

SHIRE OF SHARK BAY UNCONFIRMED MINUTES

24 April 2024

ORDINARY COUNCIL MEETING



SHARK BAY DUGONG



24 APRIL 2024



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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Shark Bay during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Shark Bay.

The Shire of Shark Bay advises that no action should be taken on any application or item discussed at a Council meeting and should only rely on **WRITTEN ADVICE** of the outcome and any conditions attaching to the decision made by the Shire of Shark Bay.

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The unconfirmed minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 24 April 2024 commencing at 1.02 pm.

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1.0 DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 1.02 pm.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Malgana People as the traditional custodians of the land and sea in and around the Shire of Shark Bay.

I pay my respects to their Elders past, present and emerging.

3.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	President
Cr P Stubberfield	Deputy President
Cr L Bellottie	
Cr G Ridgley	
Cr M Smith	
Cr M Vankova	

Mr D Chapman	Chief Executive Officer
Mr B Galvin	Works Manager
Mrs D Wilkes	Deputy Chief Executive Officer
Ms L Bushby	Town Planning Consultant
Mrs R Mettam	Executive Assistant

APOLOGIES

Cr Fenny	Approval for Leave of Absence Item 6.1 of these minutes
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VISITORS

3 Visitors in the Gallery

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

Questions on notice from the Ordinary Council meeting held on the 27 March 2024 have been answered and a copy of the replies is listed below.

Ms Guenther asked the following questions:

1. Do the Councillors, for the sake of consistency, continue to rely on the interpretation of the relevant points by the out-of-town contractor Town Planning Innovations, who, just to give an example, recommends in regards to the application 1 Leeds Court to approve parking on the verge despite the fact that Point 32.15.2 in the Local Planning Scheme No. 4 requires "A detailed site plan which demonstrates (that) adequate car parking can be provided on site?"

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2. Do the Councillors now make a new start, formulate their own approval checklist in accordance to the Town Planning Scheme No. 4 and take regard of each of the points listed to see if the property complies with the Scheme, and

Will the Councillors consider compliance against each point regardless of whether they have received any objections from neighbours, so that not only current but also future residents can rely on the Town Planning Scheme?

In regards to **Question 1**, the Shire intends to continue to rely on Town Planning Innovations for general planning advice, as well as reports and recommendations on applications for holiday houses. The Director of Town Planning Innovations is the author of the current Shire of Shark Bay Town Planning Scheme No 4, has worked for the Shire for over ten years, is progressing a new Shire of Shark Bay Local Planning Strategy, and is working through a review of the existing Local Planning Policy No 1 with Councillors.

Town Planning Innovations provides a recommendation to Council through the items contained in each monthly agenda, however it is Council that is the determining authority. Every effort is made to ensure that planning agenda items on holiday houses and short stay dwellings include detailed aerials, car parking plans and photographs to enable Council to make informed decisions.

It is important to be aware that Council is in the early stages of reviewing Local Planning Policy No 1, and if the Policy is revised then it will be advertised for public comment, to enable the wider community and key stakeholders opportunity to comment on any changes.

In regards to **Question 2**, a checklist of the current Scheme requirements can be included in future agenda reports to Council on holiday houses and short stay dwellings.

Dr B Buirchell also proceeded to make a statement in regards to Short Term Holiday accommodation and stated of inconsistencies in the Town Planning Scheme No. 4 and then asked the following questions:

1. Shouldn't the Council first correct all these inconsistencies and get a better understanding of the size of the problem before approving any more short-term rentals?
2. Shouldn't the Council also try to find the missing legal short-term rentals and prosecute the illegal ones?

In response to **Question 1**, Council has an existing Local Planning Policy No 1, and has to continue to take that Policy into account when determining new applications.

Town Planning Innovations has already held a workshop with Councillors on the issue of holiday houses and short stay dwellings. Councillors have a good understanding that there are likely a wide variety of views on this subject and will continue to examine

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the matter in a balanced and planned manner to achieve a Local Planning Policy that will be strategically sound and reflect the Council's future position.

When an application is lodged, the Shire has to determine the application within 90 days. Whilst it is agreed that it is an opportune time to review the issue of holiday houses and short stay dwellings, in the meantime Council still has an obligation to consider each application lodged based on its individual merit.

It would not be fair or reasonable for Council to simply start refusing new applications 'en-block' for holiday houses or short stay dwellings, while the issue is being examined strategically.

In response to **Question 2**, the Shire only acts on written formal complaints, and has limited resources. The Shire has not actively investigated any holiday houses operating in the absence of a planning approval.

In the event that the Shire were to pursue prosecution of an owner or owners for operating an unauthorised holiday house, it would need to gather sufficient evidence, and engage a solicitor to pursue the matter through the courts. A judge cannot order an owner or owners to cease a use, however, can issue a fine if the prosecution was successful. The pursuit of compliance through courts can be a time consuming and expensive process.

At this time the Shire has very limited resources and is awaiting the outcome of legislative changes at the state level.

The Shire is of the understanding that the state is in the process of a full suite of reforms to improve regulation around the Short-Term Rental Accommodation sector.

The legislation is progressing as the Short Term Rental Accommodation Bill 2024 was tabled in Parliament in the Legislative Assembly on the 1 February 2024.

The Short-Term Rental Accommodation Bill 2024 (Bill) will require all short-term rental accommodation in Western Australia that falls within the scope of the definition of Short-Term Rental Accommodation in the Bill to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.

The Shire is of the understanding that the Bill will establish compliance mechanisms, including monetary penalties and power for a state Commissioner to suspend or cancel registration.

Mr J Mohr made a statement in regards to parking of vehicles at short term rentals, then asked the following:

1. Are they fully aware of the legal consequences, if they follow the Officer's Recommendation when approving 1 Leeds Court including point 5 on page 7 which states that: "All guest car and boat parking shall be accommodated within the boundary and associated verge of Strata Lot 2 at all times"?
2. In other words, are the Councillors aware that by approving 1 Leeds Court with this parking arrangement in place they are leaving the Shire open to legal action?

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In answer to **Question 1**, Council adopted the officer recommendation and approved the application for 1 Leeds Court at the last Council meeting held on the 27 March 2024.

Whilst it may be preferable in the first instance for parking to be contained within lot boundaries, Council has discretion to also support parking that may encroach onto the verge of the same property. Owners and occupiers can, for example, park on their own crossover or any portion of the reserve as long as it doesn't interfere with an existing footpath. They cannot park on a neighbour's verge without that owners/occupier's permission.

There are properties, such as at 1 Leeds Court, where there is little physical distinguishment between the paving within the lot boundary and the associated paved verge.

The agenda item provided to Council in March 2024 included an aerial photograph which showed the lot boundary, so Councillors made an informed decision.

In answer to **Question 2**, the Shire does not construe that it is leaving itself open to any legal action. Council has considered car parking in a practical manner having regard for matters such as the maximum number of guests, hardstand areas available, and accessibility of the front yard for parking.

In addition, approval for 1 Leeds Court is limited to a 12 month period so parking can be monitored.

5.0 PUBLIC QUESTION TIME

The President opened public question time at 1.03 pm.

Ms J Guenther advised that she lodged a complaint with the Shire on 4 April – 20 days ago. Can we expect an answer?

The Chief Executive Officer replied that she would receive an answer to her questions in due course.

Ms J Guenther also asked in regards to the complaints register that is show on Council's website and how to register a complaint or rather why is our complaint not appearing on the website.

The Chief Executive Officer advised the procedure for the complaints register on the website, advising that the complaints register on the website is for when the Department of Local Government, Communities and Sports notify that a complaint has been received, investigated, and decided, no advice is to be shown on the Shire website. The only time a complaint will be shown is after a disciplinary/penalty action has been taken.

Mr B Burchill asked does the Local Planning Scheme No. 4 have legal priority over the Local Planning Policy No. 1 – Holiday Houses.

Ms L Bushby replied, the Shires Local Planning Scheme is a statutory legal document which takes precedence, however Council has discretion to vary some of the requirements and standards under the Scheme. Council has 'due regard' to any Local Planning Policies, however Policies are a guideline.

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The President closed public question time at 1.07 pm.

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR FENNY
GV00017

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved

Cr Bellottie

Seconded

Cr Stubberfield

Council Resolution

Councillor Fenny is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on Wednesday 24 April 2024.

6/0 CARRIED

Background

Councillor Fenny has applied for leave of absence from the Ordinary meeting of Council scheduled for Wednesday 24 April 2024. The Council in accordance with Section 2.25 of the *Local Government Act 1995* as amended may by resolution grant leave of absence to a member.

Comment

Councillor Fenny has advised the Chief Executive Officer, he will be unable to attend the Ordinary Council meeting of Council scheduled to be held on Wednesday 24 April 2024 and has requested leave of absence be granted by Council for this meeting.

I advised it would be prudent to seek Council's approval for the leave to ensure that obligations have been met in accordance with the Local Government Act.

The Council may consider not granting Councillor Fenny leave of absence but must include the reasons for the refusal for not granting the leave in the resolution.

Legal Implications

***Local Government Act 1995* Section 2.25 Disqualification for Failure to Attend Meetings**

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.

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- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
 - a) If no meeting of the council at which a quorum is present is actually held on that day; or
 - b) If the non attendance occurs while –
 - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
 - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *D Chapman*

Date of Report 23 April 2024

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7.0 PETITIONS

There were no petitions presented to the April 2024 Ordinary Council meeting.

8.0 CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MARCH 2024

Moved Cr Smith
Seconded Cr Vankova

Council Resolution

That the minutes of the Ordinary Council meeting held on 27 March 2024, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

9.0 ANNOUNCEMENTS BY THE CHAIR

There were no announcements made by the President at the April 2024 Ordinary Council meeting.

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10.0 TOWN PLANNING REPORT

10.1 PROPOSED SURVEY STRATA WITH COMMON PROPERTY – LOT 2 (96) DAMPIER ROAD, DENHAM (WESTERN AUSTRALIAN PLANNING COMMISSION REFERENCE 143-24) P1344

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Bellottie
Seconded Cr Stubberfield

Council Resolution

That Council:

A. Recommend that the Western Australian Planning Commission approve the application (Reference 143-24) to divide Lot 2 (96) Dampier Road, Denham into two strata lots with common property subject to the following conditions and footnote:

- 1. The proposed common property driveway being constructed and drained at the landowners cost to the specifications of the local government. Alternatively, the driveway construction can be bonded.**
- 2. Suitable arrangements being made with the local government for the construction and upgrading of a vehicular crossover to service the lot(s) shown on the approved plan of subdivision (as common property).**
- 3. The whole of the access way to the rear lot(s), including truncations and vehicle manoeuvring areas, being shown on the survey strata plan as common property.**
- 4. Prior to the commencement of subdivisional works, the landowner is to provide a pre-works geotechnical report certifying that proposed Strata Lot 2 is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.**

In the event that remediation works are required, the landowner/ applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

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5. **Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.**
6. **All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, *Building Act 2011*, and National Construction Code Series/Building Code of Australia (as amended).**
7. **A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s), advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. Additional planning requirements may apply to development on this land'.

Footnote Advice: As the Western Australian Planning Commission is the determining authority it is responsible for assessing compliance with State Planning Policy 3.7. The Shire notes that the Western Australian Planning Commission has accepted the application without a Bushfire Attack Level Assessment.

6/0 CARRIED

BACKGROUND

Lot 2 has been developed and contains a hardware store. Informal carparking is located to the front of the existing building. The lot is serviced by one concrete crossover and a second informal unconstructed crossover – picture overpage.

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The lot is located to the north of Dampier Road.

COMMENT

- *Description of Application*

The purpose of this report is for Council to consider an application lodged to the Western Australian Planning Commission to subdivide Lot 2 into two strata lots with a common property driveway access.

The Western Australian Planning Commission has requested comments from the Shire. The Commission is the determining authority for the application, however the Shire can make a recommendation to the Western Australian Planning Commission.

The Shire can also recommend conditions to be placed on any approval issued by the Western Australian Planning Commission. The owner would need to meet all conditions imposed by the Western Australian Planning Commission prior to obtaining new titles for the proposed lots.

The application proposes to contain the existing hardware building and associated carparking on proposed Lot 1. Proposed Lot 1 will have an area of 2351m².

Proposed Lot 2 will be to the rear of the existing building and have an effective area of 1200m² (excluding the common property/driveway). A 6 metre driveway is proposed as common property so it would provide access to both proposed Lot 1 and 2.

The proposed strata plan is included overpage for ease of reference.

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- *Consultation*

The Western Australian Planning Commission has referred the application to the Shire, Horizon Power, Water Corporation, the Department of Biodiversity Conservation and Attraction, the Department of Water and Environmental Regulations, Department of Mines Industry Regulation and Safety, and the Health Department of Western Australia.

The Shire and other agencies have been requested to comment on the application by the 12 April 2024. Town Planning Innovations has advised the Western Australian Planning Commission that the application will be considered at the April Council meeting, and late comments will be provided.

- *Lot Sizes*

The proposed lot sizes comply with the Shire of Shark Bay Local Planning Scheme No 4 as explained under the 'statutory' section of this report.

Council needs to consider whether it supports the proposed lot configuration and if it is satisfied that the rear lot can sufficiently accommodate future industrial development.

Given that the Scheme permits a 1000m² lot size in the General Industry zone, that in itself is a fairly strong indication that any lot over 1000m² is capable of some form of light industrial or general industrial development. Notwithstanding the above, proposed Lot 2 is more constrained as it will not have direct road frontage.

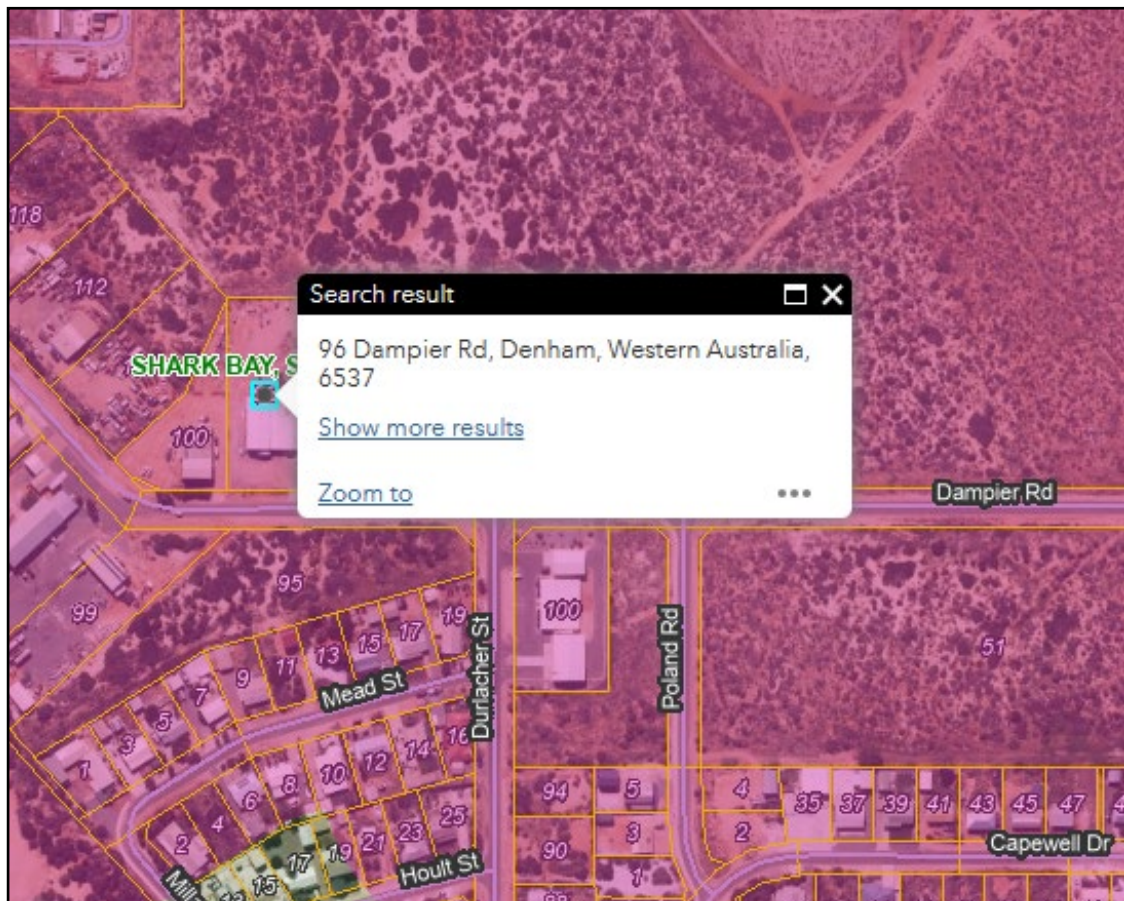
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- **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 2 is within the declared bushfire prone area (pink area).



Whilst Council has to consider State Planning Policy 3.7 when making a recommendation on this strata application, it should be noted that:

- (a) It is a Western Australian Planning Commission Policy and it will be the Western Australian Planning Commission who determines this application;
- (b) Usually when the Western Australian Planning Commission has concerns over bushfire matters, they require applicants to lodge a Bushfire Attack Level assessment or Bushfire Management Plan with their application. The Western

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Australian Planning Commission has not required any Bushfire Attack Level information to be lodged in this case; and

- (c) A Bushfire Attack Level assessment can be required at the development application stage, however there are no higher construction standards that apply for industrial buildings at the separate building permit stage.

If Council supports the application, Town Planning Innovations recommends a condition be imposed to require a notification to be placed on the Certificate of Title(s), so as prospective purchasers are aware that they are purchasing a lot in a bushfire prone area.

Town Planning Innovations also recommend that Council provide advice to the Western Australian Planning Commission that they should consider compliance with State Planning Policy 3.7.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – Lot 2 is zoned ‘General Industry’.

Clause 3.2.5.1 outlines development and site provisions that apply to the General Industry zone as follows:

Summary of Scheme Requirements		Officer Comment
Minimum Lot Area (m ²)	1000m ²	Complies Proposed Lot 1 would have an area of 2351m ² . Proposed Lot 2 would have an area of 1200m ² (excluding the common property/driveway).
Effective Frontage	15 metres	The ‘frontage’ is defined as ‘the line where a road reserve and the front of a lot meet’. Proposed Lot 1 will have a frontage of 40 metres. Proposed Lot 2 will not have a direct road frontage. It’s access to Dampier Road will be via the common property driveway which is 9 metres. It is recognised however that: <ol style="list-style-type: none"> 1. The width of proposed Lot 2 is 39.75 metres wide; and 2. Council has discretion to vary the ‘frontage’ requirement if satisfied that it will not adversely affect ay owners or occupiers in the general locality.

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Building Setbacks	6 metres front and rear	This would be examined at the separate development application stage.
Maximum site coverage	75%	This would be examined at the separate development application stage.

POLICY IMPLICATIONS

There are no local planning policy implications. The Shire has a Crossover Policy and if the application is supported by Council, Town Planning Innovations recommends that a condition be imposed to require construction of a new crossover for the proposed common property/driveway.

The Western Australian Planning Commission has a Development Control Policy 4.1 on Industrial Subdivision. The Policy allows examination of matters such as zoning, relationship to adjacent development (such as residential), lot sizes and shapes, access, and services.

The Western Australian Planning Commission Policy recognises '*that lot sizes for the different types of industrial subdivision will vary according to function and purpose*'. It also recognises that the size of lots should provide sufficient space to accommodate industrial buildings and development.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for general advice.

The Shire does not receive any planning fees for survey strata applications. Fees are paid directly to the Western Australian Planning Commission who is the determining authority.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this item, unless the Council has concerns over the current minimum lot size permissible for the General Industry zone under the Scheme and/or the proposed lot configuration.

RISK MANAGEMENT

There are no known risks associated with this item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>D Chapman</i>
Date of Report	14 April 2024

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10.2 MANAGEMENT ORDER FOR RESERVE 50101, MONKEY MIA
RES50101

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Vankova
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Note that a formal request has been lodged to the Department of Planning, Lands and Heritage to seek the grant of a new Management Order for Reserve 50101 as:**
 - a. **Condition 3 of the existing Management Order (No M602437) only allows a ten year period for the Malgana people to commence utilising a portion of the reserve for the designated purpose (Aquaculture and Associated Tourism Activities);**
 - b. **The ten year period permissible under Condition 3 expired on 8 April 2024.**
2. **Pursuant to Section 51 of the *Land Administration Act 1997*, support the grant of a new Management Order with a condition that will continue to allow a 1.5 ha area from within the reserve to be set aside for use by the native title claimant group in the area (the Malgana people), to be lessee on reasonable terms, for a further ten year period (that of Condition 3 in Management Order No M602437).**
3. **Authorise the Shires Planning Consultant, Liz Bushby of Town Planning Innovations, to advise the Department of Planning, Lands and Heritage of Council's decision.**

6/0 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

There is an existing Management Order to the Shire of Shark Bay for Reserve 50101, with the power to lease for any term not longer than 21 years (subject to the consent of the Minister for Lands). The purpose of the reserve is for 'Aquaculture and Associated Tourism Activities'.

Condition 3 of the Management Order states that:

'A 1.5 ha area from within the reserve will be set aside for use by the native title claimant group in the area (the Malgana people), to be lessee on reasonable terms. If the land so identified is not utilised for the designated purpose by the Malgana people within ten years of the date of this order requirement lapses and has no further effect.'

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COMMENT

The Department of Planning, Lands and Heritage has advised that a new Management Order can be issued to extend the life of Condition 3 for another ten years.

The Department of Planning, Lands and Heritage has advised that an item has to be referred to Council, and a formal Council resolution is required to facilitate a new Management Order for Reserve 50101.

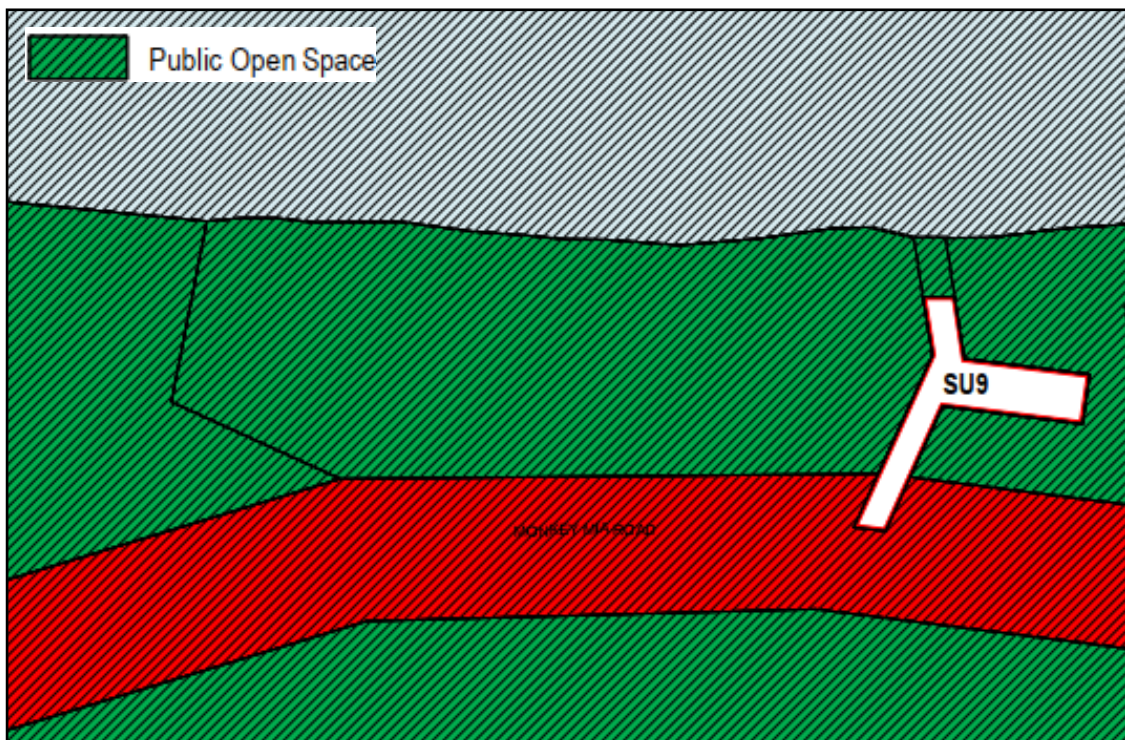
A new Management Order over Reserve 50101 with a new ten year commencement period would provide the Malgana people with additional time to commence any use of the land that is consistent with the reserve purpose. It would provide the Shire with additional flexibility to lease the 1.5 hectare portion to the Malgana people in the future.

There is currently no lease in place with the Malgana People.

LEGAL IMPLICATIONS

Land Administration Act 1997 – Under Section 51 the Minister may by order cancel, change the purpose of, reduce the area of, excise an area from or amend the boundaries of, or the locations or lots comprising, a reserve.

Shire of Shark Bay Local Planning Scheme No 4 – Reserve 50101 is classified as a Local Scheme Reserve for Public Open Space.



Above: Extract of Scheme zoning map

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The objectives of a local reserve for public open space are:

- (i) To set aside areas for public open space, particularly those established under the *Planning and Development Act 2005* s.152.
- (ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
- (iii) Accommodate a wide range of development including and not limited to buildings, structures, landscaping, amenities, carparks, caravan parks, campsites, or other activities for the general enjoyment, relaxation, exercise, play or entertainment of the local community, visitors, tourists and the general public.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for general advice.

The Shire does not receive any lease money in associated with Reserve 50101. There is a clause in the current Lease with Colin Fitzgerald that requires rent to be paid to the Shire after the Lessee has obtained development approval.

STRATEGIC IMPLICATIONS

The current local scheme reservation does not align particularly well with the purpose of Reserve 50101. Town Planning Innovations can examine this matter as part of development of a new Local Planning Strategy for the Shire.

RISK MANAGEMENT

There are no known risks associated with this item.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>D Chapman</i>
Date of Report	16 April 2024

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 1

LANDGATE USE ONLY, COPY OF ORIGINAL, NOT TO SCALE
TIP Check: 19/01/2015 3:13:01 PM

Retrieved: 19/01/2015 3:12 PM Page: 1



REGISTER NUMBER	
106/DP219786	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	N/A

WESTERN AUSTRALIA
**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE**
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

VOLUME **LR3144** FOLIO **938**

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 106 ON DEPOSITED PLAN 219786

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF SHARK BAY OF POST OFFICE BOX 126, DENHAM
(XE M602437) REGISTERED 8 APRIL 2014

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- 1. K873892 RESERVE 50101 FOR THE PURPOSE OF AQUACULTURE AND ASSOCIATED TOURISM ACTIVITIES REGISTERED 9.3.2009.
M602437 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS. REGISTERED 8.4.2014.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP219786.
PREVIOUS TITLE: LR3102-779.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: SHIRE OF SHARK BAY.
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (SLSD).

NOTE 1: K873892 CORRESPONDENCE FILE 01737-1994-02RO

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

24 APRIL 2024

FORM B1 WESTERN AUSTRALIA TRANSFER OF LAND ACT 1893 AS AMENDED ADDITIONAL PAGE TO MANAGEMENT ORDER (XE)
--

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
50101	Whole	3144	938

CONDITIONS (NOTE 3)

1. To be utilised for its designated purpose of "Aquaculture and Associated Tourism Activities" only.
2. Power to lease (or sub-lease or licence) for the designated purpose is granted for the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment pursuant to the provisions of section 18 of the Land Administration Act 1997.
3. A 1.5 Ha area from within the reserve will be set aside for use by the native title claimant group in the area (the Malgana people), to be lessee on reasonable terms. If the land so identified is not utilised for the designated purpose by the Malgana people within ten years of the date of this Order requirement lapses and has no further effect.

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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DUPLICATE

DUPLICATE

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

50101

EXTENT

Whole

VOLUME

3144

FOLIO

938

MANAGEMENT BODY (NOTE 2)

Shire of Shark Bay of PO Box 126, Denham


CONDITIONS (NOTE 3)

See Annexure

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS ABOVE

Dated this 3 day of April in the year 2014

ATTESTATION (NOTE 4)

 NAME: Terrena Jane Newman
A/ SENIOR STATE LAND OFFICER
TEAM: MidWest

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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DUPLICATE

DUPLICATE

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

NOTES

1. RESERVE DESCRIPTION
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY
State the full name and address of management body.
3. CONDITIONS
Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.
4. ATTESTATION
This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

DUPLICATE



M602437 XE

08 Apr 2014 13:20:07 Midland

MANAGEMENT ORDER (XE)

LODGED BY Department of Lands

ADDRESS DoL - Mid West - Box 98C

PHONE No.
FAX No.

REFERENCE No. Janine Finch, 01737-1994 (Job No. 140765), ph: 65524587

ISSUING BOX No.

PREPARED BY Department of Lands

ADDRESS DoL - Mid West - Box 98C

PHONE No.
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____ Received Items
2. _____ Nos.
3. _____
4. _____ Receiving Clerk
5. _____
6. _____

140765-002



Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



24 APRIL 2024

10.3 APPLICATION SEEKING PLANNING APPROVAL FOR A HOLIDAY HOUSE – LOT 240 (139) KNIGHT TERRACE, DENHAM P4001

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Stubberfield
Seconded Cr Cowell

Council Resolution

That Council:

- A. Note that the application for a Holiday House on Lot 240 (139) Knight Terrace, Denham has been advertised for public comment. Advertising closed on the 2 April 2024 and one submission with comments was received.**
- B. Approve the application seeking planning approval for the existing single house on Lot 240 (139) Knight Terrace, Denham to be used as a Holiday House subject to the following conditions and footnotes:**
- 1. This approval is valid for a maximum of 1 year from the date of this planning consent. Following the 1 year period this approval shall expire and become void.**
 - 2. This approval for a Holiday House is issued to Kate and Trent Francis as the landowners of Lot 240 (139) Knight Terrace, Denham. This approval shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted.**
Should there be a change of ownership of Lot 240 this approval is cancelled and expires.
 - 3. The plans lodged with this application shall form part of this approval.**
 - 4. Car parking areas with capacity to accommodate a minimum of 3 car parking bays are to be provided and maintained to a trafficable standard within the existing driveway and/or in front of the dwelling on Lot 240 to the satisfaction of the Shire’s Chief Executive Officer in accordance with the attached ‘Aerial View’ plan submitted with the application.**
 - 5. Any guest boat(s) are to be accommodated within the existing driveway and/or in front of the dwelling on Lot 240 to the**

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satisfaction of the Shire's Chief Executive Officer in accordance with the attached 'Aerial View' plan submitted with the application. No guest caravans shall be parked on the property.

6. No guest or visitors cars, vehicles, trailers or boats on trailers shall be parked in a manner that obscures, encroaches onto or interferes with access to the existing footpath on Knight Terrace at any time.
7. The owner shall implement the measures in the Management Plan lodged and approved as part of this application.
8. The owner shall continue to engage a local property manager to manage the holiday house in accordance with the Management Plan approved as part of this application.

If an alternative manager is engaged (other than the agent stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for any new property manager.

9. The owner shall keep and maintain a working fire extinguisher on the premises at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer.
10. An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.
11. No guest shall be accommodated for periods totalling more than 3 months in any 12 month period.
12. The maximum number of persons to be accommodated at any one time shall be limited to 7.
13. If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.

C. Resolve to advise the applicant in the covering Determination Letter that:

- (i) The Shire will maintain a holiday house register. Where a planning approval is issued Lot 240 will automatically be listed on the holiday house register until such time as the approval expires.
- (ii) This first approval is limited to a 1 year period in accordance with Clause 32.15.4 of the Shire of Shark Bay Local Planning Scheme No 4.

The Shire has discretion to issue subsequent approvals for a Holiday house for terms of one year, 3 years or up to a maximum of 5 years.

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- D. **Authorise the Chief Executive Officer to write to the submitter, as owner of 141 Knight Terrace, Denham to:**
- (1) **Advise of the Council decision and that approval is limited to an initial 12 month period;**
 - (2) **Outline that if neighbours experience any issues that are not addressed by the property manager, they should notify the Shire in writing directly.**

4/2 CARRIED

Cr Smith is recorded as voting against the motion.

Reason: That pending State Government changes to legislation on Short Term Accommodations' including Local Government alterations – further issuing of authorisations for new Short Term Accommodation's be withheld.

Cr Ridgley is recorded as voting against the motion.

Reason: I want to wait for the WA. Government decision on what they will hand down in the issue of holiday homes in WA. Also the Shire of Shark Bay decision on how we will deal with holiday homes in the near future.

BACKGROUND

- ***Relevant Council decision : Local Planning Policy No 1 Holiday Houses in Residential Areas***

The Shire Council adopted Local Planning Policy No 1 (with modifications) at the meeting held in September 2020.

Unless and until the existing policy reviewed or revised, the existing Policy is used for the assessment of all applications.

- ***Relevant Council decision : February 2023***

A report item was referred to the Ordinary Meeting of Council on the 28 February 2024 to consider granting delegated authority to the Chief Executive Officer to determine new (first time) and renewal applications for holiday houses.

Council resolved not to support the delegation so all holiday house applications will be referred to Council for determination

- ***Location***

Lot 240 is located to the south east of the corner of Fry Court and Knight Terrace. The lot faces the beach and is in close proximity to amenities within the Denham town centre.

A location plan is included overpage for ease of reference.

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Above: Location Plan

COMMENT

• **Description of proposal**

The application is summarised as follows:

- (i) It is proposed to accommodate a maximum of 8 guests at any one time.
- (ii) There is a single carport under the main roof of the existing house.
- (iii) There is a good quality single brick paved driveway.
- (iv) The carport and driveway in front of the house can accommodate three cars.
- (v) The driveway extends from the carport to an outbuilding located to the rear of the house.
- (vi) Overflow carparking or boat parking can be accommodated in the front yard if required. The area in front of the existing house contains a blue metal parking area.

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- (vii) The owner intends to use Ray White as the property manager. The property manager is responsible for all bookings, provision of information to guests, monitoring the property, ongoing maintenance, and dealing with any complaints.



Above: Front view of house and driveway

- **Zoning and Proposed Land Use**

Lot 240 is zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme 'best fits' the proposal.

The proposed land use is construed as a 'holiday house' which is defined in the Scheme as '*means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast*'.

The land use of 'holiday house' is listed in Table 1 of the Scheme as an 'D' use in the Residential zone which '*means that the use is not permitted unless the local government has exercised its discretion by granting development approval*'.

In other words, the 'D' symbol means that the use can be approved, but at the discretion of Council.

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An extract of Table 1 is included below.

TABLE 1

USE AND DEVELOPMENT CLASS	Commercial	Tourism	Residential	Urban Development	General Industry	Rural	Special use
	Holiday house	A	A	D		X	X

Council has clear discretion to consider an application for a holiday house in the Residential zone.

• **Local Planning Policy No 1 - Holiday Houses**

The Local Planning Policy reflects and builds on some of the requirements of the existing Shire of Shark Bay Local Planning Scheme No 4 provisions.

A summary of the policy requirements and compliance is included below:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The applicant has lodged a clear aerial with photographs showing access and parking areas. Car parking is discussed in more detail in the body of this report.
2. An internal floor plan showing the house layout, the use of each room, and number of double, single or bunk beds per room (including fold out couches).	The applicant has lodged detailed floor plans showing all bedrooms, and the number of beds within each bedroom.
3. Carparking to be provided at a rate of 1 space every 3 guests.	3 carparking bays are required. Guests can park in the existing driveway, and there is overflow parking available in front of the existing house. This is shown on their car parking plan.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full	A Management Plan has been lodged that nominates Ray White as the property manager. It details all property manager responsibilities, booking procedures, and procedures for complaints. The plan also

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<p>contact details of the Manager or employee of the Manager.</p>	<p>outlines some of the owners responsibilities. The Management Plan is a format that has been supported and approved for a number of holiday houses managed by Ray White.</p>
<p>5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.</p>	<p>The Policy includes an example Fire and Emergency Response Plan template that can be modified by owners to suit their premises. The applicant has lodged detailed floor plans that show the location of smoke detectors, a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot.</p>

- **Carparking**

As explained under the 'description of proposal' heading in this report, car and boat parking can be accommodated in the single carport, front brick paved driveway area and blue metal gravel area in front of the existing dwelling.

The applicants' car parking plan is included as Attachment 1.

The driveway in front of the single carport is approximately 11.9 metres long (excluding the crossover). The blue metal parking area measures approximately 19.8m².

Although parking may be accommodated to the rear of the dwelling, Town Planning Innovations is of the view that guests (especially with larger four-wheel drives) will more likely park in the front yard.

Parking is shown on an aerial over page.

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Above: Aerial shows one car and one boat parked in the driveway, and three smaller boats in front of the house on the blue metal area.

Town Planning Innovations is of the view that the number of boats that can be accommodated will depend on their size. It is clear from the aerial that at least three smaller boats could be accommodated in front of the house.

If Council wants to limit the number of boats to one, then Condition 5 could be amended to state as follows:

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“A maximum of one guest boat shall be accommodated at any one time. Any boat shall be parked within the existing driveway and/or in front of the dwelling on Lot 240 to the satisfaction of the Shire’s Chief Executive Officer in accordance with the attached ‘Aerial View’ plan submitted with the application. No guest caravans shall be parked on the property.’

• **Public Advertising and Submission**

The application was advertised through a Public Notice published on the Shire website and letters to nearby and adjacent landowners. Advertising closed on the 2 April 2024, and one submission with comments was received from the owner of 141 Knight Terrace.

A copy of the submission is included as Attachment 2.

The submission doesn’t express an objection to the application, however comments that her understanding is that the property is for:

- Maximum of 8 people.
- Maximum of three cars which would be parked in the existing driveway.
- One boat to be parked in the front ‘garden’ area.
- There is no application for extra vehicles, trailers, boats, or caravans to be parked on the property.
- Seeks clarification that the management of all rentals will be by the local real estate agent.

The Shire Chief Executive Officer responded to the submission to clarify aspects of the application and explain that the application is to be determined by Council at the April 2024 meeting.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 67 of the deemed provisions outlines ‘*matters to be considered by Council*’ including but not limited to orderly and proper planning, the compatibility of the development with it’s setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Shire of Shark Bay Local Planning Scheme No 4 – There are specific provisions that apply to Holiday Houses in Residential zones under Clause 32.15 as follows:

Clause		Comment
32.15	The local government may permit a Holiday house within the Residential zone where, in its opinion, the use would not substantially spoil or detract from the residential character and amenity of the locality.	Council has to consider issues of amenity as part of all planning applications, combined with the other normal planning considerations such as the objectives of the residential zone, parking, management, complaint management etc

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		Council also has to consider the application in accordance with the Shires Local Planning Policy No 1.
32.15.2	<p>The local government shall not consider an application for development approval for a Holiday house unless it is accompanied by:</p> <p>(a) A Management Plan that addresses how the land use will be managed to maximize protection of residential amenity, includes details of how noise issues will be addressed by the Manager, and full contact details of the Manager or employee of the Manager.</p> <p>(b) A Fire and Emergency Response Plan that includes detailed fire escape route maps and addresses the provision of safety features including hard wired smoke detectors, provision of a fire extinguisher and emergency contact numbers.</p> <p>(c) A detailed site plan which demonstrates adequate carparking can be provided on site.</p>	These scheme requirements are also replicated in Local Planning Policy No 1 and are addressed in the body of this report.
32.15.3	The local government may have regard for the following matters when determining an application for development approval for a Holiday house:	This clause is worded to outline matters that Council <u>may</u> have regard for. It does not use the term 'shall' or the term 'due regard' so provides some flexibility.
32.15.3a	A Management Plan adequately demonstrates that the land use will be managed as to ensure that it will not cause nuisance or annoyance to the owners of adjoining or nearby residential properties;	This scheme requirement is replicated in Local Planning Policy No 1 and is addressed in the body of this report.
32.15.3b	A manager, caretaker or a contactable employee of the Manager permanently resides in Denham townsite or within one hours drive of Denham townsite;	This scheme requirement is replicated in Local Planning Policy No 1 and is addressed in the body of this report.
32.15.3c	A Fire and Emergency Response Plan comprehensively addresses fire safety.	This scheme requirement is replicated in Local Planning Policy No 1 and is addressed in the body of this report.

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	The proximity of the lot to Denham townsite, the beach and/or any significant tourist attraction.	This report includes a plan showing the location of Lot 240. The lot is on Knight Terrace, near the main town centre and across from the beach.
32.15.3d	The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre;	As per above.
32.15.3e	The size of the lot and density of development in the surrounding area;	This report includes an aerial plan showing surrounding development, a location plan, a photograph of the existing house and an aerial with parking area dimensions.
32.15.3f	The potential for increased impact where adjacent land has been developed for grouped dwellings or there are small lots with dwellings in close proximity to each other;	As per above.
32.15.3g	The potential for occupiers to have different behaviours and routines and the need to protect residents in suburban locations with daily work routines.	To address this the Scheme requires a local property manager, a Management Plan, and the ability to limit the term of any planning approval.
32.15.3h	The location of active outdoor areas and their relationship to sensitive bedrooms within surrounding dwellings in a suburban environment.	Aerials are included in all agenda reports to Council, however access to neighbours' internal floor plans are limited. All applications are advertised for public comment so neighbours can raise any concerns over applications.
32.15.4	The local government shall limit any initial development approval for a Holiday house to a maximum 12 month period.	All 'first time' approvals are limited to 12 months through a condition of approval.
32.15.5	The local government may issue subsequent Development approvals for a Holiday house and has discretion to limit the term of approval to one year, 3 years or up to a maximum of 5 years as deemed appropriate by the local government.	The Shire can issue subsequent approval for terms of 3 or 5 years. Generally, second approvals have been limited to 3 years.
32.15.6	The local government may have regard for any substantiated written complaint or evidence about mismanagement of a	All applications are advertised to nearby and surrounding neighbours to ascertain whether issues

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	Holiday house in considering the issue of subsequent Development approvals.	have arisen for any approved holiday house.
32.15.7	Advertising signage associated with a Holiday house shall have a maximum area of 0.2m ² and be fully located within the lot boundary.	A condition is placed on all approvals to limit the size of any sign.
32.15.8	A Holiday house is to comply with the Residential Design Codes and/ or any existing Planning consent already granted for the dwelling or variation to the Residential Design Codes with the exception that Council has discretion to require a higher provision of carparking for any Holiday house having regard for the number of bedrooms and maximum number of persons to be accommodated at any one time.	Council has regard for factors such as number of bedrooms and maximum number of guests in assessing carparking.
32.15.9	Development approvals can be renewed when an owner/ applicant lodges a new Planning Application to the local government.	Renewals are only considered where a landowner lodges a new application.
32.15.10	A development approval for a Holiday house is issued to a specific owner of a particular parcel of land, it shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of the owner of the land in respect of which planning consent is issued the planning consent is cancelled.	Conditions are placed on approvals for holiday houses to ensure they are specific to the current landowner(s). If ownership of a lot changes any existing approval lapses and expires.
3.15.11	A Holiday house shall not operate within the Residential zone unless it is registered in respect of the lot under Clause 32.15.12.	The Shire registers holiday houses if an approval is granted.
32.15.12	Outlines that all holiday houses have to be a register maintained by the Shire.	The Shire registers holiday houses if an approval is granted.
32.15.13	Outlines that Council may have a general regard for Clauses 32.15.2 and 32.15.3 in determining applications for a holiday house in the Commercial or Tourism zone.	This clause does not apply as this proposal is in a residential zone.

POLICY IMPLICATIONS

Explained in the body of this report.

Although not a local planning policy, Council should note that the Western Australian Planning Commission publish:

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- Position Statement: Planning for Tourism and Short Term Rental Accommodation Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State governments Short Term Rental Accommodation planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](http://www.wa.gov.au)

The Shires Local Planning Policy requires that all crossovers that relate to Holiday Houses be sealed, paved or concreted to comply with the construction specifications in the Shire's Crossover Policy.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for general planning advice.

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the Western Australian Parliament on 21 February 2024. Local governments could comment on the Bill by the 25 March 2024.
- The Short-Term Rental Accommodation Bill 2024 (Bill) proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.
- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday houses need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation, the Shire will need to consider whether any scheme amendment is warranted.

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RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

16 March 2024

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ATTACHMENT # 1



Attachment 2

**Street View
139 Knight Tce**

Car & Boat Parking
Ample room for cars
and boat on the
property
(maximum 3 cars and 1
boat at any one time)

Attachment 2

**Aerial View
139 Knight Terrace**

**Car & Boat Parking
Ample room for 3 cars and
1 boat on the property at any
one time**

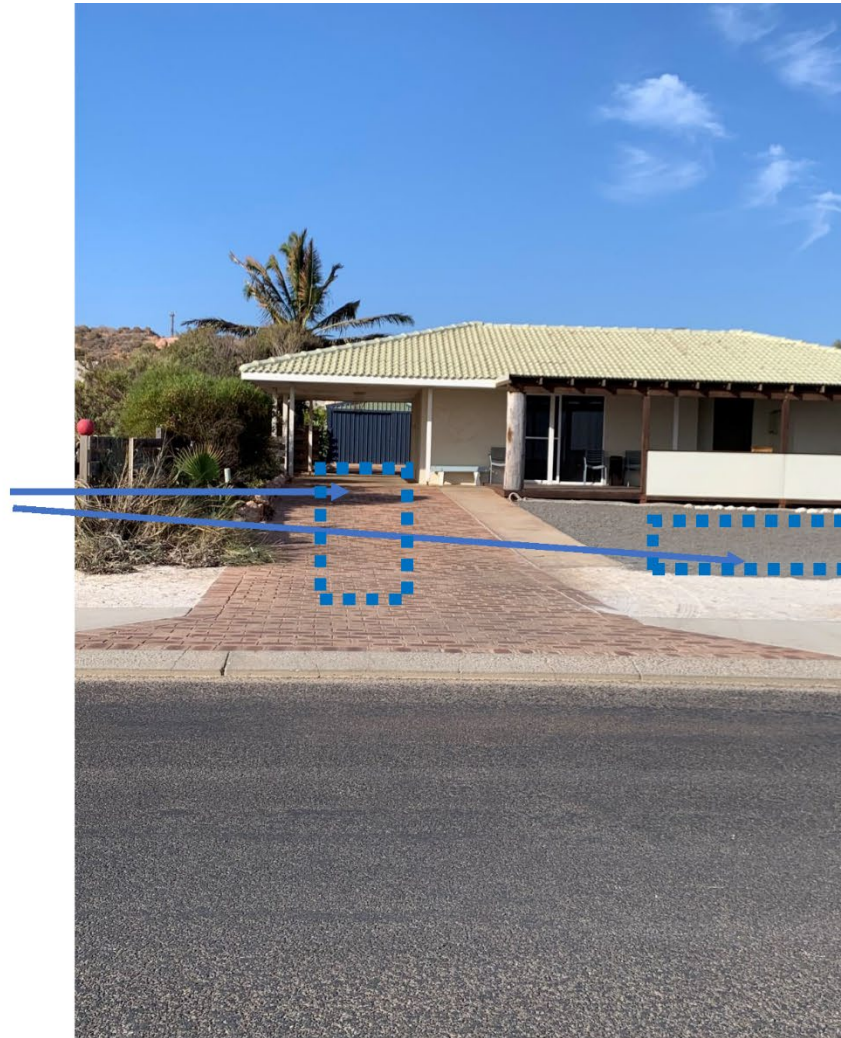


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Attachment 2

**Parking & Crossover
139 Knight Terrace**

**Car & Boat Parking
Ample room for 3 cars and
1 boat on the property**



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ATTACHMENT # 2

RECEIVED
25 MAR 2024
SHIRE OF SHARK BAY

Dale Chapman
Chief Executive Officer Shire of Shark Bay
P.O. Box 126
Denham W.A 6537.

Dear Mr Chapman
Your reference P4001/0-CR 2222.

Thank you for the opportunity to comment on the - New Development Application - Seeking Planning Approval to use an Existing Dwelling for a holiday house so that it can be rented out for short stay accommodation.

I understand that the short term holiday rental for the above property is for:

- Maximum of 8 people
- Maximum of 3 cars which will be parked on existing driveway.
- One boat to be parked in the "front garden" area.
- There is no application for extra vehicles trailers, boats, caravans to be accommodated on the property.
- Clarification that the management of all rentals will be by the local Real Estate Agent.

Yours sincerely,

25th March 2024

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10.4 APPLICATION SEEKING NEW APPROVAL FOR AN EXISTING DWELLING UNIT ON STRATA LOT 1 (1A) MEAD STREET, DENHAM TO BE USED FOR SHORT STAY
P1309

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Smith
Seconded Cr Stubberfield

Council Resolution

That Council:

- A. Determine that the ‘short stay strata dwelling’ use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* before determining an application for development approval for the use of the land.**
- B. Note that the application has been advertised for public comment. Advertising closed on the 3 April 2024 and no submissions have been received.**
- C. Approve the application for the existing dwelling on Strata Lot 1 (1a) Mead Street, Denham to be used as a ‘short stay strata dwelling’ and parking on common property shared with Strata Lot 2 (1b) Mead Street, Denham subject to the following conditions and footnotes:**
 - 1. This approval is valid for a maximum of 12 months from the date of this planning consent. Following the 12 month period this approval shall expire and become void.**
 - 2. This approval for a ‘short stay strata dwelling’ is issued to Michael and Belle Arriola as the landowners of Strata Lot 1 (1a) and Strata Lot 2 (1b) Mead Street, Denham. This approval shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.**

Should there be a change of ownership of Strata Lot 1 or Strata Lot 2 this approval is cancelled and expires.
 - 3. The plans lodged with this application shall form part of this approval.**
 - 4. Parking areas with capacity to accommodate;**
 - (i) A minimum of 2 car parking bays within Strata Lot 1;**
 - (ii) A minimum of 2 car parking bays within Strata Lot 2; and**

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- (iii) A maximum of one boat within the common property shared between Strata Lot 1 and Strata Lot 2 or within Strata Lot 1 (west of the single carport);
are to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer in accordance with the attached parking plan.
5. Only one small guest boat (not exceeding 5.5 metres) shall be accommodated within the common property and /within Strata Lot 1 at any one time.
 6. This approval is not an approval to park any large guest boats (exceeding 5.5 metres) within Strata Lot 1 or the common property at any time. The owners shall make adequate arrangements to park any larger boats (exceeding 5.5 metres) off site in accordance with the provisions of their Management Plan that forms part of this approval.
 7. The owners shall implement the measures in the Management Plan lodged and approved as part of this application at all times.
 8. The owners (residing in the dwelling on Strata Lot 2) shall act as the local property manager to manage the short stay strata dwelling on Strata Lot 1 and boat parking within the common property and/or Strata Lot 1 at all times in accordance with the Management Plan approved as part of this application.

If an alternative local manager is engaged (other than the owners stated in the Management Plan) , then a revised Management Plan is to be lodged for separate written approval by the Chief Executive Officer with revised contact details for any new property manager.
 9. The dwelling on Strata Lot 1 (1a) Mead Street, Denham shall only be rented out for short stay whilst an owner is in permanent residence and is occupying the dwelling on Strata Lot 2 (1b) Mead Street, Denham.
 10. The owners shall lodge a crossover plan to be approved separately in writing by the Shire's Manager of Works or Chief Executive Officer. The crossover shall have a minimum width of 6 metres where it joins the front lot boundary of Strata Lot 1 so as to be capable of servicing two carparking bays, including the single carport and one bay to the west of the existing dwelling at 1a Mead Street.
 11. The owners shall install and construct a new crossover within 6 months from the date of this planning consent or an alternative time period approved separately by the Shire Chief Executive Officer in writing. The crossover shall be constructed out of:
 - a. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or

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- b. **A minimum of 100 mm reinforced concrete over a compacted sub-base; or**
 - c. **A minimum of 50 mm thick brick pavers.**
- 12. **The gravel area to the south west of the dwelling (1a Mead Street) shall be removed in accordance with the attached plan, and be replaced with a bitumen, concrete, brick paved or slab paved area within 3 months of this approval.**
 - 13. **No car, vehicle, trailer or boat on trailer shall be parked in a manner that obscures, encroaches onto or interferes with access to the existing footpath on Mead and Millar Street at any time.**
 - 14. **The owners shall keep and maintain a working fire extinguisher on the premises at 1A Mead Street at all times in accordance with the Management Plan approved as part of this application, or any revised Management Plan approved separately in writing by the Chief Executive Officer under Condition 8.**
 - 15. **An A3 laminated copy of each fire escape plan (for the ground floor and second storey) approved as part of this application shall be displayed in prominent places within the existing dwelling.**
 - 16. **No guest(s) shall be accommodated for periods totalling more than 3 months in any 12 month period within the dwelling located within Strata Lot 1 (1a) Mead Street, Denham.**
 - 17. **The maximum number of persons to be accommodated at any one time in the dwelling on Strata lot 1 shall be limited to 5.**
 - 18. **If any sign is installed to advertise or identify the holiday house it shall only be located within the lot boundary and the sign face shall not exceed an area of 0.2 square metres.**
- D. Resolve to advise the applicant in the covering Determination Letter that:**
- (i) **The Shire has discretion to consider issue of subsequent approvals for terms of one year, 3 years or up to a maximum of 5 years. If any complaints are received in the first year of operation the Shire will investigate the nature of complaints, and how they have been managed.**

4/2 CARRIED

Cr Smith is recorded as voting against the motion.

Reason: That pending State Government changes to legislation on Short Term Accommodations' including Local Government alterations – further issuing of authorisations for new Short Term Accommodation's be withheld.

Cr Ridgley is recorded as voting against the motion.

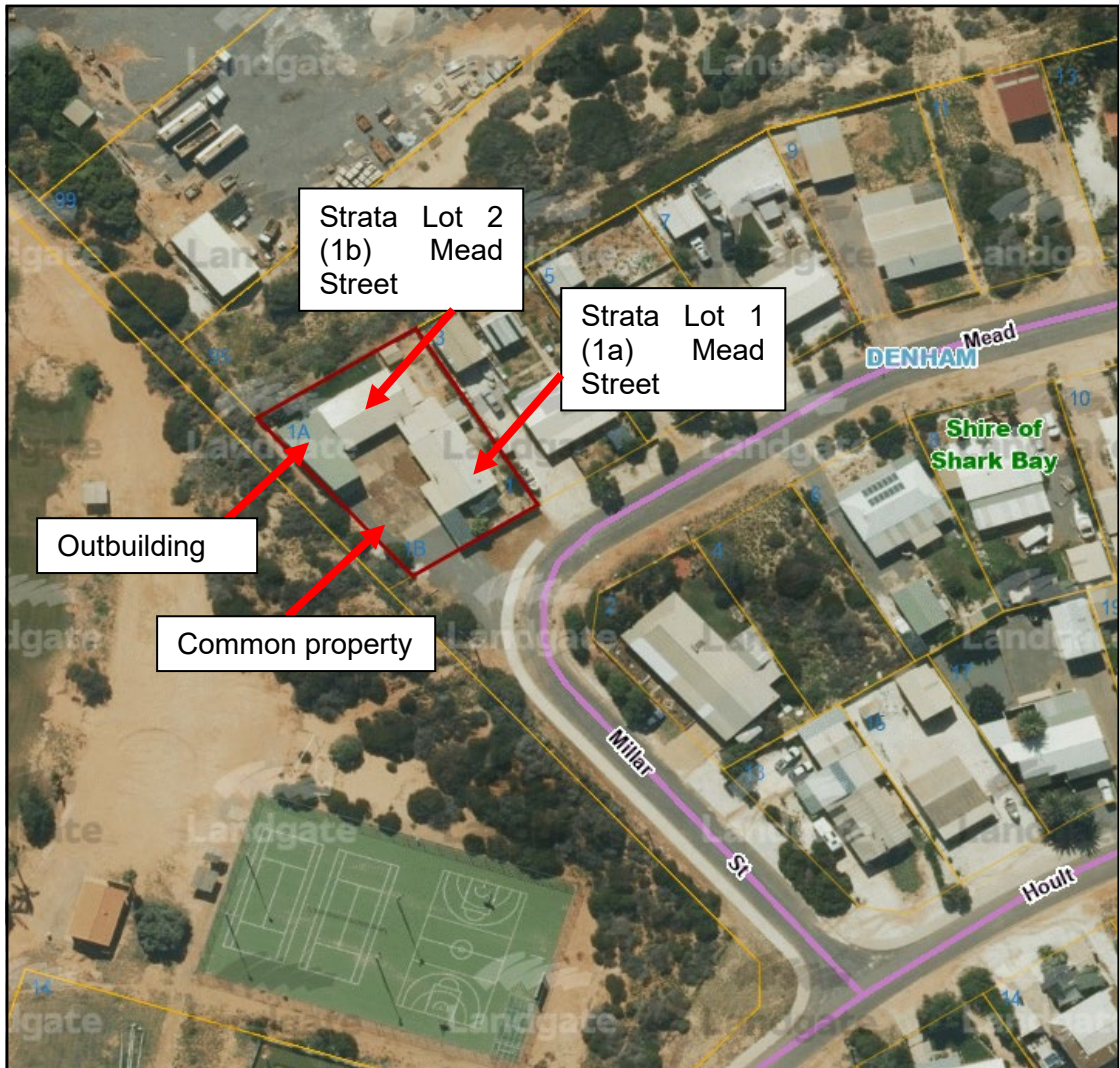
Reason: I want to wait for the WA. Government decision on what they will hand down in the issue of holiday homes in WA. Also the Shire of Shark Bay decision on how we will deal with holiday homes in the near future.

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BACKGROUND

• **Location and Strata Information**

The lot is located on the 90 degree bend or corner of Mead Street and Millar Street. A location plan is included overpage for ease of reference.

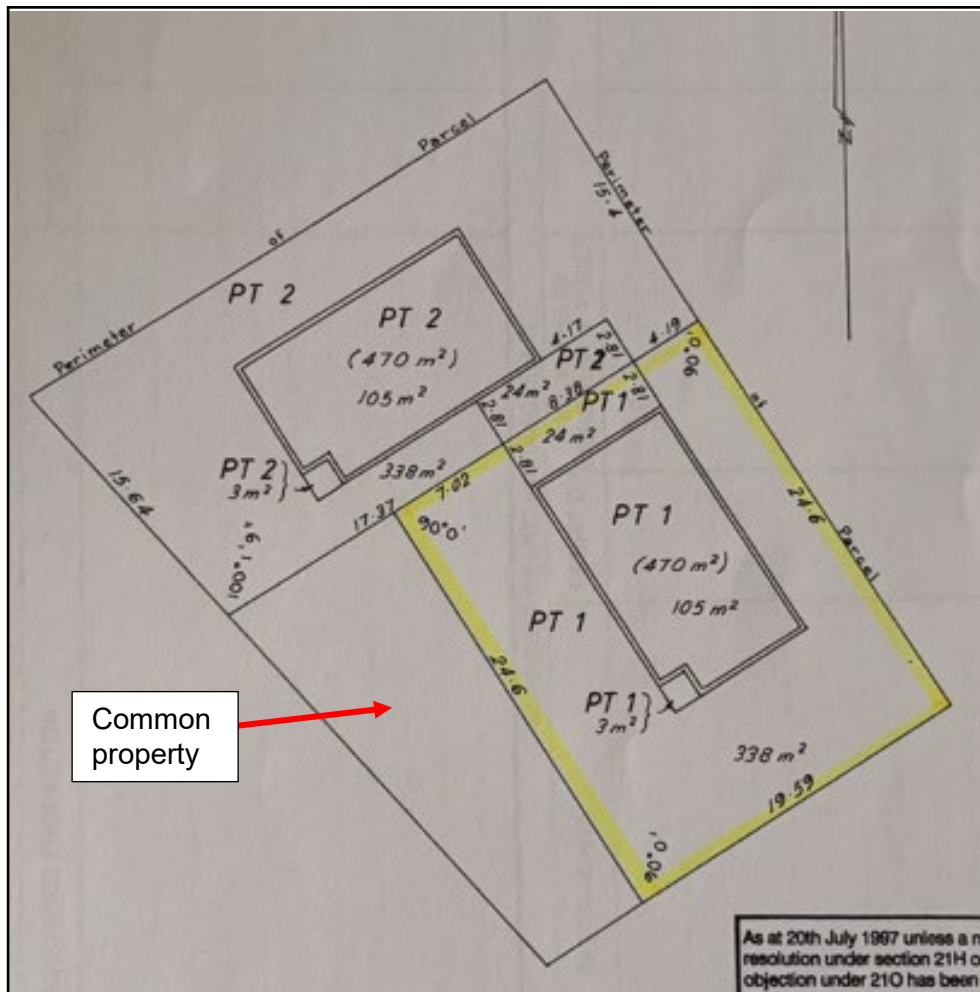


The original lot has been developed with two grouped dwellings, and has been divided into two strata lots with common property. There is also an outbuilding that straddles the boundary between Strata Lot 2 and the common property.

Access to the outbuilding is from the common property driveway. As use of common property is proposed for boat parking, the planning application form includes both Strata Lot 1 and 2.

The Strata Plan is included over page.

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Above: The yellow highlight outline shows the Strata Lot 1 boundary.

- **Ownership**

Both Strata Lot 1 and 2 are under the same ownership. Both strata lots are owned by Michael and Belle Arriola who are local residents, and reside permanently in the rear dwelling on Strata Lot 2 (1b) Mead Street.

COMMENT

- **Description of proposal**

The application is summarised as follows:

- The dwelling on Strata Lot 1 has 3 bedrooms and can accommodate a maximum of 5 guests at any one time.
- Two bedrooms contain double beds and there is a single bed in the third bedroom.
- The applicant initially proposed to accommodate two cars and one boat within the boundaries of Strata Lot 1. Town Planning Innovations did not support the original car parking plan and has encouraged the owners to examine car and

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- boat parking in context of the whole site, including both strata lots and the common property.
- (iv) The owners live in the rear dwelling on Strata Lot 2 so will be present to manage guests, car parking and boat parking. It is in the interests of the owners for the use to be well managed as otherwise they will be directly affected.

The applicant has lodged a revised parking plan with photographs which is included as Attachment 1.



View of 1a and 1b Mead Street from the footpath

- **Zoning and Proposed Land Use**

Strata Lots 1 and 2 are zoned 'Residential' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme 'best fits' the proposal.

A dwelling on a strata lot is not construed as a 'single house' under the Residential Design Codes. Accordingly the proposed land use is not construed as a 'holiday

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house' which is defined in the Scheme as '*means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast*'.

The Residential Design Codes define a single house as a dwelling on a green title or survey strata lot, without common property. Strata Lot 2 forms part of a strata plan that includes common property.

- **Use Not Listed**

The proposal is construed as a 'short stay strata dwelling' which is not defined in the Scheme or listed in 'Table 1-Zoning Table' of the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme). The State Government is now referring to these types of land uses as Short Term Rental Accommodation.

In accordance with Clause 18 (4) of the Scheme, as the use of the land for a 'short stay strata dwelling' is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the other existing land use definition categories the Council may:

- Option 1: Determine that the 'short stay strata dwelling' use is consistent with the objectives of the Residential zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- Option 2: Determine that the 'short stay strata dwelling' use may be consistent with the objectives of the Residential zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- Option 3: Determine that the 'short stay strata dwelling' use is not consistent with the objectives of the Residential zone and is therefore not permitted in the zone.

Option 2 is recommended as it is consistent with how similar proposals have been processed by the Shire, when an application entails a strata lot.

- **Local Planning Policy No 1 : Holiday Houses**

The Local Planning Policy does not strictly apply to this application as the land use does not fall under the 'holiday house' definition of the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme). The Policy is being used as a general guide only for the planning assessment as follows:

Policy Requirement	Comment
1. A site plan or good quality clear aerial showing the existing house, existing buildings, driveway, and guest parking areas. The location, number and dimensions of parking areas should be clearly marked on the plan.	The owners have lodged a clear aerial showing access and carparking bays. Car parking is discussed in the body of this report.
2. An internal floor plan showing the house layout, the use of each room,	There is a detailed floor plan showing all bedrooms and the number of beds.

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and number of double, single or bunk beds per room (including fold out couches).	
Policy Requirement	Comment
3. Carparking to be provided at a rate of 1 space every 3 guests.	Two carparking bays are proposed within Strata Lot 2 to cater for 5 guests. Car parking is discussed in the body of this report.
4. A Management Plan that addresses how the land use will be managed on a day to day basis to maximise protection of residential amenity, including details of how noise issues will be addressed by the Manager (handling of complaints), and full contact details of the Manager or employee of the Manager.	A Management Plan has been lodged, and is in a format comparable to other management plans that have been approved by the Shire. The owners of Strata Lot 1 live in the rear dwelling on Strata Lot 2, so propose to manage guests and car parking themselves. As the owners live in close proximity to the dwelling proposed to be rented out, it is in their interests for the proposed land use to be well managed.
5. A Fire and Emergency Response Plan that includes detailed fire escape route maps, provision of a fire extinguisher and emergency contact numbers.	The owners propose to implement a Fire and Emergency Response Plan. The applicant has lodged a detailed floor plan that shows the location of a fire extinguisher, fire blanket, outdoor hose, escape routes and assembly point at the front of the lot. A fire extinguisher and fire blanket have been installed in the dwelling on Strata Lot 1.

- **Consultation**

The application was advertised for public comment through a public notice published on the Shire website, and letters sent to nearby owners.

Advertising closed on the 3 April 2024 and no submissions were received.

- **Carparking**

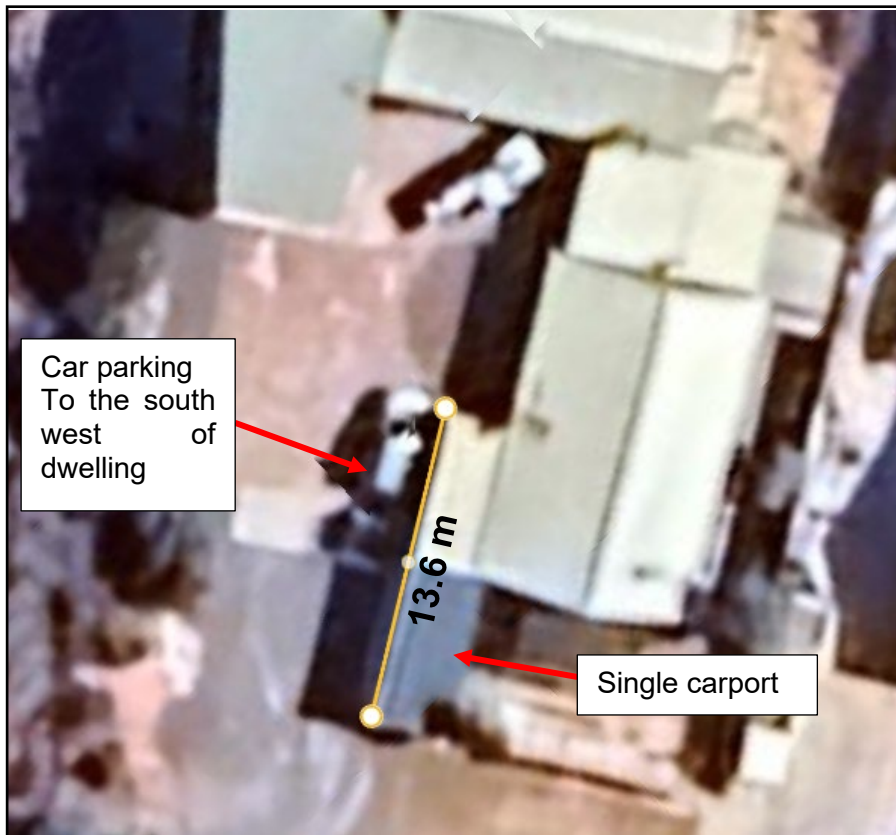
The area in front of both existing dwellings and the existing outbuilding consists of a combination of an older bitumen driveway, concrete and blue metal.

An existing gravel/old garden area is proposed to be removed (west of the dwelling on Strata Lot 1) to provide additional space for manoeuvrability of cars – refer to photograph over page.

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Above: Photograph showing old gravel garden bed to be removed



Above: Shows two carparking bays for the dwelling on Strata Lot 1

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Following a site visit with the Chief Executive Officer, Town Planning Innovations recommends carparking as per the above plan.

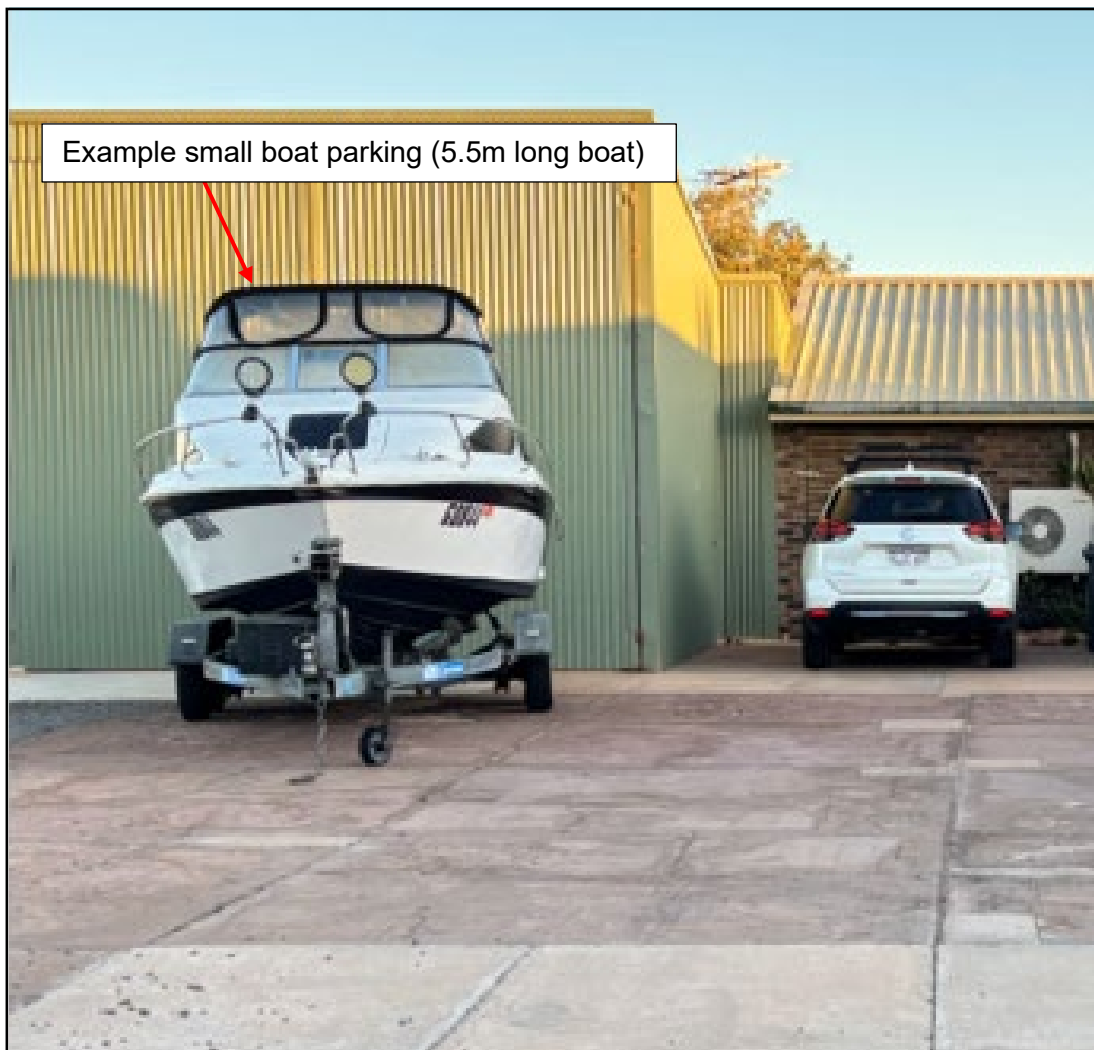
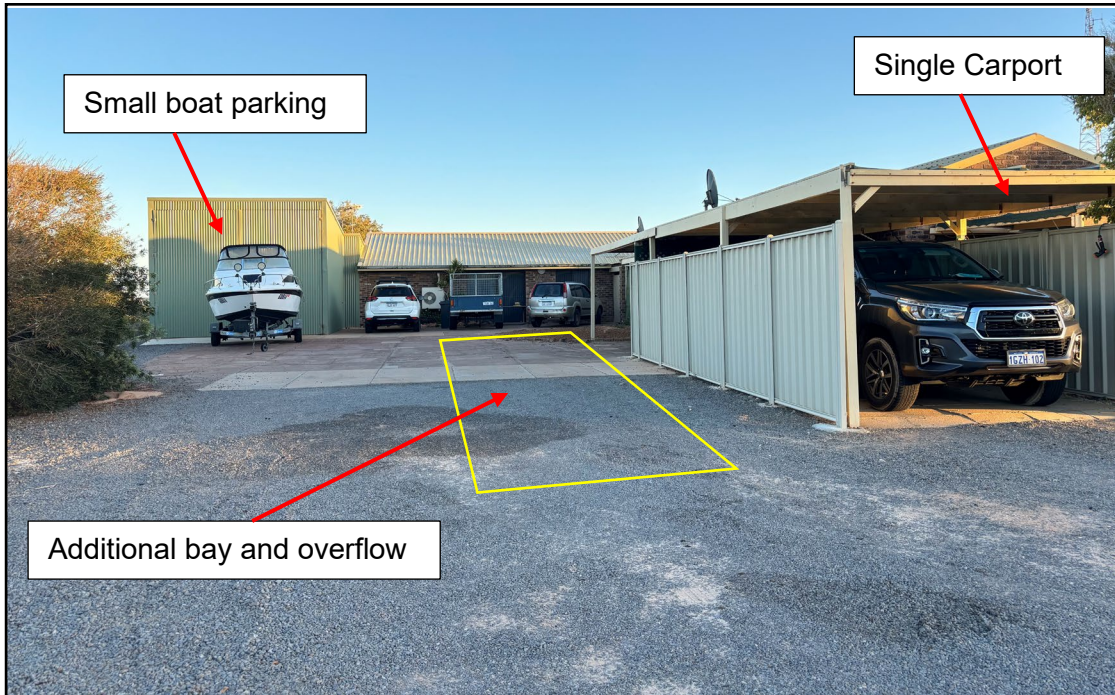
Car parking will include the following:

1. The owners of the rear dwelling park their cars in front of the house that they reside in.
2. There is a single carport on Strata Lot 1 that can accommodate one car. This is shown as Bay A on the aerial above.
3. One car can park to the south west of the dwelling on Strata Lot 1. This is shown as Bay B on the aerial above. The Shire Chief Executive Officer parked near Bay B when a site visit was undertaken with Town Planning Innovations.
4. An overflow bay for a car or small boat could be incorporated in Bay C as shown on the aerial above.
5. Boat parking can also be located in Area D as shown on the aerial above. Area D is a gravel common property area in front of the existing outbuilding.

The owners have outlined in their Management Plan that they will make arrangements for any larger boats to be parked off site at 32 Vlamingh Crescent in the Industrial area.

Additional site photographs are included overpage.

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View of 1a Mead Street from the west / driveway side

- **Crossover**

The existing crossover is of a poor quality. Council is aware that Town Planning Innovations has generally not supported imposing conditions to require upgrading of crossovers within common property, as it relies on the strata owner obtaining third party consents in the form of other strata owners' permission.

In this case however, both strata lots and the common property are under one ownership.

It is recognised that Council has fairly consistently required crossovers to be upgraded, even where the short stay dwelling has access via a shared driveway. Examples include 36A and 36B Denham Road.

The Shires crossover policy requires a standard sealed or paved crossing comprising of either -

1. A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or
2. A minimum of 100 mm reinforced concrete over a compacted sub-base; or
3. A minimum of 50 mm thick brick pavers; or
4. As approved by Council.

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The crossover is the section of verge in front of a lot that is used for vehicular access – refer Figure 1.

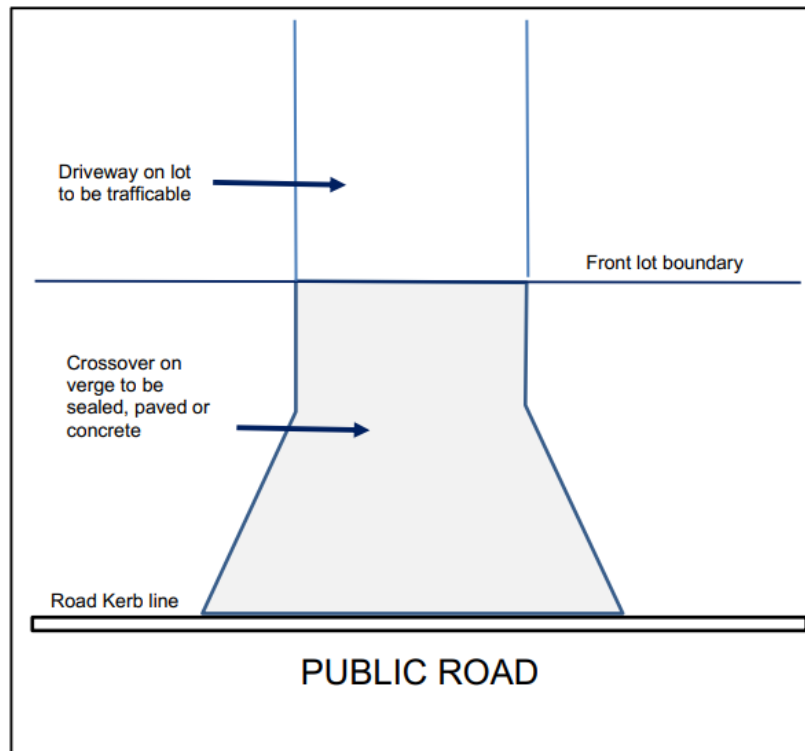


Figure 1

The Shires Crossover Policy requires a minimum width of 3 metres.

As the crossover will need to service one carparking bay in the single carport and a second carparking bay to the south west of the dwelling on Strata Lot 1, a condition requiring a 6 metre crossover width at the Strata Lot 2 lot boundary has been recommended – refer aerial over page.

The crossover width could be tapered down to a lesser width where it will meet the existing footpath.

Recommended Condition 10 requires the owners to lodge a crossover plan for separate written approval, as this will allow the Manager of Works to ensure any crossover location achieves sufficient sight lines (due to the property location on the 90 degree bend).

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- **Relevant State Planning Policies and Guidelines –Bushfire Prone Areas**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Strata Lots 1 and 2 are within a declared bushfire prone area (pink area).

Town Planning Innovations is of the view that bushfire management is not an impediment to the proposed land use as:

- (a) The dwelling proposed for short term rental has already been constructed.

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- (b) The owners have addressed fire safety by preparing a fire escape plan. The owners have also installed a fire extinguisher and fire blanket in accordance with the Shires Local Planning Policy No 1.
- (c) The current state 'Guidelines for Planning in Bushfire Prone Areas' only require a simplified evacuation plan for holiday houses in built up areas. Whilst not technically classified as a holiday house, the proposed land use is similar.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 57 of the deemed provisions in the Regulations outlines 'matters to be considered by Council' including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Clause 64 outlines advertising requirements for different applications. Any application for a 'use not listed' is considered a complex application, and requires a longer 28 day advertising period.

Shire of Shark Bay Local Planning Scheme No 4 (the Scheme) – The most relevant scheme provisions are summarised in the table/checklist below.

Clause	Summary	Comment
16(2)	<p>Clause 16(2) of the Scheme outlines the following objectives of the Residential Zone:</p> <ul style="list-style-type: none"> • 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 a range of non-residential uses, which are compatible with and complementary to residential development. • To provide for tourist development which is compatible with and complementary to residential development. 	<p>As explained under the heading 'Zoning and Proposed Land Use' and 'Use Not Listed' in this report, Council has to consider whether the use is consistent with the objectives of the Residential zone.</p> <p>Council would only approve the application where it considers the use compatible with the Residential zone.</p> <p>The zone objectives make it clear that non residential uses can be considered where they are compatible with residential development.</p>
18(4)	<p>Provisions explaining the options for processing a 'Use Not Listed' in Table 1-Zoning Table.</p>	<p>As explained under the heading 'Use Not Listed' in this report, Council has three options in determining the application and has to</p>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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		consider whether the use is consistent with the objectives of the Residential zone.
32	<p>There are various provisions outlined in Clause 32 of the Scheme (including for Holiday Houses).</p> <p>Council has discretion to vary requirements under Clause 32. For example, Council can vary requirements such as carparking, landscaping, and setbacks.</p>	This is a statement.
32.15	<p>Clause 32.15 of the Scheme has provisions relating specifically to holiday houses in residential areas.</p> <p>Clause 32.15.3 outlines matters that Council <u>may</u> have regard to when considering an application for a holiday house.</p> <p>There is no specific provision outlining matters to be considered for a 'Use Not Listed' other than the objectives of the zone.</p>	<p>As explained in the section titled 'Zoning and Proposed Land use' of this report, this proposal is not construed as a holiday house as defined in 'Part 6 – Terms Referred to in the Scheme'.</p> <p>Clause 32.15 therefore does not apply to this application.</p> <p>Notwithstanding the above, to aid consistent decision making, this item still includes an assessment with reference to the Shires Local Planning Policy No 1 which reflects some of the matters that are also covered in the Scheme (for holiday houses).</p>
32.16	<p>Provisions relating to carparking.</p> <p>Table 3 outlines carparking requirements for different land uses including 'residential' and 'short term accommodation'. It lists one bay per room for 'short term accommodation'.</p> <p>Usually car parking is listed for land uses that are specifically defined in the Scheme, such as shop, caravan park, hotel, office etc. In other words car parking is linked to specific land use terms that are defined in the Scheme.</p> <p>It is an anomaly that there is reference to parking for 'short term accommodation'</p>	<p>There are no specific car parking requirements for a 'use not listed' however the reference to parking for 'short term accommodation' in Table 3 is open to interpretation.</p> <p>Town Planning Innovations is of the view that Council has discretion over whether to apply the 'one bay per room' parking ratio to this application.</p> <p>Notwithstanding the above, Council should note that:</p>

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	<p>which is not a defined land use, whereby holiday house and holiday accommodation for example, are defined land uses.</p>	<ol style="list-style-type: none"> 1. It is important for any car parking assessment to be practical and take into account the likely number of bays required to service 5 guests; 2. Parking based on 1 bay per bedroom does not reflect the number of beds per room, or take into account that there is generally more than one person per car for travellers to Denham. 3. Carparking is to the discretion of Council, and any carparking requirement can be varied based on the individual merit of the proposal. <p>Car parking of one bay per every 3 guests has consistently been applied to holiday houses and to short stay strata dwellings.</p> <p>Consistency in decision making is important. This has to be balanced with the need to consider each application based on it's individual merit.</p>
<p>3.2.15.3</p>	<p>Clause 32.15.3 outlines matters that Council may have regard to when considering an application for a holiday house.</p>	<p>There is no specific provision outlining matters to be considered for a short stay strata dwelling / 'Use Not Listed' other than the objectives of the zone.</p> <p>As outlined under the legislation section of this report, Council is to have regard for the matters listed under Clause 57 of the deemed provisions in the Regulations.</p> <p>The matters outlined in the Regulations are to be</p>

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		considered for all planning applications.
32.16.4(ii)	Shared parking - Where the number of car parking spaces proposed to be provided on land or in a building subject to an application for development approval is less than the number required to be provided pursuant to the Scheme, the local government may approve the application where any privately owned land on which the off-site carparking is to be provided is included in the application for development approval.	This application proposes some shared parking on common property which belongs to both Strata Lot 1 and Strata Lot 2. The owners of both strata lots have signed the application form, and both strata lots are included in this application.

POLICY IMPLICATIONS

The Shire has a Local Planning Policy for Holiday Houses. Whilst this application is not technically a 'holiday house' it has been assessed taking into account the general Policy requirements.

Although not a local planning policy, Council should note that the Western Australian Planning Commission publish:

- Position Statement: Planning for Tourism and Short Term Rental Accommodation Guidelines on Holiday Homes and short stay use of residential dwellings. It outlines that local governments will continue to be responsible for managing local regulatory frameworks to manage short-term rental accommodation.
- Information on the State Governments STRA planning reforms - [Short-Term Rental Accommodation Planning Reforms \(www.wa.gov.au\)](http://www.wa.gov.au)

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for general planning advice.

STRATEGIC IMPLICATIONS

It is important to note that:

- The State Government is progressing legislation to improve regulation around the Short-Term Rental Accommodation sector.
- Existing planning approvals will remain valid.
- The Short-Term Rental Accommodation Bill was introduced into Legislative Assembly of the Western Australian Parliament on 21 February 2024.
- The Short-Term Rental Accommodation Bill 2024 (Bill) proposes to require all short-term rental accommodation in Western Australia to be registered. If a property is not registered, the operator will not be permitted to advertise or enter into a short-term rental arrangement.
- Compliance mechanisms are proposed including monetary penalties and a power of a Commissioner to suspend or cancel registration.

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- Local Government Authorities will retain primary responsibility through their planning schemes for determining development approval requirements to apply to Short Term Rental Accommodation.
- A state register is expected to open mid-2024 and registration will become mandatory on the 1 January 2025.
- Property owners are to demonstrate compliance with local planning requirements or risk de-registration by the 1 January 2026.
- The Western Australian Planning Commission is looking at new and amended tourism-related definitions will be included in the updated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Matters such as holiday house, holiday accommodation and short stay strata dwellings need to be examined strategically as part of development of a new Local Planning Strategy. When the state brings out new land use definitions for Short Term Rental Accommodation's, the Shire will need to consider whether to undertake an amendment to the existing Scheme.

Town Planning Innovations has been working with Councillors to discuss the existing Local Planning Policy No 1 requirements, however any potential Policy review is in early stages. Until such time as the Policy is revised Council still has to have due regard for the existing Local Planning Policy requirements.

Any revised Local Planning Policy would need to be advertised for public comment.

RISK MANAGEMENT

There are no known risks associated with the proposed development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

D Chapman

Date of Report

16 April 2024

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ATTACHMENT # 1



**Street View
1A Mead Street**

Car & Boat Parking
Ample room for cars
and boat on the
property (maximum 2
cars and 1 boat at any
one time)

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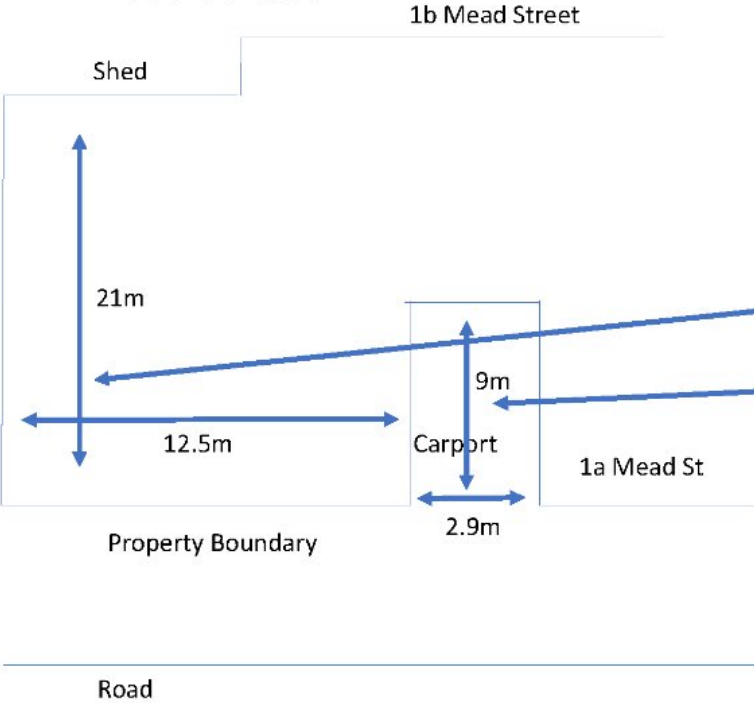
- Two carparking bays per dwelling
- Potential overflow parking bays / boat parking area

**Aerial View
1A Mead Street**

**Car & Boat Parking
Ample room for 2 cars and
1 boat on the property**



Parking Dimensions 1A Mead Street



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- 10.5 APPLICATION SEEKING RETROSPECTIVE APPROVAL FOR ALTERATIONS / ADDITIONS TO EXISTING HOUSE AND ANCILLARY DWELLING AND PROPOSED OUTBUILDING - LOT 3 (143) KNIGHT TERRACE, DENHAM
P1006

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as applicant is employed by him.

NOTE: This item was deferred from the March 2024 Ordinary Council meeting

Moved Cr Smith
Seconded Cr Vankova

Motion LOST

That Council:

- A. Note that the application for various development on Lot 3 (143) Knight Terrace, Denham has been advertised to nearby and adjacent landowners for comment. Advertising closed on the 2 April 2024 and no submissions have been received.
- B. Note that although Clause 32.1 of the Scheme recommends a minimum finished floor level of 4.2 metres Australian Height Datum for land subject to inundation, there is discretion to vary it as follows:
- (i) For non-habitable development that is detached from any single house or dwelling unit on the same lot in the Denham townsite.
 - (ii) Refurbishment of an existing building or a minor extension to an existing development.
 - (iii) Under Clause 34 which states that *'the local government may approve an application for a development approval that does not comply with additional site and development requirements'*.
- C. Approve the application seeking retrospective planning approval for alterations/additions to the existing house and ancillary dwelling, and the proposed outbuilding on Lot 3 (143) Knight Terrace, Denham subject to the following conditions and footnotes:
- 1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
 - 2. This approval includes works for removal of the existing asbestos roof and replacement with a colorbond roof.
 - 3. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - 4. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

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Footnotes:

- (a) Lot 3 is an area subject to inundation, where minimum finished floor levels are recommended. Approval for this development is based on the following:
- (i) There is specific discretion to approve non-habitable outbuildings with a lesser floor area where they are detached from any dwelling;
 - (ii) Some of the development is clearly ancillary to the existing dwellings including the verandahs, a pergola and an attached storeroom for the house. These are considered minor based on the type of structures and their uses.
 - (iii) The extensions to the east of the existing house are located in an area where there was pre-existing development in the form of an outbuilding and separate laundry/shower/toilet. The development footprint of the east extension is similar to that of the pre-existing development.
- (b) Planning consent is not an approval to commence construction. A building permit must be obtained for all work, including the proposed new roof. General information on the building process and application forms are available on the Shires website - [Building Process Approval House Dwelling \(sharkbay.wa.gov.au\)](http://sharkbay.wa.gov.au)
- (c) Any asbestos should be removed by a suitably qualified Asbestos Competent Person. Before any asbestos is taken to the local waste facility that person must:
- i. Wrap or contain the material containing asbestos in a manner that prevents asbestos fibres entering the atmosphere during transport;
 - ii. Label the material with the words 'Caution Asbestos';
 - iii. Contact and inform staff at the local waste facility that the material contains asbestos, prior to transporting any such materials to the waste facility.
- A Department of Health Guidance note on asbestos roofs can be viewed on line - [DoH Multi-page Template \(health.wa.gov.au\)](http://health.wa.gov.au). A Fact Sheet on Asbestos is attached to this approval for information.
- (d) Any future front fencing is to comply with the provisions of the Residential Design Codes, which require front wall and fences to be visually permeable above 1.2 metres. Where a fence entails a variation to the Residential Design Codes, planning approval is required.

Cr Ridgley Declared a Financial Interest, at this point, as applicant works for him.
Cr Ridgley left the Council Chamber at 2.04 pm.

0/5 LOST

ALTERNATIVE MOTION

Reason: Council has concerns with the shed height of 4.26m when the residential design codes specify the ridge heights is not to exceed 4.2m. Council also has concerns that the extent of the extension is not considered minor and therefore the minimum finished floor level of 4.2m Australian Heights Datum is a requirement.

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Moved Cr Smith
Seconded Cr Vankova

Council Resolution

That Council defer the item and bring back to a future Council meeting.

5/0 CARRIED

Cr Ridgley returned to the Council Chamber at 2.07 pm.

BACKGROUND

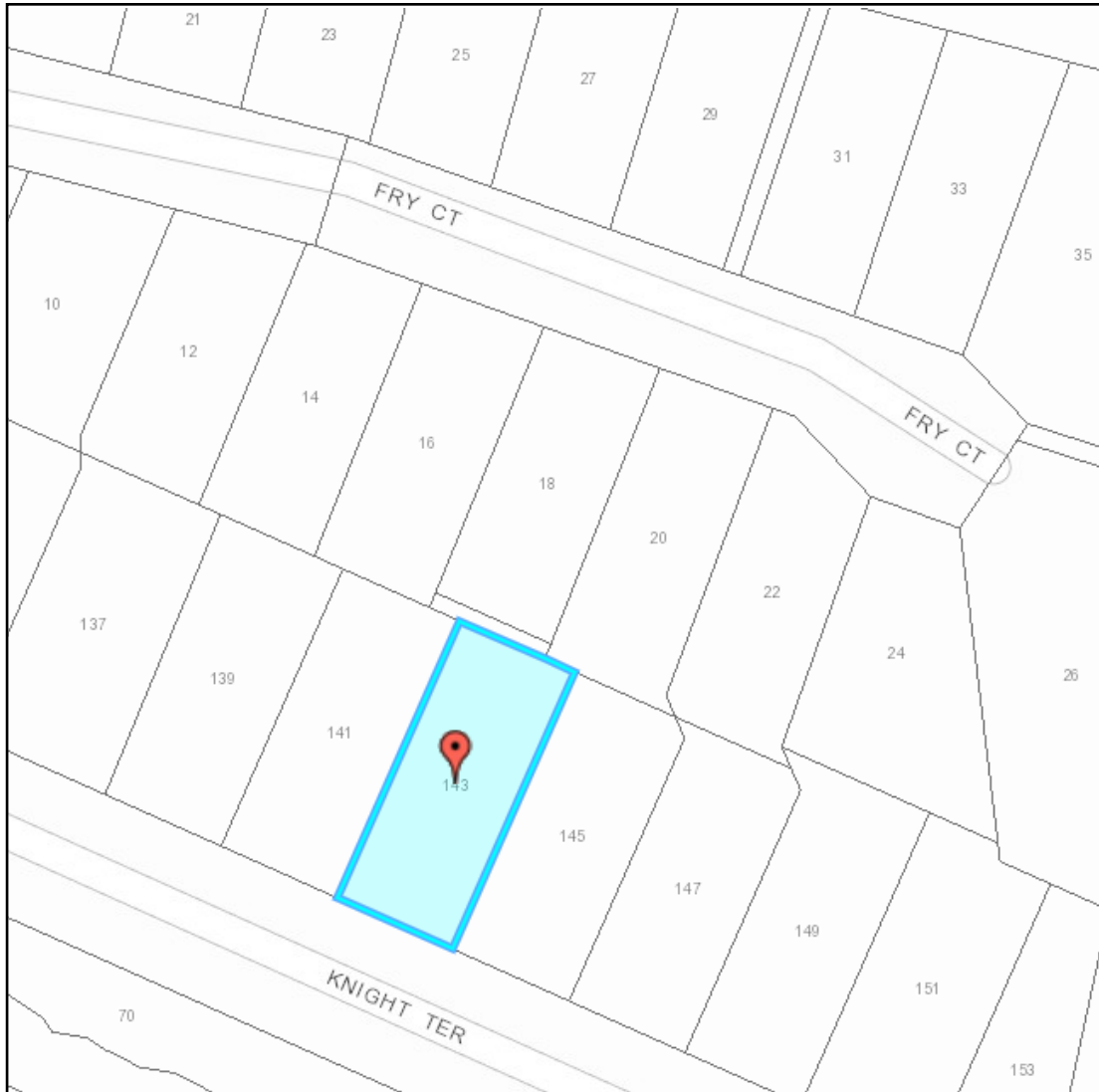
- ***Zoning***

The lot is zoned 'Residential' with a density code of R30 under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

- ***Location***

A location plan is included below for ease of reference.

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Above: Location Plan

- **Existing Development**

Town Planning Innovations is of the understanding that the lot has been developed with an existing house and ancillary dwelling.

The lot historically contained an older outbuilding to the north east of the house, and an outdoor toilet (detached from the house). Both of these structures have been removed – refer to photographs below.

Some alteration works have already commenced, including basic framework for the proposed addition to the north east of the house (near where the old outbuilding used to be located).

ORDINARY COUNCIL MEETING AGENDA

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Below is a photograph of the old toilet/shower/laundry which has been removed.



Note: Photograph supplied by the current property owners

More information on pre-existing development is included in this report under the section titled 'Land Subject to Inundation'.

- ***Relevant Council decision March 2024***

A report on the application was referred to Council at the Ordinary Meeting held on the 27 March 2024. The officer recommendation to delegate authority to the Chief Executive Officer to determine the application was set aside.

Instead Council resolved to defer the item until the April 2024 Ordinary Council meeting, until after all advertising was closed.

Tonw Planning Innovations has therefore included additional information in this agenda item to assist Council consideration of the proposal.

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COMMENT

• ***Description of application (alterations and additions)***

An application has been lodged for alterations and additions to the existing single house to include new front porticos, front decking, new bedroom/living space, a rear pergola and attached shed/storeroom.

A storeroom and porch/verandah addition is also proposed to the east elevation of the existing ancillary accommodation.

The development plans are included as Attachment 1. The site plan is included over page for ease of reference.

Town Planning Innovations has liaised with the applicant over the extent of the house renovations, and they have advised as follows:

1. They would like to do all the renovations to the house at once so that they can also replace the existing roof and improve the appearance of the dwelling from the street.
2. The existing roof is asbestos so they want to replace it with a black colorbond roof. The black colour has been chosen to match the black window frames of the dwelling.
3. If there are concerns over the floor area of the house additions, they can stage development to first pursue the laundry/ living room, bedroom 3 and veranda areas for the house. This would mean however, that they couldn't easily replace the existing roof if they pursue the rear attached storeroom and pergola as a separate stage.

Town Planning Innovations recommended that the owners include the proposed re-roofing as part of this same application, as all the works to the house are inter-related.

Town Planning Innovations has put the owners in touch with the City of Greater Geraldton Building Department officers, to gain a good understanding of the construction details needed for the separate Building Permit stage.

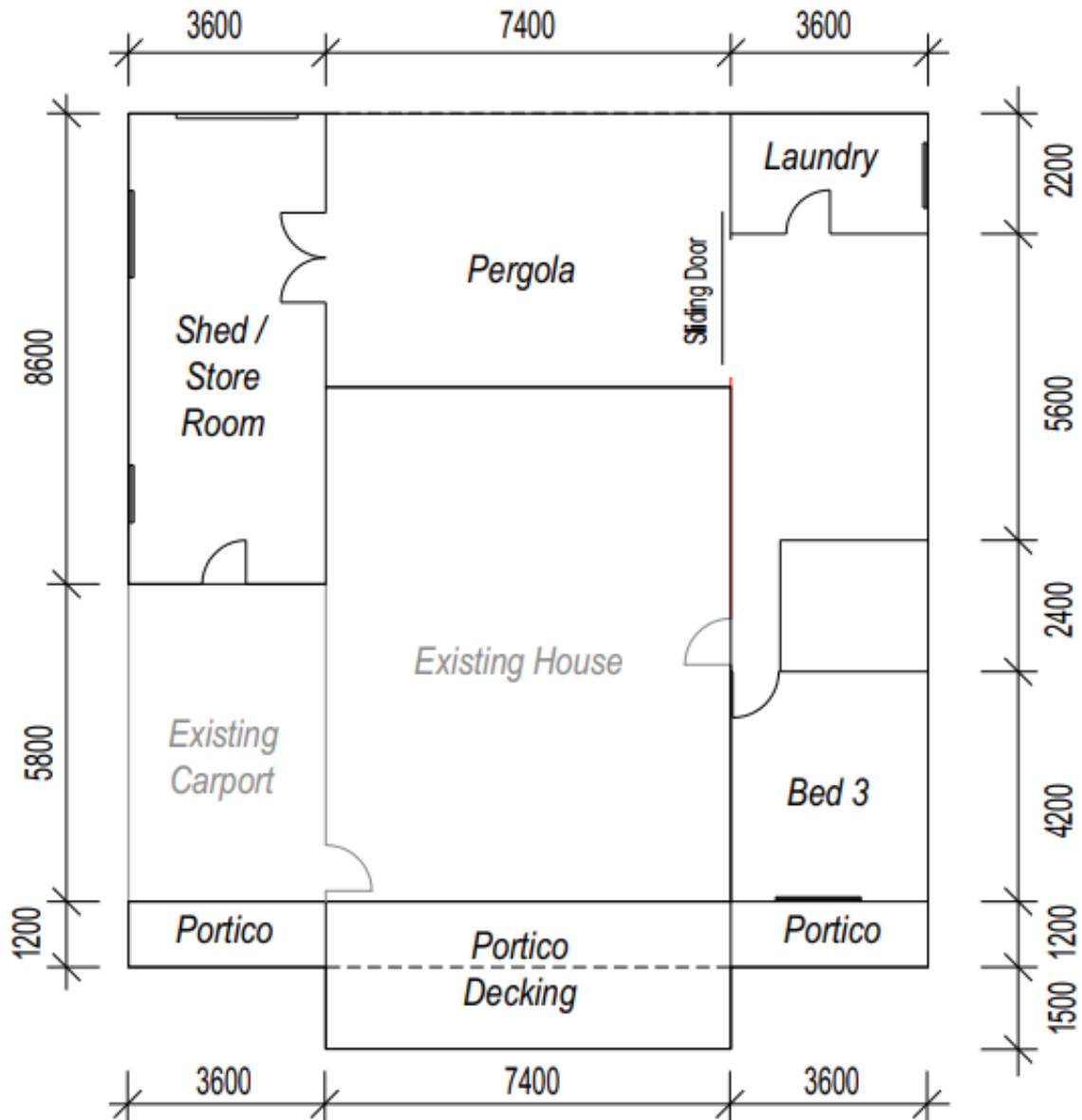
The City of Greater Geraldton provides building services to the Shire of Shark Bay, and assesses all Building Permits lodged to the Shire of Shark Bay.

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The internal floor plan of the house and additions are included below.



- **Residential Design Codes (alterations and additions)**

Under the Residential Design Codes there are specific 'Deemed to Comply' setback and site requirements.

The alterations/additions for the ancillary dwelling comply with all site and setback requirements.

A minor setback variation is proposed for the single house additions to the western lot boundary where a 1.2 metre side setback is proposed in lieu of 1.5 metres.

The 1.2 metre side setback is proposed to allow the house extension to align with existing west side setback already established for the existing carport and is supported.

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• **Residential Design Codes (Outbuilding)**

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for outbuildings. The proposed outbuilding seeks variations to the Residential Design Codes (the Codes) as detailed below:

Clause 5.4.3 C3 B ‘deemed to comply’ criteria / Outbuildings that:	Officer Comment (Town Planning Innovations)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 80m ² is proposed.
(ii) setback in accordance with Table 2a.	Complies
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 3.6 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Minor Variation. A maximum ridge height of 4.26 metres is proposed.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) does not reduce the open space and outdoor living area requirements in Table B.	Complies.

The owners have advised that the outbuilding size and height is proposed to accommodate their existing caravan and boat. Their caravan is 3.08 metres high and their boat on a trailer is 3.6 metres high.

They currently store the boat in a garage on a lot in Ledge Point, and have provided a photograph of it – refer below.



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The owners advise that the height of their Ledge Point garage opening is 3.6 metres and the boat only ‘just fits in’. The proposed wall and roof height for the proposed outbuilding on Lot 3 includes an allowance for a roller door to be fitted above the height of the opening.

- **Outbuilding Assessment – Design Principle**

The application proposes variations to the ‘Deemed to Comply’ requirements therefore the Shire has to determine if the outbuilding complies with the alternative ‘Design Principle’ (5.4.3 P3) of the Codes which is:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.

It is the applicants right to pursue an approval under the available alternative Design Principle of the Codes. The Design Principle pathway offers an alternative merit-based approach when one or more of the ‘deemed-to-comply’ provisions are not satisfied.

Town Planning Innovations is of the view that the outbuilding complies with the alternative ‘Design Principle’ (5.4.3 P3) of the Codes for the following reasons:

1. The outbuilding is proposed to the rear of the existing house, so will partially be screened from view from the front of Lot 3.
2. Similar wall heights of 3.6 metres have been approved for outbuildings on other lots in Denham.
3. The variation to the ‘deemed to comply’ height of 4.2 metres is only 6 centimetres. The marginal variation of roof height will not be discernible to the eye for passing pedestrians or travellers in vehicles. It will therefore not have any negative visual impact.
4. The outbuilding will be over 36 metres from the Knight Terrace lot boundary. As such, it will not be visually dominant in the existing streetscape.

- **Relevant Decisions on Outbuildings**

Each streetscape has different characteristics which need to be taken into account as part of specific assessments.

The table below outlines the sizes of approved outbuildings in Denham townsite. Some outbuildings with comparable or higher wall and roof heights have been approved as highlighted in blue in the table.

Address	Wall Height	Ridge Height	Floor Area	Council meeting date
Lot 36 (5) Dirk Place Denham	4	4.6	54m ²	February 2017
Lot 182 (4) Fletcher Court, Denham	4.2	4.2	88m ²	Delegated authority after general report to Council in May 2015
Lot 83 (47) Hartog Crescent, Denham	4	4.611	94m ²	Delegated authority after general report

ORDINARY COUNCIL MEETING AGENDA

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				to Council in March 2015
Lot 154 (7) Sunter Place Denham	3.7	4.2	88.07m ²	December 2015
Lot 249 (4) Talbot Street, Denham	3.425	4.232	78m ²	June 2015
Lot 210 (10) Edwards Street, Denham	3.5	4.088	36.3m ²	July 2014
Lot 294 (33) Hughes Street, Denham (abuts child care centre and church)	3.6	5	90m ²	September 2014
Lot 191 (Strata Lot 2 – 71A) Brockman Street, Denham	2.7	3.571	58.5m ²	August 2024
Lot 200 (39) Capewell Drive, Denham (alteration and extension of existing outbuilding)	2.7-2.9	3.504	54m ²	February 2024
Lot 264 (Unit 2) Mead Street, Denham	3	4.2	68m ²	August 2024
Lot 85 (43) Hartog Crescent, Denham	4.5	5.029	54m ²	April 2012
Lot 216 (5) Poland Road, Denham	4.1	4.95	80m ²	July 2012
Lot 39 (4) Sellenger Heights, Denham	4.2	4.9	89.9m ²	Refused February 2018
Lot 39 (4) Sellenger Heights, Denham (Revised plans lodged after refusal issued in February 2018)	3.45 metres to 3.845 metres	3.845 metres	77m ²	February 2019
Lot 223 (10) Fry Court Denham	2.6 metres to 2.8 metres.	4.2	129m ²	Delegated authority after general report to Council in March 2019
Lot 4 (145) Knight Terrace, Denham	3 metres	4.7	73.73m ²	March 2020
Lot 159 (37) Durlacher Street, Denham	3.6 metres	4.31 metres	29.6m ² is proposed and the existing outbuilding is 44.4m ² .	August 2020
Lot 224 (9) Leeds Court, Denham	3.7 metres	4.16 metres	96m ² in addition to a 54m ² existing outbuilding.	September 2020
Lot 61 (8) Hartog Crescent, Denham	2.7 metres	4.065 metres	60m ²	December 2020
Lot 148 (71) Durlacher Street, Denham	2.7 metres	3.22 metres	60m ²	December 2020
Lot 105 (9) Oakley Ridge, Denham	3 metres	3.8 metres	72m ²	February 2021
Lot 160 (22) Capewell Drive, Denham	3.5 metres	4.11 metres	56m ²	March 2021

ORDINARY COUNCIL MEETING AGENDA

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Lot 226 (24) Fry Court, Denham	3.981 to 4.41 metres	4.41 metres	84m ²	Refused May 2021
Lot 226 (24) Fry Court, Denham	4.086 to 4.319 metres	4.4 metres	75.6m ²	Refused July 2021
Lot 31 (13) Mitchell Rise, Denham	3.588 metres	4.2 metres	65m ²	Delegated authority after general report to Council in April 2021
Lot 226 (24) Fry Court, Denham	4.086m to 4.319 metres	4.4 metres	84m ²	October 2022
Lot 156 (1) Sunter Place, Denham	3.5	4.8	51.3m ²	Refused March 2022

The last outbuilding approved in the Terrace was for 131 Knight Terrace (corner Fry Court) in September 2023. It was approved with a wall height of 4.1 metres and ridge height of 4.4 metres.

• **Land Subject to Inundation**

A minimum finished floor level of 4.2 metres Australian Height Datum is a requirement for development on 'land subject to inundation' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme).

Council has discretion to allow a lower finished floor level for refurbishment of an existing building or a minor extension to an existing development.

Council also has discretion to allow a lesser finished floor area for non-habitable development that is detached from any single house or dwelling unit on the same lot (as is the case for the separate outbuilding).

The owners have advised that:

1. When they purchased the property there was an outside laundry that also incorporated a toilet and shower. It was originally their intention to keep this building and just re clad and refit the existing building. Upon inspection it was noticed that the toilet was only a long-drop toilet. The concrete floor was being held up by a piece of wood and the actual structure was riddled with white ants and unstable (wobbled when leant on). The owners decided they had no option but to remove the structure. They had a local earthmoving contractor come to level the block and he knocked it over and filled the drop toilet hole. They then had the deep sewerage connected to the house and made provision for the future plumbing to be connected when the new structure was completed.
2. The house has no laundry at the moment. It consists only of 2 bedrooms, a toilet, a bathroom, a living room and kitchen.
3. The existing shed did not allow for vehicle access to the rear of the property. They had been using the property behind them for access for earthmoving equipment and general cartage of building goods until a house was installed on that property in December. Therefore they removed the existing shed to increase

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the side access to the rear from 2400 to 4000mm. The shed was also riddled with white ants and structurally unsound.

4. The new house addition incorporates a laundry near to where the original one stood. Also an additional bedroom with ensuite, proposed as their main bedroom (with ocean view) at the front, to come in line with the original outbuilding and make it aesthetically pleasing. The new living room will be used as an entertaining room incorporating an indoor BBQ, casual dining and lounge suites with access to the back yard.

The area of the existing house with carport has an approximate floor area of 90.44m², and the main addition to the east of the house is 51.84m². The habitable portion of the main east extension is 35.28m².

Whilst the house addition is not insignificant, there is sufficient discretion to consider the house addition as a minor extension and /or refurbishment of the existing house.

Council has to make a judgement call and consider whether the house and other additions can be comfortably classified as a 'minor extension' or 'refurbishment of an existing building'.

In making that decision Council may consider a range of factors such as existing development, floor areas, use of the different areas, structures that are ancillary to the existing house and replacement of the previous development footprint on site.

It could be argued for example, that the house extension to the east is in a similar location and has a similar footprint to the outbuilding and toilet/laundry that was demolished. It may be construed as a minor extension on that basis.

The proposed decking, porch, rear pergola and shed/storeroom are ancillary structures to the existing house. The porch/storeroom addition to the existing ancillary dwelling is considered to be minor as it is ancillary development to the main dwelling.

A lower finished floor level is supported at an officer level for the proposed development having regard for the nature of the proposed works, that some works are ancillary including the portico/decking, pergola and shed/storage room, and that the eastern house extension replaces an older outbuilding and outdoor toilet/laundry/shower.

If Council does not consider the additions to the existing house to be 'minor' or constitute 'refurbishment of an existing building', and construes that it entails a variation to the Scheme requirements, but still wants to support the proposal it can resolve as follows:

- (1) Council supports a variation to the minimum finished floor level of Clause 32.1 for the house additions. The variation is supported in accordance with Clause 34(5) as Council is satisfied that –
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions. In particular the proposed development will result in

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improvements to the streetscape, amenity of the area and is compatible with surrounding development.

- (b) the non-compliance with the additional site and development standard (minimum floor level) will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

- **Consultation**

The application has been referred to adjacent and nearby landowners for comment. Advertising closed on the 2 April 2024.

No submissions have been received.

LEGAL IMPLICATIONS

Planning and Development Act 2005 – The current Residential Design Codes were made under Part 3A of the Act. The Codes have moved from being a State Planning Policy to being a Planning Code.

The R Codes now have an elevated legal status of subsidiary legislation under the Act.

New Residential Design Codes (Volume 1, 2024) became operative on the 10 April 2024.

Planning and Development (Local Planning Schemes) Regulations 2015 -

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Shark Bay Local Planning Scheme No 4 –

Clause 32.1(a) state that '*no development shall be constructed upon any land within an area considered by the local government as being vulnerable to coastal storm surge inundation unless granted specific development approval by the local government.*'

Clause 32.1(e) outlines where the local government has discretion to consider and require alternative minimum finished floor levels including where:

1. '*the proposed development only involves refurbishment of an existing building or a minor extension to an existing development.*' Or
2. '*for non-habitable development that is detached from any single house or dwelling unit on the same lot in the Denham townsite.*'

Clause 34 outlines that Council has the ability to consider 'Variations to site and development standards and requirements'.

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Clause 34 outlines that **additional site and development standards** means requirements that are set out in Clause 32.

The minimum finished level of 4.2m Australian Height Datum is listed under Clause 32, and can be varied under Clause 34.

Clause 34(2) outlines that 'the local government may approve an application for a development approval that does not comply with additional site and development requirements'.

Council can advertise any application seeking a variation to any site requirement. As outlined in this report this application was advertised for public comment.

Clause 34 (5) states that:

- (2) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the additional site and development standard will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

POLICY IMPLICATIONS

The Residential Design Codes operate as State Planning Code.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>D Chapman</i>
Date of Report	16 April 2024

ATTACHMENT # 1



0 2 4 6 8 10 12 14 16m
SCALE 1:250
ORIGINAL PLAN SIZE: A3



PREPARED FOR:
Faye Paull
143 Knight Terrace
Denham WA 6571
M: 0410 300 704
E: nevpauill@bigpond.net.au

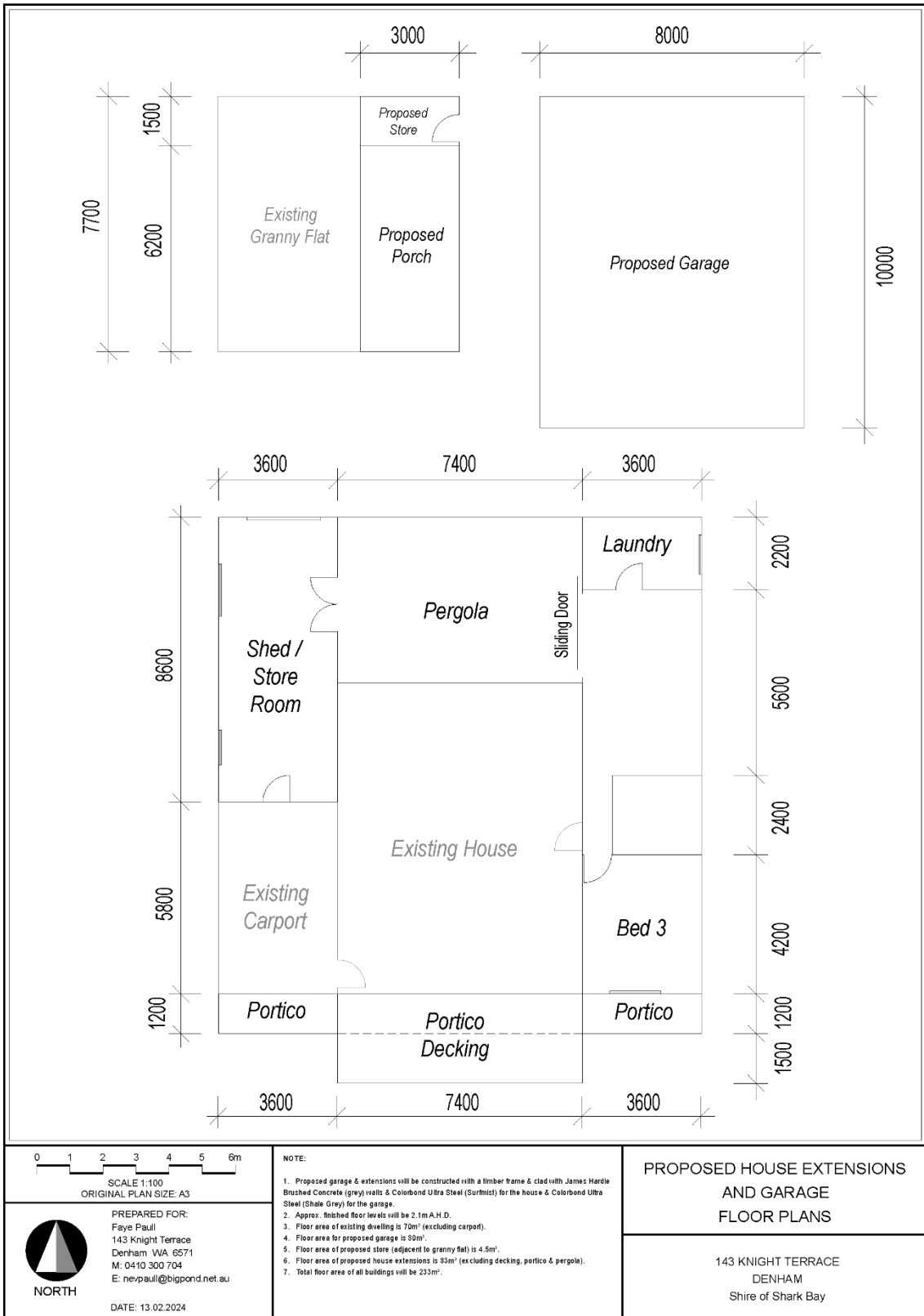
DATE: 13.02.2024

- NOTE:
- Storm water from the proposed garage & extensions will be piped to garden beds.
 - Existing dwelling is connected to sewer.
 - Proposed garage & extensions will be constructed with a timber frame & clad with James Hardie Brushed Concrete (grey) walls & Colorbond Ultra Steel (Surrealist) for the house & Colorbond Ultra Steel (Shale Grey) for the garage.
 - Approx. finished floor levels will be 2.1m A.H.D.
 - Floor area of existing dwelling is 10m² (excluding carport).
 - Floor area for proposed garage is 30m².
 - Floor area of proposed store (adjacent to granny flat) is 4.5m².
 - Floor area of proposed house extensions is 83m² (excluding decking, portico & pergola).
 - Total floor area of all buildings will be 233m².

PROPOSED HOUSE EXTENSIONS
AND GARAGE
SITE PLAN

143 KNIGHT TERRACE
DENHAM
Shire of Shark Bay

24 APRIL 2024



0 1 2 3 4 5 6m
 SCALE 1:100
 ORIGINAL PLAN SIZE: A3

PREPARED FOR:
 Faye Paull
 143 Knight Terrace
 Denham WA 6571
 M: 0410 300 704
 E: nevpaull@bigpond.net.au

NORTH

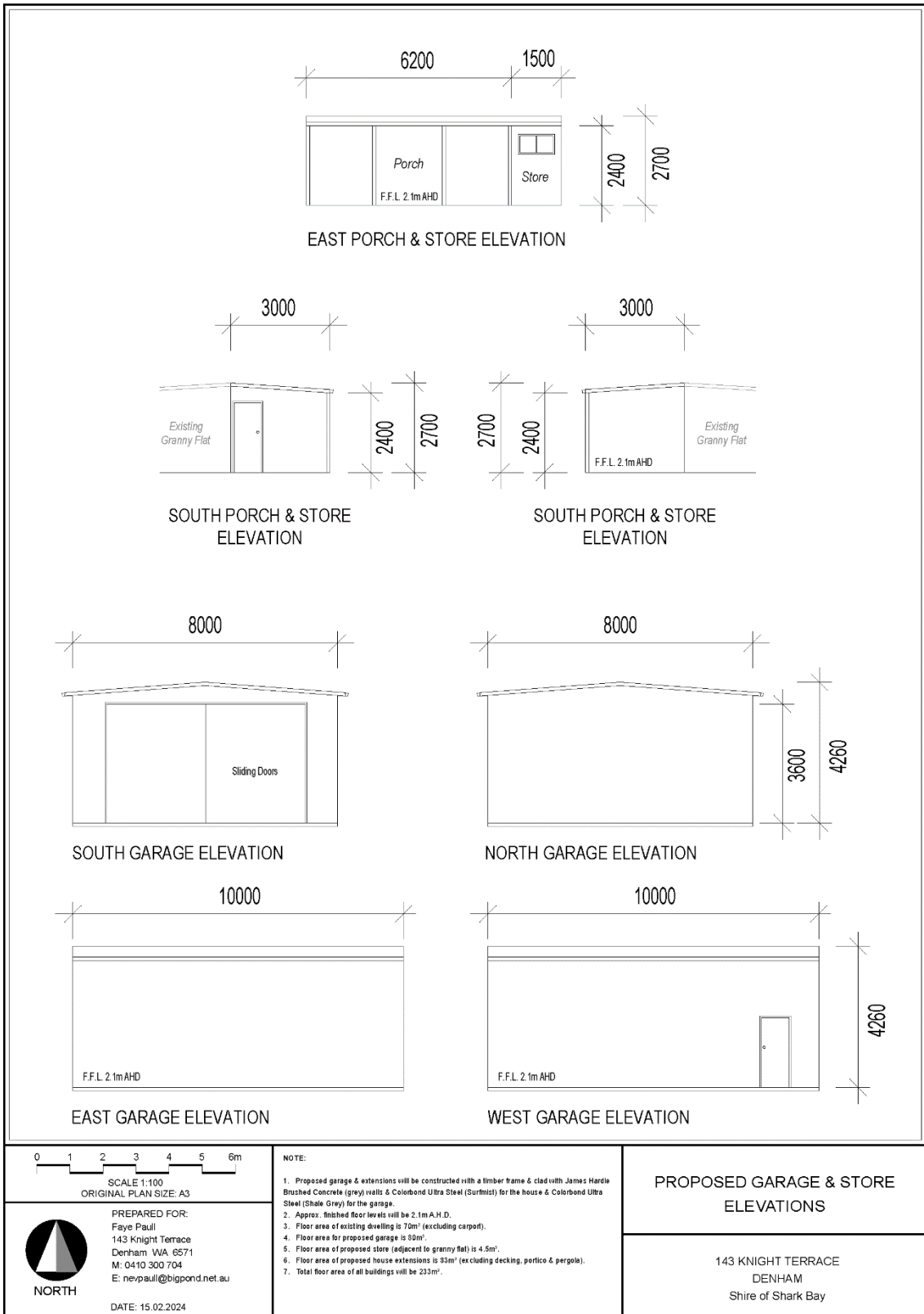
DATE: 13.02.2024

- NOTE:
- Proposed garage & extensions will be constructed with a timber frame & clad with James Hardie Brushed Concrete (grey) walls & Colorbond Ultra Steel (Surfmist) for the house & Colorbond Ultra Steel (Shale Grey) for the garage.
 - Approx. finished floor levels will be 2.1m A.H.D.
 - Floor area of existing dwelling is 70m² (excluding carport).
 - Floor area for proposed garage is 80m².
 - Floor area of proposed store (adjacent to granny flat) is 4.5m².
 - Floor area of proposed house extensions is 83m² (excluding decking, portico & pergola).
 - Total floor area of all buildings will be 233m².

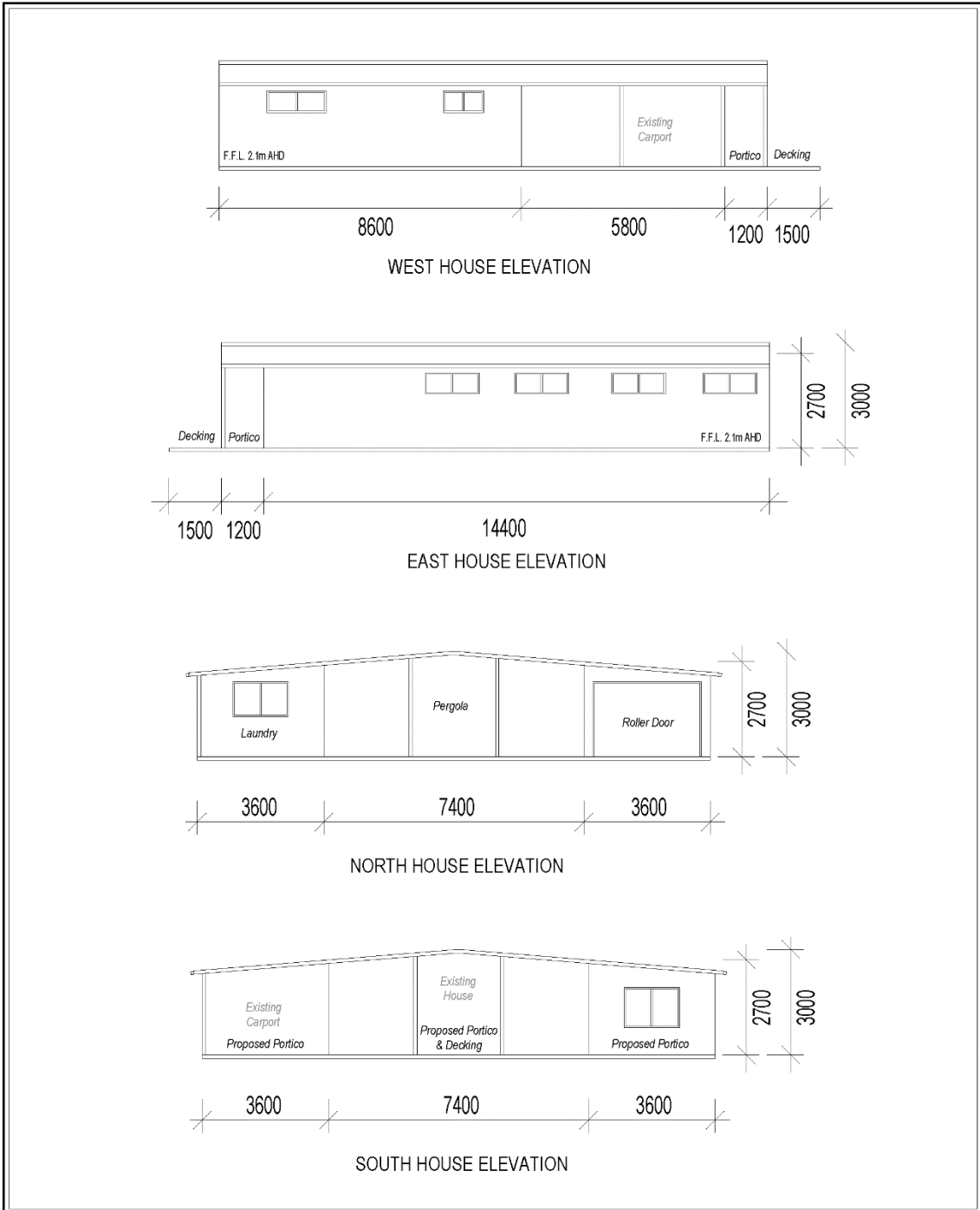
**PROPOSED HOUSE EXTENSIONS
 AND GARAGE
 FLOOR PLANS**


143 KNIGHT TERRACE
 DENHAM
 Shire of Shark Bay

24 APRIL 2024



24 APRIL 2024



<p>0 1 2 3 4 5 6m</p> <p>SCALE 1:100 ORIGINAL PLAN SIZE: A3</p>	<p>NOTE:</p> <ol style="list-style-type: none"> Proposed garage & extensions will be constructed with a timber frame & clad with James Hardie Brushed Concrete (grey) walls & Colorbond Ultra Steel (Surfmist) for the house & Colorbond Ultra Steel (Shale Grey) for the garage. Approx. finished floor levels will be 2.1m A.H.D. Floor area of existing dwelling is 70m² (excluding carport). Floor area for proposed garage is 33m². Floor area of proposed store (adjacent to granny flat) is 4.5m². Floor area of proposed house extensions is 93m² (excluding decking, portico & pergola). Total floor area of all buildings will be 233m². 	<p>PROPOSED HOUSE EXTENSIONS ELEVATIONS</p>
<p>PREPARED FOR: Faye Paull 143 Knight Terrace Denham WA 6571 M: 0410 300 704 E: nevpaull@bigpond.net.au</p> <p>DATE: 15.02.2024</p> <p> NORTH</p>	<p>143 KNIGHT TERRACE DENHAM Shire of Shark Bay</p>	

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11.0 ADMINISTRATION REPORT

11.1 ANNUAL ELECTORS MEETING
GV00011

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Stubberfield

Seconded Cr Smith

Council Resolution

1. **The minutes of the annual electors meeting held on Wednesday 27 March 2024 be noted.**
2. **Council notes that there were no decisions to be considered by the Council from the minutes of the meeting.**

6/0 CARRIED

Background

The annual general meeting of electors relating to the financial year ended 30 June 2023 was held on Wednesday 27 March 2024. A copy of the minutes of the meeting is attached at the end of the report.

Section 5.32 (b) of the **Local Government Act 1995** requires the Chief Executive Officer to:

“Ensure that copies of the minutes are available for inspection by members of the public before the Council meeting at which decisions made at the electors meeting are first considered”

The minutes have been made available for inspection since 10 April 2024 and have been placed on Council’s website.

Comment

In accordance with the **Local Government Act 1995** the Council is only required to consider any decision made at the electors meeting.

At this Annual Electors meeting no motions were put forward for Council consideration.

Legal Implications

Local Government Act 1995

The Act also requires the decisions of the electors meeting to be considered by the Council (section 5.53) at its next ordinary meeting where practicable. The act states:

ORDINARY COUNCIL MEETING AGENDA

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- (1) all decisions made at the electors meeting are to be considered at the next ordinary council meeting or, if that is not practicable,
 - (a) At the next ordinary council meeting after that meeting, or
 - (b) At a special meeting called for that purpose, whichever happens first.
- (2) if at a meeting of the council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications

There are no policy implications relative to this report

Financial Implications

There are no financial implications relative to this report

Strategic Implications

There are no strategic implications relative to this report

Risk Management

There is no risk involved with this item

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

D Chapman

Date of Report

10 April 2024

24 APRIL 2024



SHIRE OF SHARK BAY

ANNUAL ELECTORS' MEETING

Wednesday 27 March 2024

5.00 pm

Shark Bay Recreation Centre

MINUTES



D Chapman
Chief Executive Officer

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

ANNUAL ELECTORS MEETING MINUTES

27 MARCH 2024

1. **Declaration Of Opening**

The President declared the Annual Electors meeting open at 5.01 pm.

2. **Acknowledgement of Country**

I would like to acknowledge the Malgana People as the traditional custodians of the land and sea in and around the Shire of Shark Bay.

I pay my respects to their Elders past, present and emerging.

3. **Attendances And Apologies**

ATTENDANCES

Cr C Cowell	President
Cr P Stubberfield	Deputy President
Cr L Bellottie	
Cr E Fenny	
Cr G Ridgley	
Cr M Smith	
Cr M Vankova	

Mr D Chapman	Chief Executive Officer
Ms D Wilkes	Deputy Chief Executive Officer
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

Electors and Ratepayers

Ms N Needham
Mr S Thomson
Mr R Marquis
Ms J Guenther
Mr J Mohr

Observers

Dr B Buirchell

APOLOGIES

Ms F Castling

4. **Receiving Of The Annual Report Of The Shire Of Shark Bay For The Year Ending 30 June 2023**

Moved Mr R Marquis
Seconded Ms N Needham

Electors Resolution

That the Annual Report, including the Annual Financial Statements, Presidents Report and Auditors Report of the Shire of Shark Bay for the Year ending 30 June 2023 be received.

15/0 CARRIED

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

ANNUAL ELECTORS MEETING MINUTES

27 MARCH 2024

5. General Business

Questions asked by Dr Bevan Buirchell – Dr Buirchell was an observer not an elector of the Shire of Shark Bay and can only observe at this meeting.

Questions asked by Janine Guenther

Could anyone please explain to me the legal differences between a verge and a crossover, especially in terms of land use, legal responsibilities, ownership and parking?

After the Council has legalised verge parking for 1 Leeds Court, does that mean it is legalised in the rest of the town?

The Chief Executive Officer advised that a reply will be sent to the elector.

Question asked by Jens Mohr

In the Local Planning Scheme are over twelve points listed the Council need to consider when approving a short-term holiday rental. One of the points, 32.15.3 (e), reads: "The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre,"

So how does the Shire implement this point? What exactly does the Shire do to "encourage" holiday houses close to Town Centre and "discourage" in well established residential areas?

The Chief Executive Officer advised that a reply will be sent to the elector.

6. Closure Of Meeting

As there was no further business the President closed the Annual Electors meeting at 5.21pm.

24 APRIL 2024

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Vankova
Seconded Cr Cowell

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$763,224.58 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund BPay payment for the month of March 2024 totalling \$1,023.33

Municipal fund credit card direct debits for the month of March 2024 totalling \$2,306.28

No Municipal fund account cheque numbers were issued for March 2024 totalling \$0.00

Municipal fund direct debits to Council for the month of March 2024 totalling \$22,425.66

Municipal fund account electronic payment numbers MUNI 32057 to 32158 totalling \$580,614.60

Municipal fund account for March 2024 payroll totalling \$141,509.51

Municipal fund Police Licensing for March 2024 transaction number 222339 totalling \$15,345.20 and

No Trust fund account cheque numbers were issued for March 2024 totalling \$0

The schedule of accounts submitted to each member of Council on 19 April 2024 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

Section 13.3 of the Local Government (Financial Management) Regulations 1996, requires that a list of payments be presented to Council on a monthly basis.

24 APRIL 2024

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

Outcome 1.2 To improve fiscal management practices and procedures and maximise operating revenue and social capital.

RISK MANAGEMENT

These payments have been paid and are subject to internal checks and appraisals and therefore are considered a low risk to council.

Voting Requirements

Simple Majority Required

Signature

Chief Executive Officer

D Chapman

Date of Report

17 April 2024

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY – MUNI
ELECTRONIC BPAY TRANSACTIONS
MARCH 2024**

DATE	NAME	DESCRIPTION	AMOUNT
14/03/2024	BPAY	AWARE - SUPERANNUATION	\$283.47
14/03/2024	BPAY	GESB – SUPERANNUATION	\$739.86
		TOTAL	\$1,023.33

SHIRE OF SHARK BAY – CREDIT CARD

PERIOD – MARCH 2024

TOTAL \$2,306.28

CEO

DATE	NAME	DESCRIPTION	AMOUNT
05/02/2024	SHARK BAY PHARMACY	BATTERY FOR KEYBOARD NUMBER PAD	\$6.99
		TOTAL	\$6.99

SFA

DATE	NAME	DESCRIPTION	AMOUNT
23/01/2024	KALBARRI EXPRESS - MIDWEST COURIERS	DELIVERY OF WINDOW TINT FOR FRONT OFFICE	\$32.74
27/01/2024	STARLINK AUSTRALIA	STARLINK INTERNET 20 JANUARY 2024 TO 19 FEBRUARY 2024 FOR TAMALA CAMP (PP118), REFUSE SITE AND BUSH FIRE BRIGADE	\$452.00
31/01/2024	MOORE AUSTRALIA WA	2024 WALGA TAX FBT WORKSHOP 22 FEBRUARY 2024 LIVESTREAM ATTENDANCE FOR SFA	\$990.00
2/02/2024	OVERLANDER ROADHOUSE	FUEL FOR FINANCE VEHICLE (P211) FOR SFA TO ATTEND DOT TRAINING - DOT REIMBURSEABLE	\$53.60

ORDINARY COUNCIL MEETING AGENDA

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4/02/2024	BELONG	BELONG INTERNET 04 FEBRUARY to 03 MARCH 2024 FOR RECREATION CENTRE DOOR ENTRY	\$15.00
4/02/2024	BELONG	BELONG INTERNET 04 FEBRUARY to 03 MARCH 2024 FOR DENHAM HALL DOOR ENTRY	\$15.00
4/02/2024	COLES	SHOPPING FOR MEALS DURING DOT TRAINING FOR SFA - DOT REIMBURSABLE	\$75.47
5/02/2024	WOOLWORTHS	SHOPPING FOR MEALS DURING DOT TRAINING FOR SFA - DOT REIMBURSABLE	\$129.10
5/01/2024	QUEST INNALOO	CAR PARKING DURING DOT TRAINING FOR SFA - DOT REIMBURSEABLE	\$92.12
9/02/2024	HUNGRY JACKS	MEAL FOR SFA DURING DOT TRAINING - DOT REIMBURSEABLE	\$22.00
10/02/2024	RHODESIDE LODGE	ACCOMMODATION FOR SFA ON THE WAY HOME FROM DOT TRAINING - DOT REIMBURSEABLE	\$85.00
10/02/2024	BP EXP CURRAMBINE	FUEL FOR FINANCE VEHICLE (P211) FOR SFA TO ATTEND DOT TRAINING - DOT REIMBURSEABLE	\$113.06
12/02/2024	TOTAL UNIFORMS & SCO	SHIRE UNIFORM FOR CESM	\$60.95
		TOTAL	\$2,136.04

EMCD

DATE	NAME	DESCRIPTION	AMOUNT
16/01/2024	KMART	FRAMES FOR CERTIFICATES – AUSTRALIA DAY	\$70.00
25/01/2024	AP DENHAM LPO	SBDC – PREPAID SACHELS FOR POSTING ITEMS TO CUSTOMERS	\$93.25
		TOTAL	\$163.25

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY – MUNI DIRECT DEBITS
MARCH 2024**

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD17628.1	07/03/2024	URL NETWORKS PTY LTD	SHIRE OFFICES TELEPHONE CHARGES - 7 MARCH TO 6 APRIL 2024	-72.98
DD17634.1	05/03/2024	WATER CORPORATION - OSBORNE PARK	COMMUNITY STANDPIPE - WATER USAGE 08 JANUARY TO 7 FEBRUARY 2024	-5.73
DD17634.2	21/03/2024	WATER CORPORATION - OSBORNE PARK	COMMUNITY STANDPIPE - SERVICE CHARGES FEBRUARY 2024	-23.79
DD17644.1	10/03/2024	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-2139.60
DD17644.2	10/03/2024	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-309.64
DD17644.3	10/03/2024	AMP SUPER DIRECTIONS FUND	SUPERANNUATION CONTRIBUTIONS	-265.36
DD17644.4	10/03/2024	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-470.41
DD17644.5	10/03/2024	CRUELTY FREE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-270.59
DD17644.6	10/03/2024	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-497.02
DD17644.7	10/03/2024	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-637.42
DD17644.8	10/03/2024	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-3984.44
DD17644.9	10/03/2024	EQUIP SUPER	SUPERANNUATION CONTRIBUTIONS	-148.69
DD17650.1	28/03/2024	EXETEL PTY LTD	SHIRE PROPERTIES INTERNET CHARGES - APRIL 2024	-382.35
DD17656.1	21/03/2024	VIVA ENERGY AUSTRALIA	MONTHLY FUEL CARD ACCOUNT - FEBRUARY 2024	-398.56
DD17661.1	24/03/2024	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-2097.73
DD17661.2	24/03/2024	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	-665.25
DD17661.3	24/03/2024	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-299.22
DD17661.4	24/03/2024	AMP SUPER DIRECTIONS FUND	SUPERANNUATION CONTRIBUTIONS	-265.36
DD17661.5	24/03/2024	FUTURE SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-140.31
DD17661.6	24/03/2024	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-470.41
DD17661.7	24/03/2024	CRUELTY FREE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-234.51
DD17661.8	24/03/2024	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-594.52

ORDINARY COUNCIL MEETING AGENDA

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DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD17661.9	24/03/2024	NATIONAL MUTUAL RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	-614.22
DD17644.10	10/03/2024	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	-663.24
DD17644.11	10/03/2024	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-114.52
DD17644.12	10/03/2024	ASGARD ELEMENTS SUPER ACCOUNT	SUPERANNUATION CONTRIBUTIONS	-299.48
DD17644.13	10/03/2024	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-681.11
DD17661.10	24/03/2024	AWARE SUPER	SUPERANNUATION CONTRIBUTIONS	-4447.21
DD17661.11	24/03/2024	EQUIP SUPER	SUPERANNUATION CONTRIBUTIONS	-141.25
DD17661.12	24/03/2024	SUNSUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-241.76
DD17661.13	24/03/2024	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-57.62
DD17661.14	24/03/2024	ASGARD ELEMENTS SUPER ACCOUNT	SUPERANNUATION CONTRIBUTIONS	-275.00
DD17661.15	24/03/2024	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-516.36
			TOTAL	\$22,425.66

**SHIRE OF SHARK BAY – MUNI EFT
MARCH 2024
EFT 32057 – 32158**

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32057	06/03/2024	AUSTRALIA POST	MONTHLY POSTAL SERVICE FEBRUARY 2024 AND ANNUAL RENEWAL OF SHIRE AND SES POST BOX RENTALS (ONCHARGEABLE TO SES)	-170.87
EFT32058	06/03/2024	BRIAN CHILD	REPLACEMENT AND INSTALLATION OF TOILET CISTERN - PENSIONER UNIT 10	-300.00
EFT32059	06/03/2024	BOC LIMITED	MONTHLY CONTAINER RENTAL - FEBRUARY 2024	-41.12
EFT32060	06/03/2024	BURTON TILING MAINTENANCE & RENOVATIONS	INSURANCE CLAIM - SUPPLY OF MATERIALS FOR BATHROOM - PENSIONER UNIT 11	-2401.39

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32061	06/03/2024	BEAVIS & SMITH CLEANING & CHEMICALS	MONTHLY CLEANING ACCOUNT - FEBRUARY 2024	-21116.25
EFT32061	06/03/2024	BEAVIS & SMITH CLEANING & CHEMICALS	CLEANING CONSUMABLES – FEBRUARY 2024	-277.90
EFT32062	06/03/2024	CARNARVON MOTOR GROUP	SUPPLY OF NEW HILUX 4X4 2.8L UTE FOR TOWN SUPERVISOR (P218) INCLUDING LICENCE AND PIT INSPECTION COSTS, LESS TRADE OF TOWN GARDENER UTE (P200)	-18483.62
EFT32063	06/03/2024	CDH ELECTRICAL	DISCONNECT OVEN IN PENSIONER UNIT 3, MOVE TO AND RECONNECT IN PENSIONER UNIT 8	-165.00
EFT32064	06/03/2024	REFUEL AUSTRALIA	MONTHLY FUEL ACCOUNT - JANUARY 2024	-524.50
EFT32065	06/03/2024	GERALDTON HYDRAULICS	SUPER CRIMPS FOR FREIGHTLINER CORONADO (P174)	-216.15
EFT32066	06/03/2024	HORIZON POWER	STREET LIGHTING - FEBRUARY 2024	-4314.82
EFT32067	06/03/2024	DENHAM WA PTY LTD	MONTHLY SUPERMARKET ACCOUNT - FEBRUARY 2024	-1783.84
EFT32068	06/03/2024	IRWIN PLANT HIRE	SUPPLY OF PLANT AND LABOUR HIRE - CART GRAVEL ON USELESS LOOP ROAD	-10657.90
EFT32069	06/03/2024	TEAM GLOBAL EXPRESS PTY LTD	MONTHLY FREIGHT ACCOUNT - FEBRUARY 2024	-40.79
EFT32070	06/03/2024	GRAYT MAINTENANCE SOLUTIONS	MONTHLY RUBBISH TRUCK HIRE - FEBRUARY 2024	-4799.96
EFT32071	06/03/2024	MIDWEST CONTRACTING	GRADER HIRE MAINTENANCE GRADING ON THE EASTERN ROADS - WOODLEIGH BYRO ROAD INCLUDING LOADER HIRE AND ACCOMMODATION	-21340.00
EFT32072	06/03/2024	NATURALISTE PLUMBING PTY LTD	REPLACE LEVER TAP ON HAND BASIN, UNBLOCK TOILET AT PUBLIC TOILETS ON FORESHORE	-850.00
EFT32073	06/03/2024	OFFICEWORKS LTD	STATIONERY ORDER FEBRUARY 2024 FOR ADMINISTRATION OFFICE, DISCOVERY CENTRE AND DEPOT	-1185.20
EFT32074	06/03/2024	PURCHER INTERNATIONAL PTY LTD	AIR SPRING-CAB SUSPENSION FOR FREIGHTLINER CORONADO (P174)	-491.70
EFT32075	06/03/2024	XL2	MANAGED IT SERVICES	-247.50

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32076	06/03/2024	MP ROGERS & ASSOCIATES	PROGRESSIVE PAYMENT - PROJECT MANAGEMENT CHARGES FOR DENHAM FINGER JETTY	-4791.65
EFT32077	06/03/2024	SHARK BAY BOWLING, SPORT AND RECREATION CLUB INC.	2024 AUSTRALIA DAY EVENT SPONSORSHIP	-2000.00
EFT32078	06/03/2024	SHARK BAY CAFE	CATERING FOR THANK A VOLUNTEER DAY AND SENIORS CHRISTMAS LUNCH	-402.00
EFT32079	06/03/2024	SHARK BAY NEWSAGENCY & POSTAL AGENCY	NEWSAGENCY ACCOUNT - 04 NOVEMBER 2023 TO 02 MARCH 2024	-369.38
EFT32080	06/03/2024	SHARK BAY SKIPS PTY LTD	MONTHLY SKIP BIN LIFTS USELESS LOOP / SHARK BAY ROADS JANUARY AND FEBRUARY 2024 - ONCHARGEABLE TO MAINROADS AND DBCA	-7246.80
EFT32080	06/03/2024	SHARK BAY SKIPS PTY LTD	MONTHLY SKIP BIN LIFTS FORESHORE JANUARY AND FEBRUARY 2024 – ONCHARGEABLE TO DOT	-1900.80
EFT32081	06/03/2024	SHARK BAY COMMUNITY RESOURCE CENTRE	SHARK BAY RECREATION CENTRE MANAGEMENT - NOVEMBER 2023	-3485.63
EFT32082	06/03/2024	SMC MARINE WESTERN AUSTRALIA PTY LTD	REIMBURSEMENT OF BCITF LEVY PAYMENT FOR DENHAM FORESHORE PROJECT NO WA2319	-1034.47
EFT32083	06/03/2024	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES - FEBRUARY 2024	-6228.75
EFT32083	06/03/2024	TOWN PLANNING INNOVATIONS	PROGRESSIVE PAYMENT – LOCAL GOVERNMENT STRATEGY REVIEW	-1113.75
EFT32084	06/03/2024	SHARK BAY AVIATION	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-193.60
EFT32085	06/03/2024	BAY LODGE MIDWEST OASIS	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-211.20
EFT32086	06/03/2024	HARTOG COTTAGES	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-1597.20
EFT32087	06/03/2024	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-3025.10
EFT32088	06/03/2024	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-123.20

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32089	06/03/2024	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-316.80
EFT32090	06/03/2024	PINNACLE COACHLINES	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-495.38
EFT32091	06/03/2024	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-381.04
EFT32092	06/03/2024	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-6937.04
EFT32093	06/03/2024	SHARK BAY CARAVAN PARK	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-158.40
EFT32094	06/03/2024	SHARK BAY 4WD TOURS	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-2242.24
EFT32095	06/03/2024	SHARK BAY COASTAL TOURS	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-3137.20
EFT32096	06/03/2024	SHIRE OF SHARK BAY	BOOKEASY OPERATOR COMMISSION - FEBRUARY 2024	-2673.80
EFT32097	06/03/2024	TASMAN HOLIDAY PARKS - DENHAM SEASIDE	BOOKEASY OPERATOR PAYMENT - FEBRUARY 2024	-633.60
EFT32098	07/03/2024	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BSL LEVY COLLECTION - PERMIT # 3477	-1234.50
EFT32099	07/03/2024	SHIRE OF SHARK BAY	BSL LEVY COMMISSION - PERMIT # 3468	-25.00
EFT32100	08/03/2024	ALLERDING AND ASSOCIATES	PROGRESSIVE PAYMENT - CONSULTANCY PLANNING FEES FOR THE PROPOSED SUNDAY ISLAND BAY, DIRK HARTOG DEVELOPMENT	-4196.50
EFT32101	08/03/2024	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER CHARGES	-288.75
EFT32102	08/03/2024	C J D EQUIPMENT PTY LTD	LABOUR CHARGE, PARTS AND TRAVEL TO AND FROM SITE TO REPAIR VOLVO WHEEL LOADER (P191)	-7226.37
EFT32103	08/03/2024	SHARK BAY SUPERMARKET	MONTHLY SUPERMARKET ACCOUNT - FEBRUARY 2024	-218.46

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32104	08/03/2024	FAR WEST ELECTRICAL	REMOVAL OF OLD AND INSTALLATION OF NEW AIR CONDITIONER - PENSIONER UNIT 13	-2226.32
EFT32105	08/03/2024	TEAM GLOBAL EXPRESS PTY LTD	MONTHLY FREIGHT ACCOUNT - FEBRUARY 2024	-97.50
EFT32106	08/03/2024	KEITH JOSEPH JOHNS	50% DEPOSIT - SUPPLY AND INSTALLATION OF KITCHEN CABINETRY - 51 DURLACHER STREET	-10340.00
EFT32107	08/03/2024	NATURALISTE PLUMBING PTY LTD	PLUMBING REPAIR AND MAINTENANCE OF TOWN HALL ABLUTION BLOCK AND FOOT TAP AT FORESHORE SHOWER FACILITIES	-4640.00
EFT32108	08/03/2024	PEMCO DIESEL	COOLING SYSTEM DIAGNOSIS AND REPAIRS ON HINO PRIME MOVER (P196)	-8176.88
EFT32109	08/03/2024	XL2	MANAGED IT SERVICES	-82.50
EFT32110	08/03/2024	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	3RD QUARTER LGGS 2023 / 2024	-14796.65
EFT32111	14/03/2024	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-24712.00
EFT32112	14/03/2024	BUNNINGS BUILDING SUPPLIES PTY LTD	PAINT FOR TOWN STREET MAINTENANCE AND WINDOW ROLLER BLIND CHAIN JOINER AND CHAIN STOPPER FOR DAY CARE CENTRE	-554.72
EFT32112	14/03/2024	BUNNINGS BUILDING SUPPLIES PTY LTD	DRILL DRIVER KIT FOR DEPOT, SCRUB BRUSH AND BIRD SPIKES FOR LITTLE LAGOON GAZEBOS	-153.65
EFT32112	14/03/2024	BUNNINGS BUILDING SUPPLIES PTY LTD	BRUSHLESS BLOWER VACUUM FOR SHARK BAY DISCOVERY CENTRE MAINTENANCE	-284.05
EFT32112	14/03/2024	BUNNINGS BUILDING SUPPLIES PTY LTD	CLOTHESLINE FOR 5 SPAVEN WAY	-319.00
EFT32113	14/03/2024	BRIAN JOHN GALVIN	SALARY SACRIFICE WORKS MANAGER - WATER, ELECTRICITY AND COMMUNICATION CHARGES	-750.30
EFT32114	14/03/2024	BURTON TILING MAINTENANCE & RENOVATIONS	SUPPLY OF MATERIALS FOR NEW BATHROOM - PENSIONER UNIT 3	-2791.08
EFT32115	14/03/2024	BOB WADDELL & ASSOCIATES	CONTRACT RATES OFFICER CHARGES	-330.00
EFT32116	14/03/2024	DEBORAH ANN WILKES	REIMBURSEMENT OF FUEL - FINANCE VEHICLE (P211)	-77.35

ORDINARY COUNCIL MEETING AGENDA

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EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32117	14/03/2024	FAR WEST ELECTRICAL	REPLACEMENT OF SMOKE ALARM AND ELECTRICAL SAFETY CHECK TO RECONNECT POWER - PENSIONER UNIT 3	-280.50
EFT32118	14/03/2024	REFUEL AUSTRALIA	MONTHLY FUEL ACCOUNT - FEBRUARY 2024	-20786.75
EFT32119	14/03/2024	TEAM GLOBAL EXPRESS PTY LTD	MONTHLY FREIGHT ACCOUNT	-73.38
EFT32120	14/03/2024	KEITH JOSEPH JOHNS	INSTALLATION AND ADJUSTMENT OF CABINETRY - SHARK BAY DISCOVERY CENTRE	-528.00
EFT32121	14/03/2024	MCLEODS BARRISTERS AND SOLICITORS	LEGAL EXPENSES - RETAINING WALL 16 TERRY DESCHAMPS WAY	-870.10
EFT32122	14/03/2024	MICHELLE FANALI	REIMBURSEMENT FOR ACCOMMODATION DURING LG PROFESSIONALS LIFT OFF TRAINING - COMMUNITY DEVELOPMENT OFFICER	-269.00
EFT32122	14/03/2024	MICHELLE FANALI	REIMBURSEMENT FOR PRODUCTS PURCHASED FOR RECREATION CENTRE - COMMUNITY DEVELOPMENT OFFICER	-105.59
EFT32123	14/03/2024	A K WATERS PTY LTD T/AS NORTHERN ASPECT CONSTRUCTIONS	PROGRESSIVE PAYMENT - DESIGN AND CONSTRUCTION OF 12 INDEPENDENT LIVING UNITS	-264928.95
EFT32124	14/03/2024	PURCHER INTERNATIONAL PTY LTD	FLEXI PIPE AND TORCTITE CLAMP FOR FREIGHTLINER CORONADO (P174)	-1076.44
EFT32125	14/03/2024	MP ROGERS & ASSOCIATES	PROGRESSIVE PAYMENT - PROJECT MANAGEMENT FOR CONSTRUCTION OF UPGRADED DENHAM REVETMENT	-2877.07
EFT32126	14/03/2024	LYONS ENTERPRISES-SHARK BAY CAR HIRE	MONTHLY CAR HIRE FOR VISITING MEDICAL STAFF, INCLUDING FUEL - FEBRUARY 2024	-1008.70
EFT32127	14/03/2024	SHARK BAY COMMUNITY RESOURCE CENTRE	SHARK BAY RECREATION CENTRE MANAGEMENT - FEBRUARY 2024	-4270.13
EFT32128	14/03/2024	SUNNY INDUSTRIAL BRUSHWARE	DIGGA BROOM FOR JOHN DEERE TRAILER (P161)	-869.44
EFT32129	14/03/2024	VALENTINES PAINTING SERVICE	SUPPLY OF PAINT FOR JETTY MAINTENANCE	-1287.00
EFT32130	14/03/2024	WA RANGERS ASSOCIATION INC	WA RANGERS ASSOCIATION MEMBERSHIP FOR 3 YEARS (EXPIRY 31/12/2026) - SHIRE RANGER	-120.00

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32131	14/03/2024	MARIE ANNE GAMBLE	RENT SUBSIDY FOR DENHAM DAY CARE EDUCATOR - 10 MARCH TO 06 APRIL 2024	-2000.00
EFT32132	19/03/2024	AIYANA JOAN CHRISTI WRIGHT	RATES REFUND FOR ASSESSMENT A1094 67 HUGHES STREET DENHAM 6537	-1000.00
EFT32133	20/03/2024	BAY LODGE MIDWEST OASIS	BOOKEASY OPERATOR PAYMENT MARCH 2024	-950.40
EFT32134	20/03/2024	HARTOG COTTAGES	BOOKEASY OPERATOR PAYMENT MARCH 2024	-1306.80
EFT32135	20/03/2024	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY OPERATOR PAYMENT MARCH 2024	-1532.54
EFT32136	20/03/2024	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY OPERATOR PAYMENT MARCH 2024	-857.12
EFT32137	20/03/2024	MONKEYMIA WILDSIGHTS	BOOKEASY OPERATOR PAYMENT MARCH 2024	-737.28
EFT32138	20/03/2024	OCEANFRONT HOTEL PTY LTD T/A SHARK BAY HOTEL	BOOKEASY OPERATOR PAYMENT MARCH 2024	-280.50
EFT32139	20/03/2024	OCEANSIDE VILLAGE	BOOKEASY OPERATOR PAYMENT MARCH 2024	-522.72
EFT32140	20/03/2024	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY OPERATOR PAYMENT MARCH 2024	-1025.20
EFT32141	20/03/2024	SHARK BAY DIVE AND MARINE SAFARIS	BOOKEASY OPERATOR PAYMENT MARCH 2024	-1890.24
EFT32142	20/03/2024	SHARK BAY CARAVAN PARK	BOOKEASY OPERATOR PAYMENT MARCH 2024	-126.72
EFT32143	20/03/2024	SHARK BAY 4WD TOURS	BOOKEASY OPERATOR PAYMENT MARCH 2024	-4782.80
EFT32144	20/03/2024	SHARK BAY COASTAL TOURS	BOOKEASY OPERATOR PAYMENT MARCH 2024	-387.20
EFT32145	20/03/2024	DENHAM WA PTY LTD	BOOKEASY OPERATOR PAYMENT MARCH 2024	-968.00
EFT32146	20/03/2024	SHIRE OF SHARK BAY	BOOKEASY COMMISSION PAYMENT MARCH 2024	-2368.48
EFT32147	20/03/2024	WULA GURA NYINDA ECO CULTURAL ADVENTURES	BOOKEASY OPERATOR PAYMENT MARCH 2024	-1188.00
EFT32148	20/03/2024	ALLERDING AND ASSOCIATES	PROGRESSIVE PAYMENT - CONSULTANCY PLANNING FEES FOR THE PROPOSED SUNDAY ISLAND BAY, DIRK HARTOG ISLAND DEVELOPMENT	-456.17
EFT32149	20/03/2024	AIYANA JOAN CHRISTI WRIGHT	SBDC MERCHANDISE - SERVING BOARDS	-1340.00
EFT32150	20/03/2024	BURTON TILING MAINTENANCE & RENOVATIONS	SUPPLY OF NEW DOOR LOCKS - 51 DURLACHER STREET	-610.34

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

EFT #	DATE	NAME	DESCRIPTION	AMOUNT
EFT32151	20/03/2024	CENTRAL REGIONAL TAFE	REGULATORY OFFICER COMPLIANCE SKILLS AND DOG AND CAT MANAGEMENT AND CONTROL TRAINING FEES - SHIRE RANGER	-1344.19
EFT32152	20/03/2024	IRWIN PLANT HIRE	SUPPLY OF PLANT AND LABOUR HIRE - CART GRAVEL ON USELESS LOOP ROAD	-11334.40
EFT32153	20/03/2024	LANDGATE (WA LAND INFORMATION AUTHORITY)	GROSS RENTAL VALUATIONS CHARGEABLE SCHEDULE NO G2024/01	-74.15
EFT32154	20/03/2024	MIDWEST CONTRACTING	GRADER HIRE TO REPAIR RAIN DAMAGE ON THE WOODLEIGH-BYRO, GILROYD, YALARDY AND YALARDY TALISKER ROADS INCLUDING GRADER HIRE AND ACCOMMODATION	-13464.00
EFT32155	20/03/2024	SHARK BAY MARINE AND HARDWARE	MONTHLY HARDWARE ACCOUNT – DECEMBER 2023, JANUARY AND FEBRUARY 2024	-3637.40
EFT32156	20/03/2024	XL2	MONTHLY WORKSTATION MONITORING AND SUPPORT, WEBROOT ENDPOINT PROTECTION, BACK UP SERVICES, MANAGAMENT FEE FOR VOIP PHONE SYSTEM AND COMPUTER LICENCES - APRIL 2024	-2186.33
EFT32156	20/03/2024	XL2	SERVER MAINTENANCE – 2 MONTHLY	-330.00
EFT32156	20/03/2024	XL2	MANAGED IT SERVICES	-123.75
EFT32156	20/03/2024	XL2	MANAGED IT SERVICES	-206.25
EFT32157	20/03/2024	SHARK BAY BAKERY	CATERING FOR SPECIAL COUNCIL MEETING 12 FEBRUARY 2024 AND ORDINARY COUNCIL MEETING 28 FEBRUARY 2024	-160.00
EFT32158	20/03/2024	TELSTRA LIMITED	SHIRE MOBILE TELEPHONE SERVICES - 16 FEBRUARY TO 15 MARCH 2024	-353.45
EFT32158	20/03/2024	TELSTRA LIMITED	BUSH FIRE BRIGADE SATELLITE PHONES	-90.00
			TOTAL	\$580,614.60

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY – MUNI
ELECTRONIC PAYROLL TRANSACTIONS
MARCH 2024**

DATE	NAME	DESCRIPTION	AMOUNT
12/03/2024	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 10 MARCH 2024	\$69,841.15
26/03/2024	PAYROLL	EMPLOYEE NET PAY FOR FORTNIGHT ENDING 24 MARCH 2024	\$71,668.36
		TOTAL	\$141,509.51

**SHIRE OF SHARK BAY
MARCH 2024
POLICE LICENSING TRANSACTION #222339**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
222339	31/03/2024	COMMISSIONER OF POLICE	POLICE LICENSING MARCH 2024	\$10,492.70
			TOTAL	\$15,345.20

24 APRIL 2024

12.2 FINANCIAL REPORTS TO 31 MARCH 2024
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Stubberfield

Seconded Cr Vankova

Council Resolution

That the monthly financial report to 31 March 2024 as attached be received.

Cr Smith left the Council Chamber at 2.13 pm

Cr Smith returned to the Council Chamber at 2.14 pm.

6/0 CARRIED

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to 31 March 2024 are attached.

VARIANCE ANALYSIS

Revenue from operating activities - Actual revenue as of 31 March 2024 was \$176,489 less than the year-to-date budget. It should be noted that revenue from grants, subsidies and contributions is under budget by \$138,248 primarily due to a \$130,000 contract liability relative to the Department of Planning Lands and Heritage planning strategy review grant, and revenue from Fees and Charges is \$156,301 less than the year to date budget due to entrances fees Shark Bay Discovery Centre, merchandise sales, Denham Marina slipway haulage fees, Department of Transport Marina facility agreement, Main Roads WA Monkey Mia Road and Main Roads WA Shark Bay Road actual income less than the year to date budget.

An increase in Other Revenue year to date of \$58,300, specifically Visitor Centre booking commission and merchandise sales, and diesel fuel rebate actual income higher than year to date budget. Profit on asset disposals is \$99,427 higher than the year-to-date budget.

Expenditure from operating activities - Actual expenditure as of 31 March 2024 is less than the year-to-date budget by \$1,109,615. This is substantially due to employee costs being \$389,656 less than budgeted, and expenditure on materials and contracts being \$458,725 less than the year-to-date budget.

Capital Revenue - Capital Revenue is \$1,628,520 less than year to date budget due to Grants contract liabilities for the Social Housing Economic Recovery Package

24 APRIL 2024

Community Housing Project and Denham Finger Jetty, Cyclone Seroja resilience funding, Denham foreshore seawall/revetment, and Roads to Recovery funding.

Capital Expenditure - Capital Expenditure is consequently \$2,074,877 less than year to date budget. This is primarily due to payments for property, plant and equipment being \$1,851,412 less than year to date budget, specifically capital works on staff housing, Social Housing Economic Recovery Package Community Housing Project, road sweeper and pensioner units' capital works.

LEGAL IMPLICATIONS

Section 34 of the Local Government (Financial Management) Regulations 1996, requires a financial report to be submitted to Council monthly.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows the financial position of the Shire. Strategies built into the budget to closely manage expenditure remain in place.

STRATEGIC IMPLICATIONS

Strategy 7.2 – Provide appropriate services to the community in a professional and efficient manner.

7.2.2 – Maintain accountability and financial responsibility in accordance with Long Term Financial Plan.

RISK MANAGEMENT

The financial report reports on the current financial status, and this is currently viewed as a low risk to Council.

Voting Requirements

Simple Majority Required

Signature

Chief Executive Officer

D Chapman

Date of Report

17 April 2024

24 APRIL 2024

SHIRE OF SHARK BAY
MONTHLY FINANCIAL REPORT
(Containing the required statement of financial activity and statement of financial position)
For the period ended 31 March 2024

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2024

Note	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b) \$	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES						
Revenue from operating activities						
	1,488,455	1,488,455	1,476,967	(11,488)	(0.77%)	▼
	113,772	113,772	124,091	10,319	9.07%	▲
	880,222	754,874	616,626	(138,248)	(18.31%)	▼
	1,764,150	1,226,254	1,069,953	(156,301)	(12.75%)	▼
	117,250	88,408	49,910	(38,498)	(43.55%)	▼
	169,089	134,634	192,934	58,300	43.30%	▲
	24,483	24,483	123,910	99,427	406.11%	▲
	4,557,421	3,830,880	3,654,391	(176,489)	(4.61%)	
Expenditure from operating activities						
	(2,804,627)	(2,038,060)	(1,648,404)	389,656	19.12%	▲
	(2,340,437)	(1,535,219)	(1,076,494)	458,725	29.88%	▲
	(179,775)	(136,934)	(121,805)	15,129	11.05%	▲
	(5,231,653)	(4,157,619)	(3,992,673)	164,946	3.97%	▲
	(20,139)	(7,088)	(7,088)	0	0.00%	
	(242,362)	(220,827)	(242,064)	(21,237)	(9.62%)	▼
	(229,781)	(170,039)	(152,088)	17,951	10.56%	▲
	(145,336)	(145,336)	(60,891)	84,445	58.10%	▲
	(11,194,110)	(8,411,122)	(7,301,507)	1,109,615	13.19%	
2(b)	5,352,506	4,278,472	3,929,654	(348,818)	(8.15%)	▼
Amount attributable to operating activities	(1,284,183)	(301,770)	282,538	584,308	193.63%	
INVESTING ACTIVITIES						
Inflows from investing activities						
	5,956,996	2,053,238	473,809	(1,579,429)	(76.92%)	▼
	327,000	327,000	277,909	(49,091)	(15.01%)	▼
	6,283,996	2,380,238	751,718	(1,628,520)	(68.42%)	
Outflows from investing activities						
	(5,295,985)	(2,560,704)	(709,292)	1,851,412	72.30%	▲
	(2,427,373)	(937,948)	(714,483)	223,465	23.82%	▲
	(7,723,358)	(3,498,652)	(1,423,775)	2,074,877	59.31%	
Amount attributable to investing activities	(1,439,362)	(1,118,414)	(672,057)	446,357	39.91%	
FINANCING ACTIVITIES						
Inflows from financing activities						
	1,189,340	0	0	0	0.00%	
	1,189,340	0	0	0	0.00%	
Outflows from financing activities						
	(34,324)	(17,067)	(17,067)	0	0.00%	
	(1,199,884)	0	(23,693)	(23,693)	0.00%	▼
	(1,234,208)	(17,067)	(40,760)	(23,693)	(138.82%)	
Amount attributable to financing activities	(44,868)	(17,067)	(40,760)	(23,693)	(138.82%)	
MOVEMENT IN SURPLUS OR DEFICIT						
	2,768,413	2,768,413	2,768,413	0	0.00%	
	(1,284,183)	(301,770)	282,538	584,308	193.63%	▲
	(1,439,362)	(1,118,414)	(672,057)	446,357	39.91%	▲
	(44,868)	(17,067)	(40,760)	(23,693)	(138.82%)	▼
	0	1,331,162	2,338,134	1,006,972	75.65%	▲

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 MARCH 2024**

	Actual 30 June 2023 \$	Actual as at 31 March 2024 \$
CURRENT ASSETS		
Cash and cash equivalents	12,103,541	11,169,525
Trade and other receivables	146,630	397,136
Inventories	129,762	129,762
Other assets	40,645	0
TOTAL CURRENT ASSETS	12,420,578	11,696,423
NON-CURRENT ASSETS		
Trade and other receivables	11,217	11,217
Other financial assets	40,745	40,745
Property, plant and equipment	28,741,170	28,423,611
Infrastructure	71,946,339	69,480,110
TOTAL NON-CURRENT ASSETS	100,739,471	97,955,683
TOTAL ASSETS	113,160,049	109,652,106
CURRENT LIABILITIES		
Trade and other payables	1,075,865	139,687
Other liabilities	3,277,741	3,901,836
Borrowings	34,324	17,257
Employee related provisions	288,217	282,731
TOTAL CURRENT LIABILITIES	4,676,147	4,341,511
NON-CURRENT LIABILITIES		
Borrowings	667,174	667,174
Employee related provisions	43,110	43,110
TOTAL NON-CURRENT LIABILITIES	710,284	710,284
TOTAL LIABILITIES	5,386,431	5,051,795
NET ASSETS	107,773,618	104,600,311
EQUITY		
Retained surplus	39,744,832	34,908,408
Reserve accounts	5,010,342	5,034,035
Revaluation surplus	63,018,444	64,657,868
TOTAL EQUITY	107,773,618	104,600,311

This statement is to be read in conjunction with the accompanying notes.

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2024

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements
Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land, buildings and infrastructure

SIGNIFICANT ACCOUNTING POLICIES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 15 April 2024

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2024

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

		Amended Budget Opening 1 July 2023	Actual as at 30 June 2023	Actual as at 31 Mar 2024
(a) Net current assets used in the Statement of Financial Activity				
Current assets	Note	\$	\$	\$
Cash and cash equivalents		11,663,686	12,103,541	11,169,525
Trade and other receivables		142,412	146,630	397,136
Inventories		140,182	129,762	129,762
Other assets		40,645	40,645	0
		11,986,925	12,420,578	11,696,423
Less: current liabilities				
Trade and other payables		(500,313)	(1,075,865)	(139,687)
Other liabilities		(3,384,911)	(3,277,741)	(3,901,836)
Borrowings		(34,324)	(34,324)	(17,257)
Employee related provisions		(282,731)	(288,217)	(282,731)
		(4,202,279)	(4,676,147)	(4,341,511)
Net current assets		7,784,646	7,744,431	7,354,912
Less: Total adjustments to net current assets	2(c)	(4,976,018)	(4,976,018)	(5,016,778)
Closing funding surplus / (deficit)		2,808,628	2,768,413	2,338,134

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Amended Budget Estimates 30 June 2024	YTD Budget Estimates	YTD Actual
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	(24,483)	(24,483)	(123,910)
Add: Loss on asset disposals	145,336	145,336	60,891
Add: Depreciation	5,231,653	4,157,619	3,992,673
Total non-cash amounts excluded from operating activities	5,352,506	4,278,472	3,929,654

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

	Amended Budget Opening 1 July 2023	Actual as at 30 June 2023	Actual as at 31 Mar 2024
	\$	\$	\$
Adjustments to net current assets			
Less: Reserve accounts	(5,010,342)	(5,010,342)	(5,034,035)
Add: Current liabilities not expected to be cleared at the end of the year - Current portion of borrowings	34,324	34,324	17,257
Total adjustments to net current assets	(4,976,018)	(4,976,018)	(5,016,778)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2024

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$ \$	Var. % %	
Revenue from operating activities			
General rates	(11,488)	(0.77%)	▼
Difference in revaluations at time of rate modelling.			
Rates excluding general rates	10,319	9.07%	▲
Interim rating for GRV Residential, Vacant and back rates.			
Grants, subsidies and contributions	(138,248)	(18.31%)	▼
Grant - Regional North Local Government and Coburn Resources Education are a contract liability.			
Fees and charges	(156,301)	(12.75%)	▼
Entrances fees SBDC, merchandise sales, Denham Marina slipway haulage fees, DOT Marina facility agreement, MRWA Monkey Mia Road and MRWA Shark Bay Road actual income less than YTD budget.			
Interest revenue	(38,498)	(43.55%)	▼
Interest earnings are lower than the YTD budget and are profiled at 9/12th of the annual budget.			
Other revenue	58,300	43.30%	▲
Visitor Centre booking commission, merchandise sales and diesel fuel rebate actual income higher than YTD budget.			
Fire System Monitoring Reimbursement - no income received.			
Profit on asset disposals	99,427	406.11%	▲
Timing of assets to be disposed.			
Expenditure from operating activities			
Employee costs	389,656	19.12%	▲
Most YTD budgets are profiled as 9/12th of the annual budget.			
Some YTD actuals are lower than the YTD budget as there are vacant employment positions.			
Useless Loop road maintenance YTD actuals are higher than YTD budgets.			
Administration and Community Development salaries, administration and PWOH superannuation, Country Roads maintenance, allowances, sick and annual YTD actuals are lower than YTD budget.			
Materials and contracts	458,725	29.88%	▲
Most YTD budgets are profiled as 9/12th of the annual budget.			
Shire rebranding, Planning & Strategy - Regional North Local Government and cleaning BBQs - Foreshore & Lagoon YTD actuals are lower than YTD budget.			
Salaries and wages admin, maintenance - Country Roads, Useless Loop road maintenance, plant operations costs YTD actuals are higher than YTD budget.			
Utility charges	15,129	11.05%	▲
YTD budgets are profiled as 9/12th of the annual budget.			
Depreciation	164,946	3.97%	▲
YTD budgets are profiled as 9/12th of the annual budget.			
Insurance	(21,237)	(9.62%)	▼
Insurance general is profiled as 9/12th of the annual budget.			
Other expenditure	17,951	10.56%	▲
Members conference expenses, emergency management consultant, crossovers YTD actuals are higher than YTD budget - these items may also require revision and reallocated to materials and contracts.			
Shark Bay Business Association Contribution and Council assistance program YTD actuals are lower than YTD budget.			
Loss on asset disposals	84,445	58.10%	▲
Timing of assets to be disposed.			
Non-cash amounts excluded from operating activities	(348,818)	(8.15%)	▼
Asset depreciation, loss on asset disposals, profit on asset disposals.			

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2024**

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.
The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$ \$	Var. % %	
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions Grants contract liabilities - SHERP Community Housing, Cyclone Seroja resilience, RRG, LRCL. Finger Jetty and R2R grant not yet received.	(1,579,429)	(76.92%)	▼
Proceeds from disposal of assets	(49,091)	(15.01%)	▼
Outflows from investing activities			
Payments for property, plant and equipment Dual Cab Truck 5T and multi tyred rubber roller YTD actual is higher than YTD budget. Capital works staff housing, Denham Town Hall, Dual Cab Ute Country, Heritage Stables, major plant items, office furniture and equipment, pensioner units, SHERP community housing, sport and recreation building YTD actuals are lower than YTD budgets.	1,851,412	72.30%	▲
Payments for construction of infrastructure Regional Road Group YTD actuals are higher than YTD budgets. Access bicycle and walking paths, Denham finger jetty, parks and gardens, R2R and town oval YTD actuals are lower than YTD budgets.	223,465	23.82%	▲
Outflows from financing activities			
Transfer to reserves	(23,693)	0.00%	▼
Surplus or deficit after imposition of general rates Due to variances described above	1,006,972	75.85%	▲

Please refer to the compilation report

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24 APRIL 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
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Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.77 M	\$2.77 M	\$2.77 M	\$0.00 M
Closing	\$0.00 M	\$1.33 M	\$2.34 M	\$1.01 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$6.14 M	54.9%
Restricted Cash	\$5.03 M	45.1%

Refer to 3 - Cash and Financial Assets

Payables		% Outstanding
	\$	
Trade Payables	\$0.03 M	
0 to 30 Days		100.0%
Over 30 Days		0.0%
Over 90 Days		0.0%

Refer to 9 - Payables

Receivables		% Collected
	\$	
Rates Receivable	\$0.15 M	91.1%
Trade Receivable	\$0.25 M	% Outstanding
Over 30 Days		5.3%
Over 90 Days		1.7%

Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.28 M)	(\$0.30 M)	\$0.28 M	\$0.58 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$1.60 M	
YTD Budget	\$1.60 M	(0.1%)

Refer to 10 - Rate Revenue

Grants and Contributions		
	\$	% Variance
YTD Actual	\$0.62 M	
YTD Budget	\$0.75 M	(18.3%)

Refer to 13 - Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$1.07 M	
YTD Budget	\$1.23 M	(12.7%)

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.44 M)	(\$1.12 M)	(\$0.67 M)	\$0.45 M

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.28 M	
Amended Budget	\$0.33 M	(15.0%)

Refer to 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$0.71 M	
Amended Budget	\$2.43 M	(70.6%)

Refer to 5 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$0.47 M	
Amended Budget	\$5.96 M	(92.0%)

Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.04 M)	(\$0.02 M)	(\$0.04 M)	(\$0.02 M)

Refer to Statement of Financial Activity

Borrowings	
	\$
Principal repayments	(\$0.02 M)
Interest expense	(\$0.01 M)
Principal due	\$0.68 M

Refer to 11 - Borrowings

Reserves	
	\$
Reserves balance	\$5.03 M
Interest earned	\$0.02 M

Refer to 4 - Cash Reserves

This information is to be read in conjunction with the accompanying Financial Statements and notes.

Please refer to the compilation report

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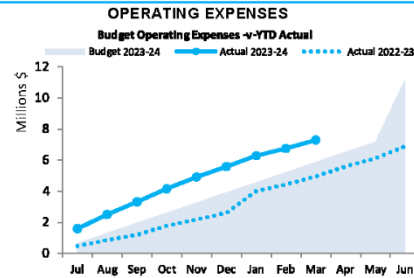
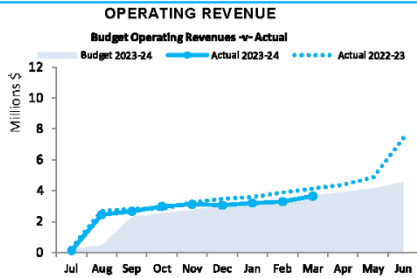
ORDINARY COUNCIL MEETING AGENDA

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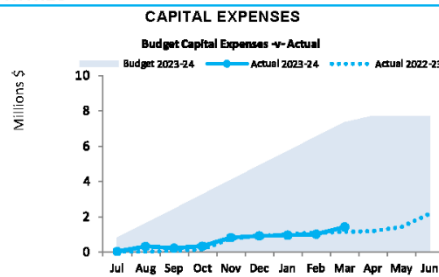
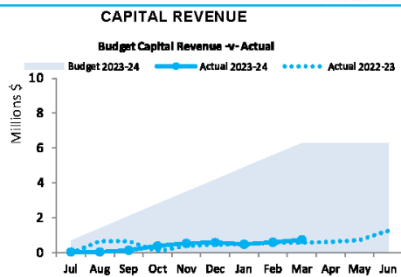
**SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024**

2 KEY INFORMATION - GRAPHICAL

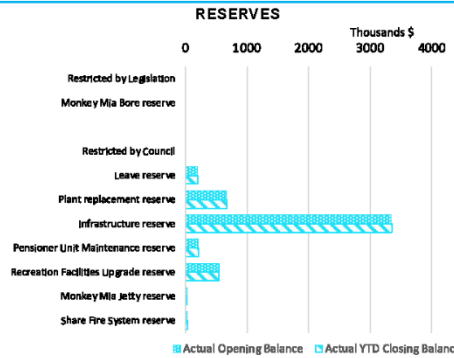
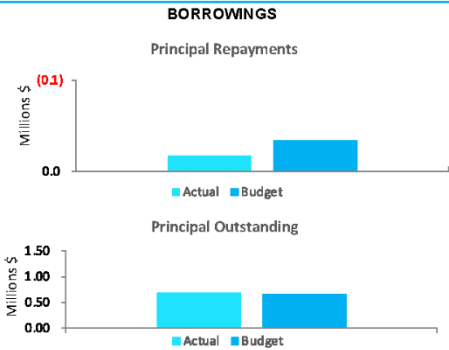
OPERATING ACTIVITIES



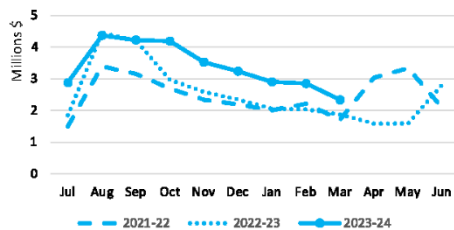
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Please refer to the compilation report

ORDINARY COUNCIL MEETING AGENDA

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**SHIRE OF SHARK BAY
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3 CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Cash Float	Cash and cash equivalents	900	0	900	Not applicable	Not applicable	NA
Municipal Fund Bank	Cash and cash equivalents	1,387,214	0	1,387,214	Bankwest	Variable	NA
Municipal Telenet Saver Account	Cash and cash equivalents	1,821,898	0	1,821,898	Bankwest	Variable	NA
Municipal Term Deposit	Cash and cash equivalents	1,000,000	0	1,000,000	Not available	Not available	NA
FESA Grant TD	Cash and cash equivalents	1,925,478	0	1,925,478	Not available	Not available	NA
Reserve Telenet Saver 0454	Cash and cash equivalents	0	2,033,856	2,033,856	Not available	Not available	NA
Reserve Bank Account	Cash and cash equivalents	0	179	179	Bankwest	Variable	NA
Reserve Term Deposit	Cash and cash equivalents	0	2,000,000	2,000,000	Not available	Not available	NA
Reserve Term Deposit	Cash and cash equivalents	0	1,000,000	1,000,000	Not available	Not available	NA
Total		6,135,490	5,034,035	11,169,525			
Comprising							
Cash and cash equivalents		6,135,490	5,034,035	11,169,525			
		6,135,490	5,034,035	11,169,525			

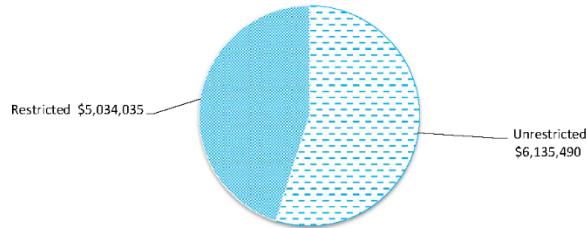
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Please refer to the compilation report

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SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

4 RESERVE ACCOUNTS

Reserve name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Legislation										
Monkey Mia Bore reserve	0	0	15,200	0	15,200	0	0	0	0	0
Restricted by Council										
Leave reserve	199,109	0	87,300	0	286,409	199,109	941	0	0	200,050
Plant replacement reserve	671,374	0	392,000	(501,785)	561,589	671,374	3,175	0	0	674,549
Infrastructure reserve	3,336,123	0	643,534	(577,555)	3,402,102	3,336,123	15,776	0	0	3,351,899
Pensioner Unit Maintenance reserve	207,868	0	53,000	(60,000)	200,868	207,868	983	0	0	208,851
Recreation Facilities Upgrade reserve	543,114	0	8,000	(50,000)	501,114	543,114	2,568	0	0	545,682
Monkey Mia Jetty reserve	22,560	0	350	0	22,910	22,560	107	0	0	22,667
Share Fire System reserve	30,194	0	500	0	30,694	30,194	143	0	0	30,337
	5,010,342	0	1,199,884	(1,189,340)	5,020,886	5,010,342	23,693	0	0	5,034,035

Please refer to the compilation report

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SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS

	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Capital acquisitions				
Buildings	4,347,200	2,032,087	264,650	(1,767,437)
Furniture & Office Equip.	60,000	33,500	3,434	(30,066)
Plant , Equip. & Vehicles	861,785	468,117	439,266	(28,851)
Heritage Assets	27,000	27,000	1,942	(25,058)
Acquisition of property, plant and equipment	5,295,985	2,560,704	709,292	(1,851,412)
Roads (Non Town)	528,117	0	313,646	313,646
Footpaths	163,120	100,000	96,840	(3,160)
Town Streets	461,653	101,653	4,346	(97,307)
Public Facilities	1,274,483	736,295	299,651	(436,644)
Acquisition of infrastructure	2,427,373	937,948	714,483	(223,465)
Total capital acquisitions	7,723,358	3,498,652	1,423,775	(2,074,877)
Capital Acquisitions Funded By:				
Capital grants and contributions	5,956,996	2,053,238	473,809	(1,579,429)
Other (disposals & C/Fwd)	327,000	327,000	277,909	(49,091)
Reserve accounts				
Plant replacement reserve	501,785	0	0	0
Infrastructure reserve	577,555	0	0	0
Pensioner Unit Maintenance reserve	60,000	0	0	0
Recreation Facilities Upgrade reserve	50,000	0	0	0
Contribution - operations	250,022	1,118,414	672,057	(446,357)
Capital funding total	7,723,358	3,498,652	1,423,775	(2,074,877)

KEY INFORMATION

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

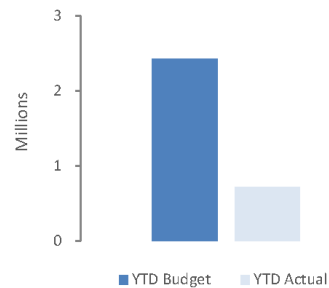
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

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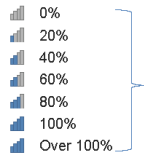
SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Amended		Year to Date Actual	Variance (Under)/Over
		Current Budget	Year to Date Budget		
Capital Expenditure					
Furniture & Office Equip.					
	05204975 Office Furniture & Equipment	30,000	30,000	0	(30,000)
	36005001 SBDC - Discovery Centre Upgrade (LRCI)	30,000	3,500	3,434	(66)
	Furniture & Office Equip. Total	60,000	33,500	3,434	(30,066)
Plant, Equip. & Vehicles					
	05205335 CEO Vehicle Replacement	61,193	61,193	61,193	(0)
	45205346 Town Gardener's Ute	56,000	56,000	53,546	(2,454)
	45205475 Major Plant Items - Capital	20,000	13,332	0	(13,332)
	45205506 Prime Mover	250,000	0	0	0
	45205510 Dual Cab Truck 5T	105,000	105,000	122,090	17,090
	45205512 Multi Tyred Rubber Roller	180,000	180,000	202,437	22,437
	45205515 Rangers Vehicle	57,000	0	0	0
	45205516 Dual Cab Ute - Country	52,592	52,592	0	(52,592)
	45205518 Road Sweeper	80,000	0	0	0
	Plant, Equip. & Vehicles Total	861,785	468,117	439,266	(28,851)
Buildings					
	09128000 Capital Works Staff Housing	52,000	38,988	10,340	(28,648)
	25104775 SHERP - Community Housing Project	3,118,200	1,559,100	241,085	(1,318,016)
	25104785 Pensioner Units Capital Works	60,000	50,000	8,509	(41,491)
	35104702 Denham Town Hall Capital Works	80,000	80,000	0	(80,000)
	35304736 Sport and Recreation Buildings Capital Works	550,000	299,999	1,066	(298,933)
	36004998 SBDC Airconditioner Upgrade	50,000	0	0	0
	09102810 Capital Works - Essential Worker Accommodation	437,000	4,000	3,650	(350)
	Buildings Total	4,347,200	2,032,087	264,650	(1,767,437)
Public Facilities					
	30405593 Cemetery Upgrade	5,500	0	0	0
	30445150 Carpark Capital Works	10,000	0	0	0
	35205538 Hard Shade Structures - Playgrounds	63,129	0	0	0
	35205539 Disability Beach/Water Access and Equipment	50,000	0	47,495	47,495
	35205540 CCTV Upgrades - Foreshore (LRCI)	21,000	0	0	0
	35205541 Seawall Upgrade - Capital Works	146,649	20,000	19,581	(419)
	35205542 Beach Emergency Numbers Signage - Capital Expenditure	12,530	11,878	11,364	(514)
	35302284 Little Lagoon Upgrades, Gazebo, Bollards and Signage	5,000	5,000	0	(5,000)
	35305511 Town Oval and Recreation Reticulation/Resurfacing	203,000	203,000	158,350	(44,650)
	35305512 Access Bicycle and Walking Paths - Recreation Precinct	30,000	30,000	0	(30,000)
	35305586 Parks & Gardens Capital Exp	12,000	12,000	0	(12,000)
	45156790 Electronic Road Closed Sign - Useless Loop Road	30,000	0	0	0
	45156791 LRCI Phase 4 - Unallocated Capital Projects	229,258	0	0	0
	45505558 Denham Finger Jetty - Foreshore	419,217	419,217	27,208	(392,009)
	35312163 Limestone Wall Replacemnet - East End CP (LRCI)	7,000	5,000	5,476	476
	35605502 BBQ Replacment Little Lagoon - (LRCI)	30,200	30,200	30,177	(23)
	Public Facilities Total	1,274,483	736,295	299,651	(436,644)
Heritage Assets					
	35605182 Heritage Stables Refurbishment	27,000	27,000	1,942	(25,058)
	Heritage Assets Total	27,000	27,000	1,942	(25,058)
Footpaths					
	45145250 Town Footpaths - Dual Use Path Construction	163,120	100,000	96,840	(3,160)
	Footpaths Total	163,120	100,000	96,840	(3,160)
Town Streets					
	45156690 Roads To Recovery - R2R	461,653	101,653	4,346	(97,307)
	Town Streets Total	461,653	101,653	4,346	(97,307)
Roads (Non Town)					
	45165670 Regional Roads Group - RRG	528,117	0	313,646	313,646
	Roads (Non Town) Total	528,117	0	313,646	313,646
	Grand Total	7,723,358	3,498,652	1,423,775	(2,074,877)

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

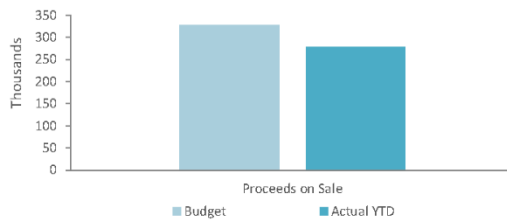
24 APRIL 2024

SHIRE OF SHARK BAY
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OPERATING ACTIVITIES

6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual					
		Net Book		Proceeds	Profit	(Loss)	Net Book		Proceeds	Profit	(Loss)
		Value					Value				
\$	\$	\$	\$	\$	\$	\$	\$				
	Plant and equipment										
	Plant and equipment	400,000	254,664	0	(145,336)	0	0	0	0	0	
	Plant and equipment	47,853	72,336	24,483	0	0	0	0	0	0	
MV203	Toyota Prado	0	0	0	0	53,141	54,545	1,404	0	0	
MV187	Multipac Multi Wheeled Roller	0	0	0	0	110,891	50,000	0	(60,891)	0	
MV178	WA Hino 300 Series 817	0	0	0	0	50,858	55,183	4,325	0	0	
	Dual Cab - Ranger	0	0	0	0	0	40,000	40,000	0	0	
	Dual Cab - Gardener	0	0	0	0	0	40,908	40,908	0	0	
	Dual Cab Ute - Town Supervisor	0	0	0	0	0	37,273	37,273	0	0	
	Dual Cab Truck 4x4	0	0	0	0	0	0	0	0	0	
		447,853	327,000	24,483	(145,336)	214,890	277,909	123,910	(60,891)		



Please refer to the compilation report

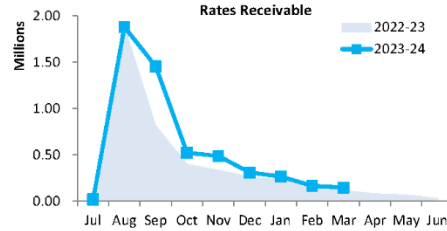
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SHIRE OF SHARK BAY
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OPERATING ACTIVITIES

7 RECEIVABLES

Rates receivable	30 June 2023	31 Mar 2024
Opening arrears previous years	\$ 34,985	\$ 31,192
Levied this year	1,915,923	1,601,058
Less - collections to date	(1,919,716)	(1,486,826)
Gross rates collectable	31,192	145,424
Net rates collectable	31,192	145,424
% Collected	98.4%	91.1%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(1,293)	174,879	6,329	186	3,161	183,262
Percentage	(0.7%)	95.4%	3.5%	0.1%	1.7%	
Balance per trial balance						
Trade receivables						183,262
Other receivables						19,717
GST receivable						48,733
Total receivables general outstanding						251,712

Amounts shown above include GST (where applicable)

KEY INFORMATION

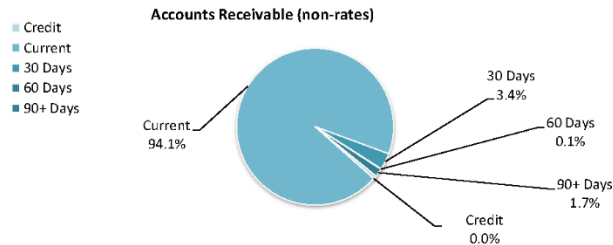
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



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SHIRE OF SHARK BAY SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 MARCH 2024

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 31 Mar 2024
	\$	\$	\$	\$
Other current assets				
Inventory				
Stock on hand	129,762	0	0	129,762
Other assets				
Prepayments	6,067	0	(6,067)	0
Accrued income	34,578	0	(34,578)	0
Total other current assets	170,407	0	(40,645)	129,762

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

ORDINARY COUNCIL MEETING AGENDA

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SHIRE OF SHARK BAY
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OPERATING ACTIVITIES

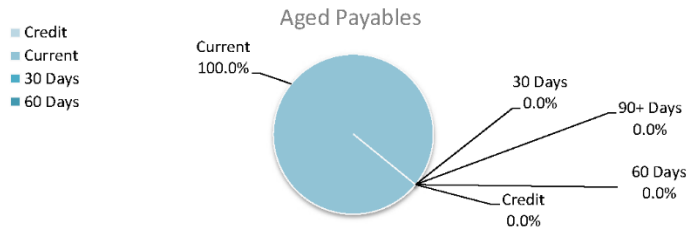
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	29,934	0	0	0	29,934
Percentage	0.0%	100.0%	0.0%	0.0%	0.0%	
Balance per trial balance						
Sundry creditors						29,934
ATO liabilities						32,072
Other payables						5,240
Esl Liability						373
Bond Liability						61,001
Prepaid Rates						11,067
Total payables general outstanding						139,687

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



Please refer to the compilation report

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SHIRE OF SHARK BAY
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OPERATING ACTIVITIES

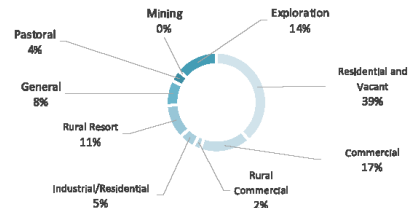
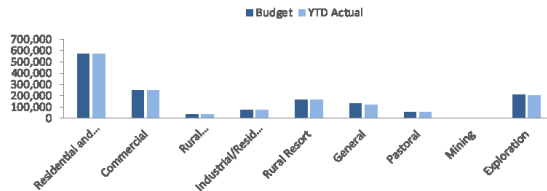
10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of Properties	Rateable Value	Rate	Budget Interim	Total Revenue	Rate	YTD Actual Interim	Total Revenue
	\$			\$	\$		\$	\$	
Gross rental value									
Residential and Vacant	0.1022	394	5,575,693	570,056	0	570,056	571,465	0	571,465
Commercial	0.1051	41	233,198	245,141	0	245,141	245,141	0	245,141
Rural Commercial	0.1063	5	341,522	36,290	0	36,290	36,290	0	36,290
Industrial/Residential	0.1131	47	648,097	73,324	0	73,324	74,795	0	74,795
Rural Resort	0.1122	2	1,474,654	165,400	0	165,400	165,400	0	165,400
Unimproved value									
General	0.1455	7	922,203	134,180	0	134,180	122,262	0	122,262
Pastoral	0.0996	11	544,677	54,274	0	54,274	54,274	0	54,274
Mining	0.1985	1	9,350	1,856	0	1,856	2,024	0	2,024
Exploration	0.1908	13	1,089,739	207,934	0	207,934	205,316	0	205,316
Sub-Total		521	10,839,133	1,488,455	0	1,488,455	1,476,967	0	1,476,967
Minimum payment /Minimum Payment \$									
Gross rental value									
Residential and Vacant	866	92	295,702	79,672	0	79,672	78,806	9,549	88,355
Commercial	866	17	90,069	14,722	0	14,722	14,722	0	14,722
Industrial/Residential	866	3	20,036	2,598	0	2,598	1,732	0	1,732
Unimproved value									
General	659	6	9,863	3,954	0	3,954	3,954	0	3,954
Pastoral	910	1	769	910	0	910	910	0	910
Mining	910	2	5,839	1,820	0	1,820	1,820	0	1,820
Sub-total		121	422,278	103,676	0	103,676	101,944	9,549	111,493
Concession						(4,904)			(2,401)
Total general rates						1,587,227			1,586,059
Specified area rates									
Monkey Mia Bore Replacement	0.010630		1,411,050	15,000	0	15,000	14,999	0	14,999
Total specified area rates			1,411,050	15,000	0	15,000	14,999	0	14,999
Total						1,602,227			1,601,058

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



Please refer to the compilation report

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24 APRIL 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

FINANCING ACTIVITIES

11 BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2023	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Town Oval Bore	58	701,498	0	0	(17,067)	(34,324)	684,431	667,174	(7,087)	(20,139)
Total		701,498	0	0	(17,067)	(34,324)	684,431	667,174	(7,087)	(20,139)
Current borrowings		34,324					17,257			
Non-current borrowings		667,174					667,174			
		701,498					684,431			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024**

OPERATING ACTIVITIES

12 OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2023 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 31 Mar 2024 \$
Other liabilities						
Contract liabilities		193,018	0	79,399	(126,937)	145,481
Capital grant/contributions liabilities		3,084,723	0	1,145,442	(473,809)	3,756,355
Total other liabilities		3,277,741	0	1,224,841	(600,746)	3,901,836
Employee Related Provisions						
Provision for annual leave		147,458	0	0	0	147,458
Provision for long service leave		140,759	0	0	(5,486)	135,273
Total Provisions		288,217	0	0	(5,486)	282,731
Total other current liabilities		3,565,958	0	1,224,841	(606,232)	4,184,567
Amounts shown above include GST (where applicable)						

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 13 and 14

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

OPERATING ACTIVITIES

13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability 1 July 2023	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 Mar 2024	Current Liability 31 Mar 2024	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Grants and subsidies								
FESA Grant - Operating Bush Fire Brigade	1,819	7,545	(5,462)	3,902	3,902	11,655	8,742	5,462
Grant FESA - SES	0	40,354	(40,354)	0	0	53,806	40,356	40,355
Planning & Strategy - Regional North LG	130,000	0	(1,013)	128,987	128,987	130,000	130,000	1,013
Coburn Resources Education Contribution	5,000	0	0	5,000	5,000	5,000	5,000	0
Road Preservation Grant	0	0	0	0	0	141,902	141,902	141,902
Useless Loop Road - Mtce	0	0	0	0	0	330,000	264,000	264,000
Community Development	0	1,000	(1,000)	0	0	1,000	1,000	1,000
DoC - Day Care Provider Accommodation Subsidy	24,000	0	(20,000)	4,000	4,000	25,000	18,747	20,000
Every Club - Gaming & Wagering Commission	7,200	0	(3,608)	3,592	3,592	7,200	5,400	3,608
Lotterywest - Beats in the Bay	20,000	0	(20,000)	0	0	20,000	20,000	20,000
Horizon - Beats in the Bay	5,000	0	(5,000)	0	0	5,000	5,000	5,000
RAC Monkey Mia Resort - Beats in the Bay	0	5,000	(5,000)	0	0	5,000	5,000	5,000
Strandline Resources - Beats in the Bay	0	5,000	(5,000)	0	0	5,000	5,000	5,000
High Grade Mechancial - Beats in the Bay	0	20,000	(20,000)	0	0	20,000	20,000	20,000
Grants Commission - General	0	0	0	0	0	71,713	53,795	68,420
Grants Commission - Roads	0	0	0	0	0	29,271	21,953	7,318
Preparing Australian Communities - ERE	0	0	0	0	0	3,300	3,300	3,302
Gascoyne Devel Commission - Beats in the Bay	0	500	(500)	0	0	500	500	500
GDC Grant - Astro Tourism	0	0	0	0	0	5,000	5,000	4,545
	193,019	79,399	(126,937)	145,481	145,481	870,347	754,685	616,425
Contributions								
Donations - HMAS Sydney Exhibit	0	0	0	0	0	250	189	201
Contribution to Road Maintenance - Pipeline	0	0	0	0	0	9,625	0	0
	0	0	0	0	0	9,875	189	201
TOTALS	193,019	79,399	(126,937)	145,481	145,481	880,222	754,874	616,626

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024

INVESTING ACTIVITIES

14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Amended Budget	YTD	YTD Revenue
	1 July 2023		(As revenue)	31 Mar 2024	31 Mar 2024	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
Grant - SHERP Community Housing Project	823,640	0	0	823,640	823,640	3,118,200	823,640	0
Grant - Seawall Revetment Capital Projects	1,931,984	0	(19,581)	1,912,403	1,912,403	146,649	17,500	19,581
Grant - Beach Emergency Numbers Signage	0	11,230	(11,230)	0	0	11,230	11,230	11,230
Roads To Recovery Grant - Cap	0	0	0	0	0	297,245	0	0
RRG Grants - Capital Projects	0	257,662	(257,662)	0	0	352,078	281,662	257,662
Local Road and Community Infrastructure Program Grant	329,098	376,550	(184,270)	521,378	521,378	830,191	354,804	184,270
Grant - Finger Jetty	0	0	0	0	0	314,403	314,403	0
DFES - Local Government Resilience LGRF16 Seroja	0	500,000	(1,066)	498,934	498,934	500,000	249,999	1,066
Grant - Essential Worker Accommodation - GDC	0	0	0	0	0	200,000	0	0
Grant - Essential Worker Accommodation - DPLH	0	0	0	0	0	187,000	0	0
	3,084,722	1,145,442	(473,809)	3,756,355	3,756,355	5,956,996	2,053,238	473,809

Please refer to the compilation report

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ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

**SHIRE OF SHARK BAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 MARCH 2024**

15 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

Description	Council Resolution	Classification	Non Cash	Increase in	Decrease in	Amended Budget
			Adjustment	Avaliable	Avaliable	
			\$	\$	\$	\$
Budget adoption						0
Grants, subsidies and contributions	27/03/2024 item 11.3	Operating revenue	0	109,784	0	109,784
Fees and charges	27/03/2024 item 11.3	Operating revenue	0	47,000	0	156,784
Other revenue	27/03/2024 item 11.3	Operating revenue	0	27,900	0	184,684
Employee costs	27/03/2024 item 11.3	Operating expenses	0	0	(750)	183,934
Materials and contracts	27/03/2024 item 11.3	Operating expenses	0	0	(22,916)	161,018
Depreciation	27/03/2024 item 11.3	Non cash item	(3,349,973)	0	0	161,018
Capital grants, subsidies and contributions	27/03/2024 item 11.3	Capital revenue	0	0	(2,113,000)	(1,951,982)
Purchase of land and buildings	27/03/2024 item 11.3	Capital expenses	0	13,000	0	(1,938,982)
Purchase of plant and equipment	27/03/2024 item 11.3	Capital expenses	0	0	(33,000)	(1,971,982)
Purchase of furniture and equipment	27/03/2024 item 11.3	Capital expenses	0	0	(30,000)	(2,001,982)
Purchase and construction of infrastructure-roads	27/03/2024 item 11.3	Capital expenses	0	135,697	0	(1,866,285)
Purchase and construction of infrastructure-other	27/03/2024 item 11.3	Capital expenses	0	1,990,500	0	124,215
Transfers to reserve accounts	27/03/2024 item 11.3	Capital expenses	0	0	(84,000)	40,215
Surplus or deficit at the start of the financial year	27/03/2024 item 11.3	Opening surplus(deficit)	0	0	(40,215)	0
				2,323,881	(2,323,881)	0

Please refer to the compilation report

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24 APRIL 2024

12.3 LEASES – ANNUAL PAYMENT REQUEST
RES40344, RES40771, RES29363

Author

Supervisor Administration and Finance

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Smith

Council Resolution

That Council:-

- 1. Charge the Shark Bay Bowling Club an amount of \$150 for the 2024/2025 financial year; and**
- 2. Charge the Shark Bay Speedway Club an amount of \$150 for the 2024/2025 financial; and**
- 3. Charge the Shark Bay Pistol Club and amount of \$150 for the 2024/2025 financial year; and**
- 4. Charge the St Johns Ambulance Western Australia Ltd an amount of \$1 for the 2024/2025 financial year in accordance with its lease agreement.**

6/0 CARRIED

Background

Council has in place lease agreements with the Shark Bay Bowling Club, the Shark Bay Speedway Club, Shark Bay Pistol Club and the St Johns Ambulance Western Australia Ltd which provides for Council to impose lease payments for the use of the land on an “on demand” basis.

The 2021/2022 financial year was the first year that a rent is recommended to be charged to the St John Ambulance Western Australia Ltd. Previously the use of the building was governed under a Memorandum of Understanding where outgoings were on charged to the tenant and no lease payment charged and is the reason for the \$1 lease payment per annum.

The other occupant of the Emergency Services Building is Shark Bay State Emergency Service and operate under a Memorandum of Understanding where outgoings such as insurance and utility costs are on charged to the tenant and do not pay rent.

Therefore, each year Council needs to determine whether the lease amounts for the reserves should be demanded. Over the last 10 years charges have been applied as follows:

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

Year	Shark Bay Speedway	Shark Bay Bowling Club	Shark Bay Pistol Club	St John Ambulance
2023-2024	Paid	Paid	Paid	Paid
2022-2023	Paid	Paid	Paid	Paid
2021-2022	Paid	Paid	Paid	Paid
2020-2021	Paid	Paid	Paid	N/A
2019-2020	Paid	Paid	Paid	N/A
2018-2019	Paid	Paid	Paid	N/A
2017-2018	Paid	Paid	Paid	N/A
2016-2017	Paid	Paid	N/A	N/A
2015-2016	Paid	Paid	N/A	N/A
2014-2015	Paid	Paid	N/A	N/A
2013-2014	Waived	Waived	N/A	N/A

The Boolbardi Country Club Golf Course rental lease is on a per annum basis and not an “on demand basis” and will automatically be invoiced at \$150 plus GST at the commencement of the financial year.

Legal Implications

There are no legal implications associated with this item. Leases are in place with these organisations.

Policy Implications

There are no policy implications associated with this item.

Financial Implications

The imposition of these charges will generate an increase in revenue of \$451 which is due to be included in the 2024/2025 budget. Should the Council not “Demand” the lease payments, the financial loss will be \$451.

Strategic Implications

There are no strategic implications associated with this report.

Risk Management

This item is low risk as the lessees have existing leases in place.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

D Chapman

Date of Report

4 April 2024

24 APRIL 2024

12.4 COMMUNITY ASSISTANCE GRANTS ROUND 2 2023/2024
GS00001

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution

Council approves the Boolbardie Country Club Inc. application for the Shire's Community Assistance Grants Round 2 2023/2024 (equipment and minor community projects) to the total value of \$1,000.00.

6/0 CARRIED

BACKGROUND

The Shire of Shark Bay's Community Assistance Grants are dedicated to ensuring local community-based organisations are supported to reach their full potential.

Applications for Round 2 (Equipment and Minor Projects) were open from 15 March until 8 April 2024 and were advertised to residents, associated clubs and groups in the Shark Bay region through the following media outlets:

- Shire's website
- Facebook page and relevant community Facebook groups
- Inscription Post
- Emails

There was one grant application received during this time. This application meets the Shire's Community Assistance Grant Guidelines and is within the Shire's 2023/2024 allocated budget for Round 2 Community Assistance Grants.

APPLICATION

Organisation: **Boolbardie Country Club Inc.**
Amount requested: **\$1,000.00**
Total event budget: **\$4,100.00**
Project: **Golf Open Weekend Championship - Catering**
Date: **22 and 23 June 2023.**
Funding category: **Equipment and Minor Projects**
Strategic Community Plan category: **Economic, Environment and Social**

Boolbardie Country Club Inc host the popular annual Denham Open Golf Tournament, which attracts residents and visitors to participate in the competition. Economically, visiting participants support local businesses by purchasing accommodation, food, and

24 APRIL 2024

beverages. Provisions and prizes are sourced locally wherever possible. Socially, visitors and residents alike enjoy socialising during a fun weekend of golf, with many permanent friendships have been formed over these weekends. The application also notes that many of the players are seniors who benefit from the healthy activity and from socialising at the event. Environmentally, all empty cans and bottles are recycled, and solar power is connected to the club house and storage sheds. This event showcases Shark Bay's abundant flora and fauna and private vehicles are prohibited from the course as a protective measure.

The proposed funding will contribute to the catering for the 2024 Denham Golf Open Weekend Championship, which will take place on 22 and 23 June. There are no catering quotes attached to the application as foodstuffs are brought closer to the event date and the cooking and serving is provided by Club volunteers. The estimate of the cost is based on previous years, which have received funding from Council and have all been adequately acquitted.

The budget for the event is a total of \$4,100 which includes a further \$500 from the Club towards the total cost of the catering, \$2,000 from local business for prizes, and \$600 from the Boolbardie Country Club to upgrade the fairways and greens in preparation for the event.

The grant application includes:

- Two project referees; Judy Britza (Project Officer for the Shark Bay Community Resource Centre) and Carol Whitby (Board Member of the Malgana Aboriginal Corporation)
- Event Flyer
- Boolbardie Country Club Financial Statements – refer to 'Confidential' items folder

OFFICER COMMENT

The Officer's recommendation is to approve Boolbardie Country Club's funding application for catering for the Golf Open Weekend Championship. The funding application meets the selection criteria to involve and benefit the wider Shark Bay community - the club provides opportunities for all ages to participate in recreation socially and competitively.

It should be noted that Council have previously funded the Boolbardie Country Club Inc. for the Denham Golf Open, as well as upgrades to the facilities. The most recent funding was for \$2,000 in October 2023, for a Defibrillator and First Aid Equipment. That grant has been acquitted.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

POLICY IMPLICATIONS

These recommendations comply with current Policies made by Council 2.2 Financial Assistance/Donations.

24 APRIL 2024

FINANCIAL IMPLICATIONS

An amount of \$50,000.00 is included in the 2023/2024 adopted budget for Community Assistance Grants this includes Round 1 (larger events), Round 2 (equipment/small project) grants and Significant Event Funding.

To date Council has approved almost \$6,000 in Round 1 funding, and \$13,000 in Significant Event funding. This leaves approximately \$31,000 for the remainder of the year, of which \$10,000 has been earmarked for this round of funding.

If this application is successful there will be approximately \$30,000 left in the Community Assistance Grants fund.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community

Economic Objective: A progressive, resilient and diverse economy

RISK MANAGEMENT

These recommendations comply with the Shire's Community Assistance Grants guidelines.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Deputy Chief Executive Officer

D Wilkes

Chief Executive Officer

D Chapman

Date of Report

12 April 2024

24 APRIL 2024



**Shire of Shark Bay
Community Assistance Grants**

APPLICATION FORM

RECEIVED

13 APR 2024

SHIRE OF SHARK BAY

Please complete and return the signed application form to the Shire of Shark Bay with the advertised timeframe. **Late submissions will not be considered**

Applications to be addressed to: Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

Applications can be delivered: Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Email: cdo@sharkbay.wa.gov.au

For further information, please contact the Community Development Officer on 9948 1218

Please ensure you have read the Shire of Shark Bay Community Assistance Grants – Guidelines before completing the application form to confirm your organisation's eligibility.

FUNDING ROUND

Please indicate which funding round you are applying for:

- Round 1 - Community Projects Year: _____
- Round 2 - Equipment and minor projects Year: 2024
- Significant Event Sponsorship Funding Year: _____

ORGANISATION DETAILS

Organisation Name BOOBARDIE COUNTRY CLUB INC.

Postal Address DENHAM WA. 6537

Contact Person JILL DESCHAMP

Position/Title SECRETARY

Telephone 0477 245309

E-mail jilldeschamp@westnet.com.au

ORDINARY COUNCIL MEETING AGENDA

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What category best describes your organisation:

- Sporting Club
- Community Group
- Not-for-profit organisation
- Other: _____

Which of the following best describes your organisation's status?

- | | YES | NO |
|---|-------------------------------------|-------------------------------------|
| • Incorporated | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • GST Registered | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Have a current Association Constitution | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Australian Business Number (ABN): 811 234 88 015

Please note the Shire of Shark Bay requires applicants to have an ABN. Applicants who do not have one may be subjected to withholding tax of 48.5%. If you are unsure, please contact the Shire to discuss how to best proceed.

Bank details

Account Name: COMMONWEALTH BANK

BSB: 066 509 Account Number: 1021 4133

FUNDING DETAILS

Project title: DENHAM OPEN

Project description: (max 50 words)

DENHAM OPEN WEEKEND CHAMPIONSHIP

Date(s) the project will take place: 22ND - 23RD JUNE 2024

Location(s) where the project will take place: SHARK BAY GOLF CLUB

Total project funds requested (including GST if applicable) \$ 1000

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

Has your organisation previously received funding from the Shire of Shark Bay?

Yes

No

If Yes, Previous funding amount received: \$ 2000
Round / Year funding was received: ROUND 1 2023 | 24
Funded project: MEDICAL EQUIPMENT

Has your organisation acquitted all previous Shire of Shark Bay funding?

Yes

No

If No, please outline why?

Please Note: Your organisation is not eligible to receive new funding from the Shire of Shark Bay, until previous Shire of Shark Bay funding has been acquitted.

PROJECT DETAILS

What is the funding to be used for?

Leveraging a grant from a State or Federal agency

Purchasing goods and services (i.e. equipment and/or engaging a professional for the purpose of instruction)

If your funding application involves purchasing equipment, can the equipment be used by other community groups in the future?

Yes

No

Infrastructure (i.e. significant construction or improvement of facilities). Please include Planning Approvals from the Shire

Funding for a specific event or program

Prize money.

Does the project meet the objectives of the Shire of Shark Bay Strategic Community Plan 2020-2030? Copy of the Plan can be found on the Shire's website.

Economic A progressive, resilient and diverse economy

Environment Help protect our unique natural and built environment

Social A safe, welcoming and inclusive community

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

Outline the project goals and how they will benefit Shark Bay community (minimum of one objective):

Economic: (max 150 words)

VISITING PLAYERS AND GUESTS USE LOCAL ACCOMMODATION.
AND PURCHASE FOOD AND FUEL.
CATERING PROVISIONS AND PRIZES WILL BE
PURCHASED LOCALLY WHEREVER POSSIBLE.

Environment: (max 150 words)

SOLAR POWER IS CONNECTED TO THE CLUB HOUSE
AND STORAGE SHEDS.
PRIVATE VEHICLES ARE PROHIBITED ON COURSE TO
PROTECT LOCAL FLORA AND FAUNA.
BOTTLES, CANS AND PLASTICS ARE RECYCLED.

Social: (max 150 words)

THE EMPHASIS ON THIS WEEKEND IS ON SOCIAL
INTERACTION. MANY PERMANENT FRIENDSHIPS HAVE
BEEN FORMED OVER THESE WEEKENDS OF GOLF.
SENIORS BENEFIT FROM THE HEALTHY ACTIVITY
AND FRIENDLY SOCIALISING.

Please list other organisations involved in this project (if applicable)

Name of Organisation	Project Involvement
NIL	

Project Referees:

Please provide two referees (that is not associated with your organisation) that are in support of your application, alternatively you can attach letters of support.

Name	Phone	Email	Organisation and position held
JUDY BARTZA	99481787	SHARKBAYCRC.net.au	SB CRC PROJECT OFFICER
CAROLE WHITBY	0473070927		MALGANA ABORIGINAL CBA BOARD MEMBER

ORDINARY COUNCIL MEETING AGENDA

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SIGNIFICANT EVENT - ONLY

If your project is a **Significant Event** will it attract additional visitors to town? If so, how many additional visitors are you planning for?

- 50-100
- 100-200
- 200-300
- Over 500

Will you be charging an entry fee to attend the event?

- Yes
- No

If Yes, how much? _____

PROJECT BUDGET

Please provide a budget description of how the Shire of Shark Bay funds, your organisation contribution and other funding source (if applicable). Please attach quotes with details of each expenditure item being spent.

Expenditure Item Description (i.e. materials, equipment, advertising, catering, prizes)	Shire of Shark Bay Grant (\$)	*In-Kind (\$)	Other Funding Amount (\$)	Other Funding Organisation Name (your organisation or external)
CATERING	1000		500	BOULBARDIE
PRIZES		2000		LOCAL BUSINESS
COURSE UPGRADE		600		BOULBARDIE
Total	\$ 1000	\$ 2600	\$ 500	

*In-Kind value: Number of volunteers x hours worked directly on project x \$25 per hour

Will any of your expenditure items be spent locally with **Shark Bay businesses**?

- Yes
- No

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

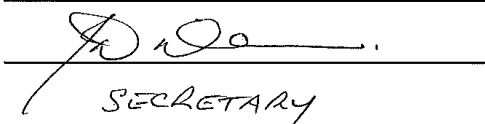
PART 6 – ADDITIONAL INFORMATION

Please attach a copy of the following:

- Organisation's most recent (Audited) Financial Statement ✓
- Quotations for expenditure items

PART 7 – DECLARATION

I hereby certify that I am the authorised person to sign on behalf of the organisation and that the information is correct. I have read, understand and agree to abide by the conditions set out in the Shire of Shark Bay Community Assistance Grants guidelines.

NAME JILL DESCHAMP
SIGNATURE 
POSITION IN ORGANISATION SECRETARY
DATE 29th MARCH 2024

WE ARE UNABLE TO PROVIDE A QUOTE FOR CATERING AS FOOD MUST BE PURCHASED FRESH NEARER TO THE EVENT. COOKING AND SERVING IS PROVIDED BY VOLUNTARY LABOUR. AN ESTIMATE OF THE COST IS BASED ON PREVIOUS YEARS PURCHASES.

24 APRIL 2024

2024 DENHAM OPEN

SATURDAY 22nd. & SUNDAY 23rd. JUNE

MEN—36 HOLE STABLEFORD OVER 2 DAYS

LADIES—36 HOLE STABLEFORD OVER 2 DAYS

BOOLBARDIE COUNTRY CLUB INC

REGISTRATIONS DUE BY 10th. JUNE

\$130 PER PLAYER INCLUDES: LUNCH SAT & SUN. DINNER SATURDAY. B/FAST 7am Sun.

11 am Saturday for 11.30am tee off

7.00am Sunday for 8.00am tee off.

Payment can be made 10am Saturday by CASH or EFTPOS. Bookings required if extras for dinner.

No ATM at Club so cash required for bar etc.

No cheques please.

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CONTACT:

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12.5 COUNCILLOR FEES, ALLOWANCES AND EXPENSES
FM52425

AUTHOR

Deputy Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Stubberfield
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Adopt, in accordance with section 5.98, 5.99 and 5.99A of the *Local Government Act 1995*, annual attendance fees be paid to all Councillors in lieu of meeting fees and annual allowances in lieu of reimbursement of expenses;**
2. **Approve for inclusion in the 2024/2025 budget, the following entitlements for the 2024/2025 financial year payable three months in advance from 1 July 2024:**
 - a. **An annual attendance fee for the Shire President of \$12,620 in accordance with section 5.99 of the *Local Government Act 1995*;**
 - b. **An annual attendance fee for Council Members of \$6,141 in accordance with section 5.99 of the *Local Government Act 1995*;**
 - c. **An annual allowance for the Shire President of \$12,963 in accordance with section 5.98(5) of the *Local Government Act 1995*;**
 - d. **An annual allowance for the Deputy Shire President of \$3,245 in accordance with section 5.98A of the *Local Government Act 1995*;**
 - e. **An annual Information, Communication and Technology allowance for all council members' of \$2,175 in accordance with section 5.99A of the *Local Government Act 1995*;**
3. **Approve the reimbursement of expenses incurred by a Council Member in accordance with section 5.98(2)(b) and (3) of the Act and regulation 32 of the *Local Government (Administration) Regulations 1996*;**
4. **Approve the reimbursement of travel costs incurred by a Council Member in accordance with regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996*;**
5. **Approve the reimbursement of childcare costs incurred by a Council Member in accordance with regulation 31(1)(b) and regulation 32(1) of the *Local Government (Administration) Regulations 1996*; and**
6. **Include the proposed expenses in the 2024/2025 Draft budget.**

6/0 CARRIED

ORDINARY COUNCIL MEETING AGENDA

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BACKGROUND

Section 7A of the *Salaries and Allowances Act 1975* require the Salaries and Allowances Tribunal to undertake a review of the fees and allowances for local government elected council members on an annual basis.

The Tribunal determination finalised on the 5 April 2024 deemed that there be a 4% percent increase in the remuneration, fees, expenses or allowances ranges provided to elected members.

However, they also mention that each council retains the capacity to provide an increase within the current band parameters as long as they satisfy itself and provide public justification for any increase within their allotted band in the current economic climate.

Council has previously determined the fees to be paid as follows:

	2021/2022	2022/2023	2023/2024
Annual Attendance Fees	Actual	Actual	Budgeted
President	\$11,663.00	\$11,955.00	\$12,135.00
Councillors	\$5,673.00	\$5,815.00	\$5,905.00
Annual Allowances			
President	\$11,978.00	\$12,278.00	\$12,465.00
Deputy President (25% of President)	\$ 2,995.00	\$3,070.00	\$3,120.00
Other Allowances			
Information Technology	\$2,143.00	\$2,143.00	\$2,175.00

COMMENT

The Tribunal Determination sets a range of fees and allowances for the Shire as a Band 4 Local Government, and this allows the Council the flexibility to amend the fees and allowances annually in order to maintain some relativity with the actual costs of being a Council Member.

The Council has previously set its Councillor fees and allowances at a mid-range of Band 4 of the Tribunals Determination.

The chart below indicates the minimum Fees and Allowances applicable to a Band 4 Local Government and suggests that Council adopt the payment below for 2024/2025.

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Councillor Fees and Allowances 2024/2025			
Band 4 Local Government	Shark Bay		
			Proposed Payment 2024/2025 (4% increase from 2023/2024)
Annual Attendance Fees	Min	Max	
President	\$2,137	\$17,139	\$12,620
Councillors	\$1,945	\$11,430	\$6,141
Annual Allowances			
President	\$556	\$21,710	\$12,963
Deputy President (25% of President)	\$139	\$5,427	\$3,245
Other Allowances			
Information Technology	\$500	\$3,500	\$2,175

Further to determining the level of fees and allowances, Council is required to approve the reimbursement of expenses to Council Members while on Council business such as meal and accommodation costs or taxi costs; the payment of travel costs such as mileage for the attendance at Council meetings; and the reimbursement of childcare costs to a maximum of \$35 per hour.

LEGAL IMPLICATIONS

Section 5.99 refers to the payment of an annual meeting attendance fee in lieu of meeting attendance fees for council members.

Section 5.98(2)(b) and (3) refers to the payment of expenses used in the course of council business.

Section 5.98(5) refers to the payment of an annual allowance for the President.

Section 5.98A(1) refers to the payment of an annual allowance for the Deputy President being no greater than 25% of the annual allowance for the President.

Section 5.99A refers to the payment of an Information Communication and Technology allowance to council members.

Local Government (Administration) Regulations 1996

Regulation 31(1)(b) and 32(1) refers to the reimbursement of travel costs and childcare costs.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

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Any increase in Councillor Fees would need to be included in the 2024/2025 draft budget considerations.

STRATEGIC IMPLICATIONS

Outcome 6: A strategically focused, unified Council, functioning efficiently.

RISK MANAGEMENT

This is a low risk item

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Deputy Chief Executive Officer

D Wilkes

Chief Executive Officer

D Chapman

Date of Report

16 April 2024

ORDINARY COUNCIL MEETING AGENDA

24 APRIL 2024

WESTERN AUSTRALIA

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL

ON LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS AND ELECTED MEMBERS

Pursuant to Section 7A and 7B

5 April 2024

PREAMBLE

Statutory Context

1. Section 7A of the *Salaries and Allowances Act 1975* ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".
2. Under Section 7B(2) of the SA Act, the Tribunal must inquire into and determine the amount of:
 - fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* ('the LG Act') to elected council members for attendance at meetings;
 - expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
 - allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.
3. By issuing this Determination, the Tribunal discharges its obligations under Section 8 of the SA Act, which requires determinations under sections 7A and 7B to be issued at intervals of not more than 12 months.

Considerations

4. The Tribunal has considered sections 2.7 to 2.10 and section 5.41 of the LG Act, which outlines the roles and responsibilities of local governments, councillors, mayors, presidents and their deputies, and the functions of local government Chief Executive Officers (CEOs).
5. The Tribunal invited individual local governments, the Department of Local Government, Sport and Cultural Industries, the Western Australian Local Government Association, Local Government Professionals WA and other interested individuals to provide information or submissions regarding developments across the sector.

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6. Seventeen submissions were received. All submissions received were considered within the Tribunal's deliberations.

Band allocation model

7. The Tribunal continues to apply the four Band allocation model. The model allows a number of measurable and non-measurable factors to be considered when assessing appropriate levels of remuneration. The model is adjusted annually to accommodate incremental increases experienced by all organisations.
8. The Tribunal notes that the remuneration ranges provide flexibility to local governments to set remuneration within the allocated Band. The Tribunal will only adjust a Band classification when a local government or regional local government can demonstrate a substantial and sustained increase in functions, roles or scope of the organisation.

Christmas and Cocos Islands

9. In 2016, the Commonwealth and WA Governments entered an agreement under the *Christmas Island Act 1958* (Cth), the *Cocos (Keeling) Islands Act 1995* (Cth) and the *Indian Oceans Territories (Administration of Laws) Act 1992* (WA), by which the Tribunal has the power to determine the remuneration of local government CEOs and the fees, expenses and allowances for local government elected members of the Shires of Christmas Island and Cocos (Keeling) Islands.
10. This inquiry reviewed remuneration provided by the Shires of Christmas and Cocos (Keeling) Islands.

CONCLUSIONS

11. The Tribunal has reviewed the Total Reward Package (TRP) ranges and has determined to increase the Band 4 range to \$150,000 to \$230,000 prior to any other increases being applied. This change has been implemented to better reflect the responsibilities of Band 4 CEOs within the broader framework of other roles within the Tribunal's jurisdiction.
12. The Tribunal has determined that CEO remuneration Bands be increased by 4%. The Tribunal considered this appropriate given the economic conditions, the wider public service framework, changes to role expectations in line with the ongoing changes to legislation, and other elements raised in the submissions.
13. The Tribunal notes that each local government must set remuneration within the Band to which it is allocated. Any increase, within the Bands, must be determined by each local government through its own assessment of whether changes are justified.
14. The Federal Government changes to the Superannuation Guarantee mean that minimum superannuation contributions will increase by 0.5% to 11.5% on 01 July 2024. In recognition of this, the Tribunal has applied a 0.5% increase to the CEO remuneration Bands in addition to the changes noted above.

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15. In reviewing the Band allocation model and all other relevant information, the Tribunal has examined local governments with potential to change Band classification, including those provided in submissions. The Tribunal considers no change is warranted for any local government at this time.
16. The Tribunal received submissions requesting specific Local Governments be provided with the Regional/Isolation Allowance. The Tribunal reviewed these submissions and determined that no change to the Regional/Isolation Allowance would be applied, however other changes made by the Tribunal may work to provide these local governments additional flexibility in attracting and retaining staff.
17. The Tribunal will continue to monitor and review the local government Regional/Isolation Allowance over the coming year.
18. When establishing eligibility for a Regional/Isolation Allowance and the rates as part of the 2012 inquiry, the Tribunal considered the District Allowance (Government Officers) General Agreement 2010 amount and boundaries in addition to other factors. The Tribunal also considered specific issues associated with a Local Government brought to the Tribunal's attention through either submissions or the Tribunal's meetings.
19. The application of motor vehicles provided to Chief Executive Officers as a tool of the trade to a wider group of regional local governments has been reviewed by the Tribunal. The Tribunal has agreed that for many Band 3 and 4 Non-Metropolitan local government, a motor vehicle is required to undertake the role of Chief Executive Officer effectively. As a result, the Tribunal has determined that for Band 3 and 4 Local governments, outside of the Perth metropolitan area, any motor vehicle provided to the CEO is not to be considered part of the Total Reward Package in line with 5.1(1) in 'Part 5: Motor Vehicle' of the Determination.
20. The Tribunal has determined Elected Member attendance fees, and annual allowance ranges be increased by 4%. The Tribunal considered various submissions calling for increases, with the determined increase reflecting a variety of issues raised in the submissions.
21. The Tribunal maintains that Elected Members fees should be set to compensate costs for the prescribed role of an Elected Member. The role of an Elected Member was specifically described as not being a full-time occupation in parliamentary debates regarding the *Local Government Amendment Act 2011* presented to the Parliament in 2011, and there has been no change in this view from Government or the Parliament as far as the Tribunal is aware.
22. The Tribunal considered a request to create a fifth Band to cater for the four highest population local governments along with a subsequent increase in remuneration. The Tribunal did not agree with this claim for two reasons. Firstly, the Tribunal takes into consideration a range of factors when classifying local governments, not just populations and budget. There are a number of factors that lead to a Band 1 classification, as the Tribunal's framework is broad based. The Tribunal recognises that some local governments may be best placed at the top of the Band while others may be better reflected at the mid-point or bottom of the Band. The framework allows for individual local governments to manage the unique factors they face within the framework.

ORDINARY COUNCIL MEETING AGENDA

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23. Secondly, the recent changes to the Local Government Act and the introduction of classes is also based on a four class model. The classes model also shows that local governments within the Band 1 group have similar responsibilities despite the fact they each face their own unique challenges. The Tribunal is therefore satisfied that the current four Band model is appropriate for the local government sector and that the remuneration levels are appropriate within the wider framework of offices under the Tribunal's jurisdiction.
24. The Government, through the Department of Local Government, Sport and Cultural Industries (DLGSC), is looking to introduce reforms which will enable superannuation payments to be made to local government council members. The Tribunal's Determination relates only to the fees and allowances provided to council members. For information related to these reforms, please refer to [Full Reform Proposals](#) on the DLGSC website.
25. All other allowances remain unchanged.

The Determination will now issue.

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**DETERMINATION FOR LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS
AND ELECTED MEMBERS PURSUANT TO SECTION 7A AND 7B OF THE
*SALARIES AND ALLOWANCES ACT 1975***

PART 1: INTRODUCTORY MATTERS

This Part deals with some matters that are relevant to the determination generally.

1.1 Short title

This determination may be cited as the *Local Government Chief Executive Officers and Elected Members Determination No. 1 of 2024*.

1.2 Commencement

This determination comes into operation on 1 July 2024.

1.3 Content and intent

- (1) The remuneration listed in this determination comprises all remuneration as defined under the *Salaries and Allowances Act 1975* as including salary, allowances, fees, emoluments and benefits.
- (2) The determination applies to
 - a. Chief Executive Officers (CEOs);
 - b. Acting Chief Executive Officers; and
 - c. Elected Members
- (3) The remuneration specified in this determination for CEOs is based on a person being appointed to one local government CEO position only. In the case of a person appointed to undertake the duties of more than one CEO position simultaneously, the relevant local governments must seek a determination from the Tribunal for the multiple CEO positions held by that person.
- (4) If a local government undergoes an amalgamation or a rezoning of local government boundaries, the local government is required to seek a new determination from the Tribunal.
- (5) This determination provides for the amount of fees, expenses and allowances to be paid or reimbursed to elected council members under the *Local Government Act 1995*

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(‘the LG Act’) Part 5 Division 8. The determination applies to elected council members who are members of the council of a local government, and under section 3.66 of the LG Act.

- (6) Where the Tribunal has determined a specific amount for a fee, expense or allowance for elected council members of a local government or regional local government, the amount determined by the Tribunal will be payable to an eligible elected council member.
- (7) Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for elected council members of a local government or regional local government, each local government or regional local government council will set an amount within the relevant range determined and the amount set will be payable to an eligible elected council member.
- (8) The fees, expenses and allowances determined are intended to recognise the responsibilities of elected council members, mayors and presidents of local governments and chairs of regional local governments and to remunerate them for the performance of the duties associated with their office.
- (9) Nothing in this determination shall be interpreted and/or applied in such a manner as to circumvent the intention of the Tribunal to ensure transparency and accountability in the remuneration of Local Government CEOs and the provision of fees, expenses and allowances to Elected Members.

1.4 Terms used

In this determination, unless the contrary intention appears -

chair means a person who is elected or appointed from among the members of a council of a regional local government as its chair;

committee meeting means a meeting of a committee of a council where the committee comprises –

- (a) council members only; or
- (b) council members and employees of the local government or regional local government;

council, in relation to:

- (a) a local government, means the council of the local government;

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(b) a regional local government, means the council of the regional local government;

council member, in relation to:

(a) a local government –

(i) means a person elected under the LG Act as a member of the council of the local government; and

(ii) includes the mayor or president of the local government;

(b) a regional local government –

(i) means a person elected under the LG Act as a member of the council of a local government and who is a member of the council of the regional local government; and

(ii) includes the chair of the regional local government;

Independent committee member means a person who is a committee member but who is neither a council member nor an employee.

LG Regulations means the *Local Government (Administration) Regulations 1996*;

mayor means a council member holding the office of mayor, whether elected by the council from amongst its members or elected by the electors;

metropolitan region means a local government noted as being included in the Metropolitan Region Scheme as defined in the First Schedule of the Metropolitan Region Town Planning Scheme Act 1959.

president means a council member holding the office of president, whether elected by the council from amongst its members or elected by the electors.

1.5 Pro rata payments

(1) The Total Reward Package specified in this determination for CEOs is based on a person serving in the office on a full-time basis. The relevant range shall be payable on a pro rata basis if the position is undertaken on a part time basis.

(2) The amount of a person's entitlement to remuneration, annual attendance fee or annual allowance specified in this determination shall be apportioned on a pro rata basis according to the portion of a year that the person holds office.

1.6 Local government band allocations

Unless the contrary intention appears, this determination allocates local governments to the bands set out in Schedule 1. Regional local governments (as constituted under Part 3 Division 4 of the LG Act) are allocated to a Band only with respect to CEOs.

PART 2: TOTAL REWARD PACKAGE

This Part deals with the remuneration payable to Chief Executive Officers.

2.1 GENERAL

- (1) Offices listed in this Part have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
- (2) Each classification (Band 1 to Band 4) has a commensurate Total Reward Package (TRP) range.
- (3) Typical components of a TRP include:
 - (a) Base salary;
 - (b) Annual leave loading;
 - (c) Associated FBT accrued (total annual amount of fringe benefits tax paid by the local government for all fringe benefits provided to a CEO);
 - (d) Association membership fees;
 - (e) Attraction/retention allowance, not being provided under Part 3;
 - (f) Personal benefit value of the provision of a motor vehicle for private use (if applicable) as defined under Part 5 of this determination;
 - (g) Cash bonus and performance incentives;
 - (h) Cash in lieu of a motor vehicle;
 - (i) Fitness club fees;
 - (j) Grooming/clothing allowance;
 - (k) Health insurance;
 - (l) School fees and/or child's uniform;
 - (m) Superannuation (all mandatory and non-mandatory employer superannuation contributions);
 - (n) Travel or any other benefit taken in lieu of salary;
 - (o) Travel for spouse or any other member of family;
 - (p) Unrestricted entertainment allowance;
 - (q) Utilities allowance (any water, power or other utility subsidy provided to the CEO); and
 - (r) Any other form of payment, in cash or not, in consideration as a reward or benefit of the CEOs duties.
- (4) The only exclusions from the TRP are:
 - (a) items listed in Parts 3, 4 and 5 of this determination (however, any superannuation guarantee associated with the payment of a Regional/Isolation Allowance and any associated FBT accrued from the

- provision of a motor vehicle or accommodation are to be included as part of the TRP);
- (b) employer obligations such as professional development (restricted to the CEO), reimbursement for genuine work expenses or the cost of recruitment and relocation expenses; and
 - (c) items considered by the local government to be a tool of trade (i.e. equipment needed to undertake the duties of a CEO) and which are not a direct or indirect reward or benefit for the performance of duties as a CEO.

2.2 LOCAL GOVERNMENT CLASSIFICATION

- (1) The ranges of TRP in Table 1 apply where a local government or regional local government has been classified into the relevant band.

Table 1: Local government band classification – Total Reward Package range

Band	Total Reward Package
1	\$277,622 - \$422,771
2	\$228,973 - \$356,181
3	\$175,105 - \$288,817
4	\$156,780 - \$240,396

- (2) Local governments have been classified in Schedule 1.
- (3) Regional local government Councils have been classified in Table 2 below.

Table 2: Regional local government councils band classification

Regional Local Government Councils	Band
Bunbury-Harvey Regional Council	4
Eastern Metropolitan Regional Council	2
Mindarie Regional Council	3
Murchison Regional Vermin Council	4
Pilbara Regional Council	4
Rivers Regional Council	3
Resource Recovery Group	2
Tamala Park Regional Council	2
Western Metropolitan Regional Council	4

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- (4) A person who holds a dual appointment of the CEO of the Shire of East Pilbara and the CEO of the Pilbara Regional Council, shall be entitled to receive a TRP range equivalent to the Band 2 range (\$228,973 - \$356,181).

PART 3: REGIONAL/ISOLATION ALLOWANCE

This Part deals with the Regional/Isolation Allowance that may be payable to Chief Executive Officers from local governments identified in this Part.

3.1 GENERAL

- (1) Local governments listed in Table 3 in this Part may provide a Regional/Isolation Allowance to a CEO, in addition to the CEO's Total Reward Package, in recognition of the regional and isolation factors which may affect the attraction and retention of the CEOs of those local governments.
- (2) There is no requirement to provide a Regional/Isolation Allowance to a CEO. Payment of this allowance is at the discretion of the local government, within the parameters set by the Tribunal.
- (3) When a local government chooses to use any or all of this allowance, the payment of the allowance should be properly justified and applied in a transparent manner considering the issues outlined in 3.2.
- (4) When a local government chooses to pay all or any of this allowance, it is to be paid to the CEO as salary.

3.2 DETERMINING APPROPRIATENESS AND RATE OF ALLOWANCE

- (1) When assessing the appropriateness of providing a Regional/Isolation Allowance, an eligible local government must consider the impact of factors outlined in 3.2(3) on attraction and retention of a CEO. In the event these factors have little or no impact, the Local Government should not provide this Allowance.
- (2) In the event a Regional/Isolation Allowance is considered appropriate, the amount of the Allowance should be proportionate to the circumstances faced by the Local Government.
- (3) The following factors should be considered when determining whether to apply the Regional/Isolation Allowance:
 - a) *Remoteness* - issues associated with the vast distances separating communities within a Local Government or the distance of the Local Government from Perth or a Regional Centre.
 - b) *Cost of living* - the increased cost of living highlighted specifically in the Regional Price Index.
 - c) *Social disadvantage* - reduced specialist health services, schooling opportunities for children, employment opportunities for spouse, reduced

lifestyle commodities when compared to Perth and regional centres, and access to professional and personal support networks.

- d) *Dominant industry* - the impact that a dominant industry such a mining or agriculture has on an area and the ability to attract and retain people in the face of a dominant industry.
- e) *Attraction/retention* - the ability to recruit suitably qualified candidates and being able to retain them in light of the above concerns in competition with positions in Perth, regional centres and private industry.
- f) *Community expectations* - the pressures on a CEO to meet expectations when professional or operational expertise is not readily available.

3.3 REGIONAL/ISOLATION ALLOWANCE

Local governments eligible for the Regional/Isolation Allowance are listed in Table 3.

Table 3: Regional/Isolation Allowance

Local Government	Maximum Regional/Isolation Allowance Per Annum
Ashburton Shire	\$55,000
Broome Shire	\$45,000
Carnamah Shire	\$38,600
Carnarvon Shire	\$38,600
Chapman Valley Shire	\$38,600
Christmas Island Shire	\$90,000
Cocos (Keeling) Islands Shire	\$90,000
Coolgardie Shire	\$38,600
Coorow Shire	\$38,600
Cue Shire	\$50,000
Derby-West Kimberley Shire	\$55,000
Dundas Shire	\$38,600
East Pilbara Shire	\$55,000
Esperance Shire	\$32,200
Exmouth Shire	\$45,000
Greater Geraldton City	\$32,200
Halls Creek Shire	\$75,000
Irwin Shire	\$38,600
Jerramungup Shire	\$32,200
Kalgoorlie-Boulder City	\$38,600
Karratha City	\$70,000

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Local Government	Maximum Regional/Isolation Allowance Per Annum
Kent Shire	\$12,900
Kondinin Shire	\$12,900
Kulin Shire	\$12,900
Lake Grace Shire	\$12,900
Laverton Shire	\$50,000
Leonora Shire	\$50,000
Meekatharra Shire	\$50,000
Menzies Shire	\$38,600
Merredin Shire	\$12,900
Mingenew Shire	\$38,600
Morawa Shire	\$38,600
Mount Magnet Shire	\$38,600
Mount Marshall Shire	\$12,900
Mukinbudin Shire	\$32,200
Murchison Shire	\$38,600
Narembeen Shire	\$12,900
Ngaanyatjarraku Shire	\$50,000
Northampton Shire	\$38,600
Nungarin Shire	\$12,900
Perenjori Shire	\$38,600
Port Hedland Town	\$70,000
Ravensthorpe Shire	\$38,600
Sandstone Shire	\$38,600
Shark Bay Shire	\$45,000
Three Springs Shire	\$38,600
Upper Gascoyne Shire	\$50,000
Westonia Shire	\$32,200
Wiluna Shire	\$50,000
Wyndham-East Kimberley Shire	\$55,000
Yalgoo Shire	\$38,600
Yilgarn Shire	\$32,200

PART 4: HOUSING ALLOWANCE

This Part deals with the Housing Allowance that may be payable to Chief Executive Officers.

4.1 GENERAL

- (1) In recognition of the need for local governments to provide accommodation as a result of a lack of suitable housing or recruitment issues, on either a permanent or temporary basis, local governments are able to utilise this allowance as required.
- (2) When a local government utilises this allowance, the payment of the allowance should be properly justified and applied in a transparent manner.
- (3) Any accommodation provided under this Part must be located within or adjacent to the local government area in which the CEO is employed.
- (4) Local governments should tailor the provision of any housing allowance to suit their particular circumstances. This may include the CEO making contributions towards the cost of the accommodation.

4.2 APPLICABLE HOUSING ALLOWANCE

- (1) Where a local government owns a property and provides that property to the CEO for accommodation, the value of this accommodation will not be included in the Total Reward Package.
- (2) For reporting purposes, the value of the local government owned property shall be valued at the annual Gross Rental Value of the property as determined by the Valuer General.
- (3) Where a local government leases accommodation for the use of the CEO, the lease costs will not be included in the Total Reward Package.
- (4) For reporting purposes, the value of the local government leased property shall be the annual actual costs of the accommodation lease.

PART 5: MOTOR VEHICLE

This Part deals with the provision of motor vehicles to Chief Executive Officers.

5.1 GENERAL

- (1) For local governments generally, except those outlined in (2) below, the private benefit value of any motor vehicle provided to the CEO by the local government is to be included in the Total Reward Package.
- (2) For local governments listed in Table 3 under Part 3 of this determination and/or local governments classified as Band 3 or Band 4 and outside of the metropolitan region, any motor vehicle provided to the CEO or an allowance provided to a CEO for use of a private motor vehicle for work-related purposes, is to be considered a tool of trade (i.e. equipment needed to undertake the duties of a CEO in these local governments) and any private benefit will not be considered as part of the Total Reward Package.

5.2 PRIVATE BENEFIT VALUE

- (1) The private benefit value of the motor vehicle will be dependent on the type of motor vehicle provided, method of ownership (i.e. local government owned or leased), maintenance and running costs, insurance, any applicable luxury car tax and the amount of private use of the vehicle (i.e. non-business use).
- (2) As a general rule, the private benefit value will be based upon the annual costs multiplied by the percentage of private use.
- (3) Local governments and CEOs will need to agree on the most appropriate way to record the amount of private use in order to calculate the private benefit value.

PART 6: MEETING ATTENDANCE FEES

This Part deals with fees payable to council members for attendance at council and other meetings

6.1 GENERAL

- (1) Pursuant to section 5.98(1)(b) of the LG Act, a council member who attends a council meeting is entitled to be paid the fee set by the local government or the regional local government within the range determined in section 6.2 of this Part for council meeting attendance fees.
- (2) Pursuant to section 5.98(1)(b) and (2A)(b) of the LG Act, a council member who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the range determined in section 6.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.
- (3) Pursuant to section 5.100(2)(b) and (3)(b) of the LG Act, a committee member who is not an elected member or employee of the local government, who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the range determined in section 6.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.
- (4) Each of the following meetings is a type of meeting prescribed in regulation 30(3A) of the LG Regulations -
 - (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;

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- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.
- (5) Pursuant to section 5.99 of the LG Act, a local government or regional local government may decide by an absolute majority that instead of paying council members an attendance fee referred to in section 5.98(1) of the LG Act, it will pay all council members who attend council or committee meetings a fee set within the range for annual fees determined in section 6.4 of this Part.
- (6) Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99 of the LG Act; or
 - (c) the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.
- (7) In determining the fees set out in this Part, the Tribunal has taken into account a range of factors including –
- (a) the time required to prepare adequately for the meetings including consideration of agenda papers, site visits related to agenda items and consultation with council staff and community members;
 - (b) the role of the council member, mayor or president including, but not limited to, representation, advocacy, and oversight and determination of policy and local legislation;
 - (c) particular responsibilities associated with the types of meetings attended;
 - (d) responsibilities of a mayor, president or chair to preside over meetings; and

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- (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model.
- (8) The Tribunal has not determined a specific meeting attendance fee for the purposes of section 5.98(1)(a) or (2A)(a) of the LG Act.

6.2 COUNCIL MEETING ATTENDANCE FEES – PER MEETING

- (1) The ranges of fees in Table 4 and Table 5 apply where a local government or regional local government decides by an absolute majority to pay a council member a fee referred to in section 5.98(1)(b) of the LG Act for attendance at a council meeting.

Table 4: Council meeting fees per meeting – local governments

For a council member other than the mayor or president			For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$666	\$858	\$666	\$1,174
2	\$406	\$634	\$406	\$848
3	\$213	\$447	\$213	\$686
4	\$99	\$260	\$99	\$530

Table 5: Council meeting fees per meeting – regional local governments

For a council member other than the chair			For a council member who holds the office of chair	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$99	\$260	\$99	\$530

6.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES – PER MEETING

- The ranges of fees in Table 6 apply where a local government or regional local government decides to pay a council member or independent member a fee referred to in –
 - section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or

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- section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.
 - Section 5.100(2)(a) of the LG Act for attendance at a committee meeting
- (a) section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)				
Band	Minimum – Elected Member	Maximum – Elected Member	Minimum – Independent Member	Maximum – Independent Member
1	\$338	\$432	\$0	\$432
2	\$203	\$317	\$0	\$317
3	\$104	\$224	\$0	\$224
4	\$52	\$130	\$0	\$130

Table 7: Committee meeting and prescribed meeting fees per meeting – regional local governments

For a council member (including the chair)				
	Minimum – Elected Member	Maximum – Elected Member	Minimum – Independent Member	Maximum – Independent Member
All regional local governments	\$52	\$130	\$0	\$125

6.4 ANNUAL ATTENDANCE FEES IN LIEU OF COUNCIL MEETING, COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES

- (1) The ranges of fees in Table 8 and Table 9 apply where a local government or regional local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98 of the LG Act, it will pay an annual fee to all council members who attend council, committee or prescribed meetings.

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Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments

For a council member other than the mayor or president			For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$26,624	\$34,278	\$26,624	\$51,412
2	\$16,089	\$25,137	\$16,089	\$33,706
3	\$8,320	\$17,711	\$8,320	\$27,425
4	\$3,884	\$10,286	\$3,884	\$21,138

Table 9: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – regional local governments

For a council member other than the chair			For a council member who holds the office of chair	
	Minimum	Maximum	Minimum	Maximum
All regional local governments	\$1,945	\$11,430	\$2,137	\$17,139

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**PART 7: ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT, CHAIR,
DEPUTY MAYOR, DEPUTY PRESIDENT AND DEPUTY CHAIR**

This Part deals with annual allowances payable to mayors, presidents, chair and their deputies, in addition to any entitlement to meeting attendance fees or the reimbursement of expenses.

7.1 GENERAL

- (1) Pursuant to section 5.98(5) of the LG Act, the mayor or president of a local government and the chair of a regional local government are entitled, in addition to any fees or reimbursement of expenses payable under section 5.98(1) or (2), to be paid the annual allowance set by the local government or regional local government within the range determined in section 7.2 of this Part.
- (2) Pursuant to section 5.98A(1) of the LG Act, a local government or regional local government may decide, by an absolute majority, to pay the deputy mayor or deputy president of the local government, or the deputy chair of the regional local government, an allowance of up to the percentage that is determined by the Tribunal of the annual allowance to which the mayor or president of the local government, or the chair of the regional local government, is entitled under section 5.98(5) of the LG Act. That percentage is determined in section 7.3 of this Part. This allowance is in addition to any fees or reimbursement of expenses payable to the deputy mayor, deputy president or deputy chair under section 5.98 of the LG Act.
- (3) In determining the allowances set out in this Part, the Tribunal has taken into account a range of factors including the following –
 - (a) the leadership role of the mayor, president or chair;
 - (b) the statutory functions for which the mayor, president or chair is accountable;
 - (c) the ceremonial and civic duties required of the mayor, president or chair, including local government business related entertainment;
 - (d) the responsibilities of the deputy mayor, deputy president or deputy chair when deputising;
 - (e) the relative “size” of the local government as reflected in the Tribunal’s local government banding model;
 - (f) the civic, ceremonial and representation duties particular to the Lord Mayor of Western Australia’s capital city.

7.2 ANNUAL ALLOWANCE FOR A MAYOR, PRESIDENT OR CHAIR

- (1) The ranges of allowances in Table 10 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act.
- (2) The range of allowances in Table 11 apply where a regional local government sets the amount of the annual local government allowance to which a chair is entitled under section 5.98(5) of the LG Act.
- (3) Despite the provisions of subsection (1), the Perth City Council is to set the amount of the annual local government allowance to which the Lord Mayor is entitled within the range of \$64,929 to \$144,900.

Table 10: Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$55,463	\$97,115
2	\$16,640	\$68,552
3	\$1,113	\$39,988
4	\$556	\$21,710

Table 11: Annual allowance for a chair of a regional local government

For a chair		
	Minimum	Maximum
All regional local governments	\$556	\$21,710

7.3 ANNUAL ALLOWANCE FOR A DEPUTY MAYOR, DEPUTY PRESIDENT OR DEPUTY CHAIR

- (1) The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.
- (2) If the office of mayor or president is vacant under section 5.34(a) of the Local Government Act 1995, and the deputy performs the functions of mayor or president for a continuous period of no less than four months, the deputy will be entitled to receive the mayor or president allowance according to the applicable local government band in 7.2 of the Determination. Refer to the explanatory notes.

PART 8: EXPENSES TO BE REIMBURSED

This Part deals with expenses for which council members are entitled to be reimbursed.

8.1 GENERAL

- (1) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(1) to (5) of this Part.
- (2) Regulation 31(1) of the LG Regulations prescribes the following kinds of expenses that are to be reimbursed:
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (3) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 32(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(6) to (8) of this Part.
- (4) Regulation 32(1) of the LG Regulations prescribes the following kinds of expenses that may be approved by a local government for reimbursement –
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government;
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

8.2 EXTENT OF EXPENSES TO BE REIMBURSED

- (1) The extent to which a council member can be reimbursed for rental charges in relation to one telephone and one facsimile machine is the actual expense incurred by the council member.
- (2) The extent to which a council member can be reimbursed for child care costs incurred because of attendance at a meeting referred to in regulation 31(1)(b) of the LG Regulations is the actual cost per hour or \$35 per hour, whichever is the lesser amount.
- (3) The extent to which a council member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is:
 - (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back:
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (4) The extent to which a council member of a regional local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.
- (5) For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Award 2021* as at the date of this determination. For members with Electric Vehicles, the 1600cc Motor Vehicle Allowance rate should be applied.
- (6) The extent to which a council member can be reimbursed for child care costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is the actual cost per hour or \$35 per hour, whichever is the lesser amount.

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- (7) The extent to which a council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.
- (8) The extent to which a council member can be reimbursed for any other cost incurred under regulation 32(1) of the LG Regulations is the actual cost upon presentation of sufficient evidence of the cost incurred.

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PART 9: ANNUAL ALLOWANCES IN LIEU OF REIMBURSEMENT OF EXPENSES

This Part deals with annual allowances that a local government or regional local government may decide to pay.

9.1 GENERAL

- (1) Pursuant to section 5.99A of the LG Act, a local government or regional local government may decide by absolute majority that instead of reimbursing council members under the LG Act section 5.98(2) for all of a particular type of expense, it will pay all council members, for that type of expense, the annual allowance determined in section 9.2 of this Part or, as the case requires, an annual allowance within the range determined in that section.
- (2) Where a local government or regional local government has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.
- (3) In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:
 - (a) the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
 - (b) the capacity of local governments to set allowances appropriate to their varying operational needs;
 - (c) the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads); and
 - (d) the varying travel requirements of council members in local governments associated with geography, isolation and other factors.
- (4) With respect to ICT expenses, the Tribunal's intention is for the maximum annual allowance to cover the cost of providing ICT hardware and equipment. It is not the intention for the allowance to be paid in addition to providing equipment and hardware.

9.2 ANNUAL ALLOWANCES DETERMINED INSTEAD OF REIMBURSEMENT FOR PARTICULAR TYPES OF EXPENSES

(1) In this section:

ICT expenses means:

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations;
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;
or
- (c) any expenses, including the purchase costs, of ICT hardware provided to elected members.

travel and accommodation expenses means:

- (a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or
 - (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.
- (2) For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.
- (3) For the purposes of section 5.99A(a) of the LG Act, the annual allowance for travel and accommodation expenses is \$100.

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SCHEDULE 1: LOCAL GOVERNMENT BAND ALLOCATIONS

Local Government	Band
Albany City	1
Armadale City	1
Ashburton Shire	2
Augusta-Margaret River Shire	2
Bassendean Town	3
Bayswater City	1
Belmont City	1
Beverley Shire	4
Boddington Shire	4
Boyup Brook Shire	4
Bridgetown-Greenbushes Shire	3
Brookton Shire	4
Broome Shire	2
Broomehill-Tambellup Shire	4
Bruce Rock Shire	4
Bunbury City	1
Busselton City	1
Cambridge Town	2
Canning City	1
Capel Shire	3
Carnamah Shire	4
Carnarvon Shire	2
Chapman Valley Shire	4
Chittering Shire	3
Christmas Island Shire	3
Claremont Town	3
Cocos (Keeling) Islands Shire	4
Cockburn City	1
Collie Shire	3
Coolgardie Shire	3
Coorow Shire	4
Corrigin Shire	4
Cottesloe Town	3
Cranbrook Shire	4
Cuballing Shire	4
Cue Shire	4

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Local Government	Band
Cunderdin Shire	4
Dalwallinu Shire	3
Dandaragan Shire	3
Dardanup Shire	3
Denmark Shire	3
Derby-West Kimberley Shire	2
Donnybrook Balingup Shire	3
Dowerin Shire	4
Dumbleyung Shire	4
Dundas Shire	4
East Fremantle Town	3
East Pilbara Shire	2
Esperance Shire	2
Exmouth Shire	3
Fremantle City	1
Gingin Shire	3
Gnowangerup Shire	4
Goomalling Shire	4
Gosnells City	1
Greater Geraldton City	1
Halls Creek Shire	3
Harvey Shire	2
Irwin Shire	3
Jerramungup Shire	4
Joondalup City	1
Kalamunda Shire	2
Kalgoorlie-Boulder City	1
Karratha City	1
Katanning Shire	3
Kellerberrin Shire	4
Kent Shire	4
Kojonup Shire	3
Kondinin Shire	4
Koorda Shire	4
Kulin Shire	4
Kwinana City	1
Lake Grace Shire	4

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Local Government	Band
Laverton Shire	3
Leonora Shire	3
Mandurah City	1
Manjimup Shire	2
Meekatharra Shire	3
Melville City	1
Menzies Shire	4
Merredin Shire	3
Mingenew Shire	4
Moora Shire	3
Morawa Shire	4
Mosman Park Town	3
Mount Magnet Shire	4
Mount Marshall Shire	4
Mukinbudin Shire	4
Mundaring Shire	2
Murchison Shire	4
Murray Shire	2
Nannup Shire	4
Narembeen Shire	4
Narrogin Shire	3
Nedlands City	2
Ngaanyatjarraku Shire	4
Northam Shire	2
Northampton Shire	3
Nungarin Shire	4
Peppermint Grove Shire	4
Perenjori Shire	4
Perth City	1
Pingelly Shire	4
Plantagenet Shire	3
Port Hedland Town	1
Quairading Shire	4
Ravensthorpe Shire	3
Rockingham City	1
Sandstone Shire	4
Serpentine-Jarrahdale Shire	2

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Local Government	Band
Shark Bay Shire	4
South Perth City	2
Stirling City	1
Subiaco City	2
Swan City	1
Tammin Shire	4
Three Springs Shire	4
Toodyay Shire	3
Trayning Shire	4
Upper Gascoyne Shire	4
Victoria Park Town	2
Victoria Plains Shire	4
Vincent City	2
Wagin Shire	4
Wandering Shire	4
Wanneroo City	1
Waroona Shire	3
West Arthur Shire	4
Westonia Shire	4
Wickepin Shire	4
Williams Shire	4
Wiluna Shire	4
Wongan-Ballidu Shire	4
Woodanilling Shire	4
Wyalkatchem Shire	4
Wyndham-East Kimberley Shire	2
Yalgoo Shire	4
Yilgarn Shire	3
York Shire	3

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Signed on 5 April 2024.

M Seares AO
CHAIR

Hon J Day
MEMBER

SALARIES AND ALLOWANCES TRIBUNAL

LOCAL GOVERNMENT ELECTED MEMBERS EXPLANATORY NOTES

This section does not form part of the determination

1. Entitlements

The entitlement of a council member to a fee, allowance or reimbursement of an expense established under the LG Act, the LG Regulations and this determination, cannot be proscribed, limited or waived by a local government. Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the local government.

2. Local governments to set amounts within the range determined

Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for members of the council of a local government or a regional local government, each council is to set, by absolute majority, an amount within the relevant range determined and the amount set will be payable to elected council members.

3. Performing functions of mayor or president if vacant

If the deputy performs the functions of mayor or president for a continuous period of no less than four months, the deputy will be entitled to receive the mayor or president allowance according to the applicable local government band in 7.2 of the Determination. This can be applied retrospectively, in instances where an initial short term period of acting becomes a continuous period of acting for four months or more.

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12.6 DISCRETIONARY FEES AND CHARGES 2024/2025
FM52425

AUTHOR

Deputy Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council:

- 1. Endorse the attached Schedule of Discretionary Fees and Charges effective from 1 July 2024 with amendments; and**
- 2. Incorporate these fees and charges into the 2024/2025 budget document.**
- 3. Note that Differential Rates are not included in this agenda item and will be presented to Council as a separate item at a future meeting.**

6/0 CARRIED

BACKGROUND

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. Fees and charges are to be imposed (generally) when adopting the annual budget and must be resolved by an absolute majority.

In determining the amount of a fee or charge for a service or goods a Local Government is required to consider the following factors (s 6.17) -

- (a) the cost to the Local Government of providing the goods or service;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

COMMENT

The attached fees and charges document reflect the proposed fees to be charged in 2024/2025. This document discusses the discretionary fees and charges only, as the Council does not have any control over legislative fees and charges. If any changes to statutory fees do occur after this date, those changes will be incorporated into the Fees and Charges agenda item that will be presented to Council for adoption with the Annual Budget.

According to the Australian Bureau of Statistics, the Consumer Price Index across the 12 months to December 2023 was 4.1%. As this translates to a nominal increase in many of Council's Fees and Charges and acknowledging that many of the Fees were increased slightly in the 2023/2024 budget, only some key increases are suggested for the upcoming financial year.

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The attached schedule of charges shows the suggested increases highlighted in green. Not all fees and charges have an increase as some were substantially increased over previous years. Most of those that have suggested increases this year are consistent with an approximately 4% CPI increase and have not been noted below. Explanations for a greater than 4% increase include:

1. Housing

(New Fee) New Pensioner Units based on lease and aligned with Centrelink's Rental Assistance Eligibility Requirements

- \$165 per week for a single person
- \$250 per week for a couple

(New Fee) Garages at Pensioner Units

- \$10 per week (allocated via a wait list)

2. Equipment Hire

- \$1,200 Marquee hire to more closely reflect actual cost to erect and remove the marquee
- New fees for the inflatable movie screen and the large hard-wired sound system

3. Gymnasium Memberships: Increases to reflect new equipment

Adult

- 1 Month \$40
- 3 Months \$75
- 6 Months \$120
- 12 Months \$220

Couple or Family – 2 Adults and 2 Children 12-17 Years of Age

- 1 Month \$75
- 3 Months \$120
- 6 Months \$220
- 12 Months \$410

Student (12 to 17) Must be accompanied by an Adult

- 1 Month \$30
- 3 Months \$45
- 6 Months \$60
- 12 Months \$90

Pensioner / Concession Card Holder

- 1 Month \$35
- 3 Months \$60
- 6 Months \$90
- 12 Months \$150

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Pensioner / Concession Card Holder Couple

- 1 Month \$60
- 3 Months \$90
- 6 Months \$150
- 12 Months \$230

4. Out of hours tip opening

- \$150 to reflect staff wages incurred if this is requested.

5. Marine Facility Charges:

- *Jinker Fees - Haulage Fees - **Outside of Normal Working Hours.***
Increase to cover staff costs incurred for operations outside normal business hours only
Slipway lift out \$700 per lift
Slipway lift in \$700 per lift
Slipway lift out with bow beam \$850 per lift
Slipway lift in with bow beam \$850 per lift

6. Racking Fee for non-local organisations to more closely reflect industry norms

- \$70

LEGAL IMPLICATIONS

Section 6.16 of the *Local Government Act 1995* enables a Local Government to impose and recover a fee or charge for any goods or service it provides or proposes to provide.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Fees and charges revenue will account for approximately 28 percent of the Shires operating revenue in 2024/2025 and provides a means for the Shire to recover the costs of providing services on a user pay basis.

STRATEGIC IMPLICATIONS

Outcome 6. Shark Bay Council is a strategically focused, unified Council, functioning efficiently.

Outcome 7. It is a transparent, resilient organisation demonstrating leadership and governance whilst engaging actively with the community and providing appropriate services to the community.

RISK MANAGEMENT

This is a low-risk item for Council. Council needs to set fees and charges to reduce the reliance on grant income and rates. Should Council not impose any fees and charges then there will be a need to increase rates to cover the shortfall. The community expect to pay fees and charges for the use of facilities and for the provision services.

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VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Deputy Chief Executive Officer *D Wilkes*

Chief Executive Officer *D Chapman*

Date of Report 17 April 2024

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13.0 TOURISM, RECREATION AND CULTURE REPORT

13.1 GASCOYNE 2050 CYCLING STRATEGY

AUTHOR

Deputy Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Vankova

Seconded Cr Bellottie

Council Resolution

That Council

- 1. Endorse the principles of the Gascoyne 2050 Cycling Strategy; and**
- 2. Note the proposed Action Plan for future budget and planning consideration**

Ms Liz Bushby left the Council Chamber at 2.53 pm

6/0 CARRIED

BACKGROUND

The Department of Transport's Western Australian Bike Network Plan 2014 – 2031 includes a key action to develop 12 long term cycle strategies for Perth and for Regional WA, including eleven Regional 2050 Cycling Strategies. These strategies create a shared long-term vision for cycling in the regions and guide delivery of safe and interconnected bicycle networks, along with associated facilities and travel behaviour change initiatives.

Each strategy has/will be developed in partnership with local government and is informed by multiple phases of stakeholder and community consultation. Positioned as aspirational strategies to 2050, each strategy highlights opportunities to encourage bike riding for transport, recreation and tourism across the region and proposes networks for regional centres and their surrounding areas. Five (5) year action plans prioritise the delivery of strategic infrastructure and initiatives and guide funding through Department of Transport's current Regional Bike Network Grants Program.

As aspirational plans, it is recognised that regional local governments with constrained funding may not have the capacity to deliver the complete final networks. As well as guiding the available Regional Bicycle Network funding, these strategies can also be used to source external funding opportunities for cycle infrastructure.

Six regional strategies have been completed, with the remaining strategies due for completion in 2023/2024.

COMMENT

Development of these strategies is wholly funded by the Department of Transport but undertaken in partnership with relevant local governments.

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Development of the Gascoyne 2050 Cycling Strategy began in mid-2022, with the shires of Carnarvon, Exmouth, Shark Bay and Upper Gascoyne working in partnership with the Department of Transport.

The Department of Transport engaged WSP Consultants as the delivery contractor to assist on the project. WSP visited all key centres across the region to undertake initial scoping in late 2022. A comprehensive review of relevant government and non-government policies and strategies was undertaken, alongside reviews of existing cycling networks, data analysis, and stakeholder meetings to discuss and identify opportunities for cycling across the region.

Internal working groups for each local government provided input and guided the development of the document. These working groups included diverse representatives across engineering, works, planning, community development, community safety, communications, sustainability, tourism, and economic development. Stakeholder input was sought and received from government and non-government organisations, including (but not limited to) the Departments of Local Government, Sport and Cultural Industries, Planning, Lands and Heritage, Biodiversity, Conservation and Attractions, Main Roads Western Australia, Department of Water and Environmental Regulation and Tourism WA, as well as the WA Local Government Association, Gascoyne Development Commission and WestCycle.

The final strategy includes four central themes for cycling across the region, with key opportunities identified for each that highlight the potential for bike riding in and around the Gascoyne region. Case studies are used to illustrate where similar outcomes have been achieved elsewhere. The themes include:

- Improving access to education, employment, retail and recreation;
- Enhancing the region's potential for cycle tourism and active recreation;
- Promoting social inclusion and equity to support happy and healthy communities; and
- Supporting the recognition and empowerment of First Nations Australians.

The document is a shared aspirational vision for cycling across the region, with the action plan providing a guide for delivery, it is not an enforced set of actions. This long-term planning approach has now been endorsed by 32 metro Local Government Associations (through the Perth and Peel Long-Term Strategy) and all Local Government Associations with published regional strategies (including those in Warren-Blackwood, Leeuwin-Naturaliste, Bunbury-Wellington, Esperance, Geraldton and Pilbara). This endorsement has been given on the basis that the Department of Transport will continue to work with local governments over time to maintain and where necessary modify the strategy.

The Strategy is now being submitted to Council and Department of Transport Executive for endorsement. Councils are invited to endorse the strategy as-is or provide in-principle support pending any requests for modifications. Once endorsed the Strategy will be published on the Department of Transport website.

The Department of Transport request this endorsement to demonstrate region-wide collaboration on a shared vision, which will assist in leveraging and prioritising future funding. Once a long-term strategy is in place, all current Western Australian Bike Network grants, and its future iteration, will be linked to them. Furthermore, these

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strategies have already been successful in gaining funding from Federal and commercial sources.

The Council is requested to endorse the principles of the Gascoyne 2050 Cycling Strategy and receive the proposed action plan for future budget and planning consideration.

Endorsement of the Gascoyne 2050 Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Gascoyne 2050 Cycling Strategy within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route or initiative within the Strategy.

LEGAL IMPLICATIONS

There are no legal implications to this item

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

There are no financial implications to this item.

STRATEGIC IMPLICATIONS

RISK MANAGEMENT

This is a low risk item

VOTING REQUIREMENTS

Simple majority required

SIGNATURES

Deputy Chief Executive Officer

D Wilkes

Chief Executive Officer

D Chapman

Date of Report

15 April 2024

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14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There were no motions of which previous notice haven been given for the April 2024 Ordinary Council meeting.

15.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

There were no question by members of which due notice haven been given for the April 2024 Ordinary Council meeting.

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

There was no urgent business presented to the April 2024 Ordinary Council meeting.

17.0 MATTERS BEHIND CLOSED DOORS

There were no matters behind closed doors presented to the April 2024 Ordinary Council meeting.

18.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 29 May 2024, commencing at 1.00 pm.

19.0 CLOSURE OF MEETING

As there was no further business, the President closed the April 2024 Ordinary Council meeting at 3.03 pm.