT44636	20/12/2023	PUBLIC LIBRARIES WESTERN AUSTRALIA INC	PLWA ANNUAL MEMBERSHIP	250.00
EFT44637	20/12/2023	PRIME INDUSTRIAL PRODUCTS	PPE AND WORKSHOP CONSUMABLES	1,428.92
EFT44638	20/12/2023	AUSTRALIAN TAXATION OFFICE	PAYG WITHHOLDING	2,070.00
EFT44639	20/12/2023	RELATIONSHIPS AUSTRALIA WA	STAFF COUNSELLING SERVICES	176.00
EFT44640	20/12/2023	RACKMAN AUSTRALIA	MALE AND FEMALE TUNIC ROOM - RACKMAN FIRESpan EXTENSION BAY WITH MESH BACKING	7,517.44
EFT44641	20/12/2023	RECRUITWEST PTY LTD	LABOUR HIRE	2,493.65
EFT44642	20/12/2023	SPENCER SIGNS	MUSTER POINT SIGN FOR ADMIN BUILDING	517.00
EFT44643	20/12/2023	SOUTHERN LOCK & SECURITY	5 REGISTERED KEYS	100.00
EFT44644	20/12/2023	SOS OFFICE EQUIPMENT	COPIER METER BILLING	979.32
EFT44645	20/12/2023	SYNERGY	ELECTRICITY	539.29
EFT44646	20/12/2023	SDH PAINTING & DECORATING	CARRY OUT PRESSURE CLEANING OF FLOORS AND WALLS FOR SHIRE BUILDINGS	2,662.00
EFT44647	20/12/2023	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID TRAINING	3,450.00



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EFT44648	20/12/2023	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL CHECKS	1,036.20
EFT44649	20/12/2023	SURVEYING SOUTH	ENGINEERING SURVEY OF BARLEE STREET	1,100.00
EFT44650	20/12/2023	BUNBURY MAZDA	REAR DRIVER'S SIDE WHEEL ARCH COVER REPLACEMENT FOR FLEET VEHICLE	370.00
EFT44651	20/12/2023	SMARTSALARY	OUTSTANDING GST	295.64
EFT44652	20/12/2023	SPACETOCO PTY LTD	SPACETOCO IT	1,980.00
EFT44653	20/12/2023	STRATEGIC DIRECTIONS	ERP ADVISORY SERVICE	1,320.00
EFT44654	20/12/2023	D & K THOMAS ELECTRICAL	REPLACEMENT OF TWO LIGHTS ON THE OUTSIDE OF THE BUILDING AT BOYANUP COMMUNITY CENTRE, REPAIR LIGHT AT DALYELLUP BEACH TOILETS AND REPAIR LIGHTS AT DALYELLUP WAKE DRIVE PAVILION AND SOUTH LAKES TOILET BLOCK	1,477.74
EFT44655	20/12/2023	TENDERLINK	POSTING OF RFQ 23-45	180.40
EFT44656	20/12/2023	TUTT BRYANT HIRE	MACHINERY HIRE FOR WELD ROAD WORKS	13,532.07
EFT44657	20/12/2023	TYREPOWER CAPEL	TYRE REPLACEMENT AND REPAIRS FOR FLEET VEHICLES	1,810.00
EFT44658	20/12/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	172.40
EFT44659	20/12/2023	S TUCKER	GIFTS FOR STAFF SERVICE AWARDS	377.88
EFT44660	20/12/2023	TALIS CONSULTANTS PTY LTD	REVIEW THE DRAFT ASSET MANAGEMENT STRATEGY	4,589.75
EFT44661	20/12/2023	B THEESUNGNOEN	RATES REFUND	624.55
EFT44662	20/12/2023	URBIS PTY LTD	DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS FOR BUSINESS CASE	44,154.00
EFT44663	20/12/2023	IT VISION	SYNERGY FIELD UPDATE	554.40
EFT44664	20/12/2023	THE PRINT SHOP	BUSINESS CARDS	410.30
EFT44665	20/12/2023	RACHEL WYDER	CAPTIVATE CAPEL LITTER ART & EDUCATION WORKSHOPS	500.00
EFT44666	20/12/2023	WORKPAC GROUP	LABOUR HIRE	9,300.06
EFT44667	21/12/2023	AMPOL	MONTHLY FUEL ON FLEET CARDS NOV 2024	7,845.89
EFT44668	29/12/2023	DE LAGE LANDEN PTY LIMITED	LEASE PAYMENTS JULY 2019 - APRIL 2023	1,051.27



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EFT44669	29/12/2023	DE LAGE LANDEN PTY LIMITED	26 MONTH LEASE OF TORO GROUNDMASTER 4000D MOWER FOR DALYELLUP PARKS TEAM COMMENCING 30TH JUNE 2022 AT \$2,619.58 PER MONTH	2,515.08
50755	01/11/2023	CAPEL BUSHFIRE BRIGADE	INK CARTRIDGES	291.48
50756	01/11/2023	SHIRE OF CAPEL	RESIGNATION STAFF CONTRIBUTION	150.00
50757	08/11/2023	SHIRE OF CAPEL	BSL OCT COMMISSION	245.00
50758	15/11/2023	SHIRE OF CAPEL	BCITF OCT COMMISSION	8.25
50759	16/11/2023	SHIRE OF CAPEL	PETTY CASH RECOUP	141.55
50760	22/11/2023	S WATTS	REFUND FOR OVERPAYMENT	175.04
50761	22/11/2023	DEPARTMENT OF TRANSPORT	12 MONTHS REGISTRATION ALL SHIRE FLEET VEHICLES	20,831.65
50762	29/11/2023	AQWEST	WATER USAGE	5,782.40
50763	29/11/2023	ROSS SLATER	CANCEL PAYMENT	0.00
50764	29/11/2023	WATER CORPORATION	WATER USAGE	621.02
50765	06/12/2023	CITY OF BUNBURY	CONTRIBUTION TO BUNBURY GEOGRAPHE TOURISM PARTNERSHIP	22,000.00
50766	06/12/2023	SHIRE OF CAPEL	BSL NOV 23 COMMISSION	245.00
50767	06/12/2023	WATER CORPORATION	WATER USAGE	137.62
50768	13/12/2023	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	SPECIAL PLATE SERIES	200.00
50769	13/12/2023	WATER CORPORATION	WATER USAGE	89.88
50770	20/12/2023	DEPARTMENT OF TRANSPORT - VEHICLE LICENSING	SPECIAL PLATE SERIES	200.00
50771	20/12/2023	ROSS SLATER	LOCAL ELECTION NOMINEE DEPOSIT REFUND	100.00
50772	20/12/2023	WATER CORPORATION	CANCEL PAYMENT	0.00
50773	20/12/2023	WATER CORPORATION	WATER USAGE	7,494.70
50774	20/12/2023	SHIRE OF CAPEL	PETTY CASH RECOUP	116.00
				-
				4,271,171.07



**Payroll Transactions:**

05.11.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$7,148.14
05.11.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$243,765.37
16.11.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$6,082.56
19.11.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$237,466.35
19.11.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$7,129.78
03.12.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$242,513.52
03.12.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$2,051.63
17.12.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$3,036.78
17.12.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$239,805.79
31.12.2023	SHIRE OF CAPEL PAYROLL PAYMENTS	\$237,970.26

**\$1,226,970.18**

**Term Deposit Transactions:**

14.12.2023	MACQUARIE TERM DEPOSIT REDEMPTION	-\$1,011,767.67
14.12.2023	MACQUARIE TERM DEPOSIT	\$1,000,000.00

**\$-11,767.67**

**Summary**

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed 9 January 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**

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Simple Majority.



**Officer's Recommendation – 15.2.**

**OC/2024/17 - Officer's Recommendation / Council Decision - 15.2**

*Moved Cr McCleery, Seconded Cr Dillon.*

**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 November and December 2023 be received by the Council and recorded in the minutes of the Council, the summary of which follows:**

- 1 The Schedule of Accounts covering EFT44145 to EFT44669, CHQ50755 to CHQ50744 equated to \$4,271,171.07 during the month of November and December 2023.**
- 2 Payroll payments for the month of November and December 2023, equated to \$1,226,970.18.**
- 3 Transfers to and from investments as listed.**

**Carried 9 / 0**

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

*Against - Nil*



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### 15.3. 2022 - 23 Annual Report

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<b>Author</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	1. Annual Report 2022 - 2023 Final [15.3.1 - 126 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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#### Proposal

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Review and endorse the Annual Report for the 2022-23 financial year, including the Annual Financial Statements and Auditor Report, which is now complete.

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#### Officer's Recommendation

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That:

1. The 2022-23 Shire of Capel Annual Report, including the Annual Financial Report for 2022-23 be endorsed.
2. A General Meeting of Electors be held on Wednesday, 6 March 2024 commencing at 6.00pm – 7.30pm at Dalyellup Community Centre.
3. The purpose of the General Meeting of Electors be:
  - a) Discuss the contents of the 2022-23 Annual Report.
  - b) Any other general business.

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#### Background

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A local government must prepare an Annual Report for each financial year.

The Annual Report must include but not limited to:

- A Leadership Message from the Shire President and CEO.
- An overview of the plan for the future of the district.
- The Annual Financial Report.
- The Auditor's report.
- A report in accordance with the Disability Services Act.
- A report on the Register of Complaints.

The adoption of the Annual report by the Council allows for the holding of the General Meeting of Electors.

This Meeting is scheduled to be held on Wednesday, 6 March 2024 commencing at 6.00pm – 7.30pm at Dalyellup Community Centre.



### Previous Council Decision

OC/2023/29 - Council Decision

That:

1. The 2021-22 Shire of Capel Annual Report, including the Annual Financial Report for 2021-22 be endorsed.
2. A General Meeting of Electors be held on Wednesday, 5 April 2023 commencing at 6.00pm – 7.30pm at Capel Community Centre.
3. The purpose of the General Meeting of Electors be:
  - a) Discuss the contents of the 2021-22 Annual Report.
  - b) Any other general business.

### **Decision Framework**

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#### **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 2 - Manage and protect our environment:

- 2.2 Increased community capacity in supporting positive environmental management.
- 2.3 A Shire committed to sustainable practices.

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

- 3.2 Effective promotion of the Shire and its towns.

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 12 - **Financial Auditing** - Ensure financial systems remain compliant with all relevant legislation.



## Statutory Framework

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### Local Framework

There are no local frameworks relevant to this item.

### State Framework

The *Local Government Act 1995*, sections 5.27, 5.53, 5.54 and 5.55 applies.

### 5.53 Annual Reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain –
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO;  
and [(c), (d) deleted]
  - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
  - (f) the financial report for the financial year; and
  - (g) such information as may be prescribed in relation to the payments made to employees;  
and
  - (h(a)) the auditor's report for the financial year; and
  - (h(b)) a matter on which a report must be made under section 29(2) of the Disability

Services Act 1993; and details of entries made under section 5.121 during the financial year in the register of complaints, including –

- (i) the number of complaints recorded in the register of complaints; and
  - (ii) how the recorded complaints were dealt with; and
  - (iii) any other details that the regulations may require; and
  - (i) such other information as may be prescribed.
- (3) For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following –
    - The number of employees entitled to an annual salary of \$130,000 or more;
    - The number of employees entitled to an annual salary that falls within each band of \$10,000 over \$130,000;
    - Any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;
    - Any amount ordered under section 5.1 19(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;
    - The remuneration paid or provided to the CEO during the financial year;
    - The number of Council and committee meetings attended by each council member;
    - If available, the gender, linguistic background, and country of birth of council members;
    - If available, the number of council members who are aged:
      - (i) between 18 and 24 years; and
      - (ii) between 25 and 34 years; and



- (iii) between 35 and 44 years; and
- (iv) between 45 and 54 years; and
- (v) between 55 and 64 years; and
- (vi) over the age of 64 years;
- If available, the number of Council members who identify as Aboriginal or Torres Strait Islander;
- Details of any modification made to a local government's strategic community plan during the financial year;
- Details of any significant modification made to local government's corporate business plan during the financial year.

#### **5.54 Acceptance of Annual Reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **5.55 Notice of Annual Reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 (2) of the Act requires a general meeting of electors to be held not more than 56 days after the local government accepts the Annual Report for the previous financial year.

*Local Government (Administration) Regulations 1996*

#### **Part 3 – Electors' Meetings**

15. Matters to be discussed at general meeting (Act s. 5.27(3))  
For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.
16. Request for special meeting, form of (Act s. 5.28(2))  
A request for a special meeting of the electors of a district is to be in the form of Form 1.
17. Voting at meeting (Act s. 5.31)
  - (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
  - (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
  - (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.



18. Procedure at meeting (Act s. 5.31)  
 Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- Compliance.
- Financial Reports.
- Legislative Compliance.
- Preparation of Integrated Plan and Budget.
- CEO Performance and Salary Review.
- Communication and social media.

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  <b>Rating: Medium</b>  Reputation  <b>Rating: Medium</b>	Possible	Moderate	Through the monitoring and review of the Shire’s Strategic Community Plan and Corporate Business Plan, Shire Officers will mitigate against non-compliance of any legislative requirement which will adversely impact on the successful delivery and presentation of the Shire’s Annual Report, inclusive of the Annual Financial Report.
<b>Risk Description: Failure to design and adopt the Shire’s Annual Report.</b>			

**Financial Implications**

Budget

Once adopted by the Council, the Annual Report will be published via the Shire’s website with limited hard copies printed due to the cost attributed to this exercise.

The Annual Report presents the fiscal performance for the year 2022-23 as detailed within the audited Annual Financial Report, and subsequently approved by the Office of the Auditor General (OAG) to ensure compliance with legislation and accounting standards.

In the financial section of the report, there is a budget summary presenting an overview of the Shire’s fiscal performance during 2022-23.



## Long Term

As all expenditure is covered in the current 2023-24 Annual Budget allocation, there are no long-term financial implications from this item.

## **Sustainability Implications**

**Environmental and Economic Drivers** - Due to the document size, and keeping production costs to a minimum, the Shire's preferred method for sharing this document is in electronic format and will be available for community review via the Shire's website. Further links to the document will also be shared via the Shire's other social media platforms.

Hard copies will be available to the community on a request basis.

**Social Drivers** - The General Meeting of Electors' is required to be held once every financial year and provides the opportunity for community members to meet with Councillors and Senior Staff, allowing our residents the ability to share and discuss matters of importance related to the Shire.

## **Consultation/Engagement**

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### **External Consultation**

The General Meeting of Electors' will be advertised in local newspapers, via the Shire's website and Social Media pages. The Shire's residents will have the opportunity to review the 2022-23 Annual Report prior to the General Meeting of Electors' and attend the meeting to share their thoughts and views with the Council and Shire staff.

### **Internal Consultation**

In the production of the 2022-23 Annual Report, Shire staff had the opportunity to provide commentary relating to their key divisional activities and performance measures during this reporting period.

## **Officer's Comment**

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The Annual Report is a comprehensive document detailing the Shire's performance during the 2022-23 financial year and is aligned to key strategies as detailed within the Corporate Business Plan 2023 - 2027 and Strategic Community Plan 2023-2033.

The purpose of this document is to present and provide commentary on the previous year's activities. The report will provide a balanced review of the Shire's achievements and challenges in delivering community services and infrastructure.

The report is designed to meet our legal obligations under Division 5 of the Local Government Act 1995, and the requirement of this regulation is detailed in the Statutory Framework section of this report.

In addition to reporting on departmental activities, the report includes the Annual Financial Statements, detailing an in-depth review of the Shire's 2022-23 fiscal position and is supported by a financial overview statement, summarising the reasoning around budget variances.



The Annual Financial Statements and Final Audit Report was presented to the Audit and Risk Committee on 20 December 2023.

The Committee reviewed and accepted the reports and recommends them to the Council for final review as part of the 2022-23 Annual Report format.

## Summary

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The Shire of Capel's Annual Report 2022-23 is commended to the Council for review, endorsement, and public release.

## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.3.

#### OC/2024/18 - Officer's Recommendation / Council Decision - 15.3

*Moved Cr Terrantroy, Seconded Cr Dillon.*

#### That Council:

1. **Endorses the 2022-23 Shire of Capel Annual Report, including the Annual Financial Report for 2022-23.**
2. **Endorses that a General Meeting of Electors be held on Wednesday, 6 March 2024 commencing at 6.00pm – 7.30pm at Dalyellup Community Centre.**
3. **Authorises that the purpose of the General Meeting of Electors be:**
  - a) **Discuss the contents of the 2022-23 Annual Report.**
  - b) **Any other general business.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.4. Impounding of Trespassing Cattle and Disposal of Livestock

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<b>Author</b>	A/Rangers Services Coordinator, Kylie Day
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Legislative
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - Investigation - Running Sheet - Cattle Trespass Lot 269 & 271 Ducane Road - Copy [15.4.1 - 4 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

### Proposal

---

Note and support the investigation and actions undertaken in the impounding of trespassing cattle the disposal of the livestock.

### Officer's Recommendation

---

That Council:

1. Notes the report outlining the Shire's involvement in the impoundment of trespassing cattle; and
2. Supports the Shire to investigate future options for a livestock impoundment facility.

### Background

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Chronology of events and actions:

- **28/09/23** - complaint received that a large herd of cattle were trespassing onto private property at North Boyanup. The cattle owner identified, contacted, and asked to move the cattle. The owner refused stating that a movement ban had been placed on the cattle by DPIRD due to welfare reasons. DPIRD confirmed that for some time a vet can declare cattle fit for movement overturning movement ban. In addition, the owner claimed that Western Power works had damaged a fence causing trespass. Owner given until 02/10/23 to remove cattle.

Established that cattle were financed (non-secured loan) by Elders who retain a financial interest.

- **02/10/23** – cattle remain in situ. The owner contacted and the deadline was extended to 04/10/23 at their request.
- **03/10/23** – emergency agistment arranged with a private landowner due to the deteriorating condition of the cattle. Options of sale of cattle explored with the preferred option of a public auction.



- **04/10/23** – contact with the owner who requested more time to be allowed to move some of the cattle on 7-8/10/23 – granted.

Property fencing inspection and risk assessment conducted. 60+ cattle were sighted in varying degrees of emaciation. Fences to both the West and Northern boundaries dilapidated (in total disrepair) and limited water other than soaks (zero troughs).

- **5/10/23** – trespass notification letter delivered to owner of cattle requesting cattle to be removed from property.
- **11/10/23** – “Notice of the seizure and detention of Livestock” for 47 cattle served to owner’s residential property in Dardanup. 47 cattle transferred to private property for impoundment on Shire’s behalf. 16 remain on property unable to be captured.
- **13-17/10/23** – concerted effort to capture remaining 16 cattle (difficulty accessing due to extremely thick shrub in paddock).

Permission for disposal of cattle obtained by JP in accordance with the Act.

- **26/10/23** – due to poor veterinary condition, biosecurity, and possible ramifications from use of Boyanup Sale Yards a private sale facilitated by Nutrien Ag services decided upon.

2 cattle identified as belonging to other owners – repatriation arranged.

- **23-27/10/23** – 2 cattle died due to ill health.
- **30/10/23** – 1 x bull sold @ Boyanup Saleyards.
- **21/11/23** – 41 x cattle sold by private sale. Ongoing efforts to capture 16 x cattle in partnership with DPIRD.

Ongoing efforts to capture the remaining 16 cattle.

- **29/11/23** – capture of 16 cattle successful, however, another 8 cattle sighted in bushland.
- **30/11/23** – 16 cattle transported to private property for impoundment on behalf of the Shire.
- **12/12/23** – 8 cattle captured and transported to the same private property for impoundment on behalf of the Shire.
- **13/12/23** – all Shire and private equipment (water troughs etc.) removed from properties where cattle were.
- **21/12/23** – 24 x cattle sold by private sale.

#### Previous Council Decisions

There are no previous Council decisions related to this item.



## Decision Framework

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### 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

1.4 A safe and prepared community

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

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

6.2 Improved cross sector relationships and collaboration

### Corporate Business Plan 2023-2027

CDVS 3 - **RNGR: Operation of Animal Impound Facilities** - Statutory requirement to provide dog & cat impound capabilities.

## Statutory Framework

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### Local Framework

Delegation 1.2.10

Sale of impounded/seized/confiscated vehicles, animals, or goods.

The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded, seized, or confiscated under the provisions of Section 3.43, 3.46, 3.47 and 3.58 of the *Local Government Act 1995*.

Conditions:

1. Livestock movement to be in accordance with the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013

2. Attempts to locate the owner through record recovery and public notifications have been carried out.

Shire of Capel Fencing Local 2016

Schedule 4 Specifications for a sufficient fence on a Rural Lot and Special Rural Lot

- (1) A fence to contain cattle and horses which satisfies the following specifications:
  - (a) have an average height of 1.2m;
  - (c) wire shall be high tensile galvanised wire and not less than 2.5mm;
  - (d) a minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires to prevent smaller stock passing through, and connected to posts in all cases;



## State Framework

### *Local Government (Miscellaneous Provisions) Act 1960, Section 447*

#### s. 458 Trespassing cattle, powers to impound etc.

- (1) Cattle found trespassing upon land may be impounded in the nearest suitable public pound by the owner or occupier of the land or by a ranger.

#### s. 460 Trespassing cattle impounding of in other than public pound etc.

- (2) A person impounding cattle under the provisions of subsection (1) shall, within 24 hours of that impounding -
  - (a) if the owner of the cattle is known to him, give to the owner of the cattle, or leave at his usual or last known place of abode in the State, notice of the impounding, specifying, with respect to the cattle, the same particulars as are, by section 466 required to be specified in the notice given to the keeper by a person impounding cattle in the public pound;
- (3) A person impounding cattle under the provisions of subsection (1) shall cause the cattle to be fed and maintained while they are impounded.

#### s. 466 Person impounding cattle in public pound to notify pound keeper

A person impounding cattle in public pound shall give notice to the keeper of the pound specifying

-

- (a) the number and kinds of the cattle impounded; and
- (b) the name of the owner, if known, or of the supposed owner of the cattle, or stating the fact that he is unknown; and
- (c) the place where the cattle were found trespassing.

#### s. 474 Unclaimed impounded cattle, sale, or disposal of etc.

- (1) If impounded cattle are not released from the pound -
  - (a) where notice of the impounding has been given to or left for the owner, within 3 days of the notice being so given or left.

The pound keeper may sell the cattle by public auction if local public notice of the time and place of the sale and the cattle to be sold has been given at least 3 days before the day of the sale.
- (2A) Where it appears to a justice that giving notice and advertising the sale of cattle impounded under the provision of this Act would involve greater expense than the value of the cattle impounded, or that by reason of the condition or health of the cattle, they should be sold as quickly as possible, he may make an order directing that the giving of notice, other than that required by section 468, and that the advertising be dispensed with, and directing that the cattle be sold at such time and in such manner and under such conditions as he thinks fit.

### *Animal Welfare Act 2002*

#### Part 3, Division 3, s.19 Cruelty to animals

- (3) Without limiting subsection (1) a person in charge of an animal is cruel to an animal if the animal -
  - (d) is not provided with proper and sufficient food or water.

## Federal Framework

There are no federal frameworks relevant to this item.



**Policy Framework**

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The following Shire Policies apply:

- Customer Service

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  Rating: High	Almost Certain	Moderate	The establishment of well-documented procedures and robust external consultation to maintain professional relationships to mitigate potential reputational risks.
<b>Risk Description:</b> Failure to enact in a transparent and ethical manner.			
Risk	Likelihood	Consequence	Mitigation
<b>Risk 2</b> Legislative Compliance  Rating: Medium	Possible	Moderate	Strong knowledge and commitment to legislative compliance to ensure we act ethically, safely and meet community expectations.
<b>Risk Description:</b> Failure to follow legislative requirements in the impoundment and disposal of the livestock.			
<b>Risk 3</b> Financial  Rating: High	Almost Certain	Moderate	The establishment of infrastructure within the Shire’s internal assets to mitigate the costs of the use of external infrastructure.
<b>Risk Description:</b> Failure to dispose of the livestock promptly to ensure minimal financial risk.			
<b>Opportunity: To ensure livestock are transported and disposed of safely and efficiently.</b>			



## Financial Implications

### Budget

The financial implications relevant to this proposal are outlined below.

Item	Outgoing	Incoming	Balance
Agistment of cattle	\$ 17,567.00		\$ 17,567.00
Feed	\$ 475.00		\$ 18,042.00
Transportation	\$ 1,000.00		\$ 19,042.00
Sale of 41 cattle		\$ 3,972.00	\$ 15,070.00
Sale of 24 cattle		\$ 1,920.00	<b>\$13,150.00</b>
FTE Hours	Significant		

The costs associated with the impoundment were not anticipated in annual budget and the variation will be reflected within the mid-year budget review.

### Long Term

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

### **Whole of Life**

Following the investigation, it was identified that an emergency livestock holding yard should be established which would consider whole of life costs.

### **Sustainability Implications**

#### Climate Change and Environmental

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

#### Social

There is a social implication due to the animal welfare concerns established throughout the investigation. The duty of Rangers is to consider the animal welfare concerns while responding to community needs within a local context resulting in a positive contribution to the long-term sustainability of the community in terms of health, safety, education, and resource management.

#### Economic

There are no relevant economic implications relevant to this item.

#### Asset

There are no relevant asset implications relevant to this item.



## Consultation/Engagement

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### External Consultation

DPIRD (Department of Primary Industries and Regional Development) – considerable assistance provided with reference being made to the *Animal Welfare Act 2002* and access to the NLIS system (identification and traceability of cattle, sheep, and goats).

Acton Belle – providing evidence that the lease had expired confirming that the cattle were trespassing on said land.

Elders Bunbury – providing support for the transport, agistment and sale of cattle.

### Internal Consultation

Internal records have been reviewed to provide accurate data relating to registration, impound and community feedback.

Consultation between Manager Community Development and Safety, Director Community and Corporate Services, the Governance team, and the CEO.

## Officer's Comment

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This investigation and management process is a first of its kind for the Shire and has highlighted opportunities to improve established procedures, knowledge of local resources and infrastructure to support the Rangers in conducting their role in a professional and timely manner.

The impoundment and disposal of animals is an operational matter, however due to the costs outlined within the report that are to be reflected within the mid-year budget review, for transparency the administration request it be noted with Council. The lessons learnt from the investigation has also outlined that a future livestock impoundment agreement and/or facility needs to be identified which will incur future financial considerations for Council to consider.

As a result of this investigation, strong relationships with external departments have been developed. This will provide vital information and support to establish well-documented procedures that will provide the community with assurance that actions taken will be ethical, safe and will meet community expectations.

## Summary

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Shire Rangers impounded several livestock (cattle) that had trespassed on to private property, due to (livestock) owner's non-cooperation in the matter. These actions were taken in accordance with Local Laws and State legislation / regulation.

The impounded livestock were agisted for a period, then disposed of by sale.

## Voting Requirements

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Simple Majority.



**Officer's Recommendation – 15.4.**

**OC/2024/19 - Officer's Recommendation / Council Decision - 15.4**

*Moved Cr McCleery, Seconded Cr Dillon.*

**That Council:**

- 1. Notes the content of this report outlining the Shire's involvement in the impoundment of trespassing cattle.**
- 2. Supports the Shire to investigate future options for a livestock impoundment facility.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.5. Audit and Risk Committee Terms of Reference Review

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic Legislative
<b>Attachments</b>	1. Audit Risk Committee Terms of Reference - Tracked Changes [15.5.1 - 8 pages] 2. Audit and Risk Terms of Reference - Clean [15.5.2 - 6 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Adopt the updated Audit and Risk Committee Terms of Reference, as per the Audit and Risk Committees recommendation from the meeting of 20 December 2023.

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### Officer's Recommendation

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That the Council adopts the Audit and Risk Committee Terms of Reference as per attachment 15.5.2.

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### Background

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Changes to the *Local Government Act 1995* (the Act) in 2005 required that local governments establish an Audit Committee, and the delegation of powers and duties to this Committee was agreed to by Council at the meeting of 28 September 2005 (OC0926).

At the same meeting, the Council sought to establish the roles and responsibilities of the Committee. It was considered this would be best achieved by adopting a Terms of Reference. The adopted Terms were based on an Operational Guideline produced by the then Department of Local Government & Regional Development (the Department).

An amendment to the *Local Government (Audit) Regulations 1996* gazetted on 8 February 2013 extended the role of the Audit Committee to include a regular review of the effectiveness of local government systems concerning:

- Risk management;
- Internal controls; and
- Legislative compliance.

The Department produced a revised and updated Operational Guideline 09 – Audit in Local Government in December 2013 and at its meeting on 16 July 2014 (OC0715), the Council approved an updated version of the Terms of Reference reflecting the expanded role of the Committee.



Further amendments to the Act passed by State Parliament in August 2017 enable the Auditor General to audit local government finances and performance. As a result, local governments are no longer able to appoint a person to be their auditor, previously a role assigned to the Audit Committee.

The changes to the Act were supported by subsequent amendments to the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996* gazetted on Tuesday, 26 June 2018.

The last review of the Terms of Reference was endorsed by the Council at the 23 February 2022 Ordinary Meeting (OC034/2022). This included the provision of an Independent Member to be included on the Committee.

### Previous Council Decisions

AC013/2023 – Audit and Risk Committee 20 December 2023:

‘That the Audit and Risk Committee:

Supports the updated Audit and Risk Committee Terms of Reference as per Attachment 7.1.1; and

Recommends that the Council adopts the Audit and Risk Committee Terms of Reference.’

### **Decision Framework**

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#### **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 27 - **Committee Framework** - Review Shire committee framework.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

*Local Government Act 1995.*

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.



#### 7.1B. Delegation of some powers and duties to audit committees

Despite section 5.16, the only powers, and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.

\* Absolute majority required.

#### 16. Functions of audit committee

An audit committee has the following functions –

- (a) to guide and assist the local government in carrying out –
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –
  - (i) regulation 17(1); and
  - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government –
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law

5.12. Presiding members and deputies, election of (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –

- (a) to "office" were references to "office of presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members".

The *Local Government Act 1995* Schedule 2.3, Division 1, Section 4 indicates in part that:

The Council is to elect a Councillor to fill the office of President.



The election is to be conducted by the Chief Executive Officer in accordance with the procedures prescribed.

Nominations are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations.

Nominations close at the meeting at a time announced by the Chief Executive Officer, which is sufficient time after the announcement by the Chief Executive Officer that nominations are about to close to allow for any nominations made to be dealt with.

**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- Policy Framework

**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Legislative Compliance  Medium	Possible	Moderate	Review of Terms of Reference.
<b>Risk Description:</b> Failure to keep the Audit and Risk Committee Terms of Reference up to date and legislatively compliant.			
<b>Opportunity:</b> To ensure legislative compliance and provide for an appropriately resourced and efficient 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.

**Whole of Life**

There is no whole of life financial implications relevant to this proposal.



An effective Audit and Risk Committee supported by a robust Terms of Reference, provides scrutiny of the Shire's internal controls, management of risk and financial performance. This is essential for the sustainability and transparency of the Shire's fiscal position and its' assets.

### **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 are no relevant economic implications relevant to this item.

#### Asset

The Terms of Reference do not impose any asset implications; however, a function of the Audit and Risk Committee is to review a series of financial reports which consider Shire asset valuations, impairments, and depreciation factors.

### **Consultation/Engagement**

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#### **External Consultation**

There was no external consultation undertaken.

#### **Internal Consultation**

Consultation has been undertaken between the Strategic Governance and Risk Coordinator, Director Community and Corporate and the Chief Executive Officer.

### **Officer's Comment**

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The proposed Terms of Reference establish the Committee's specific authority and delegated area of responsibility.

In accordance with specific legislative requirements, the Terms of Reference clearly details the Committee's:

1. Purpose.
2. Responsibility.
3. Membership.
4. Role of the Shire staff.
5. Committee member acknowledgement and acceptance of the agreed terms.



The benefit of having such a detailed Terms of Reference is to provide members with a key understanding of the scope, objectives, and operational processes of the committee in relation to the legislative requirements under the *Local Government Act 1995* and *Financial Management Act 1996*.

The revised Terms of Reference for the Audit and Risk Committee are simplified, concise and provide guidelines for matters that may need clarification outside of Local Government legislation.

Further changes have been recommended to remove the appointment of an Independent Member to be appointed as the Chair of the Committee. The recent changes to the *Local Government Act 1995* now require the Chair and Deputy Chair of a Committee to be appointed through an Election held by the Chief Executive Officer.

## Summary

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The proposed Terms of Reference provide the Audit and Risk Committee and the Council with a framework which is compliant with all legislative requirements and contemporary in its scope and sequence.

The Terms of Reference have been revised to improve accountability and transparency measures, whilst building confidence in the committee's ability to competently execute its duties in accordance with the statutory requirements.

## Voting Requirements

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Simple Majority.

### Officer's Recommendation – 15.5.

#### OC/2024/20 - Officer's Recommendation / Council Decision - 15.5

*Moved Cr Terrantroy, Seconded Cr Mogg.*

**That the Council adopts the Audit and Risk Committee Terms of Reference as per attachment 15.5.2.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.6. Independent Audit and Risk Committee Member Appointment

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Executive/Strategic
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - Cover Letter [15.6.1 - 2 pages] 2. CONFIDENTIAL REDACTED - Curriculum Vitae [15.6.2 - 4 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Appoint the Independent Member of the Audit and Risk Committee.

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### Officer's Recommendation

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That the Council appoints Dr Kenneth Parker as an Independent Member of the Shire of Capel Audit and Risk Committee until the 18 October 2025 Local government Election, subject to endorsement from his employer.

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### Background

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The Shire of Capel (the Shire) Audit and Risk Committee (the Committee) is a standing committee of the Council under the *Local Government Act 1995* (the Act). Five Councillors were appointed to the Committee at the 25 October 2023 Ordinary Council Meeting, for a term ending on the 2025 Local Government election day.

Following the 2021 Election, the Audit and Risk Committee Terms of Reference were endorsed through Council to include the appointment of an Independent Member. Dr Kenneth Parker was appointed, with the appointment term ending at the 2023 Ordinary Election.

Applications for a new Independent Member to the Committee were advertised to the public, through the recruitment website – [seek.com.au](http://seek.com.au), the Shire's website and social media forums from 15 November to 30 November 2023, requesting applicants to demonstrate experience in any or all the following:

Internal/external audit.

- Risk Management.
- Financial management/reporting.
- Understanding of complexities associated with the Shire.
- Strong links with the community.

Three applications were received from suitably qualified professionals.

### Previous Council Decisions

23 February 2022 – OC034/2022 – Adoption of the Audit and Risk Committee Terms of Reference.



29 June 2022 – AC006/2022 – The Audit and Risk Committee endorsed the Appointment of Dr Kenneth Parker and recommended to the Council to appointment to the Committee.

27 July 2022 – OC/2022/144 – Council's appointment of Dr Kenneth Parker as an Independent Member of the Audit and Risk Committee.

20 December 2023 – AC014/2023 - The Audit and Risk Committee supported the appointment of Dr Kenneth Parker for the position of Independent Member following approval from his employer.

## Decision Framework

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### 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 3 - **Internal Audit** - Biannual review of all internal systems and processes for compliance, efficiency, and effectiveness.

## Statutory Framework

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### State Framework

*Local Government Act 1995*

#### 7.1A. Audit committee

(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

(2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

*\* Absolute majority required.*

#### 7.1B. Delegation of some powers and duties to audit committees

(1) Despite section 5.16, the only powers, and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.

*\* Absolute majority required.*

(2) A delegation to an audit committee is not subject to section 5.17.



### **5.17. Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate –
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act

### **5.11. Committee membership, tenure of**

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the term of the person's appointment as a committee member expires; or
  - (b) the local government removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.

*Local Government (Audit) Regulations 1996*

### **16. Functions of the Audit Committee**

*Local Government (Administration) Regulations 1996*

### **14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba))**

- (2) A member of a council or committee may attend a meeting by electronic means –
- (a) if –
    - (i) a public health emergency or state of emergency exists, or a natural disaster has occurred; and
    - (ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and
    - (iii) the member is authorised to attend the meeting by electronic means by the mayor, president, or council;
  - or
  - (b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president, or council.

### **Policy Framework**

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The following Shire Policies apply:

- Fraud and Corruption.
- Legislative Compliance.
- Purchasing.
- Risk Management Framework.
- Travel Expenses.



**Implications**

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**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: Low</b>	Unlikely	Minor	Interstate candidates not recommended.
<b>Risk Description:</b> Appointment of a committee member from interstate has financial risks relating to the provision of costs for flights to attend meetings.			
<b>Risk 2</b> Reputation  <b>Rating: Low</b>	Unlikely	Minor	Assessment of merit and relevant skills. Consideration of practical.
<b>Risk Description:</b> Applicants may feel aggrieved by the appointment or a failure to appoint an independent member.			
<b>Opportunity: Appointing an independent member provides an additional layer of transparency through independent oversight.</b>			

**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**

Constant improvement to the Shire’s internal systems and procedures is essential to the sound management of the Shire’s governance framework. This facilitates consistent and equitable decision making, which is essential to create positive social, economic, and environmental impacts in the community.

**Consultation/Engagement**

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**External Consultation**

External consultation was undertaken throughout the process with the candidates.

**Internal Consultation**

The Chief Executive Officer, Director Community and Corporate and Strategic Governance and Risk Coordinator reviewed and assessed the applications based on the criteria in the position description and Terms of Reference.



## Officer's Comment

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The appointment of an Independent Member to the Audit and Risk Committee is an opportunity to provide new skills, experience, and independent oversight to the committee, increasing transparency and strengthening corporate governance.

The *Local Government Act 1995* section 7.1B(2) creates a specific exemption to the limit on the delegation of powers and duties to committees under section 5.17, providing for the appointment of independent members to the Audit and Risk Committee.

The recent Local Government Reform Package includes the appointment of Independent Members and Chairpersons at point 6.6 and this was supported by the Shire in its response to the proposed reforms (OC005/2022) and included in the Terms of Reference for the Audit and Risk Committee.

The Shire received three high quality applications from suitably qualified candidates.

Two of the three candidates reside interstate and the new amendments to the *Local Government Act 1995*, gives ability to attend by electronic means. However, in the instance where the Committee and/or the Independent Member requests to attend a meeting in-person, the Shire would be liable for reimbursement of travel costs for meeting attendance i.e., Air fares.

The third candidate is local to the Southwest and exhibited extensive experience in the key areas of internal/external audit, risk management and financial management/reporting, as demonstrated in their application (Attachment 1).

For this reason, the third candidate has been identified as the most suitable applicant for the role of Independent Member and is recommended to the Audit and Risk Committee.

## Summary

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The appointment of an Independent Member to the Audit and Risk Committee provides an opportunity for the Shire to increase transparency and strengthen corporate governance.

The recommended candidate is suitably qualified and experienced for this position.

## Voting Requirements

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Absolute Majority.



**Officer's Recommendation – 15.6.**

**OC/2024/21 - Officer's Recommendation / Council Decision - 15.6**

*Moved Cr Noonan, Seconded Cr Terrantroy.*

**That the Council appoints Dr Kenneth Parker as an Independent Member of the Shire of Capel Audit and Risk Committee until the 18 October 2025 Local government Election, subject to endorsement from his employer.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.7. Corporate Risk Quarterly Report

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<b>Author</b>	Strategic Governance and Risk Coordinator, Tahlia Shipley
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Legislative Review
<b>Attachments</b>	1. Corporate Risk Register [15.7.1 - 2 pages]
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Note and endorse the Shire's Corporate Risk Register and consider risk mitigation treatments.

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### Officer's Recommendation

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That the Council:

1. Endorse the Corporate Risk Register Actions; and
2. Subject to further information and briefing, consider the inclusion of an additional 1.00 FTE to be incorporated within the Shire of Capel's Workforce plan for the ongoing operational support to the organisation, for the purpose of staff recruitment and retention in relation to Risk 2 - Failure to recruit and retain the organisational workforce.

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### Background

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The Council adopted the Risk Management Framework at the Ordinary Meeting of the Council on 30 March 2022.

During the development of the Framework, the residual risk tolerances were not identified by the Shire at the time of adoption.

The Regulation 17 review has identified the need to report a Corporate Risk Register to the Audit and Risk Committee, however, given the Risk Tolerance component of the Risk Framework required further deliberation within the organisation, Officers have identified this as a priority before formal risk reporting should commence.

The Risk Tolerance Framework was adopted by the Audit and Risk Committee in February 2023.

### Previous Decisions:

Audit Committee Meeting 23 February 2022 (AC004) – 'That the Audit and Risk Committee

1. Endorse the Risk Management Policy and Risk Management Framework as attached; and
2. Recommend that the Council adopt the Risk Management Policy and Risk Management Framework.'



Ordinary Council Meeting 30 March 2022 (OC056/2022):

‘That Council:

1. Notes recommendation AC004 of the Audit and Risk Committee at its Meeting held on 23 February 2022,
2. Revokes Shire Policy 2.28 Risk Management Framework, and
3. Adopts the Risk Management Policy and Risk Management Framework as attached.’

Audit and Risk Committee 28 June 2023 – The first report of the Corporate Risk Register.

Audit and Risk Committee Meeting – 20 December 2023 - The Audit Committee noted and endorsed the Shire’s Corporate Risk Register and mitigation treatment for an additional FTE to be considered within the Workforce Plan, following a workshop with Council.

## Decision Framework

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### 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 8 - **Risk Management Plan** - Review effectiveness of Risk Management Framework and provide continuous training to the Council and employees

## Statutory Framework

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### Local Framework

The Shire of Capel Risk Management Framework.

### State Framework

*Local Government (Audit) Regulations 1996*

### 17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
  - (1) risk management; and
  - (2) internal control; and
  - (3) legislative compliance.
  - (4) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
  - (5) The CEO is to report to the audit committee the results of that review.



## Federal Framework

There are no federal frameworks relevant to this item.

## Policy Framework

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The following Shire Policies apply:

- Risk Management Framework

## Implications

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### Risk Implications

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Reputation  <b>Rating: High</b>	Possible	Major	The CEO is required to review the Local Government's systems and procedures in relation to risk management under the <i>Local Government (Audit) Regulations 1996</i> . Quarterly risk reporting will be brought to the Audit and Risk Committee.
<b>Risk Description:</b> Failure to identify the Shire's risks in an open and accountable way.			
<b>Risk 2</b> Legislative Compliance  <b>Rating: Medium</b>	Possible	Major	The CEO is required to review the Local Government's systems and procedures in relation to risk management under the <i>Local Government (Audit) Regulations 1996</i> . Quarterly risk reporting will be brought to the Audit and Risk Committee.
<b>Risk Description:</b> Failure to understand and meet legislative requirements.			
<b>Opportunity:</b> To meet requirements of risk reporting and provide the Audit and Risk Committee an opportunity to provide input and identify solutions to mitigate Shire risks.			

### Financial Implications

#### Budget

Budgetary impacts related to the resourcing of risk mitigation requirements have been incorporated through the 2023-27 Corporate Business Plan (year 3 build) and included in the 2023-24 Annual Budget preparation. The attached Risk Register also identifies the required mitigation strategies.

Until such time as the above mentioned documents have been endorsed through the Council, the costs associated with each identified risk cannot be confirmed and actioned.



The new recommendation to include an additional 1.00 FTE within the Organisational Development Team will be considered by the Council during the presentation of the Workforce Plan in April 2024 and (potential) subsequent inclusion in the 2024-25 Draft Annual Budget process.

### Long Term

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

### **Sustainability Implications**

Effective identification, assessment, management, and mitigation of risks are essential for all aspects of strategic and operational sustainability of the Shire of Capel.

### **Consultation/Engagement**

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#### **External Consultation**

No external consultation is required.

#### **Internal Consultation**

Consultation has been undertaken with some members of Shire's Management Team and Executive Management Team.

### **Officer Comment**

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A Risk Register is a tool used in risk management to identify, assess, and track potential risks that may affect a project or organisation.

This report and the attached Corporate Risk Register is the second of the quarterly Corporate Risk Register reports to the Audit and Risk Committee. The register will be provided to Council with any recommendations that may need to be considered by the Council.

The Corporate Risk Register is a live and evolving tool, so the quarterly reporting will provide Officers an opportunity to report to the Audit and Risk Committee, and the Council, on the progress of risk mitigation and identified risk related resource requirements.

The mitigations that are current or anticipated are sourced from the Shire's Corporate Business Plan (CBP) and business as usual actions. The risk reporting will help identify elements that may be missing or are not as effective as initially anticipated.

The request to consider an additional 1.00 FTE for the Organisational Development Team has been noted within the below comments - 'Risk 2', having identified the risk has increased from High to Extreme since the last review of this risk rating. A decision was made at the Audit and Risk Committee to amend the recommendation to include a pre-workshop to the Council before consideration is intended.

The potential inclusion of the additional FTE will be incorporated into the Council workshops relating to the Shire's Workforce Plan and Annual Budget.



Following the Audit and Risk Committee Meeting in December, additional queries were raised around the status of the mitigation actions.

The following actions and reasons have been amended since the Audit and Risk Committee meeting:

- Risk 2, treatment 1: Status changed from *not started* to *in progress*. The Leadership Development Program has been commenced for all leadership positions within the Shire. The initial planning stage has commenced for a development strategy for general training and development but has not yet been completed.
- Risk 4, treatment 1: Status changed from *not started* to *in progress*. The initial planning has started for a contractor management framework and the first meeting has occurred with the management group. An internal stakeholder group needs to be established to ensure compliance with Work Health and Safety and Governance compliance requirements, as well as efficiency and satisfies the user requirements.
- Risk 9, treatment 1: Status changed from *not started* to *in progress*. An initial meeting has occurred with the management group that a training plan will be developed for internal training on the Shire's Community Engagement Framework. The training plan has not yet commenced, however key internal staff have attended external training on community engagement.

It is important to note there are several 'high' and 'extreme' residual risk ratings identified. The following commentary has been provided on these:

**Risk 2: Failure to recruit and retain the organisational workforce.**

**Change: High to Extreme Risk**

Reason: Local Government industry is unable to provide a competitive market based on the Local Government Award and Salary restrictions. The Shire of Capel being a band 3 Local Government, inhibits the Shire's opportunity to compete with larger surrounding LGs in relation remuneration and attraction packages.

Staff recruitment and retention remains an issue for the organisation, seeing staff attraction and retention not stabilise for some time. Some factors driving this instability remains out of the Shire's control but does put an increased and continual pressure on the Organisational Development Team to provide ongoing recruitment and retention support across the organisation, in a bid to develop new strategies to attract new talent to the organisation.

The turnover is due to industry challenges and external employee markets within recruitment (specifically technical based positions). Failure to recruit these roles has increased pressure on existing staff, partially resulting in a higher turnover rate.

The Executive Management Team have commenced a business performance and service level review to identify the Shire's key resourcing and performance gaps / challenges across the organisation. The outcomes from this review will inform key strategic documents such as the Workforce Plan, allowing Officers and Councillors to reach a conjoined opinion on the future resourcing requirements of the organisation.

However, following the recent review of the individual risks within the Risk Register, has identified the need for additional resourcing support within the Organisational Development Team to support staff recruitment and retention priorities.



**Risk 5: Failure to comply with new Statutory & Regulatory Requirements and provide good governance.**

**Change: No change to rating.**

Reason: The current changes in legislation require education to the community and organisation. All staff are required to comply with good governance. However, due to changes in legislation, with the current resourcing challenges, the ability to ensure the whole workforce is well trained in all aspects of good governance, continues to pose a challenge, especially if the workforce is transient.

This is anticipated to be reduced by the next Audit and Risk Committee Meeting, following the onboarding of additional resourcing within the Finance and Governance departments.

**Risk 7: Inadequate management of work, health and safety (WHS) requirements.**

**Change: Extreme to High Risk.**

Reason: Changes in legislation in the current requirements for robust work, health and safety practices has increased the opportunity for areas of non-compliance.

The risk has been lowered from an Extreme to High Risk based on the work undertaken by the Shire's Work Health and Safety Advisor, with the support of the Executive Management Team.

Increased understanding and work have commenced since the last Corporate Risk Report. The revised inductions for volunteers and contractors have provided the Shire with more confidence in the knowledge and abilities of those undertaking roles for the Shire.

Significant work with the staff has been undertaken to ensure understanding and compliance with the legislation.

There is still further work to commence relating to procedures and training. However, there has been substantial improvement.

**Risk 10: Failure to provide long term waste management services**

**Change: No change to rating.**

Reason: Waste management is a sector wide issue; current Southwest Waste facilities are reaching their capacity, and a long-term solution has not been identified. Additionally, current costs of waste services are increasing.

There are initiatives for Southwest Councils to work together to find solutions, such as the recent joint tendering process the Shire has been engaged in. However, there is yet to be a long-term solution to waste disposal and management.

Following the budget adoption for 2023-24, the requirement from Council to develop a Waste Strategy has been included within the CEO's Key Performance Indicators. This is proposed to be completed for April 2024, following the understanding and endorsement of the Strategy there should be more indication of future risk identification.



**Risk 11: Failure to provide sufficient Information Communication Technology (ICT) & Enterprise Resourcing Program (ERP) support.**

**Change: No change to rating.**

Reason: There are substantial costs associated with a new ERP system. Staff have been working on an extensive process to understand the Shire's technological requirements in a new ERP system. However, there are significant challenges to ensure a cost-effective and service-oriented final product that meets the needs of the community and the organisation now and into the future.

**Risk 12: Failure to provide emergency management and business continuity in a disaster.**

**Change: No change to rating – amended likelihood from possible to unlikely.**

Reason: The risk is identified as high due to unpredictability of disasters and emergencies. The amendment of likelihood from possible to unlikely speaks to the Shire's risk of not mitigating and acting within a disaster. The lower likelihood was given as the Shire undertakes work through communication and the development of strategies and procedures.

Meetings between the Bush Fire Advisory Committee, Local Emergency Management Committee, Bush Fire Captains, Executive Management Team, and the Management Team provide an opportunity and forum to raise awareness for potential risks within this area.

At the December Audit and Risk Committee, it was noted that resilience in disaster will be included as a topic to discussion at the next Local Emergency Management Committee.

There is still further work to be done in business continuity and community support to mitigate associated risks. As stated earlier in the report; the attached Corporate Risk Register is the first iteration of this report and Officers welcome the Committee and Council's feedback.

Future updates to the Corporate Risk Register will be presented to the Audit and Risk Committee meetings, then presented at the following Ordinary Meeting of Council.

## **Summary**

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The Council can consider the current identified risks on the Corporate Risk Register for consideration of future risk mitigation opportunities.

## **Voting Requirements**

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Simple Majority.



**Officer's Recommendation – 15.7.**

**OC/2024/22 - Officer's Recommendation / Council Decision - 15.7**

*Moved Cr McCleery, Seconded Cr Dillon.*

**That the Council:**

- 1. Endorse the Corporate Risk Register Actions; and**
- 2. Subject to further information and briefing, consider the inclusion of an additional 1.00 FTE to be incorporated within the Shire of Capel's Workforce plan for the ongoing operational support to the organisation, for the purpose of staff recruitment and retention in relation to Risk 2 - Failure to recruit and retain the organisational workforce.**

**Carried 9 / 0**

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

*Against - Nil*



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## 15.8. Policy Review - Related Party Disclosure

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<b>Author</b>	Governance Officer, Amanda Lorrimar
<b>Authorising Officer</b>	Director Community and Corporate Services, Samantha Chamberlain
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is not a confidential matter.</i>

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### Proposal

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Consider and endorse the reviewed and amended related party disclosure policy to:

1. Provide greater understanding and clarity of intent and,
2. Reduce the frequency of declarations from twice per year to an annual requirement.

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### Officer's Recommendation

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That the Council:

Endorse the proposed changes to the Related Party Disclosure Policy as follows:

#### 'Introduction

The Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, require all local governments in Western Australia to produce annual financial statements compliant with Australian Accounting Standards **Board (AASB)**.

**Compliance with AASB 124 (Related Party Disclosures) enhances the transparency and accountability of Shire transactions. It is not designed to detect and report fraud or misconduct.**

**Under AASB 124 the** ~~The Related Party Disclosure Policy aims to assist the Shire's key management personnel must complete an annual Related Party Disclosure. in meeting compliance disclosure requirements as stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian implementation guidance for not-for-profit public sector entities (AASB 124).~~

~~There are four different types of related party disclosures that must be considered:~~

~~There are four different types of related party disclosures that must be considered:~~

- ~~1. Entities related to the Council.~~
- ~~2. Key Management Personnel (KMP).~~
- ~~3. Close family members of KMP.~~
- ~~4. Entities that are controlled or jointly controlled by either 2 or 3 above.~~

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### Definitions

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Key Management Personnel (KMP)

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AASB 124 defines KMP as 'those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity'.

KMP of the Shire are:

- Elected Council Members
- Persons employed under s5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Directors.
- 
- Close family members
- Family members who may be expected to influence, or be influenced by, that KMP in their dealings with the Shire include:
  - 
  - KMP's children, and spouse or domestic partner
  - Children of that KMP's spouse or domestic partner
  - Dependants of the KMP or the KMP's spouse or domestic partner.

Entity

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP

Related Entities to KMP are entities that are:

- \*Controlled or jointly controlled\* by a KMP;
- Apart from Council, where a KMP has significant influence over, or is a member of the KMP of the entity or parent of the entity
- Controlled or jointly controlled by a close family member of a KMP of the Shire.

\*A person or entity is deemed to have control if they have:

- Power over the entity;
- Exposure, or rights, to variable returns from involvement with the entity
- The ability to use power over the entity to affect the amount of returns.

\*To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to the Council

Any entity that is either controlled, jointly controlled or over which the Council has a significant influence. A person or entity is a Related Party of the Shire if any of the following apply:

- They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- They are an associate or belong to a joint venture of which the Shire is part of
- They and the Shire are joint ventures of the same third party
- They are part of a joint venture of a third party and the Shire is an associate of the third party
- They have a post-employment benefit plan for the benefit of employees of either the Shire or an entity related to the Shire
- They are controlled or jointly controlled by close family members of the family of a KMP



- They are identified as a close, or possibly close, member of the family of a person with significant influence over the Shire, or a close, or possibly close, member of the family of a person who is a KMP of the Shire
- They, or any member of a group of which they are a part, provide KMP services to the Shire.
- 
- Material (materiality)
- 
- The assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. Under this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.
- 
- Ordinary Citizen Transaction
- 
- A transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire.
- 
- Related Party
- 
- A person or entity that is related to the entity preparing its financial statements.
- 
- Related Party Transaction
- 
- A transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged.
- 
- Significant (significance)
- 
- Likely to influence the decisions that users of the Shire's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Shire and related party outside a public service provider/ debtor or ratepayer relationship.

## Purpose

**To ensure that the Shire's key management personnel have a clear understanding of related party disclosure objectives and requirements.**

The objective of this Policy is to provide guidance on:

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## Policy Statement

**Related party relationships are a normal feature of commerce and business.**

**A related party is a person, or entity, that is related to the entity preparing its financial statements.**

### 1. Key Management Personnel (KMP)

**Persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. This includes all Elected Members, the Chief Executive Officer, and Management Team.**

All KMP are responsible for assessing and disclosing their own, their close family members' (Children spouse or domestic partner) and their related entities' (entity related to a KMP)



relationship with the Shire. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

## 2. Related Party Transactions

### 2.1 Ordinary Citizen Transaction

An Ordinary Citizen Transaction is one which occurs between the Shire and KMP and/or related parties which satisfy the following criteria. The transaction must:

- Occur during the normal course of the Shire delivering its public service goals
- Be under the same terms that would be available to a member of the community
- Belong to a class of transaction that an ordinary member of the community would normally transact with the Shire. **For example, facility hire, or the payment of rates and/or dog registrations.**
- ~~Belong to a class of transaction that an ordinary member of the community would normally transact with the Shire.~~

~~For example facility hire, or the payment of rates and dog registrations.~~

There is no obligation to disclose Ordinary Citizen transactions unless the terms of the transactions differ from the normal practice. If a transaction outside normal practice conditions has occurred, it must be disclosed.

### 2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- Purchases or sales of goods (finished or unfinished)
- Purchases or sales of property or other assets
- Rendering or receiving services
- Leases
- Transfers of research and development
- Transfers under licence agreements
- Transfers under finance arrangements (including loans and equity contributions in cash or kind)
- Provisions of guarantees or collateral
- Commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised)

Settlement of liabilities on behalf of the Council or by the Council on behalf of the related party.

## 3. Disclosure of Information

### 3.1 Shire disclosure

AASB 124 requires the Shire to disclose the following financial information in its financial statements for each financial year period:



- The nature of any related party relationships
- The amount of the transactions
- The amount of outstanding balances, including commitments, including:
  - 
  - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement
  - 
  - (ii) details of any guarantees given or received
- Provisions for doubtful debts related to the amount of outstanding balances
- The expense recognised during the period in respect of bad or doubtful debts due from related parties.
- 

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size
- Whether the transaction was carried out on non-market terms
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets
- Whether the transaction is disclosed to regulatory or supervisory authorities
- Whether the transaction has been reported to senior management
- Whether the transaction was subject to Council approval.

All transactions involving related parties will be captured and reviewed to determine significance, materiality, or if they are simply Ordinary Citizen Transactions.

Transactions that may not seem individually significant may need inclusion when viewed collectively.

### 3.2 KMP disclosure

KMP must complete and return a Related Party Disclosure ~~twice yearly~~, **annually** no later than **31 July** ~~the following dates each financial year:~~

- ~~30 December each year~~
- ~~30 June each year.~~

Disclosures must also be made immediately prior to termination of employment of/by a KMP:

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

### 4. Review

All Related Party Declarations submitted by KMP's will be reviewed upon receipt.

The primary identification method of close family members and associated entities of KMP shall be by, but not limited to, KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions identification and reporting methods shall consider:

- Transactions occurring via the Shire's accounting and electronic records management systems
- Other transactions not passing through the Shire's electronic accounting / management systems



- The identification of the associated terms and conditions of the related party transactions
- Declarations in the Financial Interests Register
- Information provided in Primary and Annual Returns.
- 
- 

If any elected member or employee believes a related party transaction has or may occur, they must notify the Chief Executive Officer who will, in consultation with the Director Community & Corporate, make a determination on the matter.

## 5. Privacy & Confidentiality

### 5.1 Access to information

Access, use and disclose of the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2 is limited to:

- The Chief Executive Officer
- Director Community & Corporate
- Manager Finance
- An Auditor of the Shire including from the WA Auditor General's Office, or
- Other Officers as determined by the Chief Executive Officer.
- 
- 5.2 Permitted purposes
- 
- Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:
  - Assess and verify the disclosed related party transaction
  - reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions
  - comply with the disclosure requirements of AASB 124, or
  - verify compliance with the disclosure requirements of AASB 124.
- 

### 5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by, or disclosure to, the public:

- Information (including personal information) provided by a KMP in a related party disclosure
- Personal information contained in a register of related party transactions.'

## Background

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*The Local Government Act 1995 requires the Council to determine the local government's policies.*

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

This policy was adopted in June 2017 (OC0613) in response to amendments in the Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures) that mandated reporting by not-for-profit entities including local governments.



The primary objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss may have been affected by the existence of related parties and their transactions.

The proposed changes to the policy aim to improve key management personnel (KMP) understanding of the process, remove the duplication of definition now also covered in the Attain System, and align the frequency and timing of declarations, to other existing end-of-financial-year requirements.

Removing the current obligation to complete a further declaration at the end of the calendar year has no impact on compliance.

#### Previous Council Decisions

28 June 2017 - (OC0613) - The Council adopted the first iteration of the policy.

29 September 2023 - (OC189/2021) - The Council adopted the reviewed and amended Related Party Policy.

### **Decision Framework**

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#### **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**

GOV 12 - **Legislative Compliance Management** - Manage the Shire's legislative compliance, including maintaining registers.

### **Statutory Framework**

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#### **Local Framework**

There are no local frameworks relevant to this item.

#### **State Framework**

*Local Government Act 1995 s2.7*

#### **2.7 Role of council**

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



**Federal Framework**

There are no federal frameworks relevant to this item.

**Policy Framework**

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The following Shire Policies apply:

- Related Party Disclosures.

Implications

**Risk Implications**

Risk	Likelihood	Consequence	Mitigation
<b>Risk 1</b> Financial  <b>Rating: High</b>	Likely	Moderate	Ensure the legislative requirements are met through the completion of Related Party Disclosures and report on the findings.
<b>Risk Description: Failure to financial reporting is undertaken accurately and includes all relevant information.</b>			
<b>Risk 2</b> Reputation  <b>Rating: High</b>	Likely	Moderate	Ensure the legislative requirements are met through the completion of Related Party Disclosures.
<b>Risk Description: Failure to ensure transparency in the financial reporting requirements.</b>			
<b>Opportunity: A compliant and transparent Related Party Disclosure process.</b>			

**Financial Implications**

Budget

There are no financial implications relevant to this proposal.

Long Term

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

This policy assists in the sound management of the Shire's financial resources, governance procedures and financial systems. This assists the Council in creating positive social and environmental impacts in the community.

### Economic

There are no relevant economic implications relevant to this item.

### Asset

There are no relevant asset implications relevant to this item.

## **Consultation/Engagement**

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### **External Consultation**

Multiple local government Related Party Policies were reviewed to establish a benchmark of clear and concise intent, and the frequency and timing of declarations.

### **Internal Consultation**

Discussion between Governance team and wider Community Corporate Officers to ensure that the changes align with financial statement preparation.

## **Officer Comment**

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The Shire of Capel is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

The review of the Related Party Disclosure Policy seeks to make changes that:

1. Simplify the intent of the AASB 124
2. Clarify the related party requirements and obligations for Key Management Personnel
3. Change the frequency of declarations from six monthly to an annual obligation in keeping with AASB 124 and most local governments in Western Australia.
4. Remove the repetition of definitions by combining them into the statement guide.

The policy is contemporary and compliant with legislative requirements and best practice. The proposed amendments are based on plain English principles and the Shire's Style Guide to amendments improve the policy by better definition of the key personnel, their roles and responsibilities.

The related party disclosure process is managed by Governance, in consultation with Corporate Services and has been relocated from the Corporate Services section of the policy manual to Governance and Risk. This improves the governance structure of the policy manual and reduces the large number of policies within the Corporate Services section.



## Summary

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Endorse the proposed changes to the Related Party Disclosure Policy to:

1. Provide greater understanding and clarity of intent and,
2. Reduce the frequency of declarations to an annual requirement.

## Voting Requirements

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Simple Majority

### Officer's Recommendation – 15.8.

#### OC/2024/23 - Officer's Recommendation / Council Decision - 15.8

*Moved Cr Terrantroy, Seconded Cr Mogg.*

**That the Council:**

**Endorse the proposed changes to the Related Party Disclosure Policy as follows:**

#### **Introduction**

**The Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, require all local governments in Western Australia to produce annual financial statements compliant with Australian Accounting Standards Board (AASB).**

**Compliance with AASB 124 (Related Party Disclosures) enhances the transparency and accountability of Shire transactions. It is not designed to detect and report fraud or misconduct.**

**Under AASB 124 the Shire's key management personnel must complete an annual Related Party Disclosure.**

#### **Purpose**

**To ensure that the Shire's key management personnel have a clear understanding of related party disclosure objectives, and requirements.**

#### **Policy statement**

**Related party relationships are a normal feature of commerce and business.**

**A related party is a person, or entity, that is related to the entity preparing its financial statements.**

#### **1. Key Management Personnel (KMP)**

**Persons having the authority and responsibility for planning, directing, and controlling the activities of the entity, directly or indirectly. This includes all Elected Members, the Chief Executive Officer, and Management Team.**



All (KMP) are responsible for assessing and disclosing their own, their close family members' (children, spouse or domestic partner) and their related entities' (entity related to a KMP) relationship with the Shire. All related parties must be included in the self-assessment.

## **2. Related Party Transactions**

### **2.1 Ordinary Citizen Transaction**

An Ordinary Citizen Transaction is one which occurs between the Shire and KMP and/or related parties which satisfy the following criteria. The transaction must:

- Occur during the normal course of the Shire delivering its public service goals
- Be under the same terms that would be available to a member of the community
- Belong to a class of transaction that an ordinary member of the community would normally transact with the Shire. For example, facility hire, or the payment of rates and/or dog registrations.

There is no obligation to disclose Ordinary Citizen transactions unless the terms of the transactions differ from the normal practice. If a transaction outside normal practice conditions has occurred, it must be disclosed.

### **2.2 Non-ordinary Citizen Transactions**

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- Purchases or sales of goods (finished or unfinished)
- Purchases or sales of property or other assets
- Rendering or receiving services
- Leases
- Transfers of research and development
- Transfers under licence agreements
- Transfers under finance arrangements (including loans and equity contributions in cash or kind)
- Provisions of guarantees or collateral
- Commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised)
- settlement of liabilities on behalf of the Council or by the Council on behalf of the related party.

## **3. Disclosure of Information**

### **3.1 Shire disclosure**

AASB 124 requires the Shire to disclose the following financial information in its financial statements for each financial year period:

- The nature of any related party relationships
- The amount of the transactions
- The amount of outstanding balances, including commitments, including:
-



(i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement

(ii) details of any guarantees given or received

- Provisions for doubtful debts related to the amount of outstanding balances
- The expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size
- Whether the transaction was carried out on non-market terms
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets
- Whether the transaction is disclosed to regulatory or supervisory authorities
- Whether the transaction has been reported to senior management
- Whether the transaction was subject to Council approval.

All transactions involving related parties will be captured and reviewed to determine significance, materiality, or if they are simply Ordinary Citizen Transactions.

Transactions that may not seem individually significant may need inclusion when viewed collectively.

### 3.2 KMP disclosure

KMP must complete and return a Related Party Disclosure, annually no later than 31 July.

Disclosures must also be made immediately prior to termination of employment of/by a KMP.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

## 4. Review

All Related Party Declarations submitted by KMP's will be reviewed upon receipt.

The primary identification method of close family members and associated entities of KMP shall be by, but not limited to, KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions identification and reporting methods shall consider:

- Transactions occurring via the Shire's accounting and electronic records management systems
- Other transactions not passing through the Shire's electronic accounting / management systems
- The identification of the associated terms and conditions of the related party transactions
- Declarations in the Financial Interests Register



- **Information provided in Primary and Annual Returns.**

If any elected member or employee believes a related party transaction has or may occur, they must notify the Chief Executive Officer who will, in consultation with the Director Community & Corporate, make a determination on the matter.

## **5. Privacy & Confidentiality**

### **5.1 Access to information**

Access, use and disclose of the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2 is limited to:

- The Chief Executive Officer
- Director Community & Corporate
- Manager Finance
- An Auditor of the Shire including from the WA Auditor General's Office, or
- Other Officers as determined by the Chief Executive Officer.

### **5.2 Permitted purposes**

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions
- comply with the disclosure requirements of AASB 124, or
- verify compliance with the disclosure requirements of AASB 124.
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### **5.3 Confidentiality**

The following information is classified as confidential and is not available for inspection by, or disclosure to, the public:

- Information (including personal information) provided by a KMP in a related party disclosure.
- Personal information contained in a register of related party transactions.

**Carried 9 / 0**

*For - Cr Dillon, Cr Fergusson, Cr Kitchen, Cr McCleery, 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

Nil

## 18. Motions Without Notice (Absolute Majority by Council)

Nil

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

Nil

## 20. Items for Consideration Behind Closed Doors

### Reason for confidentiality

Item 20.1 is confidential under the Local Government Act 1995 due to:

- a. a matter affecting an employee or employees;
- b. the personal affairs of any person;

### Voting Requirements

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Simple Majority

#### **OC/2024/24 - Procedural Motion / Council Decision - 20.0.2**

*Moved Cr Kitchen, Seconded Cr Dillon.*

**That the meeting be closed to members of the public in accordance with Shire of Capel Standing Orders Local Law 2016, 12.1(g) to consider the following confidential items:**

#### **20.1. Service and Resource Capability Review**

**Carried 9 / 0**

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

*Against - Nil*



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## 20.1. Service and Resource Capability Review

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<b>Author</b>	CEO, Gordon MacMile
<b>Authorising Officer</b>	Chief Executive Officer, Gordon MacMile
<b>Nature of the Decision</b>	Review
<b>Attachments</b>	Nil
<b>Confidential Status</b>	<i>This item is confidential under the Local Government Act 1995 due to:</i> a. <i>a matter affecting an employee or employees;</i>

### **OC/2024/26 - Procedural Motion / Council Decision - 20.1**

*Moved Cr Kitchen, Seconded Cr Dillon.*

**That the meeting return from behind closed doors.**

**Carried 9 / 0**

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

*Against - Nil*

### **President Note:**

The decision made behind closed doors was **carried**.

The decision of Council will remain confidential in accordance with section 5.23 (2)(a) of the *Local Government Act* 'a matter affecting an employee or employees', until such time as the actions of the decision have been completed and formal notice by the Chief Executive Officer has been provided to the Council of the completion of the matter.

### **21. Meeting Closure**

*There being no further business, the Presiding Member declared the meeting closed at 8:38pm.*