

# Shire of Shark Bay

## Minutes of the Ordinary Council Meeting 31 October 2013







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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.

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 Thursday 31 October 2013 commencing at 10.19 am.

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**1. DECLARATION OF OPENING**

The President declared the Ordinary Council meeting open at 10.19 am.

**2. RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED**

**ATTENDANCES**

Cr C Cowell	President
Cr J Hanscombe	Deputy President
Cr K Capewell	
Cr G Ridgley	
Cr B Wake	
Vacant	Denham Ward

Mr P Anderson	Chief Executive Officer
Mrs R Mettam	Executive Assistant

**APOLOGIES**

Cr M Prior	Leave of Absence granted at the Ordinary Council meeting held on the 31 July 2013 Item 5.1
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**VISITORS**

4 Visitors

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

The President opened Public Question Time at 10.19 am and as no questions were asked closed Public Question Time at 10.19 am.

**5. APPLICATIONS FOR LEAVE**

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR WAKE**

CO 513

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved	Cr Hanscombe
Seconded	Cr Ridgley

**Council Resolution**

**Councillor Wake 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 the 27 November 2013.**

**5/0 CARRIED**

Background

Councillor Wake has applied for leave of absence from the ordinary meeting of Council scheduled for 27 November 2013. 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 Wake has advised the Chief Executive Officer due to personal commitments he will be unable to attend the Ordinary meeting of Council scheduled to be held on the 27 November 2013 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 he ensure his obligations have been met in accordance with the Local Government Act.

The Council may consider not granting Councillor Wake 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 eth meeting.
- (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

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

31 October 2013

**6. PETITIONS**

Nil

**7. CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 SEPTEMBER 2013**

Moved            Cr Capewell  
Seconded       Cr Wake

**Council Resolution**

**That the minutes of the ordinary council meeting held on 25 September 2013, as circulated to all councillors, be confirmed as a true and accurate record.**

**5/0 CARRIED**

**8. ANNOUNCEMENTS BY THE CHAIR**

Cr Cowell has invited Ms Jane Garrett, Mr Rob Blennerhasset, Mr Mark Sewell and Mrs Linda Sewell.

Mr Geoff Parnell will make a presentation to Council at 11.30 am.



**9. PRESIDENT'S REPORT**

CO 509

Meeting Attendance

25	September	Shire Council meeting, including presentations from Hames Sharley consultants, Gascoyne Development Commission and Mid West Region and local police officers.
26		Foreshore Redevelopment workshop Shark Bay Tourism Association meeting – provided National Landscapes presentation
2	October	Tourism Land Strategy
5		Citizenship ceremony, Pioneer Park – Katie Hughes
8		Gascoyne Development Commission Strategic Planning workshop, Carnarvon
9		Gascoyne Development Commission Board meeting, Carnarvon
15		Defence presentation - Local Emergency Management Committee

Date of Report 15 October 2013

Moved Cr Ridgley  
Seconded Cr Wake

**Council Resolution**

**That Councillor Cowell's October 2013 report on activities as Council representative is received.**

**5/0 CARRIED**

**10. COUNCILLORS' REPORTS**

10.1 Cr Wake  
CO513  
NIL

10.2 Cr Capewell  
CO 516  
Nil

10.3 Cr Hanscombe  
CO514

Meeting Attendance

16 October Attended the St John's Ambulance committee meeting

Date of Report 16 October 2013

Moved Cr Ridgley  
Seconded Cr Wake

**Council Resolution**

**That Councillor Hanscombe's October 2013 report on activities as Council representative is received.**

**5/0 CARRIED**



10.4 Cr Ridgley  
CO513  
Nil

10.5 Cr Prior  
CO517  
Nil

**11. ADMINISTRATION REPORT**

**11.1 ANNUAL REVIEW OF REGISTER OF DELEGATIONS**

PO101

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Hanscombe

Seconded Cr Ridgley

**Council Resolution**

**That Council adopt the Delegations as circulated to the Chief Executive Officer as reviewed in accordance with the *Local Government Act 1995*.**

**5/0 CARRIED BY ABSOLUTE MAJORITY**

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in Section 5.43. Any decision to make, amend or revoke a delegation is to be by an absolute majority - see Section 5.45(1) (b).

The Register of Delegations is required to be reviewed once every financial year, as required by Section 5.46(2) of the Act. The Register of Delegations was last reviewed in July 2012.

Comment

The purpose of the review is to consider the operational effectiveness of the current delegations, whether each delegation is necessary, whether each delegation is appropriate and whether legislative amendments necessitate any changes.

All delegations have been reviewed to ensure format consistency with other Shire documents (such as Policies), and with a view of ensuring consistency with references to statutory references and any changes to relevant legislation that describes the power or duty being delegated.

Legal Implications

Section 5.46 of the *Local Government Act 1995* states that -

- (1) *The Chief Executive Officer is to keep a register of the delegation made under this Division to the Chief Executive Officer and to the employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Allows decisions to be made between Council meeting dates, which if otherwise were not able to be made would cause lengthy delays and frustration in the day to day operations of the Shire.

Voting Requirements

**Absolute Majority** Required

Date of Report

24 September 2013

MINUTES OF THE ORDINARY COUNCIL MEETING  
THURSDAY 31 OCTOBER 2013

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	To the Chief Executive Officer
<b>Part 3 - Functions of local government</b>		
<b>3.22(1)</b>	A local government that causes damage through the performance of its function must pay compensation to the owner or occupier	✓
<b>3.25(1)</b>	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner	✓
<b>3.26(2)</b>	In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given	✓
<b>3.26(3)</b>	A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt	✓
<b>3.27(1)</b>	A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner	✓
<b>3.31(2)</b>	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry	✓
<b>3.34(1)</b>	A local government may enter land in an emergency without notice or consent	✓
<b>3.40A(1)</b>	Local government may authorise a person to remove and impound an abandoned vehicle wreck	✓
<b>3.40A(4)</b>	Local government may declare that a vehicle is an abandoned vehicle wreck	✓
<b>3.47(1)</b>	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43	✓
<b>3.47(2)</b>	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	✓
<b>3.47(2a)</b>	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44	✓
<b>3.47A(1)</b>	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	✓
<b>3.48</b>	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	✓
<b>3.50(1)</b>	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	✓
<b>3.50(1a) and 3.50(4)</b>	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks	✓
<b>3.50A</b>	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	✓
<b>Functions &amp; General Reg 6(3)</b>	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive	✓
<b>3.51(3)</b>	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	✓
<b>3.53(3)</b>	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	✓

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

<b>3.54(1)</b>	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓
<b>3.57(1)</b>	A local government must invite tenders before it enters into a contract for goods or services with a value of \$100,000 or more (Functions and General Reg 11)	✓
<b>Functions &amp; General Reg 14 (2a)</b>	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	✓
<b>Functions &amp; General Reg 18 (4) &amp; (5)</b>	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender	✓
<b>Functions &amp; General Reg 20</b>	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓
<b>Functions &amp; General Reg 20 (2)</b>	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer	✓
<b>Functions &amp; General Reg 21 (1)</b>	A local government may seek expressions of interest before entering the tender process	✓
<b>Functions &amp; General Reg 23 (3)</b>	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services	✓
<b>Functions &amp; General Reg 24E(1)</b>	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓
<b>Functions &amp; General Reg 24E(4)</b>	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓
<b>3.58(2)</b>	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender	✓
<b>3.58(3)</b>	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)	✓
<b>Part 4 - Elections and other polls</b>		
<b>Part 5 – Administration</b>		
<b>5.18</b>	A local government must review all delegations made to a committee	✓
<b>5.27(2)</b>	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓
<b>5.37(1)</b>	A local government may designate any employee to be a senior employee	✓
<b>5.37(3)</b>	If the position of a senior employee becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	✓
<b>5.50(1)</b>	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy	✓
<b>5.50(2)</b>	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given	✓
<b>5.53(1)</b>	A local government must prepare an annual report for each financial year	✓
<b>5.56</b>	A local government is to prepare a plan for the future	✓
<b>Admin Reg 19C(4)</b>	A local government is to review its current plan for the future every 2 years	✓
<b>Admin Reg 29A(2)</b>	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves	✓

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

5.98(2)(b)	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]	✓
5.98(4)	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case	✓
5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees	✓
5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government	✓
<b>Part 6 – Financial Management</b>		
<b>Financial M'gment Reg 19(1)</b>	A local government must establish and document internal control procedures to ensure control over investments	✓
6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	✓
6.12(3)	The local government may determine what conditions apply to the granting of a concession	✓
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	✓
6.49	A local government may make an agreement with a person to pay their rates and service charges	✓
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	✓
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	✓
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	✓
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	✓
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or subject to transfer it to the Crown or itself 5.43(d)	✓ subject to 5.43 (d)
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself subject to	✓ subject to 5.43 (d)
6.74(1)	A local government may apply in the prescribed form to the Minister to have land vested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years	✓
<b>Financial M'gment Reg 77(3)</b>	Financial A local government must consider any objections it receives in relation to a reinvestment under regulation 77	✓
6.76(4)	A local government may extend the time for a person to make an objection in relation to the rate record	✓
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part	✓

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

<b>Financial M'gmt Reg 12(1)(a)</b>	A payment may only be made from the municipal fund or the trust fund - (a) if the local government has delegate to the Chief Executive Officer the exercise of its power to make payments from those funds by the Chief Executive Officer	✓
<b>Part 7 – Audit</b>		
<b>Part 8 – Scrutiny of the affairs of local governments</b>		
<b>8.14(3)</b>	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report	✓
<b>8.23(4)</b>	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council	✓
<b>Part 9 – Miscellaneous provisions</b>		
<b>9.6(5)</b>	The local government must give the person who made the objection notice of how it was disposed of and reasons why	✓
<b>9.9(3)</b>	As soon as a decision under section 9.9(1)(b) is made, the local government must give the affected person written notice stating the reasons for the decision	✓
<b>9.10(1) &amp; (2)</b>	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	✓
<b>9.63(1)</b>	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve	✓
<b>9.68(5)</b>	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68	✓
<b>Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts</b>		
<b>11(2)</b>	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities	✓
<b>Schedule 2.2 – Provisions about wards and representation</b>		
<b>4(1)</b>	A local government must consider any submissions made under clause 3	✓
<b>6</b>	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board	✓
<b>Schedule 6.1 – Provisions relating to the phasing – in of valuation</b>		
<b>Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid</b>		
<b>1(1)</b>	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓ subject to 5.43 (d)
<b>Schedule 6.3 – Provisions relating to the sale or transfer of land where rates or service charges unpaid</b>		
<b>1(4)</b>	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more that 12 months from the service of the notice under clauses 1(1) or 1(2)	✓
<b>4(1)</b>	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple	✓ subject to 5.43 (d)
<b>Town Planning Scheme No. 3</b>		
<b>TPS3 CLAUSE 11.3.1</b>	That Council grant delegated authority to the Chief Executive Officer to issue deemed refusal letters for applications where an application is deemed refused in accordance with 10.9.1 or 10.9.2 of the Scheme	✓



11.2 AGED PENSIONER UNIT ELIGIBILITY

CP00002

Author

Executive Manager  
Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Officers Recommendation

1. That Council approve Mrs Val Pittendrigh's application for tenancy in the Hughes Street Pensioner Units on the condition that she continues to attempt to sell her Bunbury property, with reports to Council of attempts every six months until the property is sold.
2. That Mrs Pittendrigh resides in the unit for a minimum of nine months of each calendar year.
3. That future tenants of the Hughes Street pensioner units be required to reside in the unit for a minimum of nine months of each calendar year.

**AMENDMENT TO OFFICER RECOMMENDATION**

Reason: Council considered that additional information was required and asked that the matter to be referred back to the administration.

Moved            Cr Ridgley  
Seconded       Cr Capewell

**Council Resolution**

**That the matter lay on the table until the November 2013 Council meeting.  
5/0 CARRIED**

Background

Mrs Val Pittendrigh has been visiting Shark Bay since she was a young woman holidaying with her parents. She lived in the area with her husband Bill, purchasing the original fish factory on Knight Terrace. They sold the property and moved to Augusta, returning to Shark Bay and purchasing a property at 6 Dirk Place in 1994. They sold the property in 2001 when Mr Pittendrigh became ill. Mrs Pittendrigh the acquired 9 Dirk Place in 2005.

Mrs Pittendrigh bought into a retirement village in Bunbury with the intention of spending six months of each year in Shark Bay and six months in Bunbury. Since then she has found it increasingly difficult to manage the travel between the towns and decided to sell the Bunbury property and live exclusively in Shark Bay.

The Bunbury property has been on the real estate market for over 2 years without success. This is common within the retirement village industry at present and as Mrs Pittendrigh has not been able to afford to maintain both properties and has been unable to sell the Bunbury property she has recently reluctantly sold her property at 9 Dirk Place Denham.

Mrs Pittendrigh still wants to live in Shark Bay and will continue to try to sell the Bunbury property and has applied for a unit in the Shire's pensioner unit complex in

Hughes Street. Previous applicants have conformed to the Homeswest condition of not owning substantial property to be eligible for consideration which Mrs Pittendrigh would not be able to do until she has sold the Bunbury property.

Comment

There are currently nine people on the waiting list. Two applicants have been offered vacant units several times but have not taken up the offer, a further three are on disability pensions and do not meet the aged pension requirement for eligibility. One applicant's family are undecided whether to move their relative into the units. Two of the most recent applicants have no connection to Shark Bay, are not homeless, not living in a caravan and are currently living in state housing in Carnarvon. A further applicant has no connection to Shark Bay, lives in a caravan in Port Gregory and has a daughter living in Kojonup.

Unit 6 is currently vacant after undergoing an extensive renovation and is now available for a new tenant. Unit 12 is being renovated at the moment with repairs being delayed due to internal plumbing issues.

Mrs Pittendrigh is an active member of the community and regularly participates in senior's activities and plays piano and pianola at regular get togethers.

Legal Implications

Nil

Policy Implications

Council would need to suspend their eligibility policy in terms of owning property until Mrs Pittendrigh sells her Bunbury property. This should be considered as a one-off instance with any further similar applications assessed on their individual merit.

By requiring Mrs Pittendrigh and future tenants to occupy the unit for at least nine months of the year, Council can ensure that the units remain the resident's primary residence and not be used as a holiday home.

Financial Implications

A unit would be rented by a long-term stable resident of Shark Bay.

Strategic Implications

Strategic Objective 3.7 – Community Infrastructure that meets the needs of families, youth, retirees.

Voting Requirements

Simple Majority Required

Date of Report

14 October 2013

11.3 CHRISTMAS/NEW YEAR CLOSURE

ST 103

Author

Senior Finance Officer

Disclosure of Any Interest

Nil

Officer Recommendation

Option 1

That the Shire administration office and depot close for the Christmas/New Year period from Monday 23 December 2013 to Friday 3 January 2014 inclusive.

That the Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2013.

That the Refuse Site be closed on Wednesday 25, Thursday 26 December 2013, and Wednesday 1 January 2014.

That the Refuse Site be open Friday 27 December 2013 – 8am to 12 noon and Thursday 2 January 2014 – 10am to 11am and the \$10.00 fee is waived on Thursday only.

OR

Option 2

That the Shire administration office close for the Christmas/New year period from Tuesday 24 December 2013 to Wednesday 1 January 2014 inclusive, and the Depot close from Monday 23 December 2013 to Friday 3 January 2014.

That the Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2013.

That the Refuse Site be closed on Wednesday 25, Thursday 26 December 2013, and Wednesday 1 January 2014.

That the Refuse Site be open Friday 27 December 2013 – 8am to 12 noon and Thursday 2 January 2014 – 10am to 11am and the \$10.00 fee is waived on Thursday only.

Moved Cr Capewell  
Seconded Cr Ridgley

**Council Resolution**

**That the Shire administration office and depot close for the Christmas/New Year period from Monday 23 December 2013 to Friday 3 January 2014 inclusive.**

**That the Shark Bay World Heritage Discovery and Visitor Centre be closed on 25 December 2013.**

**That the Refuse Site be closed on Wednesday 25, Thursday 26 December 2013, and Wednesday 1 January 2014.**

**That the Refuse Site be open Friday 27 December 2013 – 8am to 12 noon and Thursday 2 January 2014 – 10am to 11am and the \$10.00 fee is waived on Thursday only.**

**5/0 CARRIED**

### Background

Council has previously closed the office and depot between Christmas and New Year. The public holidays for the Christmas period of 2013/2014 are – Wednesday 25 December 2013, Thursday 26 December 2013, Friday 27 December 2013 being adopted as the Local Government Public Holiday and Wednesday 1 January 2014 which is New Year's Day.

### Comment

#### Option 1

This would mean the office and depot will be closed from Monday 23 December 2013 and reopen on Monday 6 January 2014

The above recommendation would see the Council Staff returning to work, with the administration office and depot being opened on Monday 6 January 2014 after the Christmas/New Year break. This would mean the administration office and depot would be closed for two weeks over the Christmas period.

The break-up of the days would be -

- 4 Public Holidays
- 6 Accrued RDOs or Annual Leave

#### Option 2

This would mean the office would be closed from Tuesday 24 December 2013 and reopen on Thursday 2 January 2014 and the depot will be closed from Monday 23 December 2013 and reopen on Monday 6 January 2014.

The above recommendation would see the depot opened on Monday 6 January 2014 and the administration office being opened on Thursday 2 January 2014 after the Christmas/New year break. This would mean the office would be closed for one week and 2 days and the depot closed for two weeks over the Christmas period.

The break-up of the office days would be –

- 4 Public Holidays
- 3 Accrued RDOs or Annual Leave

Emergency staff would still be contactable, with a skeleton crew working at the depot and the staff at the Shark Bay World Heritage Discovery and Visitors Centre would still be required to work with the exception of Christmas Day when the Centre is closed.

It is proposed to close the refuse site on Wednesday 25, Thursday 26 December 2013 and Wednesday 1 January 2014.

To facilitate the disposal of rubbish it is proposed to open the refuse site on Friday 27 December 2013 8am – 12 noon.

Normal operating hours would then apply until Wednesday 1 January 2014 (Closed) and Open Thursday 2 January 2014 10 am – 11 am. It is also proposed not to apply the normal \$10.00 opening fee for rubbish disposal on the Thursday.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

16 October 2013

**12. FINANCE REPORT**

**12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Ridgley

Seconded Cr Capewell

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$751,720.01 be accepted.**

**5/0 CARRIED**

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers 26499 to 26513 totalling \$15,608.01

Municipal fund account electronic payment numbers MUNI EFT 14265 to 14413 totalling \$564,561.74

Municipal fund account for payroll periods beginning 9/09/2013 ending 06/10/2013 totalling \$112,143.00

Trust fund account cheque numbers 950 to 962 totalling \$786.90

Trust fund account electronic payment numbers 14117 to 14264 totalling \$40,139.76 and

Trust fund Police Licensing for September 2013 totalling \$18,480.60

The schedule of accounts submitted to each member of Council on 18 October 2013 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.

Date of Report

16 October 2013

THURSDAY 31 OCTOBER 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING OCTOBER 2013  
MUNI CHQS 26499-26513**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
26499	19/09/2013	MP ROGERS & ASSOCIATES	DENHAM MARINA JOB PLAN & FEE ESTIMATE	-2179.37
26500	24/09/2013	WATER CORPORATION	KNIGHT TERRACE WEST END SALINE ACCOUNT	-271.00
26501	24/09/2013	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-417.22
26502	24/09/2013	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-288.62
26503	24/09/2013	ASTERON SUPER	SUPERANNUATION CONTRIBUTIONS	-359.22
26504	24/09/2013	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	-369.10
26505	24/09/2013	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-380.62
26506	24/09/2013	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-264.90
26507	24/09/2013	WESTPAC SECURITIES ADMINISTRATION	SUPERANNUATION CONTRIBUTIONS	-352.85
26508	24/09/2013	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-660.00
26509	08/10/2013	CARNARVON RANGELANDS BIOSECURITY ASSOC	RBA INC VERMIN CONTROL13/14 CONTRIBUTION	-5500.00
26510	08/10/2013	WATER CORPORATION - OSBORNE PARK	KNIGHT TCE JETTY TOILET SALINE	-2553.92
26511	11/10/2013	SHARK BAY NEWSAGENCY	STATIONERY AND NEWSPAPERS MONTHLY ACCOUNT	-751.19
26512	11/10/2013	TERENCE JOHN COWELL	ACCESS DATABASE FOR TOUR SALES SBDC	-1089.00
26513	14/10/2013	SHIRE OF SHARK BAY	REGISTRATION 1EAQ740	-171.00
<b>TOTAL</b>				<b>\$15,608.01</b>



THURSDAY 31 OCTOBER 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING OCTOBER 2013  
MUNI EFTS 14265-14413**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>EFT 14265</b>	<b>-EFT 14265</b>	<b>USED IN TRUST</b>		
EFT14266	19/09/2013	BAJA DATA & ELECTRICAL SVCS	SBDC REPLACE FAULTY LIGHTS AND BALLASTS, POWER LEAD FOR EMERGENCY POWER	-2323.75
EFT14267	19/09/2013	CHUBB FIRE & SECURITY	SBDC SECURITY MONITORING	-139.67
EFT14268	19/09/2013	DAMPIER BLINDS & AWNINGS	SUPPLY & INSTALL BLINDS PENSIONER UNITS 6 & 12	-1300.00
EFT14269	19/09/2013	HORIZON POWER	MONTHLY ACCOUNT 6/34 HUGHES STREET	-108.06
EFT14270	19/09/2013	HERITAGE RESORT SHARK BAY	REFRESHMENTS	-137.97
EFT14271	19/09/2013	TOLL IPEC	FREIGHT	-39.12
EFT14272	19/09/2013	OAKLEY EARTHWORKS	REC CENTRE FOOTINGS CONCRETE	-2099.96
EFT14273	19/09/2013	PICKLES AUCTIONS	FAIR VALUE VALUATION	-660.00
EFT14274	19/09/2013	ROCKOLA MUSIC	BEGGARS CONCERT 14 SEPTEMBER 2013	-3475.00
EFT14275	19/09/2013	SKIPPERS AVIATION	REIMBURSABLE FLIGHT LEANNE WHALLEY	-305.00
EFT14276	19/09/2013	SHARK BAY FREIGHTLINES	FREIGHT	-366.32
EFT14277	19/09/2013	SHIRE OF SHARK BAY	DOMESTIC RUBBISH CHARGES SHIRE PROPERTIES RATES MCCLEARY HOUSE	-14368.17
EFT14278	19/09/2013	SMITH SCULPTORS	HMAS MEMORIAL PROGRESS PAYMENT	-26800.00
EFT14279	19/09/2013	WALGA	NOTICE DIFFERENTIAL RATES WEST AUSTRALIAN	-894.86
<b>EFT 14280</b>	<b>-EFT 14282</b>	<b>USED IN TRUST</b>		
EFT14283	24/09/2013	AON RISKS SERVICES AUSTRALIA	INSURANCE GALLA CURCI	-990.00
EFT14284	24/09/2013	BOOLBARDIE COUNTRY CLUB	ROUND 1 2013/2014 DONATION	-900.00
EFT14285	24/09/2013	BORAL SHARED BUSINESS SVCS	SUPPLY & LAY ASPHALT FOR HUGHES & BARNARD STREETS AND CRC CARPARK	-204783.98
EFT14286	24/09/2013	CDH ELECTRICAL	INSTALL NEW POWER POINT AT DEPOT	-334.62
EFT14287	24/09/2013	TOLL IPEC	FREIGHT	-93.66
EFT14288	24/09/2013	SKIPPERS AVIATION	AIRFARES R MACCULLOCH & P DRISCOLL	-915.00
EFT14289	24/09/2013	SHARK BAY FREIGHTLINES	FREIGHT	-66.70
EFT14290	24/09/2013	TELSTRA CORPORATION LIMITED	MONTHLY MOBILE PHONE ACCOUNT	-373.69
EFT14291	24/09/2013	WEST-OZ WEB SERVICES	COMMISSIONS FOR SBDC	-17.50
EFT14292	25/09/2013	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-707.68

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT14293	25/09/2013	AUSTSAFE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-107.12
EFT14294	25/09/2013	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-728.00
EFT14295	25/09/2013	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1479.96
EFT14296	25/09/2013	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-344.74
EFT14297	25/09/2013	WA LOCAL GOV SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	-7908.84
EFT14298	25/09/2013	REST	SUPERANNUATION CONTRIBUTIONS	-781.86
EFT14299	25/09/2013	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-293.08
EFT14300	25/09/2013	AUSTRALIANSUPER	SUPERANNUATION CONTRIBUTIONS	-461.80
EFT14301	25/09/2013	RUSSELL TODD CHAMBERLAIN	RENT 39 DURLACHER STREET	-1157.30
EFT14302	25/09/2013	GERALDTON INDUSTRIAL SUPPLIES	TREFLEX PASTE, CUTTING OIL & FLUID DEPOT	-122.53
EFT14303	26/09/2013	CHERYL COWELL	PRESIDENT'S ALLOWANCE	-1706.00
EFT14304	26/09/2013	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE FEE	-717.00
EFT14305	26/09/2013	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE FEE	-520.00
EFT14306	26/09/2013	JOSEPH JOHN MCLAUGHLIN	MEETING ATTENDANCE FEE	-520.00
EFT14307	26/09/2013	MARGARET PRIOR	MEETING ATTENDANCE FEE	-520.00
EFT14308	26/09/2013	GREGORY LEON RIDGLEY	MEETING ATTENDANCE FEE	-520.00
EFT14309	26/09/2013	BRIAN WAKE	MEETING ATTENDANCE FEE	-520.00
<b>EFT 14310</b>	<b>-EFT14310</b>	<b>USED IN TRUST</b>		
EFT14311	26/09/2013	GERALDTON TOYOTA	AIR COND CONDENSOR WORKS MANAGER VEHICLE	-427.25
EFT14312	26/09/2013	DEPARTMENT OF PARKS & WILDLIFE	MM RESERVE PASSES FOR RESALE SBDC	-5669.84
EFT14313	26/09/2013	SKIPPERS AVIATION	REIMBURSABLE FLIGHT FOR PATRICIA MILBURN	-610.00
EFT14314	26/09/2013	TELSTRA CORPORATION LIMITED	MONTHLY ACCOUNT ANTENNA - TRANSMITTER	-595.73
EFT14315	26/09/2013	WILDIMAGENATION	SBDC MERCHANDISE	-442.50
EFT14316	27/09/2013	MCGRATH HOMES	CONSTRUCTION EMERGENCY SERVICES BUILDING	-57393.93
EFT14317	27/09/2013	TOLL IPEC	FREIGHT	-14.59
EFT14318	27/09/2013	OPUS	ROMAN II DATA ENTRY	-4312.00
EFT14319	27/09/2013	WA TREASURY CORPORATION	LOAN PAYMENT MONKEY MIA BORE	-18483.92
EFT14320	01/10/2013	AUSTRALIAN TAXATION OFFICE	GST RECEIVED	-38028.00
EFT14341	04/10/2013	NARROGIN REGIONAL LIBRARY	REFUND LIBRARY FINE BOOK FOUND	-23.10
EFT14354	07/10/2013	AUSTRALIA POST	MONTHLY POSTAGE ACCOUNT	-1173.27
EFT14355	07/10/2013	AUSTRALASIAN PERFORMING RIGHT ASSOC	ANNUAL LICENCE FEE	-343.20
EFT14356	07/10/2013	CUTBACK PLUMBING & GAS	REPAIR & CLEAR CARAVAN DUMP SITE, REPAIR WATER LEAK PENSIONER FLATS & REPAIR LITTLE LAGOON BBQ	-1238.60

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT14357	07/10/2013	DENHAM IGA X-PRESS	MONTHLY GROCERY ACCOUNT	-459.36
EFT14358	07/10/2013	SHARK BAY SUPERMARKET	MONTHLY GROCERY ACCOUNT	-426.93
EFT14359	07/10/2013	SHARK BAY FUEL & SERVICE CENTRE	MONTHLY ACCOUNT	-138.91
EFT14360	07/10/2013	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	-276.45
EFT14361	07/10/2013	GERALDTON MOWER & REPAIRS	PULL START FOR CHAINSAW	-83.70
EFT14362	07/10/2013	HITS RADIO	RADIO ADVERTISING FOR SEPTEMBER	-462.00
EFT14363	07/10/2013	HAMES SHARLEY PLANNING & URBAN DESIGN	FORESHORE & MAIN STREET REVITALISATION PLAN	-31141.00
EFT14364	07/10/2013	JASON SIGNMAKERS	JETTY, STREET AND REFUSE SITE SIGNS	-347.60
EFT14365	07/10/2013	LANDGATE	GRV VALUATION	-35.65
EFT14366	07/10/2013	MITRE 10 SHARK BAY MARINE & HARDWARE	MONTHLY ACCOUNT	-5562.39
EFT14367	07/10/2013	OAKLEY EARTHWORKS	REC CENTRE CONCRETE	-1784.20
EFT14368	07/10/2013	RICHARD CLAUDE MORONEY	SBDC MAINTENANCE	-30.00
EFT14369	07/10/2013	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES STREET	-1127.00
EFT14370	07/10/2013	SKIPPERS AVIATION	FLIGHTS MR G PARNELL AND MR N MCCOMBE	-1220.00
EFT14371	07/10/2013	SHARK BAY TAXI SERVICE	MONTHLY ACCOUNT SHIRE/OVERLANDER RUN	-1463.00
EFT14372	07/10/2013	SHARK BAY CLEANING SERVICE	FORTNIGHTLY ACCOUNT	-10293.00
EFT14373	07/10/2013	SHARK BAY ARTS COUNCIL INC	CONTRIBUTION TO SHARK BAY ART AWARDS 2013	-7000.00
EFT14374	07/10/2013	MCKELL FAMILY TRUST	MONTHLY ACCOUNT STREET SWEEPING & RUBBISH COLLECTION	-9829.30
EFT14375	07/10/2013	SHARK BAY RESOURCES	CATERING COUNCIL MEETING USELESS LOOP	-280.01
EFT14376	07/10/2013	TOTAL UNIFORMS	SBDC UNIFORMS	-213.50
EFT14377	07/10/2013	WALGA	CONTRACT OF ENGAGEMENT FOR EMFA	-4519.75
EFT14378	07/10/2013	WEST-OZ WEB SERVICES	COMMISSIONS SBDC	-50.75
<b>EFT14379</b>	<b>-EFT1379</b>	<b>USED IN TRUST</b>		
EFT14380	08/10/2013	BOOKEASY AUSTRALIA	BOOKEASY SEPTEMBER BOOKINGS	-244.06
EFT14381	08/10/2013	BOC LIMITED	MONTHLY ACCOUNT CONTAINER RENTAL	-85.68
EFT14382	08/10/2013	GERALDTON FUEL COMPANY	MONTHLY FUEL ACCOUNT	-16727.28
EFT14383	08/10/2013	HORIZON POWER	MONTHLY ACCOUNT STREET LIGHTS	-2753.77
EFT14384	08/10/2013	HORIZON POWER	MONTHLY ACCOUNT ELECTRICITY	-3447.65
EFT14385	08/10/2013	JOHN FAMLONGA	FABRICATE MONKEY MIA BORE OUTLET	-5126.00
EFT14386	08/10/2013	PEST-A-KILL	MICE MONITORING & BAITING SHIRE PROPERTIES	-198.00
EFT14387	08/10/2013	TELSTRA CORPORATION LIMITED	COMMUNITY SMS MESSAGES AND LANDLINE MONTHLY ACCOUNTS	-1561.68
EFT14388	08/10/2013	TOTALLY WORKWEAR	WORK UNIFORMS AND PPE	-5995.54

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

EFT	DATE	NAME	DESCRIPTION	AMOUNT
<b>EFT14389</b>	<b>-EFT14389</b>	<b>USED IN TRUST</b>		
EFT14390	11/10/2013	DENHAM PAPER AND CHEMICAL SUPPLIES	BROWN TWIST HANDLE BAGS SBDC	-103.49
EFT14391	11/10/2013	GASCOYNE FOOD TRAIL	GASCOYNE FOOD TRAIL MEMBERSHIP 2013/2014	-175.00
EFT14392	11/10/2013	UHY HAINES NORTON	HMAS SYDNEY AUDIT CERTIFICATION FEES	-660.00
EFT14393	11/10/2013	JASON SIGNMAKERS	CHILDREN PLAYING SIGNS	-352.00
EFT14394	11/10/2013	MIDWEST FIRE PROTECTION SERVICE	SBDC REPAIRS TO DETECTOR IN CEILING	-99.00
EFT14395	11/10/2013	PAPER PLUS OFFICE NATIONAL	STATIONARY	-123.13
EFT14396	11/10/2013	RICOH	PRINTER CARTRIDGE	-143.00
EFT14397	11/10/2013	ST JOHN AMBULANCE ASSOC SHARK BAY	DONATION ROUND 1 12/13	-1383.00
<b>EFT14398</b>	<b>-EFT14398</b>	<b>USED IN TRUST</b>		
EFT14399	14/10/2013	BRIGHTHOUSE	FUNDING APPLICATION/ BUSINESS CASE ROYALTIES FOR REGIONS TEMPLATE	-1986.60
EFT14400	14/10/2013	DUN & BRADSTREET	COMMISSION ON DEBT RECOVERY	-72.08
EFT14401	14/10/2013	FESA WA	ESL BILLING 2010/11	-2864.15
EFT14402	14/10/2013	THINK WATER GERALDTON	PVC FITTINGS FOR DRIBBLE BAR WATER TANKER	-365.55
EFT14403	14/10/2013	GRAY & LEWIS LAND USE PLANNERS	GENERAL & STRATEGIC PLANNING MONTHLY ACCOUNT	-4805.35
EFT14404	14/10/2013	HITACHI CONSTRUCTION MACHINERY	NEW HYDRAULIC RAM FOR JOHN DEERE GRADER	-3762.24
EFT14405	14/10/2013	HERITAGE RESORT SHARK BAY	REFRESHMENTS	-133.95
EFT14406	14/10/2013	TOLL IPEC	FREIGHT	-122.39
EFT14407	14/10/2013	MCLEODS BARRISTERS AND SOLICITORS	MONKEY MIA LEASE	-384.38
EFT14408	14/10/2013	PEST-A-KILL	ANNUAL PEST TREATMENT TO SHIRE PROPERTIES	-2788.50
EFT14409	14/10/2013	PRIME MEDIA GROUP	MONTHLY GWN7 ADVERTISING	-842.60
EFT14410	14/10/2013	SHARK BAY COMMUNITY RESOURCE CENTRE	SPORTS & REC CENTRE MANAGEMENT SEPTEMBER	-6425.30
EFT14411	14/10/2013	SHARK BAY SKIPS	FORESHORE & USELESS LOOP RD SKIPS MONTHLY ACCOUNT	-3390.00
EFT14412		CANCELLED EFT		
EFT14413	30/09/2013	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-11331.00
<b>TOTAL</b>				<b>\$564,561.74</b>

THURSDAY 31 OCTOBER 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING OCTOBER 2013  
TRUST CHQS 950-962**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
950	19/09/2013	SHARK BAY FILM CLUB	TRANSFER TRUST FUNDS THE BEGGARS EVENT DONATIONS	-147.75
951	24/09/2013	DOROTHEA CHRISTINE LOW	GYM CARD DEPOSIT REFUND	-20.00
952	24/09/2013	FIONA OAKLEY	HALL HIRE DEPOSIT REFUND	-270.00
953	26/09/2013	GRAHAM PARKER	GYM CARD DEPOSIT REFUND	-20.00
954	01/10/2013	SHIRLEY MAY GERATY	GYM CARD DEPOSIT REFUND	-20.00
955	01/10/2013	ALISON JACQUELINE MACLEAN	GYM CARD DEPOSIT REFUND	-20.00
956	03/10/2013	KALBARRI PALM RESORT	BOOKEASY SEPT 2013	-101.15
957	04/10/2013	HOWARD COCK	ART SALES SEPT 2013	-48.00
958	04/10/2013	PATRICA ANDREW	ART SALES SEPT 2013	-60.00
959	08/10/2013	JACQUI TOWELL	GYM CARD DEPOSIT REFUND	-20.00
960	14/10/2013	JUSTIN HEWITT	GYM CARD DEPOSIT REFUND	-20.00
961	14/10/2013	TARA HANNIBAL	GYM CARD DEPOSIT REFUND	-20.00
962	14/10/2013	TRUDY ANNE NICKELS	GYM CARD DEPOSIT REFUND	-20.00
<b>TOTAL</b>				<b>\$786.90</b>

THURSDAY 31 OCTOBER 2013

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING OCTOBER 2013  
TRUST EFTS 14117-14264**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT14265	19/09/2013	VMR SHARK BAY	POLICEMANS BALL TRUST FUNDS TRANSFER	-750.66
EFT14280	20/09/2013	CHERRYL FORD	LIBRARY DEPOSIT REFUND	-50.00
EFT14281	24/09/2013	ALEX KELSEY	GYM CARD DEPOSIT REFUND	-20.00
EFT14282	24/09/2013	EVA SCHUMACHER	GYM CARD DEPOSIT REFUND	-20.00
EFT14321	03/10/2013	GOLDEN CHAIN SEA BREEZE RESORT	BOOKEASY SEPT 2013	-612.00
EFT14322	03/10/2013	BAY LODGE MIDWEST OASIS	BOOKEASY SEPT 2013	-979.20
EFT14323	03/10/2013	DENHAM VILLAS	BOOKEASY SEPT 2013	-1891.25
EFT14324	03/10/2013	GATEWAY MOTEL CARNARVON	BOOKEASY SEPT 2013	-333.20
EFT14325	03/10/2013	HARTOG COTTAGES	BOOKEASY SEPT 2013	-365.50
EFT14326	03/10/2013	HARTOG HAVEN HOLIDAY HOUSE	BOOKEASY SEPT 2013	-450.00
EFT14327	03/10/2013	HAMELIN POOL CARAVAN PARK & TOURIST CENTRE	BOOKEASY SEPT 2013	-144.50
EFT14328	03/10/2013	HERITAGE RESORT SHARK BAY	BOOKEASY SEPT 2013	-340.00
EFT14329	03/10/2013	HAMELIN STATION STAY	BOOKEASY SEPT 2013	-59.50
EFT14330	03/10/2013	KALBARRI EDGE RESORT	BOOKEASY SEPT 2013	-161.50
EFT14331	03/10/2013	MONKEY MIA YACHT CHARTERS	BOOKEASY SEPT 2013	-282.20
EFT14332	03/10/2013	ASPEN MONKEY MIA	BOOKEASY SEPT 2013	-2021.30
EFT14333	03/10/2013	MONKEYMIA WILDSIGHTS	BOOKEASY SEPT 2013	-302.60
EFT14334	03/10/2013	NANGA BAY RESORT	BOOKEASY SEPT 2013	-42.50
EFT14335	03/10/2013	OCEANSIDE VILLAGE	BOOKEASY SEPT 2013	-323.00
EFT14336	03/10/2013	SHARK BAY HOTEL MOTEL	BOOKEASY SEPT 2013	-93.50
EFT14337	03/10/2013	SHARK BAY HOLIDAY COTTAGES	BOOKEASY SEPT 2013	-612.00
EFT14338	03/10/2013	SHARK BAY CARAVAN PARK	BOOKEASY SEPT 2013	-544.85
EFT14339	03/10/2013	SHIRE OF SHARK BAY	COMMISSION BOOKEASY SEPT 2013	-1958.25
EFT14340	03/10/2013	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY SEPT 2013	-1227.00
EFT14342	04/10/2013	PRIORITY SHARK BAY	TOURS SEPT 2013	-2593.47
EFT14343	04/10/2013	SHARK BAY COASTAL TOURS	TOURS SEPT 2013	-1905.30
EFT14344	04/10/2013	GASCOYNE OFFSHORE & MARINE SVCS	TOURS SEPT 2013	-1622.55
EFT14345	04/10/2013	HURLOCK HOLDINGS	TOURS SEPT 2013	-156.60

MINUTES OF THE ORDINARY COUNCIL MEETING

THURSDAY 31 OCTOBER 2013

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT14346	04/10/2013	MONKEY MIA YACHT CHARTERS	TOURS SEPT 2013	-7666.44
EFT14347	04/10/2013	TRISH MILBURN	ART SALES SEPT 2013	-36.00
EFT14348	04/10/2013	MONKEYMIA WILDSIGHTS	TOURS SEPT 2013	-6328.60
EFT14349	04/10/2013	SHARK BAY COACHES	TOURS SEPT 2013	-261.00
EFT14350	04/10/2013	SHIRE OF SHARK BAY	COMM SEPT 2013	-3471.02
EFT14351	04/10/2013	SHARK BAY SCENIC QUAD BIKE TOURS	TOURS SEPT 2013	-569.85
EFT14352	04/10/2013	UNREAL FISHING CHARTERS	TOURS SEPT 2013	-652.50
EFT14353	04/10/2013	WULA GUDA NYINDA	TOURS SEPT 2013	-1231.92
EFT14379	08/10/2013	CORINA ROBINS	GYM CARD DEPOSIT REFUND	-20.00
EFT14389	08/10/2013	KERRY MCDONALD	GYM CARD DEPOSIT REFUND	-20.00
EFT14398	14/10/2013	JUDY BRITZA	GYM CARD DEPOSIT REFUND	-20.00
<b>TOTAL</b>				<b>\$40,139.76</b>



12.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2013

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved           Cr Hanscombe

Seconded       Cr Capewell

Council Resolution

**That the monthly financial reports to 30 September 2013, be presented to the Council at the Ordinary meeting of council scheduled to be held on the 27 November 2013.**

**5/0 CARRIED**

Comment

On a monthly basis, Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be presented to council. Regulation 34 (4) of the *Local Government (Financial Management) Regulations 1996* states:

*A statement of financial activity, and the accompanying documents referred to it in sub-regulation (2), are to be –*

- (a) *presented to the council –*
  - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
  - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting.*

Due to the vacancy of the Executive Manager, Finance and Administration, UHY Haines Norton have been engaged to balance and produce the financials for September and October 2013 and will be presented to the November 2013 Ordinary Council meeting in accordance with part (ii) of the regulation 34.

Voting Requirements

Absolute Majority Required

Date of Report

16 October 2013

12.3 AGED PENSIONER UNIT BONDS

CP00002

Author

Executive Manager  
Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Moved           Cr Hanscombe  
Seconded       Cr Ridgley

**Council Resolution**

**1. That residential security bonds totalling \$1,944 being held in trust for tenants in the Hughes Street pensioner units, be returned to tenants as follows.**

<b>\$366</b>	<b>J Fitzpartick</b>
<b>\$380</b>	<b>C Warren</b>
<b>\$380</b>	<b>W Skinn</b>
<b>\$418</b>	<b>R Christison</b>
<b>\$400</b>	<b>N Guthrie</b>

**2. That residential security bonds not be collected from future tenants of the Hughes Street pensioner units.**

**5/0 CARRIED**

Background

In 2007 and 2010 residential bonds totalling \$1,944 were collected from five of the current tenants. Bonds were based on four weeks rent at the time of occupancy.

These bonds have been held in trust and do not accrue interest. Bonds have not been collected from other residents.

Comment

The collection of bonds from tenants of the pensioner units has not been consistent and with changes to the Residential Tenancy Act 1987 and requirements for the lodging of Bonds with the Department of Consumer Protection's Bond Administrator, the collection, lodgement and return of the bonds has become the responsibility of staff.

Since the units were built there has only been one instance where a bond has been used by the Shire to rectify minor damage and this was many years ago. The units are regularly inspected and five have been renovated in recent years. There have been no instances of damage by tenants and given the demographic of the tenants and the regular contact with Shire staff, the likelihood of requiring bond money to undertake repairs is extremely low.

Legal Implications

The Residential Tenancy Act 1987 and its 2013 amendments state that a property owner may require a bond but it is not a requirement for bond to be collected. Bond

monies will no longer need to be lodged with the Department of Consumer Protection.

Policy Implications

Council's policy on the allocation of pensioner units is silent on the matter of bond.

Financial Implications

Bonds held in Trust by the Shire do not attract interest so the financial implications to Council would be Nil. Staff time may be saved through no longer needing to administer bonds.

The low income residents of the units would have the financial benefit of their funds being returned.

Strategic Implications

Strategic Objective 3.7 – Community Infrastructure that meets the needs of families, youth, retirees.

Voting Requirements

Simple Majority Required

Date of Report

14 October 2013

12.4 AGED PENSIONER UNIT FENCING  
CP0002

Author

Executive Manager  
Tourism Community and Economic Development

Disclosure of Any Interest

Nil

Moved            Cr Ridgley  
Seconded       Cr Cowell

Officers Recommendation

1. That the pensioner unit fencing replacement project continue at an estimated cost of \$65,000.
2. That the proposed external painting of the pensioner units be postponed to a future financial year.
3. That an additional \$17,000 be transferred from reserves to complete the project.
4. The variation to the projects be included in the Budget Review to be undertaken in February 2014.

**AMENDMENT TO OFFICERS RECOMMENDATION**

Reason: Council considered that the transfer from reserves could be reviewed at a later date if required.

Moved            Cr Wake  
Seconded       Cr Hanscombe

Council Resolution

1. **That the pensioner unit fencing replacement project continue at an estimated cost of \$65,000.**
2. **That the proposed external painting of the pensioner units be postponed to a future financial year.**
3. **The variation to the projects be included in the Budget Review to be undertaken in February 2014.**

**5/0 CARRIED**

Background

The fencing at the Hughes Street pensioner units has undergone significant deterioration over the years, and although running repairs have been made on numerous occasions, the fences are no longer suitable to repair. One tenant recalls that Shire staff informed tenants that the fencing would be replaced over fifteen years ago but this has not eventuated.

The state of disrepair and surrounding safety issues for tenants makes the replacement of the fencing a high priority and Council approved an amount of \$30,000 to replace the fencing in the 2013/2014 budget.

Comment

Shire staff have measured the existing fences and designed a new fencing system which is more easily navigated, particularly by those tenants who use gophers as their primary means of transport. Tenants have been canvassed for their ideas on fencing types and it was agreed that solid fencing at a 1200mm height with a gate to the rear of each property would be most appropriate.

In September Shire staff requested quotes to replace the fencing from five contractors from the surrounding region, however to date only one quote has been received for \$65,175. Staff will continue to seek further quotes and look at alternative cost cutting measures, however it is likely that the cost of replacing the fences will be considerably more than the \$30,000 allocated in the budget.

If the replacement of the fencing is to proceed in this financial year, the remaining \$35,000 will need to be sourced from other areas. The current capital expenditure of \$83,000 allocated to the pensioner units in this financial year is broken down as follows:

Maintenance (refurbishments)	\$15,000
Fencing	\$30,000
Exterior painting	\$18,000
Plumbing	\$10,000
Landscaping	\$10,000

The \$15,000 allocated to refurbishment is a contingency amount only, based on two units becoming vacant this financial year and requiring significant renovations before being re-tenanted. Although it is difficult to predict when a unit will become vacant, five of the thirteen units have already been renovated and the remaining units may not require substantial renovation should they become available.

The \$10,000 allocated to plumbing is a contingency amount only and has been included in the budget as a precaution against further plumbing works being required after the major replacement of the water mains earlier in 2013.

The \$10,000 allocated to landscaping was included to cover the possible replacement of footpaths following the replacement of the fencing and is an indicative amount only.

The \$18,000 for exterior painting is a "nice to have" but not essential project. The exterior of the units has not been repainted since construction, however the paintwork is still in reasonable condition and not in urgent need of repair. This project could be postponed to the 2014/2015 financial year and the budgeted \$18,000 re-allocated to the fencing project.

Legal Implications

Nil

Policy Implications

**Council Policy 6.9 Reserve Fund Interest states interest earnings in any year be transferred from the Municipal fund to the Reserve Account on which the interest was earned.**

Although there is no specific Council Policy regarding maintenance of Shire owned properties, it is important to maintain properties in a serviceable condition to maintain their long term viability.

Financial Implications

The Shire has a Pensioner Unit Reserve to be used for the capital upgrade of the units. The Reserve's current balance is \$127,230, with \$83,000 to be transferred for the proposed capital works leaving a balance of \$27,230.

If the fencing project goes ahead at an estimated cost of \$65,000 and the proposed painting project is postponed, the Reserve balance would be \$17,000. This is based on all of the \$35,000 contingency allocation being expended.

Council may need to consider how the Pensioner Unit can be adequately funded to allow for buildings to be kept in a serviceable condition. This can be achieved by allocating the surplus from rental income to the Reserve or allocating specific amounts on an annual basis.

Strategic Implications

Strategic Objective 3.7 – Community Infrastructure that meets the needs of families, youth, retirees.

Voting Requirements

Simple Majority Required

Date of Report

15 October 2013

**13. TOWN PLANNING REPORT**

**13.1 PRELIMINARY PROPOSAL: PROPOSED SIGNAGE IN SHARK BAY ROAD RESERVE – ORIENTATION SIGN**

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.65 of *Local Government Act 1995*

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an employee of the Department of Parks and Wildlife and World Heritage

Moved            Cr Ridgley  
Seconded       Cr Hanscombe

**Council Resolution**

**That Council:**

- 1. Advise the Department of Parks and Wildlife that:**
  - (i) The sign proposal is generally supported and invite the Department to lodge a formal planning application form signed by the owner of the land.**
  - (ii) Department of Parks and Wildlife cannot sign the planning application form as the Department does not own the road reserve. It is recommended that Department of Parks and Wildlife liaise with the Department of Regional Development of Lands as Regional Development of Lands may need to sign as the landowner given it is crown land and the sign is not related to Main Roads Western Australia.**
- 2. Delegate authority to the Chief Executive Officer in accordance with Clause 11.3.1 of the Shire of Shark Bay Local Planning Scheme No 3 to determine the sign application once a formal valid application form has been received.**
- 3. Note that Main Roads Western Australia has issued a 5 year conditional approval for the sign and Shark Bay Road falls under their jurisdiction for traffic safety.**

**5/0 CARRIED**

Précis

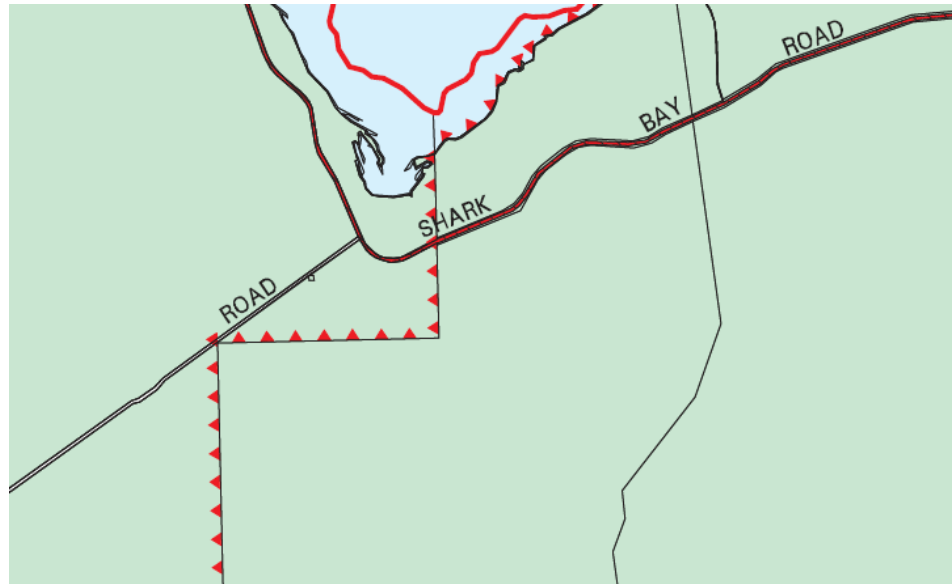
The Department of Parks and Wildlife has written to the Shire and advised that they would like to erect a sign within the Shark Bay road reserve.

A formal planning application form has not been lodged.

Background

Shark Bay Road is reserved 'Major Highways' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). The portion of Shark Bay Road adjacent to

the Useless Road intersection is also within the Special Control Area for the World Heritage Area.



MAJOR HIGHWAYS



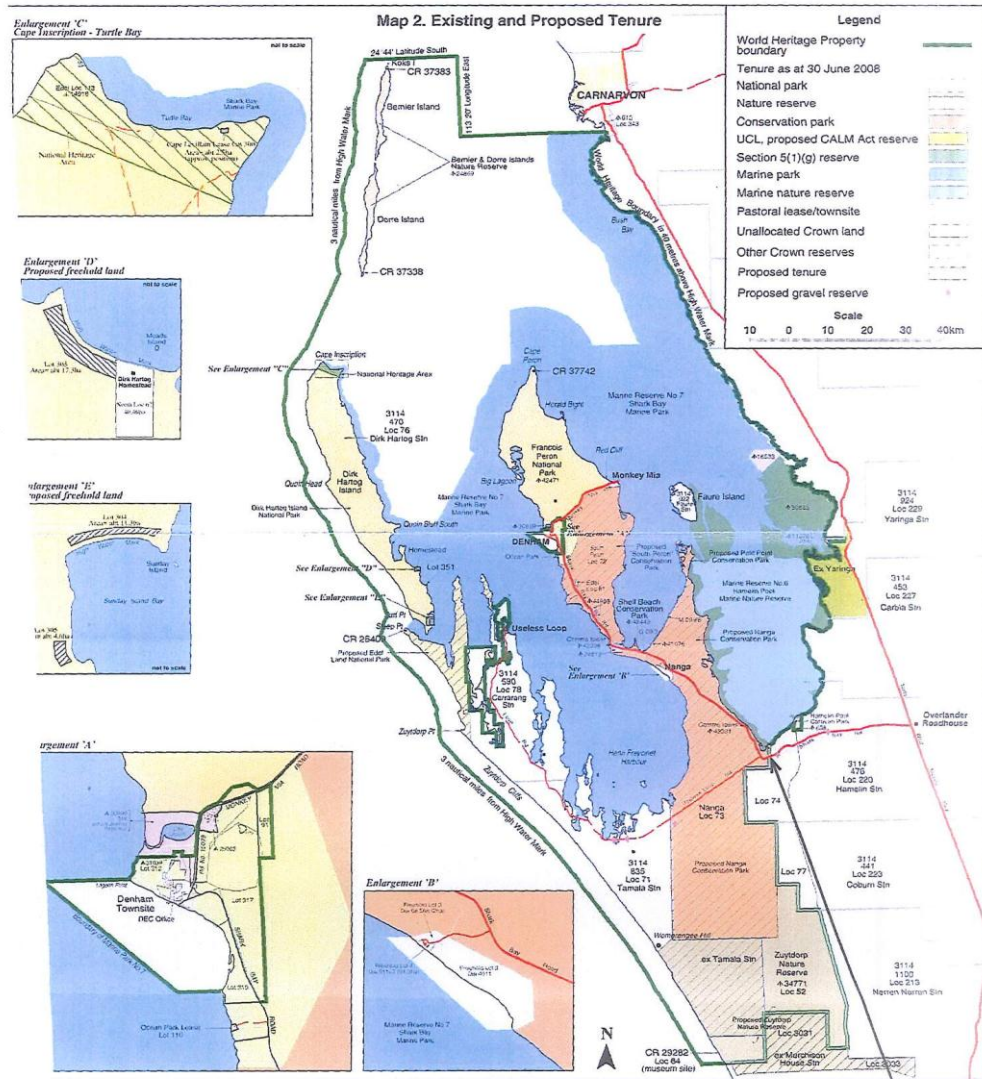
SPECIAL CONTROL AREA  
SCA(A) WORLD HERITAGE AREA  
(SEE SCHEME TEXT)

### Comment

- *Description of proposal*

The signage is proposed in road reserve of Shark Bay Road within an existing pullover bay / rest area. The nearest intersection is Shark Bay Road and Useless Loop Road.





Location of pullover bay and proposed sign on the Shark Bay World Heritage boundary along Shark Bay Road

The sign face will measure approximately 1.8 metres by 1.2 metres and have supporting poles of 1.8 metres high.

The sign will contain orientation information for visitors on world heritage and local attractions such as Monkey Mia, Steep Point, national parks and lagoons. It will contain a map of Shark Bay showing the locations of different attractions, camping areas, 4 wheel drive tracks and amenities.

The sign will promote the local area and does not include any commercial advertising component. An example sign face is included below.



ATTACHMENT 'A'

## Gathaagudu... two bays

### Welcome to Shark Bay World Heritage Area.

Shark Bay is known to the local Malgana people as Gathaagudu, meaning two bays. The area is World Heritage listed for its beauty and abundance, prehistoric life forms, evolution in action and wildlife refuges. Take a few days to experience this special place.

### World Heritage listed because...

**of its beauty and abundance**  
Shark Bay is outstanding for the abundance of life in its clear waters and the striking beauty of desert landscapes against a turquoise sea.

**it's a window in time**  
Hamelin Pool's stromatolites are the same life forms that dominated life on earth for 2200 million years and changed the world by breathing oxygen into the air.

**new habitats and species are evolving here**  
On land and in the sea, plants and animals from north and south meet at the edges of their ranges at Shark Bay. Combined with vast seagrass meadows and unusual salinity changes, the result is a mixture of life found only here.

**it's a wildlife refuge**  
Shark Bay's diverse habitats are refuges for rare, threatened or vulnerable plants and animals.

#### Stay safe

- Protect yourself from the sun
- It can be hot in Shark Bay, make sure you drink enough water to avoid dehydrating
- Be aware of coastal cliffs – they may be undercut and unstable
- Be aware of strong wind gusts when near cliffs
- Always swim, dive or snorkel with at least one other person
- When in the water be aware of boats
- When in the water be aware of potentially dangerous marine life, including sharks
- Be aware of stonefish when wading in the water (wear suitable footwear)

#### Visitor fees

Visitor fees apply to parks and reserves. These fees help pay for the costs of maintaining roads and facilities. Enquire at the Department of Environment and Conservation office in Denham about park passes (they are not valid for Monkey Mia Reserve).



MINUTES OF THE ORDINARY COUNCIL MEETING  
THURSDAY 31 OCTOBER 2013

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Landgate – checked 16.10.2013



Enlargement of pull over bay – within road reserve



- *Consultation*

Shark Bay Road is under jurisdiction of Main Roads Western Australia. Main Roads Western Australia has issued a 5 year conditional approval for the sign to Department of Parks and Wildlife on the 9 October 2013.

The application has not been formally referred to the Shark Bay World Heritage Advisory Committee, however the plans have been emailed to Committee members for information. It is understood that the sign will go through an internal approval process through Shark Bay World Heritage Advisory Committee.

- *Comment*

The size and scale of the proposed sign is considered to be compatible with the setting and will not detrimentally impact on the amenity of the area. The sign will be setback in the existing pullover bay.

#### Legal Implications

Planning and Development Act 2005 ('the Act') – There are exemptions for public works by public authorities under the Act however the only relevant public work listed is *'the protection and preservation of indigenous flora and fauna'*.

Shire of Shark Bay Town Planning Scheme No 2 ('the Scheme')

- There are exemptions for signs in Public Places and Reserves including *'advertisement signs relating to the functions of a public authority' ...'for management or control of traffic' .. and 'required to be exhibited pursuant to any public statute'*.
- Under Clause 11.3.3 the exercise of power of delegation under Clause 11.3.1 requires a decision of absolute majority as if the power had been exercised under the Local Government Act 1995.

#### Policy Implications

The Shire has a Local Law for 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places which has provisions for signs erected by the local government, advertisement signs, directional signs, portable signs and election signs.

None of the sign definitions in the Local Laws neatly apply as the proposed sign is by a public authority and promotes the attributes of the world heritage area.

Council could construe the sign as a "direction sign" which *"means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads, and if so may require approval of a separate sign licence.*

#### Financial Implications

The proposed signs will promote the area and may assist tourists to locate local attractions and accommodation.

#### Strategic Implications

The Shire may seek to expand on the exemptions for signs by public authorities as part of the Town Planning Scheme Review.

#### Voting Requirements

Absolute Majority Required

Date of Report

16 October 2013

**14. BUILDING REPORT**

Nil

**15. HEALTH REPORT**

**15.1 GENERAL PRACTITIONER FEASIBILITY REVIEW**

Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Hanscombe

Nature of Interest: Impartiality Interest as the local pharmacist

Officer Recommendation

A: That the Rural Health West general practitioner feasibility review be noted and endorsed and submitted to the Member for North West the Hon Vince Catania to support the Northern Health Initiative for the provision of a full time general practitioner to be situated in Denham.

Or

B: That further research be undertaken to identify the full cost associated with a Council provided general practitioner service and the impact upon the ongoing provision of ancillary health services and the Council of Australian Governments section 19 (2) exemption.

Moved Cr Hanscombe

Seconded Cr Wake

**Council Resolution**

**That the Rural Health West general practitioner feasibility review be noted and endorsed and submitted to the Member for North West the Hon Vince Catania to support the Northern Health Initiative for the provision of a full time general practitioner to be situated in Denham.**

**5/0 CARRIED**

Cr Hanscombe would like to see changed made to the Statement on page 13 of the report to take out specific business names.

Background

The Council has been considering strategies to increase the provision of health services in the community predominately based around the placement of a general practitioner in Denham.



Rural Health West were contacted to conduct an assessment into the viability of the Shire seeking a permanent part time or a full time general practitioner

Comment

The report (attached) findings.

The local member for the North West has indicated that the Northern Health Initiative being funded through Royalties for Region has the capacity to have a doctor domiciled in Denham on a full time basis. The report supports this concept and should be utilised to support this initiative.

Any proposal should utilise and add to the Health Facilities that have been identified in the report and not detract from them in any way.

This could be achieved by having the full time provision of general practitioner services being sourced from the services currently provided from the Carnarvon health services and utilising the Silver Chain facilities.

While there may be some reduction in ancillary services the provision of a full time general practitioner may compensate for these reductions.

The report also highlights some issues that the Council needs to be aware of and recommends further research be undertaken to identify the impact that private general service provision would have on the Council of Australian Governments 19 (2) exemption and continuing medical services from Carnarvon.

The Council could also consider providing a general practitioner through its own resources, however this could involve significant costs and agreement with Silver Chain to lease a portion of their premises unless the Council considered building a surgery.

Rural Health West advised that the costs associated with operating a service of this nature can be very costly, while there are grants and subsidies available the lack of general practitioners and the subsequent expectations and demands that this shortage creates has driven up the cost to provide this service in the county.

While there may be opportunities to generate some income from a private general practitioner business the communities expectations and ability to pay for a service of this nature may limit the probability of the business.

If the Council considers it should provide the service then a comprehensive business case clearly identifying the cost impacts should be undertaken to ensure the Council is aware of the implications and can take measures to address them.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

It could be anticipated that the Northern Health initiative through the States Royalties for Regions model could provide the service at minimal cost to the Council however this is yet to be confirmed.

There may be a requirement for the Council to provide leverage funding to ensure the provision of a service and this will need to be negotiated at a later date.

However, it could be anticipated that any leverage funding would be significantly less than a Council provided service.

The report indicates that the average minimum income for a full time general practitioner is \$250,000.

If the Council considers that the provision of a general practitioner on a subcontract or employee agreement to be the preferred model of services to the shire a full cost impact assessment and business case should be undertaken to ensure the Council is aware of all the cost implications.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

7 October 2013





## **Shire of Shark Bay private general practitioner feasibility review**

September 2013

*Supporting Western Australia's  
rural and remote health workforce*

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**2** Private general practitioner feasibility review: Shire of Shark Bay | Rural Health West

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## Objective

At the request of the Shire of Shark Bay, two Rural Health West representatives visited the towns of Denham and Monkey Mia on Friday 12 July 2013.

The purpose of the visit was to conduct an assessment on the viability of the Shire of Shark Bay seeking a permanent part time or full time private general practitioner.

In preparing this viability report, Rural Health West considered the following factors:

- Resident and tourist population
- Existing primary health care services
- Housing
- Potential Shire of Shark Bay contributions and financial support
- Patient demographics.

Consultation was undertaken with the Shark Bay Silver Chain Nursing Post Nurse Practitioner, Shire of Shark Bay council members and a private pharmacist who provides services to the Shire of Shark Bay.

## Shark Bay Profile

### The Shire of Shark Bay

Located in the Upper Gascoyne region of Western Australia, the Statistical Local Area (SLA) of Shark Bay (S) has an area of 24,140.2 square kilometres<sup>(1)</sup>. It encompasses the coastal town of Denham, which is the central administrative and shopping precinct of the Shire of Shark Bay; and Monkey Mia, a popular beach based tourist destination. The Shire of Shark Bay is predominately a tourist town. On the world map for international back-packers and a regular destination for 'grey nomads' and families, the resident dolphin pods attract tourists from all over the world. The mild climate and southerly winds also may it ideal for water sports such as wind surfing, paragliding and sailing.

Nearby, the locality of Useless Loop is a closed company salt mining town.

In 1991 Shark Bay was declared a World Heritage Listed site for its natural values. The Shark Bay World Heritage Area stretches for 2.2 million hectares along the coast of Western Australia and is one of only two World Heritage Listed sites in Western Australia, the other being Purnululu National Park. Shark Bay satisfied all four of the natural criteria for World Heritage listing based on its natural beauty, biological diversity, ecological processes and Earth's history.

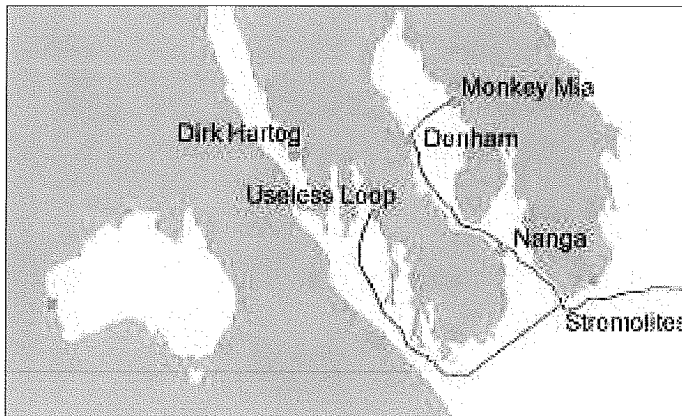


Image 1: The location of the Shire of Shark Bay

## Population

At the 2011 Australian Bureau of Statistics Census<sup>[1]</sup>, the population of Shark Bay SLA was calculated at 857. However the population regularly exceeds this due to the volume of tourists passing through the SLA, in particular during the peak tourist season from the Easter school holidays through to the end of the September school holidays. The busiest time of the year is the southern hemisphere's winter or 'dry season' which falls in the July school holidays. Retirees and visiting 'grey nomads' aged between 55 and 85 have comprised more than 40 per cent of the population over the last ten years.

The resident population also includes approximately 73 Aboriginal or Torres Strait Islander people. This is 8.3 per cent of the population, compared to a national average of 2.5 per cent.

Population age groups are described in the table below.

### Shark Bay population by age group

Age group	2001 Census	2006 Census	2011 Census
0-4 years	4%	4%	5%
5-14 years	8%	7%	5%
15-19 years	2%	3%	2%
20-24 years	4%	5%	4%
25-34 years	12%	11%	11%
35-44 years	13%	11%	10%
45-54 years	16%	15%	13%
55-64 years	18%	22%	23%
65-74 years	18%	16%	21%
75-84 years	6%	7%	8%
85 years and over	0%	0%	1%

The Census Time Series Profile (below) demonstrates no significant population rate change over the past three surveys.

	2001 Census	2006 Census	2011 Census
Total persons	2,153	2,041	2,152
Including overseas visitors	128	192	187



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THURSDAY 31 OCTOBER 2013

The numbers of visitors are reflected in the 2011 Census, as described below.

Count of visitors from other Statistical Areas (1):	
New South Wales	64
Victoria	140
Queensland	45
South Australia	39
Western Australia	903
Tasmania	9
Northern Territory	6
Australian Capital Territory	0
Other Territories	0
<b>Total visitors</b>	<b>1,206</b>

Count of persons in private and other dwellings at the time of the count <sup>(f)</sup> :	
Count of persons in occupied private dwellings (f)	745
Count of persons in other dwellings (f)(g)	1,222

(f) Data are based on place of enumeration.

(g) Includes 'Visitors only' and 'Other non-classifiable' households, 'Non-private dwellings' and 'Migratory, off-shore and shipping' SA1s.

### Local schools

Shark Bay School caters for children from kindergarten to year twelve with secondary students accessing the majority of their curriculum through the School of Isolated and Distance Education (SIDE)<sup>(h)</sup>.

Primary	Kin	PPR	Y01	Y02	Y03	Y04	Y05	Y06	Y07	Total
Full Time	(7 FTE)	12	9	9	11	6	3	7	10	74

Secondary	Y08	Y09	Y10	Y11	Y12	Total
Full Time	2	6	5	1	2	16

## Government classifications

The Australian Government uses a number of location classifications when determining access to some programs, including exemptions from restrictions on medical practice for overseas trained doctors and incentives.

### Australian Standard Geographical Classification Remoteness Area (ASGC-RA)

The Australian Standard Geographical Classification Remoteness Area (ASGC-RA) is a geographic classification system that was developed in 2001 by the Australian Bureau of Statistics (ABS), as a statistical geography structure which allows quantitative comparisons between metropolitan and rural Australia.

The ASGC-RA categories are listed below, with rural workforce incentives available for categories ranging between ASGC-RA2 to ASGC-RA5:

ASGC-RA1 - Major Cities of Australia  
ASGC-RA2 - Inner Regional Australia  
ASGC-RA3 - Outer Regional Australia  
ASGC-RA4 - Remote Australia  
ASGC-RA5 - Very Remote Australia.

Shark Bay is located in an ASGC-RA 5<sup>(iv)</sup>.

### District of Workforce Shortage

A District of Workforce Shortage (DWS) is an area of Australia in which the population's need for healthcare has not been met. DWS is determined by the Australian Federal Government Department of Health and Ageing, Canberra.

Overseas trained doctors (OTDs) and foreign graduates of an accredited medical school (FGAMS) who commenced working as a doctor in Australia after 1 November 1996 are subject to section 19AB of the Health Insurance Act 1973 (the Act). Section 19AB of the Act restricts access to Medicare provider numbers and requires OTDs and FGAMS to work in DWSs in order to access Medicare benefits for up to ten years. This is also sometimes referred to as the ten year moratorium.

As at 1 August 2013 Shark Bay holds District of Workforce Shortage status<sup>(vi)</sup>.

### Area of Need

An Area of Need (AON) is a location in which there is a recognised lack of specific medical practitioners or where there are medical positions that remain unfilled even after recruitment efforts have taken place over a period of time.

AON for general practitioners is restricted to rural and outer metropolitan regions but can be applied to positions in either the public or private sector. For Western Australia (WA) the program is managed by WA Health. The program supports health service providers who are experiencing a medical workforce shortage and can demonstrate that they have been unable to recruit an Australian-trained medical practitioner to the vacant position.



The Medical Board of Australia may consider granting conditional registration to an overseas trained doctor (OTD) limited to working under supervision in an Area of Need for a period of time. Once achieving an Australian recognised specialist qualification, an OTD is no longer restricted to AON. Shark Bay is currently recognised as an Area of Need<sup>(iv)</sup>.

### Scaling discounts

Scaling is a non-cash incentive offering OTDs and FGAMS opportunities to reduce the ten year moratorium restriction period by working in rural and remote areas. Time reductions are significantly greater for doctors who choose to work in more remote areas and are described in the table below<sup>(vii)</sup>.

ASGC-RA	RA-1	RA-2	RA-3	RA-4	RA-5
Period of restriction	10 years	9 years	7 years	6 years	5 years

As Shark Bay is an ASGC-RA 5 location; the ten year moratorium may be reduced to five years.

Note: All classifications and incentives are current at 1 August 2013 but are subject to change.

## Existing health services

### Medical Services

The Shire of Shark Bay is provided with a range of medical services. These include:

- Carnarvon Multi Purpose Service Visiting Medical Officers
- Visiting allied health services
- Silver Chain Nursing Post
- Royal Flying Doctor Service
- Shark Bay St John Ambulance Sub Branch.

### Carnarvon Multi Purpose Service

The Carnarvon Multi Purpose Service, operated by the WA Country Health Service Midwest Region, provides a roster of Visiting Medical Officers (VMOs) to Shark Bay on a weekly basis. Appointments are available on Mondays between 9.00am and 3.30pm, Thursdays between 1.30pm to 3.00pm and on alternating weeks Thursdays from 9.00 to 3.00pm. All appointments for the medical practitioner and allied health professionals are accommodated at the Shark Bay Silver Chain Nursing Post. The VMO also provides services on Thursdays to Useless Loop.

The Carnarvon Multi Purpose Service and visiting service to Shark Bay are approved sites for the Council of Australian Governments (COAG) 19(2) Exemption Initiative<sup>[viii]</sup>, which provides exemptions under Section 19 (2) of the Health Insurance Act 1973. This exemption enables Medicare rebates to be claimed for state-remunerated primary health care services (for non-admitted and non-referred patients) in some rural and remote communities of:

- Less than 7,000 people
- Non-major city
- District of Workforce Shortage.

Under this arrangement, all eligible patients are bulk billed for general practitioner appointments with Medicare funds generated delivered directly back to the Shark Bay community. The 19(2) income currently funds the diabetic educator service and in the future will contribute to a new Polycom Telehealth unit.

The WA Country Health Service (WACHS) also provides an extensive range of visiting allied health services including:

Service	Regularity	Mode of transport
Child Health Nurse	Every two months	Flight with the VMO
Child and Adolescent Mental Health Worker	Every three weeks as required	Flight with the VMO
Adult Mental Health Nurse	Every two to three weeks	Drives from Carnarvon
School Health nurse	Once a school term	Flight with the VMO
Physiotherapist	Every 2 weeks	Flight with the VMO

Speech Therapist	As required	Flight with the VMO
Occupational Health Therapist	Once a month or as required	Flight with the VMO
Drug and Alcohol Counsellor	As required	Flight with the VMO
Dietician	As required	Flight with the VMO
Aged Care Nurse	As required	Drives from Geraldton
Geriatrician	Twice a year	Flight with the VMO

**Visiting allied health services**

Service	Regularity	Mode of transport
Podiatrist – Geraldton Midwest Medicare Local	Every six weeks	Drives from Geraldton
Diabetic Educator – Silver Chain	Once a month	Via video conference
Optometrist – Private practitioner	Four times a year	Drives from Geraldton
Chiropractor – Private practitioner	Every two weeks	Drives from Carnarvon

**Silver Chain Nursing Post**

The Silver Chain is a not for profit organisation funded by the Australian Government to provide a range of nursing services to clients in their homes or at Silver Chain service centres. Patients holding an Australian Medicare Card or reciprocal health care arrangements (from countries such as New Zealand or the United Kingdom) are not charged to receive medical services at the Silver Chain Nursing Post. Patients without access to the Australian Government health care arrangements are charged a private fee which may be reclaimed from travel insurance. All patients are charged a private fee for consumables such as bandages, eye patches, continence pads, wheelchairs or oxygen tanks, which are not claimable through the Medicare system.

The Shark Bay Nursing Post is staffed by two remote area nurses who provide:

- 24 hour Emergency care
- Routine care during business hours
- Primary Health Care programs
- Health promotion
- Wellness programs
- Chronic health care.

A full time nurse practitioner is also on staff to:

- Provide advanced assessment and management of clients
- Refer to specialists and other health care professionals
- Prescribe medications
- Order diagnostic investigations.

The nurse practitioner can also attract Medicare income through the Medicare Benefits Schedule (MBS) for eligible services. Patients are bulk billed for these services.

The Shark Bay Silver Chain Nursing Post reports the following availability of appointments with visiting medical practitioners for the period July 2012 – June 2013:

- 1,439 appointments were available
- 1,254 appointments were booked
- 108 patients did not arrive or cancelled appointments
- 79 per cent of appointments were utilised.

### **Royal Flying Doctor Service (RFDS)**

The RFDS Western Operations provides the primary health care services of the Rural Women GP Service. Dr Katherine (Katie) Templeman conducts sessions in Shark Bay for two days every three months. This service is provided under a drive in drive out model from Geraldton.

### **Shark Bay St John Ambulance Sub Branch**

The Shark Bay St John Ambulance Sub Branch is staffed by volunteers.

### **Pharmacy services**

There is a privately run pharmacy open six days a week and Sundays for emergencies.

### **Dental services**

The public health dental van visits twice per annum in November and January.

## Consultation

Consultation was carried out with members of the Shark Bay Shire Council, the nurse practitioner from the Silver Chain Nursing Post and the local private pharmacist.

During the peak tourism period the Shire Council reported a wait of up to two weeks for a standard consultation with the visiting doctor. Council members also reported local concern that consultations were not always with the same doctor due to the rostering system. Although requests can be made to the WA Country Health Service for a specific doctor to return from Carnarvon for follow up, this can further delay access to an appointment.

Urgent cases are attended to by the Silver Chain and ambulatory services and there is not usually a waiting list for Silver Chain appointments with the nurse practitioner(s).

~~The Shire Bay Shire Council members stated they would ideally prefer a five day a week~~ general practitioner service to meet the community needs year round, and whilst the RFDS Rural Women's GP Service provides a service two days every three months, a female GP to provide more access to pap smears would be preferred as the Silver Chain staff do not perform these.

Both the Shire Council and the Silver Chain Nurse Practitioner identified additional requirements in:

- Physiotherapy
- Dental
- Podiatry
- Skin cancer checks.

The Shire of Shark Bay has a long term preference to encourage more retirees and aged persons to the area for longer periods of visit, or even to move permanently to the area. They feel that access to a consistent health care team would be advantageous to this plan.

Although current residents and visitors who have access to the Australian Medicare system are bulk billed and therefore not out of pocket for consultations with the nurse practitioner, visiting WACHS doctors and allied health services, the Shire Council thought that some community members may be willing to pay for consultations, whereas, others will be resistant.

The resident pharmacist stated that his business was impacted by local residents travelling out of town to see their preferred private GP and filling their prescriptions in larger regional centres. Should a resident private GP be available in Shark Bay it is possible that some of these patients would remain in town for medical treatment, but others may continue to travel to see their preferred GP.

## General practitioner employment models

The types of general practitioner employment models that would be suited to Shark Bay are:

### Self-employed private practitioner

The self-employed private practitioner model involves a the general practitioner establishing a private business, leasing or purchasing premises, providing all medical equipment, software and hardware, responsible for staff employment, and retaining all practice earnings.

### Subcontract agreement

In a subcontract arrangement the general practitioner would be subcontracted by an entity, typically the local Shire or a practice owner, to provide general practice services on behalf of the entity. Subcontract arrangements usually involve the general practitioner paid on a percentage of billings basis, flat rate or a combination of a percentage and flat rate, which-ever is the highest.

### Employee

In this circumstance the employer would usually be the local Shire or a practice owner. As an employee, the general practitioner could be employed under a salaried model and paid a nominated salary per annum or paid on a percentage of billings basis, flat rate or a combination of a percentage and flat rate, which-ever is the highest.

### Prerequisites

The ideal general practitioner will have Vocational Registration through holding Fellowship of either the Royal Australian College of General Practitioners or the Australian College of Rural and Remote Medicine, as there is unlikely to be support for a doctor requiring any level of supervision.

In the case of the first two employment models outlined above, the general practitioner would need to be an Australian citizen or have permanent residency in Australia, in order to be able to employ staff such as a receptionist or practice nurse.

## Practice Premises

There is no purpose built private premises in Denham from which to operate a general practice.

Existing Silver Chain premises in Shark Bay are well suited to delivery of general practice services. In addition, the organisation has well established administrative systems. Leasing of rooms and/or procuring administrative services from the Silver Chain could be explored as an option for a private general practitioner.

Practice premises should ensure patient safety and quality of care, patient access and have space to accommodate minor surgical procedures such as skin cancer removal.

General practice premises should be suitable for accreditation to the Royal Australian College of General Practitioners (RACGP) 4<sup>th</sup> edition Standards for General Practices<sup>83</sup> to enable general practitioners to access Practice Incentive Program (PIP) income<sup>84</sup>.



## Income streams for general practitioners

General practitioner income and incentives applicable to the location of Shark Bay are listed below. Availability of the items listed will be dependent on a range of factors and may not be suitable for all general practitioners.

Stream	Description	Availability in Shark Bay
<b>Practice income / salary</b>	Calculated weekly, fortnightly or monthly a GP's salary (or invoice for a contractor) is usually paid on a percentage of billings basis, flat rate or a combination of a percentage and flat rate, which-ever is the highest.	A solo, private billing GP may draw an income from his practice billings at a set dollar rate per period or on a percentage billed/received. The average minimum income for a full time general practitioner is estimated at \$250,000 per annum
<b>Patient co-payments (Gap)</b>	A patient co-payment or 'gap' is the out-of-pocket expense between what Medicare Australia pays for a Medicare Benefit Schedule (MBS) item and what a GP charges the patient for that particular item.	A private GP in Shark Bay may charge a private rate to his/her patients over and above the Medicare rebate. Average attendance charges: <ul style="list-style-type: none"> <li>Level B Standard Consultation: \$70 (Medicare rebate of \$36.30)</li> <li>Level C Long Consultation: \$100 (Medicare rebate of \$70.30)</li> </ul>
<b>Bulk billing</b>	A GP may bill Medicare Australia instead of a patient for the consultation. This is known as bulk billing. If a GP bulk-bills, he/she undertakes to accept the Medicare Benefit Scheme (MBS) fee as full payment for the consultation and additional charges for that service cannot be raised against the patient. Eligibility requirements apply for both the GP and the patient.	A 100 per cent bulk billing practice in a community the size of Shark Bay would not be considered viable. However a private GP may choose to bulk bill health care, concession or pension card holders. A GP bulk billing concession card holders can access the additional Medicare item number 10990 which provides an additional schedule fee of \$6.90. Bulk billing patients under 16 years of age can also access Medicare item number 10991 which provides an additional fee of \$8.90.
<b>On call retainers</b>	In a town where on call is required a GP may be paid a retainer by the employing practice or WA Country Health Service in return for being available at all hours of the on call period.	As there is no WACHS facility in Shark Bay it is unlikely that there would be an on call retainer available. The Shire of Shark Bay may consider offering an on call retainer if this is necessary.
<b>After hours billings</b>	Private, public, Department of Veterans' Affairs or MBS fees may be charged to a patient where a GP has been called out to an after-hours emergency, attendance at a hospital, home or aged care facility.	Any after-hours call outs made to the private GP may incur a private fee. Medicare rebates may be available to eligible patients. At present, the Shark Bay Silver Chain Nursing Post provides a 24 hour, free emergency service.



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<b>Private hospital inpatients</b>	Where a GP consults a patient in a private hospital, the patient may be charged a private fee. This is in addition to hospital fees and may be claimed for a rebate from Medicare Australia or a private health fund.	There is no private hospital in the vicinity of Shark Bay. The closest service is St John of God Hospital in Geraldton. Income generation from this source is unlikely.
<b>Practice Incentives Program</b>	An accredited practice is eligible for Practice Incentives Program (PIP) payments. These payments are paid quarterly to the practice based on PIP activity.	To access these incentives, a practice requires accreditation to the Royal Australian College of General Practitioners Standards for General Practices.
<b>Telehealth Incentives</b>	Rural and remote GPs who enable patients to consult with specialists via Telehealth are eligible for financial incentives including an on-board incentive, service incentive and bulk billing incentive.	In addition to the incentive program, eligible and participating GPs can access Telehealth MBS item numbers which provide benefits for Medicare and Department of Veterans' Affairs patients.
<b>Provision of or allowances for non-cash incentives</b>	Non-cash incentives and allowances may also be considered by the employing practice or local government authority (Shire). Conditions, values, restrictions and availability should be included in the contract or agreement.	Examples include free or subsidised practice facilities, accommodation, internet use, mobile phone, vehicle and/or a fuel card.
<b>Regional allowances</b>	Some mining and industrial organisations may supplement medical service providers with additional income, housing or travel support to compensate for the additional work created by fly-in-fly-out workers and site visits.	There is minimal mining and industry in Shark Bay to consider this. There may be some potential for a private GP providing regular visiting services to the salt mine at Useless Loop.
<b>Medical Service Agreements</b>	Medical practitioners engaged by WA Country Health Services come under a Medical Services Agreement (MSA). MSA arrangements cover local general practitioners, resident and visiting specialists, and locums (collectively referred to as Visiting Medical Practitioners - VMPs) for any public in-patient and emergency department services.	There is no WACHS facility in the Shire of Shark Bay. The closest services are located in Geraldton or Carnarvon. Income generation from this source is unlikely and limited unless the private GP comes to an agreement with WACHS to provide services on their behalf.

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<b>General Practice Rural Incentives Program</b>	<p>The General Practice Rural Incentives Program (GPRIP) aims to encourage GPs to practise in rural and remote communities and to promote careers in rural medicine.</p> <p>For rural GPs, the GPRIP includes:</p> <ul style="list-style-type: none"> <li>◦ Rural Relocation Incentive Grant</li> <li>◦ Retention Incentive – GP Component</li> </ul> <p>Eligibility criteria apply for these programs and should be considered in detail.</p>	<p>Rural Relocation Grant: A GP relocating from an ASGC- RA 1 location to Shark Bay (ASGC- RA 5 location) may be eligible for up to \$120,000 (\$60,000 per annum)</p> <p>Retention Incentive – GP Component: As a retention incentive, GPs may be eligible for up to \$47,000 over five years of service in the Shire of Shark Bay (as an ASGC- RA 5 town)</p>
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## Findings

### General practitioner need

This review has determined that the Shire of Shark Bay is well serviced by existing medical services. During the peak travel season a wait of up to one week is likely for an appointment to see a visiting medical practitioner. Emergencies are responded to and treated either on-site, or transferred via ambulance or Royal Flying Doctors Service to Geraldton or Carnarvon under the guidance of the St John of God ambulance volunteers and / or the Silver Chain Nursing Post clinical staff.

Anecdotal feedback suggests that many older tourists delay seeking treatment for their chronic medical conditions and repeat prescriptions until visiting the Silver Chain Nursing Posts along the coast of Western Australia, as there is no consultation charge for nursing post appointments. This practise impacts on the availability of appointments for the resident population.

Although the area is well serviced, a full time, five day a week private general practice service could be sustained with a suitably qualified and pro active medical practitioner providing a full range of services including preventative health care clinics, health promotion, general practice care plans and chronic disease management.

There are currently no purpose built premises are available from which to operate a private general practice, although it may be possible for a private GP to lease consulting room(s) from the Silver Chain Nursing Post. General practice premises should be suitable for accreditation to the RACGP 4th edition Standards for General Practice, including ensuring compliance with the physical factors outlined in the Standards. Practice accreditation will enable the general practitioner to access PIP income. Practice premises should also have space to accommodate minor surgical procedures such as skin cancer removal.

The ideal private general practitioner for Shark Bay would be a practitioner with an interest in working under a self-employed model and operating his/her own general practice, willing to provide on-call and after-hours services within the Shire. Current emergency skills, dive medicine and skin cancer detection equipment would also be advantageous, given the needs of the community. The Shire of Shark Bay would consider supplementing a private general practitioner's income to attract and retain a GP if deemed necessary,

The GP would preferably have Vocational Registration through holding Fellowship of either the Royal Australian College of General Practitioners or the Australian College of Rural and Remote Medicine, as there is unlikely to be support for a doctor requiring any level of supervision.

Under the self-employed model, the GP must be willing to purchase practice equipment, medical supplies, medical software and hardware and to employ practice staff.

The Shark Bay location provides an excellent lifestyle opportunity for a GP and his or her family. No issues relating to lack of accommodation were identified and the local school has classes from kindergarten through to Year 12.

**Other considerations**

As the Carnarvon Multi Purpose Centre is an approved location for the COAG 19 (2) Exemption Initiative, it is recommended that research be undertaken to identify any impact that private general practice service provision could have on this exemption and continuing medical services from Carnarvon.

Should a private GP set up in the Shire of Shark Bay, the WA Country Health Service may reduce or cancel the VMP from the Carnarvon Multi Purpose Service. As the majority of visiting allied health services also travel to Shark Bay on the doctor's flight from Carnarvon, the issue of travel expenses and arrangements for these health practitioners will need to be considered.

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**20** Private general practitioner feasibility review: Shire of Shark Bay | Rural Health West

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**16. WORKS REPORT**

Nil

Moved Cr Ridgley  
Seconded Cr Wake

**Council Resolution**

**That Council Suspend Standing Orders at 11.27 am**

**5/0 CARRIED**

Mr Geoff Parnell, Director of Hames Sharley Strategic Services gave a presentation to Council on the Foreshore and Main Street Revitalisation Plan.

Moved Cr Ridgley  
Seconded Cr Hanscombe

**Council Resolution**

**That Council reinstate Standing Orders at 12.22 pm.**

**5/0 CARRIED**

**19.2 Ordinary Council Meetings – Commencement Time**

**Author**

President

**Disclosure of Any Interest**

Disclosure of Interest: Cr Cowell  
Nature of Interest: Impartiality Interest as author of the report.

**Councillor Recommendation**

That the starting time of the Ordinary meetings of Council be amended to 2.30 pm for a trial period of 6 months commencing with the November 2013 meeting.

**AMENDMENT TO COUNCILLOR RECOMMENDATION**

Reason:

Moved Cr Ridgley  
Seconded Cr Hanscombe

**Councillor Recommendation**

**That the starting time of the Ordinary meetings of Council be amended to 3.00 pm for a trial period of 6 months commencing with the November 2013 meeting.**

**4/1 CARRIED**

**Background**

The Ordinary Council Meetings have historically been held on the last Wednesday in each month commencing at 9.00 am.

The current starting time has recently been discussed informally by councillors due to the difficulty of some councillors being able to attend the meetings at the established commencement time of 9.00 am due to personal or business commitments.

The current starting time may also be an impediment to a person considering standing for Council in future whose business or personal commitments prohibits them from attending Council meetings during essentially business hours.

#### Comment

The proposal to vary the meeting start times has merit, particularly where the current format can disadvantage individuals who have personal or business commitments during the day that require them to either take personal leave from their employment or creates staffing issues with their business.

It is considered that attendance at Ordinary Council meetings by members of the public is likely to increase with a later start to meetings, particularly for those either employed or conducting their own businesses.

The start time change can be reviewed by Council at any stage with amendments being published in accordance with the Local Government Act regulations.

It is of course crucial to ensure the public is informed of any change as this impacts upon their ability to attend Council meetings and make representations at public question time.

#### Legal Implications

The *Local Government Act 1995* section 5.25(1)(g) requires the Council to give Local Public Notice of the dates and times of the meetings for the next 12 months and Local Public Notice of any proposed change to the previously published times and dates.

#### Policy Implications

Nil

#### Financial Implications

The financial impact of any amendment to the commencement and subsequent finish time of a Council meeting would be as follows.

If Council adopted a later start time the provision of lunch would be replaced by an evening meal, the cost of this meal would be dependent upon the manner in which it was catered and/or if Council had the meal after the meeting. The costs also vary dependent upon Council, staff and guest numbers.

There would also be a reduction of morning tea costs, however as these are currently in the vicinity of \$50-\$75 per meeting, it is negligible.

The approximate cost at present is \$250.00 per meeting for lunch.

Estimated cost for an external evening meal and refreshments could be \$35-\$50 per person perhaps \$420-\$600.

There is also the possibility that one or more councillor may need to be accommodated overnight. This may vary dependent upon where the councillors are domiciled and the time of closure of the meeting.

Estimated cost \$150 per person per night including breakfast. This cost may be offset by the utilisation of the unit the council is renting at Hughes Street.

	Morning Start	Afternoon Start
Morning tea	\$50	0
Lunch	\$250	0
Afternoon tea	\$50	\$50
Evening meal 12 @ \$40 each	0	\$480
Accommodation 1 @\$150	0	\$150
Total per meeting	\$350	\$680

There may be an issue with overtime / time in lieu dependent upon the finishing times of the meeting. There is also the staff costs to take into consideration, all contract staff are not paid overtime and are required to work reasonable hours to fulfil their duties. However there may be some concession in taking time off equivalent to the hours worked after normal business hours. Non contract staff above certain levels in the award are not paid overtime also, but there would be an expectation to take time in lieu. This will, due to staff resources, make an impact upon productivity. If there is any overtime paid this would increase costs to the Council.

#### Strategic Implications

Nil

#### Voting Requirements

Simple Majority Required

Date of Report            29 October 2013

### 19.3 Monkey Mia Jetty

#### Author

Chief Executive Officer

#### Disclosure of Any Interest

Disclosure of Interest: Cr Ridgley

Nature of Interest: Financial Interest as user of the Monkey Mia Jetty

Cr Ridgley asked to be allowed to return to speak on the item.  
Cr Ridgley left the Council Chamber at 12.39 pm.



Moved Cr Hanscombe  
Seconded Cr Wake

**Council Resolution**

**That Cr Ridley be invited to return to the Council Chamber to speak on the item.**

**4/0 CARRIED**

Cr Ridgley returned to the Council Chamber at 12.48 pm.

Cr Ridgley addressed the Council in regard to the issues associated with the Monkey Mia jetty and current Local Laws.

Cr Ridgley left the Council Chamber at 1.00 pm.

The President adjourned the Ordinary Council meeting at 1.00 pm.

The President reconvened the Ordinary Council meeting at 1.37 pm.

The President announced that Council would consider item 19.4 before returning to item 19.3 Monkey Mia Jetty.

19.4 PROPOSED SINGLE HOUSE (TRANSPORTABLE BUILDING) – LOT 311 (3) LEEDS COURT, DENHAM  
P1495

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest, as receive planning fees for advice to the Shire – Section 39.639 of *Local Government Act 1999*

Moved Cr Hanscombe  
Seconded Cr Capewell

**Council Resolution**

**That:**

- 1. The application for a single dwelling (transported dwelling) and amended plans received on the 30 October 2013 be referred to adjacent landowners and the Water Corporation for 14 days consultation in regards to the rear setback variation.**
- 2. A further report be referred to Council following consultation.**

**4/0 CARRIED**

Précis

Council is to consider an application for a single house on Lot 311 (No 3) Leeds Court, Denham. The single house will be a transportable building.

Background

The subject lot is vacant and adjacent Lots 312 to the north and 310 to the south have already been developed. The lot slopes upwards from west to east, so the levels at Leeds Court are lower than the levels at the rear boundary.

It appears that the adjoining lots may have lower ground levels and the lots have been cut into for development.

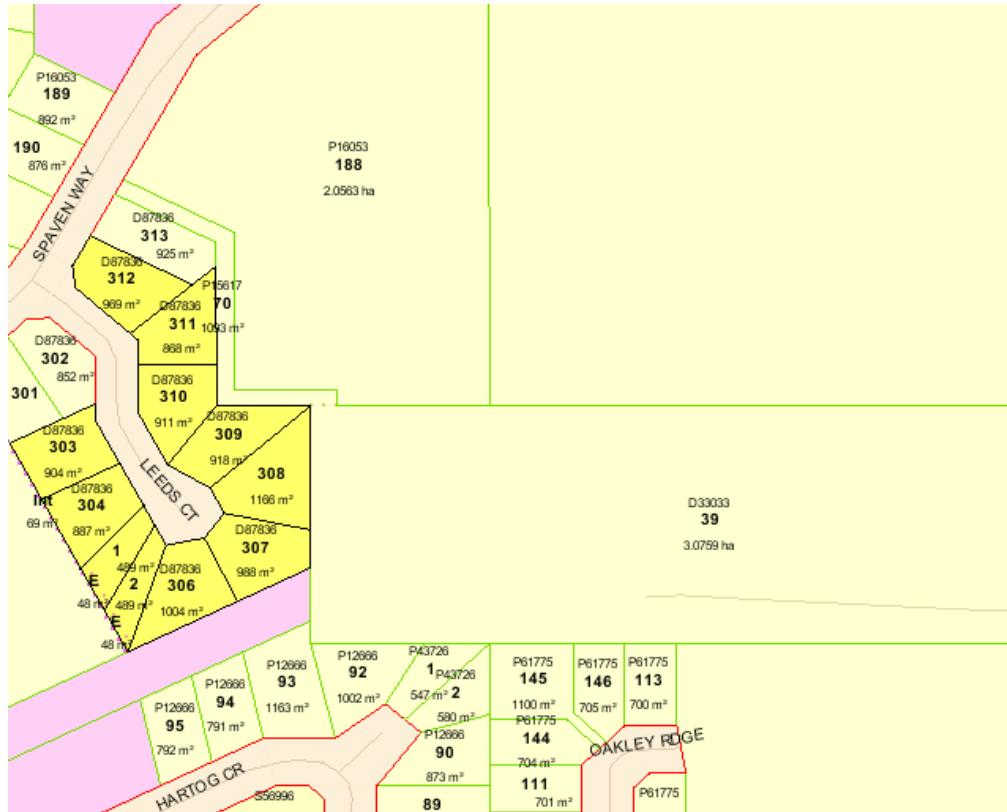


Photograph by applicant – shows Lot 311 and adjacent Lot 312

The applicant has lodged a site plan showing the original ground levels range from a 23 contour at the front lot boundary to a 26 contour at the rear boundary.

Lot 311 is zoned 'Residential R12.5/30' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The rear boundary of Lot 311 backs onto Lot 70 which is zoned 'public purpose' under the Scheme for water supply and joins Lot 39 which contains Water Corporation infrastructure.



Comment

- *Proposed Development*

The owners propose to utilise a transported dwelling as a single house. The applicant has lodged photographs of the lot as part of the application which show that siteworks have already occurred (without approval).

The proposed dwelling will be single storey with an attached single carport and front verandah.

The applicant lodged complete plans on the 30 October 2013 showing the original ground levels, site works and proposed levels. The dwelling is proposed to the rear of the existing lot.

- *Setbacks*

The application has been assessed in accordance with the Residential Design Codes ('the Codes') as applicable to an R12.5 density. The setbacks under the Codes are minimum setbacks.

Description	Required (metres)	Provided (metres)	Comment
Front	7.5	> 15	Complies
Rear	6	2.5	Variation
Side (north)	1	5 – 12 (to carport)	Complies
Side (south)	1	3.5	Complies

The only setback variation is to the rear boundary which has a minimal impact to the east as the Lot 311 backs onto land associated with the water treatment plant and reserved for 'public purpose'.

The effect of the reduced rear setback is that the proposed dwelling will be setback further than existing dwellings already developed on neighbouring lots, so the dwelling will be adjacent to neighbours rear yard areas.

Normally, Gray & Lewis would refer the setback variation to adjacent landowners for comment prior to referral to Council, however has prepared this report urgently at the Shire's request.

Council has full discretion as to whether to advertise the proposed rear setback variation under the Codes.

The Codes state that there may be grounds for the decision maker to advertise the proposal to affected owners and occupiers where an application presents:

- (a) a proposal against one or more of the design principles of the Codes (as is the case) and
- (b) where there is a possible impact on the amenity of adjoining landowners and occupiers.

Council can determine not to advertise the rear setback variation if satisfied that *'it will not adversely impact the adjoining residential property or the street'*.

Whilst Gray & Lewis is generally supportive of the application, advertising is normally recommended to ascertain adjacent landowners views.

The reduced rear setback will introduce a different element into the existing established streetscape, as most dwellings are located closer to Leeds Court. The aerial photograph below shows the existing development pattern in Leeds Court.



Accordingly, Gray & Lewis recommends that the application be referred to adjacent landowners as there is a possible impact on the amenity of adjoining landowners and occupiers.

The rear setback variation needs to be determined in accordance with the 'design principles' of the Codes as it does not meet the 'deemed to comply' requirements.

Clause 5.13 P1.3 requires 'buildings setback from lot boundaries so as to to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.'

It is difficult to assess compliance with the design criteria in the absence of neighbour comments.

- Siteworks, retaining walls and privacy

The plans lodged by the applicant demonstrate that no fill exceeding 0.5 metres is to occur on the lot.

The original ground levels of the lot at the proposed house location range from 25.50 – 26.00. The proposed Finished Floor Level is 25.57 so only minor cut and fill is proposed to flatten the rear portion of the lot to allow for construction.

The Codes allow for excavation and fill behind the front setback line and within 1 metre of the lot boundary not more 0.5 metres above natural ground level.

No retaining walls are proposed, and privacy does not need to be assessed as all fill is less than 0.5 metres according to the plans submitted. Privacy only needs to be assessed where major openings, finished floor levels and active habitable spaces have a floor level 0.5 metres above natural ground level.

- *Carparking and other Code requirements*

The application complies with carparking and site open space requirements of the Codes.

- *Temporary turnaround area*

The applicant has shown a temporary turnaround area on the site plan which relies on access to adjacent Lot 313 to the north which cannot be endorsed as part of this application. The applicant will need to make private arrangements with the owner of Lot 313 to access their land.

#### Legal Implications

The most applicable provisions of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') are summarised below:

- Clause 5.3 of the Scheme requires development to conform with the Residential Design Codes.
- Clause 5.6 of the Scheme allows variations to a standard or requirement prescribed under the Scheme, except for development in respect of which the Residential Design Codes apply.
- Clause 10.2 of the Scheme outlines matters to be considered by the local government including things such as the compatibility of a use or development with its setting, preservation of amenity, relationship to development on adjacent land etc. Importantly Clause 10.2 (c) requires Council to consider any approved statement of planning policy of the Commission (such as the Residential Design Codes).

#### Policy Implications

There are no policy implications associated with this item.

#### Financial Implications

There are no financial implications associated with this item. In the event that Council decides to approve the application without conducting consultation with adjacent landowners, then there is potential for complaints by affected neighbours.

#### Strategic Implications

There are no strategic implications associated with this item.

#### Voting Requirements

Simple Majority Required

Date of Report

31 October 2013



(Return to Item 19.3 Monkey Mia Jetty)

19.3 Monkey Mia Jetty

Moved Cr Capewell  
Seconded Cr Hanscombe

**Council Resolution**

**That the Chief Executive Officers actions in consenting to a 30 minute period for the operators utilising the Monkey Mia Jetty prior to embarking or disembarking of passengers be endorsed.**

And

**That consideration be given to amending the Shire of Shark Bay Local Government Local Property Local Law part 7 Monkey Mia Jetty specifically clause 7.4 section (b).**

**4/0 CARRIED**

Background

The Shire of Shark Bay has ownership of the Monkey Mia Jetty and has specific Local Laws in place to govern the operations of the jetty.

There has historically been concerns and issues raised by users in relation to the utilisation of jetty and the application of the local laws.

This matter has come to the fore again and there have been a number of complaints made in relation to the ongoing mooring at the jetty.

Attempts have been made to address the issue by the administration with limited ongoing success.

The lack of positive action or enforcement by the administration when presented with complaints of noncompliance to Local Laws may expose the administration and council to justified criticism.

Comment

The current issue with the Monkey Mia jetty appears to be the making fast or mooring to the jetty for extended periods of time before the scheduled cruise times and/or without the embarking or disembarking of passengers.

The Local Law section 7.4 is as follows

**7.4 WHEN BOAT MAY REMAIN MOORED**

A person in control of a boat shall not moor or make fast the boat to the Jetty unless -

- (a) The boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere,
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeded two hours without the prior consent of the Local Government,



- (c) the loading or discharging of cargo or other good is in progress in accordance with Division 5, or
- (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the Local Government.

Clause (b) applies to the ongoing issue and requires that embarking and disembarking to be in progress while the vessel is moored or made fast.

It follows that if there is no disembarking or embarking of passengers in progress any vessel moored or made fast to the jetty is moored unlawfully.

In regard to the section of the Local Law as follows:

*“and then not for a consecutive period exceeded two hours without the prior consent of the Local Government”*

Legal advice sought from McLeod’s follows:

*“In my opinion, the additional requirement that a boat not remain moored for a consecutive period of more than 2 hours allows for the embarking or disembarking of passengers to be in progress for a period of up to 2 hours. It does not, in my opinion, permit a boat to remain moored at the jetty for 2 hours when the embarking or disembarking of passengers is not in progress, such as before or after passengers embark or disembark.”*

In discussion late in 2012 with the operators and recognising the difficulties associated with the jetty and mooring immediately prior to embarkation and disembarking of passengers verbal consent was given by the Chief Executive Officer to make fast and moor for a period 30 minutes prior to and following embarking to the tourism operators utilising the Monkey Mia jetty.

Unfortunately this agreement was verbal, however it appeared to be respected and issues appeared to reduce for a period of time. Recent events and complaints have indicated that this agreement is now not being respected.

Written correspondence was sent on Friday 25 October 2013 advising the operators of the Local Law and that a concession of 30 minutes would be given prior to embarking and following disembarking and if this was not adhered to an infringement may be issued to the offending vessel.

Following further discussions with operators it appears as though the Local Law may have been misinterpreted and it was considered that a period of two hours was permitted to remain at the jetty without any passengers boarding.

This misinterpretation may be due to the wording of the Local Law which in my opinion is badly written.

The Council may consider amending the wording to recognise the current practise that are occurring, that is making fast and mooring prior to the embarkation of passengers. This could be achieved by amending the wording to include a period of time in the clause allowing for embarking and following disembarking.

Suggested wording could be as follows

*For a period of time 30 minutes prior to or following the embarking or disembarking of passengers.*

The Council may consider a greater period of time than 30 minutes if it considers this time period too constrictive.

The Council may also consider that to provide greater clarity the removal of the wording after the word progress in the Local Law as follows:

*The embarking or disembarking of passengers is in progress*

As with any Local Law the resources required for the enforcement is an issue and Council should always consider Local Laws or amendments to Local Laws that are to the benefit, wellbeing and in the long term interests of the community.

Given the current usage and historical issues associated with the Monkey Mia jetty any amendment will be contentious and evoke both support and opposition, the ongoing enforcement of any punitive Local Law will also be expected but difficult as it will be expected to enforce as and when offences occur, which will consume scarce resources.

The cooperation of the operators in the application of any Local Law associated with the Monkey Mia jetty is required but not crucial and any amendment should be able to work without significantly impacting upon the resources of the Council for a very select group of users.

#### Legal Implications

The Shire of Shark Bay Local Laws adopted in 2002 part 7 has specific laws for the Monkey Mia Jetty

## **PART 7 - MONKEY MIA JETTY**

### ***Division 1 - Preliminary***

#### **7.1 INTERPRETATION**

"**Jetty**" means the Monkey Mia Jetty located at Edel Location 34,

"**bulk cargo**" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

### ***Division 2 - Consents and Fees***

## **7.2 APPLICATIONS FOR CONSENT AND APPLICATION FEE**

- (1) Where a person is required to obtain the consent of the Local Government under this Part, the person is to apply for that consent in the manner required by the Local Government.
- (2) The Local Government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the Local Government or the fee which is to accompany that application is not paid, the Local Government may refuse to consider the application for consent.
- (4) The Local Government shall give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the Local Government under and in accordance with Sections 6.16 to 6.19 of the Act.

## ***Division 3 - Mooring Boats to Jetty***

### **7.3 METHOD OF MOORING BOAT**

- (1) A person in control of a boat shall not moor or make fast the boat to the Jetty, or to any part of the Jetty, except to such mooring piles, ring bolts or other fastenings as are provided.
- (2) No person shall cause any obstruction on or to the Jetty or impede the free passage of other persons on the Jetty.

## ***Division 4 - When Boats May Remain at Jetty***

### **7.4 WHEN BOAT MAY REMAIN MOORED**

A person in control of a boat shall not moor or make fast the boat to the Jetty unless -

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere,
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeded two hours without the prior consent of the Local Government,
- (c) the loading or discharging of cargo or other good is in progress in accordance with Division 5, or
- (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the Local Government.

## ***Division 5 - Cargo or Other Goods***

## **7.6 LOADING AND DISCHARGING**

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to the Jetty for the purpose of loading or discharging cargo or other goods -

- (a) until the cargo or other goods are ready to be loaded or discharged, or
- (b) without the consent of the Local Government -
  - (i) between the hours of 6.00 pm to 6.00 am on the next day, or
  - (ii) for longer than two consecutive hours.

## **7.7 OUTGOING CARGO NOT TO BE STORED ON JETTY**

A person in control of cargo or other goods intended for loading on to a boat shall -

- (a) not allow them to be stored or placed on the Jetty unless and until the boat is moored or fastened to or alongside the Jetty, and
- (b) load them onto the boat as soon as practicable after the boat is moored or fastened to or alongside the Jetty.

## **7.8 REMOVAL OF INCOMING CARGO FROM JETTY**

Any person unloading cargo or other goods from a boat on to the Jetty shall remove them, or cause them to be removed from the Jetty as soon as practicable.

## **7.9 NO OBSTRUCTION ON JETTY**

A person shall not cause any obstruction on or to the Jetty or impede the free passage of other persons on the Jetty.

## **7.10 AUTHORISED PERSON MAY DIRECT REMOVAL**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on the Jetty contrary to any provision of this Part to remove them from the Jetty.

## **7.11 HANDLING OF BULK CARGO**

Except with the prior consent of the Local Government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to the Jetty.

## **7.12 EXPLOSIVES ON JETTY**

Except with the prior written consent of the Local Government, a person shall not land, place or handle on the Jetty any explosives as defined in Section 4 of the *Explosives and Dangerous Goods Act 1961*.

## ***Division 6 - Prohibitions and Limitations on Use of Jetty***

### **7.13 JETTY MAY BE CLOSED**

A person shall not land at, use or go on any part of the Jetty which is -

- (a) under construction or repair, or
- (b) closed,

unless that person has first obtained the consent of the Local Government.

### **7.14 VEHICLES ON JETTY**

- (1) A person shall not drive a vehicle of a gross weight exceeding three tonnes on to the Jetty or allow it to remain on the Jetty.
- (2) Vehicles shall be prohibited from being on the Jetty within fifteen minutes of scheduled arrivals or departures of licensed charters other than vehicles of professional fishermen while loading or unloading.
- (3) Vehicles shall be removed from the Jetty immediately after completing loading or unloading of the vehicle.
- (4) A vehicle shall not be parked in a manner that obstructs access to or from the Jetty.
- (5) A person shall not ride or have a bicycle on the Jetty.

### **7.15 RUBBISH FROM JETTY**

- (1) A person shall not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from the Jetty so as to pollute the surrounding area.
- (2) A person shall not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on the Jetty.

### **7.16 LIQUOR ON BOATS**

A person shall not sell alcoholic beverages from a boat while moored to, or alongside the Jetty.

### **7.17 FISHING FROM JETTY**

A person shall not fish from the Jetty.

The Council has an obligation to manage and/or enforce its own Local Laws particularly following substantiated complaint that a Local Law has been breached.

Action has been taken to address the complaint, however if ongoing adherence is not achieved though respect and cooperation with the Local law enforcement action will be required.

If the Council considers the Local Law to not be in the community's interest it may revoke or amend the Local Law.

#### Policy Implications

Nil

Financial Implications

The Council is currently undertaking a review of its Local Laws and any amendment could be incorporated in these changes with minimal cost.

The enforcement of the Local Law as it currently stands would include the time of the ranger to ensure a breach had occurred and the ongoing enforcement proceeding.

The ranger's time is currently included in the Council's budgets and would only require a diversion of resources to patrol the Monkey Mia jetty to ensure compliance.

The modified penalty is currently is \$100 per offence, there is always the consideration that any infringement may be challenged and may involve ongoing court costs.

Further the offences and general penalty provision are as follows:

**10.3 OFFENCES AND GENERAL PENALTY**

(1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this Local Law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report 30 October 2013

**17. TOURISM, RECREATION AND CULTURE REPORT**

**17.1 COMMUNITY DEVELOPMENT FORUM 28/29 NOVEMBER 2013**

Author

Community Development Officer

Disclosure of Any Interest

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as a speaker at the forum.

Moved            Cr Wake  
Seconded       Cr Cowell

**Council Resolution**

**That the Community Development Forum being held on the 28/29 November 2013 at the Shark Bay Recreation Centre and the involvement of the Community Development Officer be noted and endorsed by Council.**

**4/0 CARRIED**

**Background**

The Community Development Network Group meets four times per year, with Community Development Officers and Community Resource Centre staff from the Midwest and Gascoyne invited to attend. Each Shire is given the opportunity to host a forum. Topics covered in the forums are chosen by the host.

**Comment**

The Shire of Shark Bay with the assistance of the Shark Bay Community Resource Centre have been asked to host a Community Network Forum on Friday 29 November, with a networking function at Monkey Mia the evening before.

The Forum will be held at the Shark Bay Recreation Centre with the theme of 'Tourism and Community Development'. Guest speakers include Cheryl Cowell discussing World Heritage in Shark Bay, Jamie Burton presenting information on collaboration between Community Resource Centres and Shires and Sharyn Burvill discussing Tourism and Community Development in Shark Bay. The delegates will be given a tour of Denham during the forum.

In addition to Community Development Officers and Community Resource Centre staff, Visitor centre staff have also been invited to attend the Shark Bay Forum. This was done to enhance the relationships and invigorate collaboration between the different organisations.

The Forum gives an opportunity to showcase Shark Bay and the World Heritage area, it will also give Denham businesses an economic boost during the low season. The Forum is expected to attract 25 delegates all of whom will be organising their own transport, accommodation and some meals. Hosting the Forum on a Friday will enable delegates to stay the weekend in Shark Bay and encourage delegates' families to explore the area.



## **ITINERARY**

### **Thursday 28 November**

5.00pm Sunset Cruise at Monkey Mia, networking opportunity/sundowner

### **Friday 29 November (Shark Bay Recreation Centre Meeting Room, Francis Street)**

9.00am Information Tour of Denham (Shark Bay Community Bus)

10.30am Morning Tea

10.40am Housekeeping & Guest Speakers presentations

1.00pm Lunch

2.00pm Workshopping – ‘How to engage collaborative partnerships in the region’.

5.00pm BBQ Dinner at the Shark Bay Recreation Centre

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

The Shire of Shark Bay will provide the meeting venue at the Shark Bay Recreation centre in-kind.

The Shire of Shark Bay will provide use of the Community Bus (for the tour of Denham) in-kind.

The Shire of Shark Bay will provide morning and afternoon tea, lunch at the Forum at a cost of \$400.00

#### Strategic Implications

2.4.2 Promote World Heritage values through tourism strategies.

3.2.3 Promote opportunities to attract families to live in Shark Bay

#### Voting Requirements

Simple Majority Required

Date of Report

8 October 2013

17.2 COMMUNITY DEVELOPMENT – 2013/2014 EVENTS AND PROJECTS

Author

Community Development Officer

Disclosure of Any Interest

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as related to the author of the item

Moved Cr Hanscombe

Seconded Cr Wake

Council Resolution

**That the Community Development Events and Projects information item be noted and endorsed.**

**4/0 CARRIED**

Background

The following information includes the planned activities from November 2013 to December 2014.

Comment

The Community Development team continues to develop the capacity of the community through the expansion and implementation of community events. The 2013/2014 events are listed below.

The list does not include the day to day activities or administration tasks that are undertaken and does not preclude other activities being added during the year.

**November 2013**

2 – Star Gazing Night, at the Perron Hot Tub. Presentation by the Geraldton Astronomy Group. Organised by the Shire of Shark Bay and the Community Resource Centre. Cost to Shire - \$300

11 – Shire of Shark Bay Donations and Financial Assistance Grant Round closes.

28/29 – Community Development Forum, to be held at the Shark Bay Recreation Centre, attended by approximately 25 delegates. Cost to Shire - \$400

**December 2013**

5 – Thank a Volunteer Day, to be held on the Denham Foreshore. Funding from Department for Communities.

13 – Christmas Lights Competition, sponsored by Horizon Power.

**January 2014**

26 - Australia Day Celebrations, free breakfast at the Shark Bay Recreation Centre followed by games. Cost to Shire - \$1,500

**April**

National Youth Week, Amazing Race. Funding confirmed from Department for Communities.

**May**

Bare Foot Black Tie. Funding from Country Arts WA, supported by Shire of Shark Bay. Cost to Shire to be confirmed.

Shark Bay Fishing Fiesta

Million Paws Walk, Denham Foreshore. Cost to Shire \$200

**June**

Rad Rock Climbing Wall, Denham Town Oval. Funded by Shire of Shark Bay, supported by the Shark Bay Sport and Recreation Association.

Clean Up Australia Day, Denham. Cost to Shire - \$200

**July**

NAIDOC Week

Winter Markets, at the Denham Town Oval. Coordinated by the Shire of Shark Bay and the Community Resource Centre. Cost to Shire (budgeted) \$15,000

**November**

Seniors Week Celebrations, location to be advised. Funding will be sought through Council on the Ageing.

**December**

Thank a Volunteer Day, location to be advised. Funding will be sought from Department for Communities.

Christmas Lights Competition, Denham. Funding will be sought from Horizon Power.

TBC - Christmas Carols, Denham. Funding will be sought from Country Arts WA.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

The Financial implications are listed with the events and projects in the above comment section.

Strategic Implications

4.1.4 – Facilitate cultural and family events

Voting Requirements

Simple Majority Required

Date of Report

8 October 2013

**18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**19. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Moved Cr Capewell  
Seconded Cr Wake

**Council Resolution**

**That Council accept the tabling of urgent business items**

**19.1 Rates Payment Incentive Prize Draw,**

**19.2 Ordinary Council meeting – Change of Start Time,**

**19.3 Monkey Mia Jetty.**

**19.4 Town Planning Item – Lot 311 (3) Leeds Court, Denham**

**20.3 Employment of Senior Designated Employee, and**

**20.4 Emergency Services Complex Sheds.**

**4/0 CARRIED**

**19.1 RATES PAYMENT INCENTIVE PRIZE DRAW**

RA 101

**Author**

Executive Assistant

**Disclosure of Any Interest**

Nil

Moved Cr Hanscombe  
Seconded Cr Cowell

**Council Resolution**

**That Council draw the incentive for the early payment of 2013/2014 rates and charges by way of a lottery draw for the prizes of;**

- **First Prize – Gift Voucher of \$500.00 to be spent at any Shark Bay Business. This prize draw goes to Mr Richard Moroney.**
- **Second Prize – Framed NASA photo of Shark Bay, donated by the Shire of Shark Bay. This prize draw goes to Mr Neville Perkins .**
- **Third Prize – Hard copy of Shark Bay, Through Four Centuries 1616 to 2000 and a copy of Pastoral Voices, donated by the Shire of Shark Bay. This prize draw goes to R Crossley.**

**4/0 CARRIED**

**Background**

Each year the Shire seeks sponsorship for the Shire of Shark Bay early payment incentive prize.

This year, the Shire has donated a gift voucher of \$500.00 to help with the spend local philosophy.

Further a second and third prize be given being a framed NASA photo of Shark Bay and a hard copy of Shark Bay, Through Four Centuries 1616 to 2000 and a copy of Pastoral Voices, donated by the Shire.

Comment

The terms and conditions that apply to the 2013/2014 rates incentive prize are -

- To be eligible for the draw all outstanding rates and charges must be received on or before the due date 21 October 2013.
- All ratepayers are eligible.

The drawing of the winners for the above prizes will take place during the Council meeting on the 31 October 2013.

Legal Implications

Section 6.46 of the *Local Government Act 1995* - Discounts

Policy Implications

Nil

Financial Implications

Encourages the early payment of rates, which contributes to an improved cash flow for the shire. Value of donations of prizes by the Shire is approximately \$860.00

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

28 October 2013

19.2 ORDINARY COUNCIL MEETINGS – COMMENCEMENT TIME

Dealt with after item 16.0, page 65 of the Minutes.

19.3 MONKEY MIA JETTY

Dealt with after item 19.2 page 67 of the Minutes

Move Cr Hanscombe  
Seconded Cr Cowell

**Council Resolution**

**That Mr Joe McLaughlin (Cr retired) be presented with the book Through Four Centuries to commemorate his time on council.**

**4/0 CARRIED**

**20. MATTERS BEHIND CLOSED DOORS**

Moved Cr Capewell  
Seconded Cr Hanscombe

**Council Resolution**

**That the meeting be closed to members of the public in accordance with section 5.23(2) of the *Local Government Act 1995* for Council to discuss matters of a confidential nature.**

**4/0 CARRIED**

**20.1 SUPPLY AND DELIVER OF LOADER**

PS 2013/2014-03

**Author**

Works Manager

**Disclosure of Any Interest**

Nil

Moved Cr Cowell  
Seconded Cr Hanscombe

**Council Resolution**

**The recommendation submitted by the Works Manager in the confidential evaluation report for supply and delivery of a 4X4 Wheel Loader as per the conditions of the request for quote PS 2013/2014-03 be considered.**

**4/0 CARRIED**

Moved Cr Capewell  
Seconded Cr Hanscombe

**Council Resolution**

**That Council appoint *Komatsu Australia Pty Ltd* for the consideration of supply of a new *Komatsu WA250PZ-6* Wheel Loader for the purchase price submitted of \$223,878.59 and the sale to *Komatsu Australia Pty Ltd* of Council's L70E Wheel Loader for the price of \$74,000.00. *Komatsu Australia Pty Ltd* has provided the most advantageous Tender and best value for money to the Shire of Shark Bay based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under Supply and Delivery of a New 4X4 Wheel Loader.**

**4/0 CARRIED**

20.2 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – MODIFIED RETAINING WALLS – LOT 150 (55) DURLACHER STREET, DENHAM

P 1483

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.65 of Local Government Act 1995.

Moved           Cr Hanscombe  
Seconded       Cr Capewell

Council Resolution

**That Council:**

1. **Note the advice provided by Blacktop Consulting Engineers and McLeods Barristers and Solicitors as Confidential attachment 1 and 2.**
2. **Approve the planning application for modified retaining walls and accompanying plans (dated 13/06/2013 Rev. 3) on Lot 150 Durlacher Street, Denham subject to the following conditions:**
  - (i) **A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of Lot 150 Durlacher Street, Denham within 3 months from the date of this planning approval. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

*‘The registered proprietor and prospective purchasers of the described land (Land) are notified that the pre-cast concrete post and panel retaining walls erected on the Land were structurally sound as at 24 September 2013 but are unlikely to have a design life of 40 – 60 years as required by Australian Standard AS3600-2009 and the Part B1 of the Building Code of Australia. Accordingly, prospective purchasers should carry out their own investigations as to the structural integrity of the retaining walls.’*
  - (ii) **All development to be in accordance with the amended plans submitted as part of this application (dated 13/06/2013 Rev. 3) unless otherwise approved in writing by the Chief Executive Officer.**
  - (iii) **Landscaping shall be:**
    - (a) **Installed and maintained until they reach their mature dimensions in accordance with the landscaping plan dated 24 July 2013 (Rev. 3) and approved as part of this application, unless an alternative landscaping plan is lodged and approved separately in writing by the Chief Executive Officer;**



- (b) All landscaping and plants shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing; and
  - (c) Landscaping shall be installed within 12 months of the date of this approval or an alternative time period agreed to in writing by the Chief Executive Officer.
3. Advise the applicant through footnote advice on the planning approval that:
- (a) The Shire has advice from an independent consultant engineer that *“the reduced height of the walls increases the walls structural capabilities, as their posts have significant embedment. With their reduced height, and in their current condition, Blacktop Consulting Engineers deem them currently sound.”*  
  
Based on the Blacktop Consulting Engineers and legal advice, the Shire accepts the walls have been ‘engineered’ and meet Design Principle P8 of Clause 5.3.8 of the Residential Design Codes.
  - (b) This is only planning consent and the owner needs to apply for a separate Building Approval Certificate under the Building Act 2011 which the Shire will refer to an independent external building surveyor.

4/0 CARRIED

20.3 EMPLOYMENT OF SENIOR DESIGNATED EMPLOYEE

ST 103

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved           Cr Hanscombe  
Seconded       Cr Cowell

Council Resolution

That Council receive the report of the Chief Executive Officer in accordance with Section 5.37(2) of the Local Government Act 1995.”

That the Chief Executive Officers intent to employ a Senior designated officer to the position of Executive Manager Finance and Administration be endorsed.

4/0 CARRIED

20.4 EMERGENCY SERVICES COMPLEX - SHEDS

Author

Chief Executive Officer

Disclosure of Any Interest

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as a volunteer and secretary of St John's Ambulance

Disclosure of Interest: Cr Hanscombe

Nature of Interest: Impartiality Interest as a member of St John's Ambulance

Moved Cr Capewell

Seconded Cr Cowell

Council Resolution

**That the recommendation submitted by the Chief Executive Officer in the confidential evaluation report for Tender 2013/2014-01 Construction of Three (3) Sheds at Emergency Services Complex be considered.**

**The Chief Executive Officer be given delegated authority to conduct successful negotiations for the provision of supply and installation of up to three Sheds for the Emergency Services Complex with the preferred tenderer to achieve a suitable outcome for the Shire of Shark Bay within the tendered price range subject to but not dependent upon the following condition;**

**A commitment from the St Johns Ambulance Service Shark Bay Branch and the Shark Bay Volunteer Marine Rescue Service to fully fund the costs associated with the construction of their component for the supply and erection of a shed for their purposes.**

**4/0 CARRIED**

Moved Cr Hanscombe

Seconded Cr Wake

Officer Recommendation

**That the meeting be reopened to the members of the public.**

**4/0 CARRIED**

**21. DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of Council will be held on the 27 November 2013 in Council Chambers commencing at 3.00 pm

**22. CLOSURE OF MEETING**

The President closed the Ordinary Council meeting at 4.54 pm.