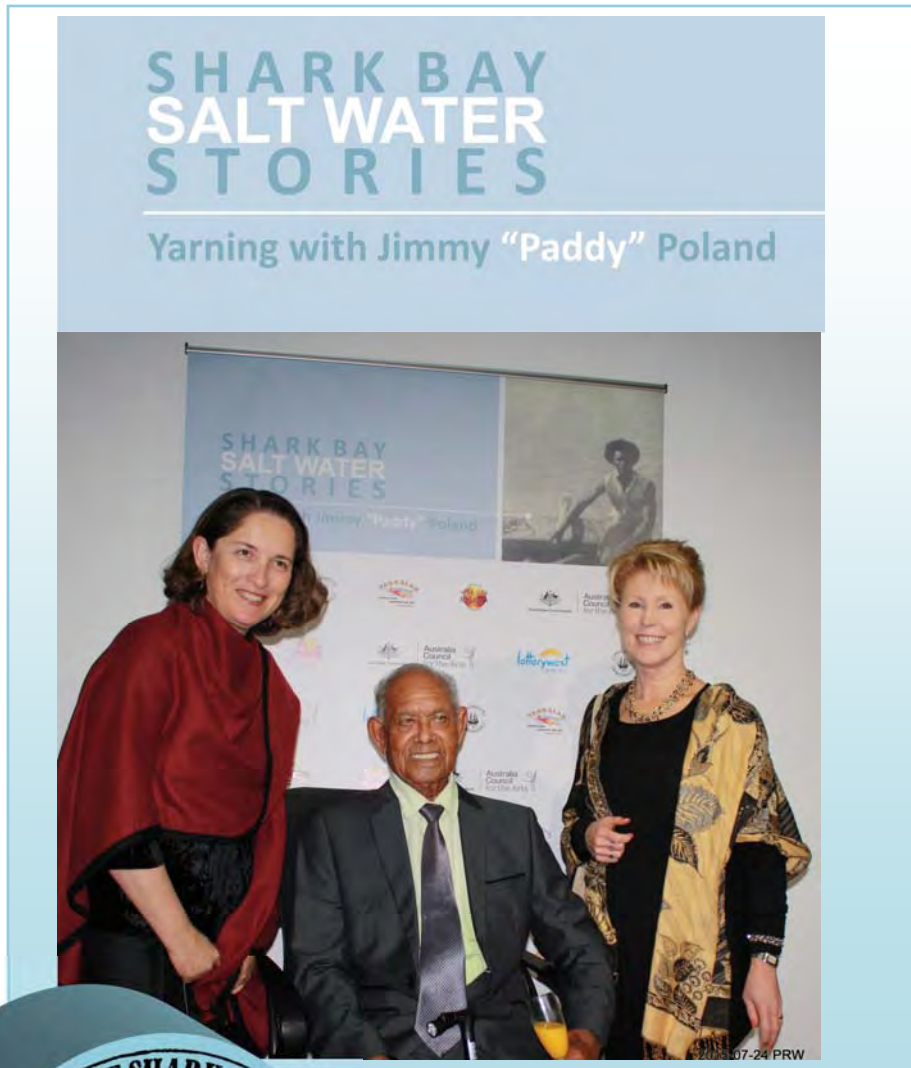


Shire of Shark Bay

Minutes of the Ordinary Council Meeting held on 29 July 2015



29 JULY 2015



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Shark Bay for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Council members or staff.

The Shire of Shark Bay disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission does so at that person's or legal entity's own risk.

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

The 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 29 July 2015 commencing at 3.01 pm.

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29 JULY 2015

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MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

1. DECLARATION OF OPENING

The President declared the meeting open at 3.01pm.

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

ATTENDANCES

Cr C Cowell	President
Cr K Capewell	Deputy President
Cr L Bellottie	
Cr K Laundry	
Cr M Prior	In attendance from 3.16pm
Cr G Ridgley	
Cr B Wake	
Mr P Anderson	Chief Executive Officer
Ms C Wood	Executive Manager Finance and Administration
Mrs G McBride	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs F Hoult	EA / Works Assistant

APOLOGIES

VISITORS

Mrs T Kelly & Mr B Johnson Presidents guests
2 visitors

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There are no Public Questions on Notice.

4. PUBLIC QUESTION TIME

The President opened Public Question Time at 3.02pm and as there were no questions from the public the President closed Public Question time at 3.02pm.

29 JULY 2015

5. APPLICATIONS FOR LEAVE

5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR LAUNDRY
GV00013

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Ridgley
Seconded Cr Capewell

Council Resolution

Councillor Laundry 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 26 August 2015.

6/0 CARRIED

Background

Councillor Laundry has applied for leave of absence from the ordinary meeting of Council scheduled for 26 August 2015. 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 Laundry 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 26 August 2015 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 his obligations have been met in accordance with the Local Government Act.

The Council may consider not granting Councillor Laundry 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**

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

- (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

There are no policy implications associated with this report.

Financial Implications

There are no financial implications associated with this report.

Strategic Implications

There are no strategic implications associated with this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

14 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

6. **PETITIONS**
Nil

7. **CONFIRMATION OF MINUTES**

7.1 **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2015**

Moved Cr Ridgley
Seconded Cr Wake

Council Resolution

That the minutes of the Ordinary Council meeting held on 24 June 2015, as circulated to all Councillors, be confirmed as a true and accurate record.

6/0 CARRIED

7.2 **CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING TO CONSIDER TENDER TE2014/2015-03, HELD ON 30 JUNE 2015**

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution

That the minutes of the special council meeting to consider Tender TE2014/2015-03, held on 30 June 2015, commencing at 1.58 pm, as circulated to all councillors, be confirmed as a true and accurate record.

6/0 CARRIED

7.3 **CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING TO CONSIDER ADOPTION OF COUNCIL'S 2015/2016 BUDGET, HELD ON 30 JUNE 2015**

Moved Cr Cowell
Seconded Cr Capewell

Council Resolution

That the minutes of the special council meeting to consider the adoption of Council's 2015/2016 Budget, held on 30 June 2015, commencing at 3.05 pm, as circulated to all councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8. **ANNOUNCEMENTS BY THE CHAIR**

The President has invited Mrs Tacy Kelly and Mr Byron Johnson to the Ordinary Council meeting.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

9. **PRESIDENT'S REPORT**
GV00002

Council Committee Membership

Member	Audit Committee
Member	Gascoyne Zone of Western Australian Local Government Association
Member	Western Australian Local Government Association Country Zone – Gascoyne Region
Member	Development Assessment Panel
Member (Chair)	Shark Bay 2016 Commemoration Advisory Committee
Deputy Delegate	Shark Bay Marine Facilities Management Committee
Deputy Delegate	Works Committee
Deputy Delegate	Gascoyne Regional Road Group
Deputy Delegate	Gascoyne Regional Collaboration Group

Other Committee Membership

Member	Gascoyne Development Commission Board
Member	Gascoyne Development Commission Audit Sub-Committee
Member	Ningaloo-Shark Bay National Landscapes Steering Committee
Member (Chair)	Local Emergency Management Committee
Member	Gascoyne Regional Tourism Strategy steering committee
Deputy Delegate	Western Australian Local Government Association – State Council Committee

Meeting Attendance

26 June	Met with Steve Webster, Chief Executive Officer, Gascoyne Development Commission
30	Special Council meeting – Denham Foreshore tenders Special Council meeting 2015/16 Budget Adoption
8 July	Rangelands NRM meeting – Carnarvon
9	Dirk Hartog 2016 commemoration, presentations (Leeuwin, Sail Regatta)
22	L Pearson, Silver Chain representative
23	Jimmy Polands Salt Water Stories
24	NAIDOC Celebration flag raising Ceremony
29	July Council meeting

General Matters

Nil

Signatures

Councillor *Councillor Cowell*
Date of Report 14 July 2015

Moved Cr Wake
Seconded Cr Laundry

Council Resolution

That the President's activity report for July 2015 be received.

6/0 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

10. COUNCILLORS' REPORTS

10.1 Cr Wake
GV00007

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Gascoyne Regional Road Group
Deputy Delegate	For Cr Laundry - Development Assessment Panel
Deputy Delegate	Gascoyne Zone of Western Australian Local Government Association

Meeting Attendance

29 July 2015 Ordinary Council Meeting

General

A: Rainfall Events. The Shire of Shark Bay has received significant winter rainfall. June 72mm July 70mm. Total year to date at Hamelin 250mm. This is the first genuine winter rainfall for approximately 10 years. This not only gives impressive vegetation growth but is also very good for people's mental wellbeing.

B: Tourist Numbers seem to be about average but there is a significant decline in truck numbers on the highway.

C: Bio Security. There has been an education and training day at Meedo Station. The appointment of a CEO to assist with administration of the group and relief of the work load of this volunteer group.

Signatures

Councillor	<i>Councillor Wake</i>
Date of Report	29 July 2015

Moved Cr Capewell
Seconded Cr Laundry

Council Resolution

That Councillor Wake's July 2015 report on activities as Council representative be received.

6/0 CARRIED

10.2 Cr Capewell
GV00005
Nil Report

10.3 Cr Laundry
GV00013
Nil Report

10.4 Cr Bellottie
GV00010
Nil Report

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

10.5 Cr Ridgley
GV00008

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee
Member	Shark Bay 2016 Commemoration Advisory Committee
Member	Regional Collaboration Group – Gascoyne
Member	Shark Bay Health Advisory Board
Member	Shark Bay Community Resource Centre Committee

Meeting Attendance

8 July 2015	Attended the Shark Bay Community Resource Centre meeting
9 July	Dirk Hartog Presentation
24	Jimmy Polands – Shark Bay Salt Water Stories

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	20 July 2015

Moved	Cr Laundry
Seconded	Cr Wake

Council Resolution

That Councillor Ridgley's July 2015 report on activities as Council representative be received.

6/0 CARRIED

10.6 Cr Prior
GV00006

Nil Report

Cr Prior entered Council Chambers at 3.16pm.

29 JULY 2015

11. ADMINISTRATION REPORT

**11.1 UPPER GASCOYNE LAND CONSERVATION DISTRICT COMMITTEE
CM00054**

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

Option 1: That Council appoint _____ for a three (3) year term from 31 October 2015 to 31 October 2018 to the Upper Gascoyne Land Conservation District Committee.

OR

Option 2: That Council advertise / seek nomination for a person interested to serve on the Upper Gascoyne Land Conservation District Committee.

Note: Councillor Wake advised the Council that he had spoken with Mr Sam Fenny who has agreed to the nomination to the Upper Gascoyne Land Conservation District Council.

Moved Cr Wake
Seconded Cr Ridgley

Council Resolution

Option 1: That Council appoint Sam Fenny for a three (3) year term from 31 October 2015 to 31 October 2018 to the Upper Gascoyne Land Conservation District Committee.

4/3 CARRIED

BACKGROUND

Correspondence has been received from the Department of Agriculture and Food regarding the Upper Gascoyne Land Conservation District Committee.

An Order of the Governor is gazetted to set up a land conservation district committees.

A Land Conservation District Committee is appointed by the Commissioner of Soil and Land Conservation and is then duly gazetted.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

The Upper Gascoyne Land Conservation District Committee is a statutory committee established under sections 22 and 23 of the **Soil and Land Conservation Act 1945** in July 1991 to manage activities in the Upper Gascoyne Land Conservation District that was proclaimed by the Governor in 1991.

The Terms of Office of the Upper Gascoyne Land Conservation District Committee expired on 31 October 2015.

COMMENT

The Committee is appointed from the following:

ONE shall be the **Commissioner** of Soil and Land Conservation or his nominee;
ONE shall be appointed on the nomination of the **Shire of Upper Gascoyne**;
ONE shall be appointed on the nomination of the **Shire of Carnarvon**;
ONE shall be appointed on the nomination of the **Shire of Shark Bay**;
THREE shall be appointed on the nomination of the **Pastoralists and Graziers Association of Western Australia (Inc.)**;
ELEVEN shall be persons actively engaged in, or affected by or associated with, land use in the district. . Unfortunately, the Order reads twelve.

Under the Soil and Land Conservation Act it is not a requirement that the nominee be a Councillor.

The Council could canvas individuals that they consider could contribute to the committee or advertise for an individual who wishes to serve on the committee.

LEGAL IMPLICATIONS

There are no policy implications relative to this report

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

There are no financial implications relative to this report as this is a voluntary position. There will be no re-imburement for the representative from the Department of Agriculture and Food or the Shire of Shark Bay for travel or accommodation to attend these meetings.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

There are no risk management implications relative to this report

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

18 June 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

16 November 2012

GOVERNMENT GAZETTE, WA

5661

2. Principal Order

In this order the *Soil and Land Conservation (Mukinbudin Land Conservation District) Order 1984** is referred to as the principal order.

(*Published in the Gazette of 5 September 1986 at pp. 3316-3317 and amended in the Gazettes of 19 October 1990 at pp. 5264-5265, 29 November 1991 at p. 5977, 17 May 1994 at p. 2069, 19 July 1994 at p. 3703 and 12 July 1991 at pp. 3414-3415).

3. Clause 5, 6 and 7 deleted

Clauses 5, 6 and 7 of the principal order are deleted.

By His Excellency's Command,

R. KENNEDY, Clerk of the Executive Council.

AG406*

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (THREE SPRINGS LAND CONSERVATION DISTRICT) AMENDMENT ORDER 2012

Made by the Governor in Executive Council under section 23 of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture and Food.

1. Citation

This order may be cited as the *Soil and Land Conservation (Three Springs Land Conservation District) Amendment Order 2012*.

2. Principal Order

In this order the *Soil and Land Conservation (Three Springs Land Conservation District) Order 1985** is referred to as the principal order.

(*Published in the Gazette 18 January 1985 at p. 266 and amended in the Gazettes of 22 August 1986 at pp. 3006-07, 30 July 1993 at pp. 4121-22 and Amendment Orders approved by Executive Council on 11 March 1997 and 7 October 1997 (refer to Agriculture Western Australia reference: 881723V02P0H)).

3. Clause 5, 6 and 7 deleted

Clauses 5, 6 and 7 of the principal order are deleted.

By His Excellency's Command,

G. MOORE, Clerk of the Executive Council.

AG407*

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (UPPER GASCOYNE LAND CONSERVATION DISTRICT) AMENDMENT ORDER 2012

Made by the Governor in Executive Council under section 23 of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture and Food.

1. Citation

This order may be cited as the *Soil and Land Conservation (Upper Gascoyne Land Conservation District) Amendment Order 2012*.

2. Principal Order

In this order the *Soil and Land Conservation (Upper Gascoyne Land Conservation District) Order 1991** is referred to as the principal order.

(*Published in the Gazette of 26 July 1991 at pp. 3337-39, and amended in the Gazette of 20 June 1995 at p. 2396 and an Amendment Order approved by Executive Council on 16 December 1997 (refer to Department of Agriculture reference: 881762V03P0M)).

3. Clause 5 amended

Clause 5 of the principal order is amended by—

- (i) deleting "32" in subclause (l) and substituting the following—
"18", and
- (ii) deleting "25" in subclause (l)(f) and substituting the following—
"12"
- (iii) deleting subclause (l)(d)

By His Excellency's Command,

G. MOORE, Clerk of the Executive Council.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (UPPER GASCOYNE LAND
CONSERVATION DISTRICT) AMENDMENT ORDER 1997

Made by the Governor in Executive Council under Section 23 (2d) of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Primary Industry.

Citation

1. This order may be cited as the *Soil and Land Conservation Act (Upper Gascoyne Land Conservation District) Amendment Order 1997*.

Principal Order

2. In this order the *Soil and Land Conservation Act (Upper Gascoyne Land Conservation District) Order 1991** is referred to as the principal Order.

(*Published in the Gazette 26 July 1991 at pp. 3837-38 and amended in the Gazette of 20 June 1995 at p. 2396.)

Clause 2 amended

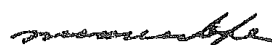
3. Clause 2 of the principal order is amended by inserting the following definition -

“Commissioner” means the person for the time being holding the office of the Commissioner of Soil and Land Conservation.

Clause 5 amended

4. Clause 5 of the principal order is amended by -
 - (i) Deleting “Minister” and substituting “Commissioner”; in subclause (1), and paragraphs (b), (c), (d) and (f) and subclause (2).
 - (ii) deleting “24 in subclause (1) and substituting the following - “32”; and
 - (iii) deleting “17” in subclause (1)(f) and substituting the following - “25”

By His Excellency's command


Clerk of the Executive Council
16 DEC 1997

29 JULY 2015

2396

GOVERNMENT GAZETTE, WA

[20 June 1995

AG404

SOIL AND LAND CONSERVATION ACT 1945

**SOIL AND LAND CONSERVATION (UPPER GASCOYNE LAND CONSERVATION DISTRICT)
AMENDMENT ORDER OF 1995**

Made by the Governor in Executive Council under Section 23 (2d) of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Primary Industry.

Citation

1. This order may be cited as the *Soil and Land Conservation Act (Upper Gascoyne Land Conservation District) Amendment Order 1995*.

Principal Order

2. In this order the *Soil and Land Conservation Act (Upper Gascoyne Land Conservation District) Order 1991** is referred to as the principal order.

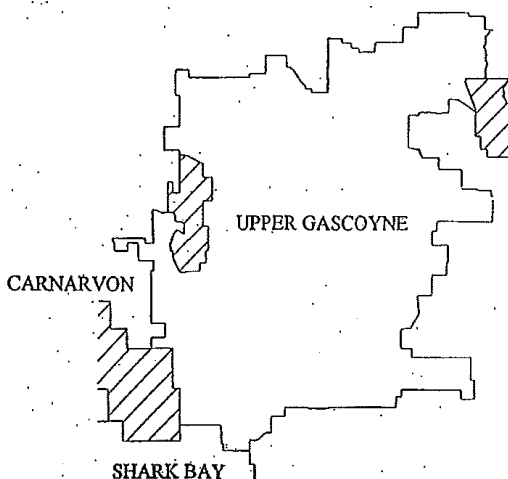
[*Published in the *Gazette of 26 July 1991* at pp. 3837-39.]

Schedule deleted and replaced

Delete the Schedule to the principle order and replace it with the following—

Schedule

Boundaries of the District are the boundaries of the Shire of Upper Gascoyne, the Shire of Carnarvon and the Shire of Shark Bay.



By His Excellency's command,

J. PRITCHARD, Clerk of the Council.

AG405

**SOIL AND LAND CONSERVATION ACT 1945
UPPER GASCOYNE LAND CONSERVATION DISTRICT
(APPOINTMENT OF MEMBERS OF LAND CONSERVATION
DISTRICT COMMITTEE) INSTRUMENT 1995**

Made by the Deputy Commissioner for Soil and Land Conservation.

Citation

1. This Instrument may be cited as the *Upper Gascoyne Land Conservation District (Appointment of Members District Committee) Instrument 1995*.

Interpretation

2. In this Instrument—

"Constitution order" means the *Soil and Land Conservation (Upper Gascoyne Land Conservation District) Order 1991**.

"Committee" means the District Committee established by Clause 4 of the Constitution Order.

[*Published in the *Gazette of 26 July 1991* at pp. 3837-3839.]

29 JULY 2015

26 July 1991]

GOVERNMENT GAZETTE, WA

3837

Department of Land Administration Public Plans:

NEW NORCIA	N.E.	1:25 000
NEW NORCIA	S.E.	1:25 000
PIAWANING	S.W.	1:25 000
PIAWANING	S.E.	1:25 000
PIAWANING	N.E.	1:25 000
BINDI BINDI	S.W.	1:25 000
BINDI BINDI	S.E.	1:25 000
WALEBING	S.E.	1:25 000

By His Excellency's Command,

L. M. AULD, Clerk of the Council.

AG306

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (UPPER GASCOYNE LAND
CONSERVATION DISTRICT) ORDER 1991

Made by His Excellency the Governor in Executive Council under sections 22 and 23 of the *Soil and Land Conservation Act 1945* and on the recommendation of the Minister for Agriculture.

Citation

1. This order may be cited as the *Soil and Land Conservation (Upper Gascoyne Land Conservation District) Order 1991*.

Interpretation

2. In this order—

"appointed member" means a person appointed under clause 5 (1) (b), (c), (d), (e), or (f) to be a member of the committee;

"committee" means the Land Conservation District Committee for the Upper Gascoyne Land Conservation District;

"member" means a member of the committee;

"the district" means the Upper Gascoyne Land Conservation District constituted by clause 3;

"the producer organisations" means the bodies known respectively as the Western Australian Farmers Federation (Inc.) and the Pastoralists and Graziers Association of Western Australia.

Upper Gascoyne Land Conservation District

3. The land described in the Schedule to this order is hereby constituted the Upper Gascoyne Land Conservation District.

Establishment of the committee

4. Pursuant to section 23 (2) of the *Soil and Land Conservation Act 1945* there is hereby established for the district a land conservation district committee to be known as the Land Conservation District Committee for the Upper Gascoyne Land Conservation District.

Constitution of the committee

5. (1) It is hereby determined, on the recommendation of the Minister, after consultation with the Shires of Upper Gascoyne, Carnarvon, and Shark Bay, that the committee shall comprise 24 members of whom—

(a) one shall be the Commissioner of Soil and Land Conservation or his nominee;

(b) one shall be appointed by the Minister on the nomination of the Shire of Upper Gascoyne;

(c) one shall be appointed by the Minister on the nomination of the Shire of Carnarvon;

(d) one shall be appointed by the Minister on the nomination of the Shire of Shark Bay;

(e) 3 shall be appointed in accordance with subclause (2); and

(f) 17 shall be appointed by the Minister and shall be persons actively engaged in, or affected by or associated with, land use in the district;

(2) The Pastoralists and Graziers Association shall submit to the Minister a panel containing the names of persons willing to be appointed as members of the committee and, where such a panel is submitted in accordance with this order, 3 persons whose names appear on the panel shall be appointed by the Minister.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

3838

GOVERNMENT GAZETTE, WA

[26 July 1981

(3) Subject to this clause, each appointed member shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment and is eligible for reappointment.

(4) The Minister may grant leave of absence to an appointed member on such terms and conditions as the Minister determines.

(5) The Minister may terminate the appointment of an appointed member for inability, inefficiency or misbehaviour.

(6) If an appointed member—

(a) is or becomes an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;

(b) has his appointment terminated by the Minister, pursuant to subclause (5);

(c) is absent, except on leave duly granted by the Minister, from 3 consecutive meetings of the committee of which he has had notice; or

(d) resigns his office by written notice addressed to the Minister,

the office of that appointed member becomes vacant.

Proceedings of the committee

6. (1) The committee shall hold its meetings at such place on such days and at such intervals as the committee shall from time to time determine.

(2) At any meeting of the committee—

(a) a majority of the members constitute a quorum;

(b) the Chairman shall preside and where he is absent from the meeting the members may appoint one of their number to preside at that meeting;

(c) each member present is entitled to a deliberative vote; and

(d) where the votes cast on any question are equally divided the Chairman, or the presiding member in terms of paragraph (b), shall have a casting vote.

(3) The committee shall cause accurate minutes to be kept of the proceedings at its meetings.

(4) To the extent that it is not prescribed, the committee may determine its own procedure.

Schedule

(Clause 3)

Upper Gascoyne Land Conservation District

All that portion of land bounded by lines starting from the northernmost northwestern corner of Pastoral lease 3114/1225 (Williambury) and extending east, south, and again east along boundaries of that pastoral lease to a northwestern corner of Pastoral lease 3114/1122 (Mangaroon); thence generally southerly, east, north and again east along boundaries of that pastoral lease to the westernmost western boundary of Pastoral lease 3114/702 (Gifford Creek); thence north and east along boundaries of that pastoral lease to the southwestern corner of Pastoral lease 3114/547 (Edmund); thence north, east, south, again east, again south, again east, again south and again east along boundaries of that pastoral lease to the westernmost southwestern corner of Pastoral lease 3114/1237 (Wanna); thence north, east, again north, again east, south, again east, again south, again east, again south, again east, generally southerly, westerly, southerly, southeasterly, again southerly, northwesterly, again westerly, again southeasterly, again southerly, generally westerly, again southerly and again generally westerly along boundaries of that pastoral lease to the easternmost northeastern corner of Pastoral lease 3114/702 (Gifford Creek); thence southerly along the easternmost eastern boundary of that pastoral lease to a northwestern corner of Pastoral lease 3114/1111 (Cobra); thence generally easterly, generally southeasterly, easterly, southerly, again easterly, again generally southeasterly, again southerly, east, south, again east, again south, again east, again south and west along boundaries of that pastoral lease to the easternmost eastern boundary of Pastoral lease 3114/715 (Mt. Phillip); thence south and west along boundaries of that pastoral lease to the northernmost northeastern corner of Pastoral lease 3114/1143 (Dalgety Downs); thence south, east, again south, west, again south, again east, again south, again west, generally southerly, westerly, southerly, generally southwesterly, generally westerly, southerly, easterly, again south, again east, and again south along boundaries of that pastoral lease to the northernmost northwestern corner of Pastoral lease 3114/696 (Erong Springs); thence east, southerly, again east, south, again east, again south, west, north, again west and again north along

29 JULY 2015

26 July 1991]

GOVERNMENT GAZETTE, WA

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boundaries of that pastoral lease to the northernmost southern boundary of Pastoral lease 3114/1186 (Glenburgh); thence west, south, again west, again south, again west, north and again west along boundaries of that pastoral lease to the easternmost southeastern corner of Pastoral lease 3114/727 (Carey Downs); thence west, south, again west, again south, again west and north along boundaries of that pastoral lease to the easternmost southeastern corner of Pastoral lease 3114/569 (Towrana); thence west, north, again west, south, again west, again north, east, again north, again west and again north along boundaries of that pastoral lease to a southern boundary of Pastoral lease 3114/711 (Winderie); thence west, north, again west, again north, east and again north along boundaries of that pastoral lease to the southernmost southwestern corner of Pastoral lease 3114/850 (Jimba Jimba); thence north, west, again north, northeasterly, northerly, generally southeasterly, again north, east, south, again east, again north, and again east along boundaries of that pastoral lease to the westernmost western boundary of Pastoral lease 3114/764 (Bidgemia); thence north, east, again north and again east along boundaries of that pastoral lease to a southwestern corner of Pastoral lease 3114/763 (Lyons River); thence north, west, again north and east along boundaries of that pastoral lease to the southernmost southwestern corner of Pastoral lease 3114/1056 (Minnie Creek); thence north along the westernmost western boundary of that pastoral lease to the southernmost southeastern corner of Pastoral lease 3114/1225 (Williambury); thence west, north, north-westerly, again west, again north, again west, again north, generally easterly, generally northerly, again west and again generally northerly along boundaries of that pastoral lease to the starting point.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.

AG401

SOIL AND LAND CONSERVATION ACT 1945
NOTICE OF APPOINTMENT

Under section 23 of the Soil and Land Conservation Act 1945, the following persons are appointed members of the District Committee for the Boyup Brook Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of August 3, 1984 and amended in the *Gazettes* of July 25, 1986, and October 26, 1990, the appointments being for a term ceasing on May 17, 1994.

- (a) Micheal Clifton Scott of Boyup Brook, is appointed on the nomination of the Shire of Boyup Brook pursuant to section 23 (2b) (b) of the Act.
- (b) Terence Mondy of Boyup Brook is appointed on the nomination of the Western Australian Farmers' Federation pursuant to section 23 (2b) (c) of the Act.

ERNIE BRIDGE, Minister for Agriculture.

AG402

AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) ACT 1983

Department of Agriculture,
South Perth, 17 June 1991.

948/85.

I, the undersigned Minister for Agriculture, being the Minister charged with the administration of the Agricultural Produce (Chemical Residues) Act 1983 hereby appoint Jennifer Susan Crisp and Brian John Gabbedy as authorised persons under section 6 (1) of the said Act.

ERNIE BRIDGE, Minister for Agriculture.

AG403

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976

Department of Agriculture,
South Perth, June 28, 1991.

Agric 801/90.

I, the undersigned Minister for Agriculture, being the Minister charged with the administration of the Western Australian Meat Industry Authority Act 1976 hereby appoint John Terence Chamberlain as an inspector in accordance with section 24G (1) of the said Act.

ERNIE BRIDGE, Minister for Agriculture.

0006-2

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GOVERNMENT GAZETTE, WA

21 December 2012

— PART 2 —

AGRICULTURE AND FOOD

AG401*

**SOIL AND LAND CONSERVATION ACT 1945
CAPEL LAND CONSERVATION DISTRICT**

Appointment

Pursuant to section 23(2b)(d) of the *Soil and Land Conservation Act 1945*, being persons actively engaged in, or affected by, or associated with land use in the District, Lynne King of Gelorup and Carolyn Ferguson of Busselton are appointed members of the Capel Land Conservation District (the Committee was established by an Order in Council, published in the Gazette of 23 April 1993 at pp. 2170-2172 and Amendment Orders approved by Executive Council on 2 July 1996, 13 August 1996 and 1 December 1998 refer to Department of Agriculture reference: 881848V02P01). The appointment is for a term ending on 30 June 2014.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this day 19th of November 2012.

AG402*

**SOIL AND LAND CONSERVATION ACT 1945
YALLINGUP LAND CONSERVATION DISTRICT**

Appointment

Pursuant to section 23(2b)(d) of the *Soil and Land Conservation Act 1945*, being persons actively engaged in, or affected by, or associated with land use in the District, Lizzy Pepper of Yallingup is appointed a member of the Yallingup Land Conservation District, (the Committee was established by an Order in Council, published in the Gazette 23 April 1993 at pp. 2166-2167 and an Amendment Order approved by Executive Council on 17 June 1997 refer to Department of Agriculture and Food reference: 881849V02P07). The appointment is for a term ending on 30 November 2014.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this day 10th of December 2012.

AG403*

**SOIL AND LAND CONSERVATION ACT 1945
UPPER GASCOYNE LAND CONSERVATION DISTRICT
Appointment of Members of District Committee Instrument 2012**

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Upper Gascoyne Land Conservation District (Appointment of Members) Instrument 2012*

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Upper Gascoyne Land Conservation District) Order 1991**, the following members are appointed to the land conservation district committee for the Upper Gascoyne Land Conservation District—

- (a) on the nomination of the Shire of Upper Gascoyne: Dirk John Sellenger of Gascoyne Junction;
- (b) on the nomination of the Shire of Carnarvon: David Robinson of Doorawarra Station;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: Martin Baston of Jimba Jimba Station, Ross M Collins of Glenburgh Station and Harry McKeough of Carey Downs Station; and

MINUTES OF THE ORDINARY COUNCIL MEETING

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21 December 2012

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- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
- (i) Jim Caunt of Mooloo Downs Station
 - (ii) Diane Maria Kempton of Winderie Station
 - (iii) Martin Bleechmore of Upper Gascoyne
 - (iv) Rachel Maslen of Eudamulluh Station
 - (v) Matthew Kidman of Dalgety Downs Station
 - (vi) Heath Funnell of Lyons River Station
 - (vii) Greg Watters of Mt Cleve Station
 - (viii) Jodie Marie McTaggart of Bidgemia Station
 - (ix) Jason Gary Hastie of Pingandy Station
 - (x) Matthew Hammarquist of Mt Augustus Station
 - (xi) Rachel Norris of Yinnetharra Station
 - (xii) Operations Manager, Department of Environment and Conservation, Carnarvon

(*Published in the Gazette of 26 July 1991 at pp. 3337-39, and amended in the Gazette of 20 June 1996 at p. 2396 and an Amendment Order approved by Executive Council on 16 December 1997 (refer to Department of Agriculture reference: 881762V08POM) and amended in the Gazette of 16 November 2012 at p. 6661).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 31 October 2015.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this day 27th of November 2012.

CONSUMER PROTECTION

CP401*

CHARITABLE COLLECTIONS ACT 1946 REVOCATION OF LICENCES

I, Anne Driscoll, being the officer delegated by the Minister administering the *Charitable Collections Act 1946*, and acting in the exercise of the powers conferred by subsection (8) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- More Than Sunday Inc
- WorkPower Incorporated

Dated this 13th day of December 2012.

ANNE DRISCOLL, Commissioner for Consumer Protection.

EDUCATION

ED401*

SCHOOL EDUCATION ACT 1999

LIST OF SCHOOLS THAT HAVE BEEN DECLARED AS LOCAL-INTAKE SCHOOLS

(Pursuant to Section 60, Subsection 3a)

The Hon. Minister for Education has advised that the following schools shall have local-intake areas from 1 January 2013.

SHARYN O'NEILL, Director-General of Education.

ADAM ROAD PS	ALBANY PS	ALBANY SHS
ALINJARRA PS	ALLENDALE PS	APPLECROSS PS
APPLECROSS SHS	ARBOR GROVE PS	ARDROSS PS
ARMADALE PS	ASHBURTON DRIVE PS	ASHDALE PS

MINUTES OF THE ORDINARY COUNCIL MEETING

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LAND CONSERVATION DISTRICT COMMITTEE

NOMINATION INFORMATION

LAND CONSERVATION DISTRICT _____

SURNAME:
(Mr, Mrs, Miss, Ms) _____

OTHER NAMES: _____

LOCALITY: _____

POSTAL ADDRESS: _____

TELEPHONE NO: _____ FAX NO: _____

EMAIL ADDRESS: _____

OCCUPATION: _____

REASONS FOR NOMINATION
(Include achievements, projects, Committees etc) _____

OTHER BACKGROUND COMMENTS _____

Signature of Nominee to confirm
agreement to nomination

29 JULY 2015

11.2 APPLICATION FOR USE OF PORTION OF RESERVE 49809 - COMMON RES49809

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Wake
Seconded Cr Bellottie

Council Resolution

That a licence to occupy an area of 1.067 ha (10647 square metres) of the Reserve 49809 - Common as depicted on the application submitted by Mr H Van Eek be granted for a period of five (5) years expiring on 30 June 2020 on the following conditions:

- 1. Ongoing compliance with the guidelines of the Shire's Management Statement for Reserve 49809 - Common.**
- 2. The allocated area being suitably fenced and maintained to ensure stock is contained within the approved area.**
- 3. The approval of the Minister of Lands is granted.**

7/0 CARRIED

Background

The Shire of Shark Bay has a Management Order on Reserve 49809 which has a current purpose classified as Common. The area of the reserve is 1,139.223 hectares.

The management order authorises Council to issue licenses for designated area for a maximum period of 5 years with the approval of the Minister. The Council also has a management statement for the occupation of the common that applies to the license holders. The licence allows for an applicant to apply for a term of up to five (5) years.

The following licences have been issued by Council and approved by the Minister for use of the common:

Mrs Alison McLean
Licence number: 1/2013
Licence issued 1 June 2013 and expires 31 May 2018
Area 4.2 Hectares
Stock – 4 horses

Ms T Weiss
Licence number 1/2014
Licence issued 1 September 2014 and expires 31 August 2019
Area 609 m²
Stock – three horses, one goat

Mr H Hoult & Mr G Desmond
Licence number: 1/2015
Licence issued 4 June 2015 and expires 30 April 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

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Area 34.113 ha
Stock – 8 horses

All conditions have been complied with, including the fencing of the area allocated and the licence has been approved by the Minister.

Comment

A request for an area of the Reserve 49809 - Common has been submitted by Mr H Van Eek (attached).

Mr Van Eek was originally approved by Council in July 2010 to occupy an area of the common, this application also required the approval of the Minister which due to an administration error was not sought.

The area originally applied for and considered by Council in May 2010 was for 5 hectares. The conditions of licence required the approved area to be suitably fenced to contain the applicants stock. Mr Van Eek has only fenced a small area of the five hectares that has been previously approved and has indicated that he would not be fencing the full five hectares due to the cost.

Mr Van Eek's practise has been to contain his stock in a smaller enclosed area and walk the animals through the Council reserve whilst under his direct control.

This is in line with the overall use of the reserve by the general public and does not interfere with the other users of the reserve while the animals are under the care and control of the owner with the owner present.

This area occupied has been verified by the administration and is adequately fenced and maintained to contain his stock in accordance with Council's Management Statement. The location of the area allocated on Reserve 49809 is indicated in red on the attached map titled – Map occupied areas and is Lease # 002/2015.

There have been no reported incidences of non-compliance or complaints by other occupiers of the reserve in regards to Mr Van Eek's occupation of Reserve 49809.

Legal Implications

The Council has a Management Order for Reserve 49809 in accordance with the Land Administration Act. The management order enables Council to issue licences for a term not exceeding five years with the final approval of the Minister for areas of the reserve.

Mr Van Eek has supplied a Certificate of Currency for Insurance purposes.

Policy Implications

There are no policy implications applicable to this report.

Financial Implications

In accordance with Council resolution an annual fee of \$100 will be applied in the first year.

Strategic Implications

There are no Strategic Implications associated with this item.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Risk Management

It has been assessed that there is a minimal risk associated with this application.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

23 June 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Management Statement for the Occupation and use of Reserve 49809 Common

- a) The shire is to maintain a register of all occupiers of the common along with the following base data;
1. The area and location of land being utilised along with the specific infrastructure thereon.
 2. The number of stock being grazed.
 3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.
- b) Occupiers of Reserve 49809 Common
1. All occupiers of the common will require a license to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.

The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.
- c) Reporting Requirements
1. A report will be provided to council on an annual basis detailing current occupiers of the Common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.
- d) General Management Statement for Occupiers
- 1) All occupiers of the town common will observe basic requirements for its occupation.
 - 2) Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
 - 3) Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
 - 4) Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
 - 5) An area stock control device will be required to access the town common.
 - 6) Speed limits will be specified on the access road within the town common.
 - 7) Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.
- B) That “General Management Statement for occupiers” includes licensed occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

RECEIVED

22 JUN 2015 I-CR-19860

SHIRE OF SHARK BAY
OF SHARK BAY
65 Knight Terrace
Denham WA 6537
PO Box 126 Denham WA 6537
RES49809



Telephone (08) 9948 1218
Facsimile (08) 9948 1237
Email admin@sharkbay.wa.gov.au
All correspondence to the
Chief Executive Officer

APPLICATION FOR USE OF PORTION OF
RESERVE 49809 - COMMON

As a condition of the licence approval for the use of a portion of Reserve 49809 - Common, the Applicant acknowledges and agrees that:

- Occupation of the common will require that all activities conform with any relevant legislation or other statutory requirements, including the Reserve 49809 - Common Policy;
- Licence approval will be granted with the acknowledgment and agreement that the Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Reserve;
- The Shire of Shark Bay reserves the right to refuse the issue of a licence for an activity that is not considered appropriate to Reserve 49809 - Common.

(Electronic: please fill out grey areas, save and return via email)

SIGNATURE: [Signature] DATE: 18 - June 2015
PLEASE PRINT FULL NAME: MENK VAN EEL TELEPHONE NUMBER: 0404 196798
ADDRESS: 2 EDWARDS STREET, DENHAM.

* The person signing this application on behalf of an organization must have the authority to sign on behalf of said group or organization, and by signing this certifying that he/she has such authority.

CONTACT DETAILS

FIRST NAME:	<u>MENK.</u>
LAST NAME:	<u>VAN EEL.</u>
BUINESS/ORGANISATION NAME:	<u>SHARK BAY CAMEL SAFARIS</u>
POSTAL ADDRESS:	<u>2 EDWARDS STREET, DENHAM, WA.</u>
HOME PHONE NUMBER:	<u>0404 196 798</u>
WORK PHONE NUMBER:	<u>0404 196 798 .</u>

1
Shire of Shark Bay
Application for Use of portion of Reserve 49809 - Common

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

FAX NUMBER:

Reserve 49809-Common, Use

Please provide a short description of the activities that you wish to undertake at Reserve 49809 - Common. Eg: Stock tenure.

MAINTAIN STATUS AS DONE FOR 12 YEARS.
KEEP ANIMALS LOCKED UP IN Paddock.
AND WALK AND HERDING/RIDING THEM.

List the vehicles which will be used to access to Common?

TOYOTA UTE	SD198	and.	1AAL 508
TOYOTA CAROL.	842-123		

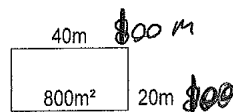
What infrastructure or stock control devices will be utilised?

Please tick appropriate box.

Shed Caravan Shade structure Internal fences Gates

Location and Area in m² to be fenced

Example:



Or None of the above

Length of time you wish to utilize the Common within a period of 5 years?

5 YEARS. AS LONG AS POSSIBLE.

2

Shire of Shark Bay

Application for Use of portion of Reserve 49809 - Common

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Stock Application

I hereby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809

Common for the following stock:-

- () horse/s
- () cattle
- () sheep
- (10) camels
- () chickens

Other considerations that may be applicable? Eg: Special Circumstances.

On receipt of your application it will be placed in the Agenda for the upcoming Council meeting for approval of your licence. Once approved by the Shire of Shark Bay Council the licence will then be referred to the Minister of Land pursuant to the provisions of Section 20 of the *Land Administration Act 1997*. I accept that Annual fees will apply to this licence in accordance with Council's Fees and Charges.

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability insurance certificate.

Signed By Lessee

Print full name: Merv van Eek

Signed: [Signature] Date: 10 June 2015

BY POST;

Address the application to: The Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

Courier or personal Delivery: Shire Offices
65 Knight Terrace
Denham WA 6537

Electronically: admin@sharkbay.wa.gov.au

Contact the Shire offices on:

Phone: 08) 9948 1218
Fax: 08) 9948 1237
E-mail: admin@sharkbay.wa.gov.au
Web: www.sharkbay.wa.gov.au

3

Shire of Shark Bay
Application for Use of portion of Reserve 49809 - Common

MINUTES OF THE ORDINARY COUNCIL MEETING

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Licence is subject to General Policy Statement upon and for the duration of occupation-

- *All occupiers of the Common will observe basic requirements for its occupation.*
- *All occupiers of the Common will ensure that all of their activities conform to any relevant legislation or other statutory requirement.*
- *Illegal activities of any nature are not to take place at the Common.*
- *The Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Common.*
- *Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.*
- *Occupiers are to be responsible for any damages caused to the Common other than general deterioration of the site.*
- *The Common will be left clean and tidy; all rubbish etc is to be removed.*
- *Due respect is to be observed to other occupiers of the Common with regard to mutual required services and infrastructure.*
- *Occupiers are asked to contribute to a positive relationship with other Common users.*
- *The area utilized must have a stock control measure in place to secure their stock.*
- *Stock numbers must be maintained within the license approval. Any additional stock must be approved by Council.*
- *Activity infrastructure will be required to be set back a specified distance from the access road as determined by the Shire.*
- *Speed limits will be observed on the access and external road within the Common.*
- *Occupiers of the Common are required to address issues of concern directly to the Shire and not to other occupiers.*
- *Proof of current Public Liability Insurance to \$10,000,000.*

Failure to comply with these provisions may result in the cancellation of the licence to occupy.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015



exceptional insurance products for extraordinary people

A.F.S Licence 244370
A.C.N 096 939 169

18 June 2015

CERTIFICATE OF CURRENCY

TO WHOM IT MAY CONCERN

We, the undersigned Insurance Underwriting Agency, hereby certify that the following described Insurance is in force at this date.

NAME OF INSURED: Shark Bay Camel Safaris Pty Ltd
TYPE OF INSURANCE: Public and Products Liability Policy
POLICY NO: 01L03121453
PERIOD: From: 18th March, 2015
To: 18th March, 2016 (16.00 hours AEST)

MORTGAGEE / INTERESTED PARTY: N/A

SITUATION OF RISK: Anywhere in Australia

DESCRIPTION OF RISK: Camel Rides

LIMIT OF INDEMNITY: \$10,000,000

INSURERS: W R Berkley Insurance (Europe), Limited

This document is furnished to you as a matter of information only. The issuance of this document does not make the person or organisation to whom it has been issued an additional assured, nor does it modify in any manner the contract of insurance between the assured and Underwriters. Any amendment, change or extension of such contract only be effected by specific endorsement attached thereto.

Should the above mentioned contract of insurance be cancelled, assigned or changed during the above Policy period in such manner as to affect this document, no obligation to inform the holder of this document is accepted by the undersigned Insurance Brokers.

Yours faithfully

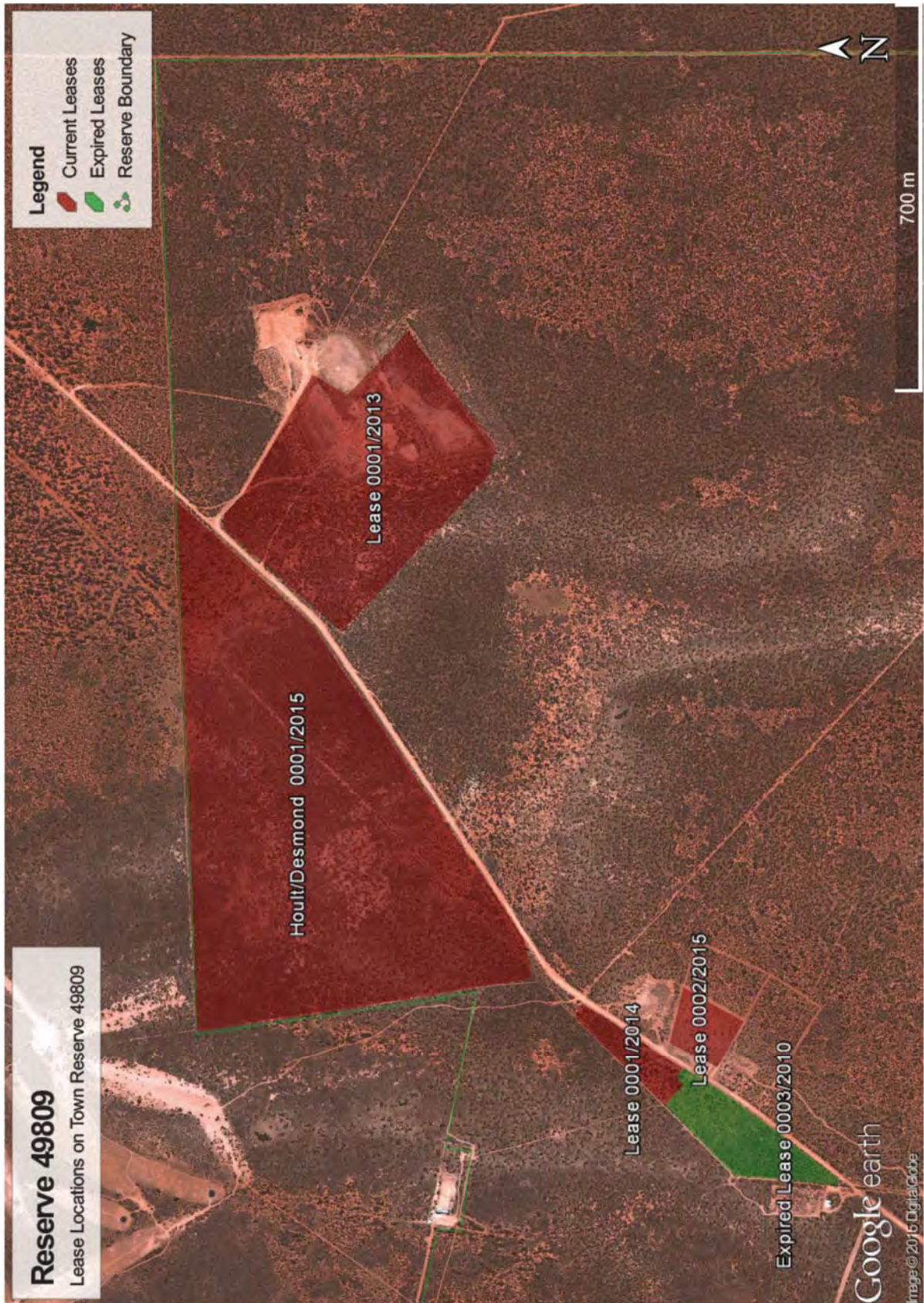
A handwritten signature in black ink, appearing to read 'Alan Whittle'.

Alan Whittle
For and on behalf of High Street Underwriting Agency Pty Limited

Postal Address:
P O Box 7174
Brendale, Qld. 4500

Phone: 1800 096 829
Fax: 1800 096 680

29 JULY 2015



29 JULY 2015

11.3 OCCUPATION OF RESERVE 29363 – GOLF COURSE
RES 29363 & RES 49809

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That Council:

Option 1

Advise the Boolbardie Country Club that Council does not authorise the subletting or utilisation of any area of Reserve 29363 for any purpose other than the permitted purpose of Public Recreation Golf Club.

Or

Option 2

Note the occupation of Mr Hout and Desmond of Reserve 29363 prior to and following the variation and increase in size of Reserve 29363 in 2007 and authorise the administration to apply to the Department of Lands for a variation to Reserve 29363 to include the provision to issue licences to occupy areas of reserve not required by the Boolbardie Country Club for the purpose of depasturing of stock.

Or

Option 3

Note the occupation of Mr Hout and Desmond of Reserve 29363 prior to and following the variation and increase in size of Reserve 29363 in 2007 and authorise the administration to apply to the Department of Lands for a variation to reduce the area of Reserve 29363 and increase the area of Reserve 49809 by the areas currently fenced and occupied by Mr Desmond and Mr Hout as indicated on the map attached to the report submitted by the Chief Executive Officer.

Moved Cr Wake

Seconded Cr Prior

Council Resolution

That Council:

Note the occupation of Mr Hout and Desmond of Reserve 29363 prior to and following the variation and increase in size of Reserve 29363 in 2007 and authorise the administration to apply to the Department of Lands for a variation to reduce the area of Reserve 29363 and increase the area of Reserve 49809 by the areas currently fenced and occupied by Mr Desmond and Mr Hout as indicated on the map attached to the report submitted by the Chief Executive Officer.

7/0 CARRIED

29 JULY 2015

BACKGROUND

During the verification of the fencing and area of land allocated under the licence to occupy part of Reserve 49809 to Mr Desmond and Hoult it has been identified that Mr Desmond and Mr Hoult are in occupation of an area of land that was prior to 2007 Unallocated Crown Land and is now part of Reserve 29363.

Reserve 29363 Lot 353 is immediately adjacent (refer attached map) to Reserve 49809 and was vested in the Shire of Shark Bay in 1968 with the power to lease for the purposes of public recreation as a golf course.

The historical area of this reserve was 69.034 hectare's.

There was also an area of unallocated crown land also immediately to Reserve 29363 adjacent which was reclassified on 23 February 2007 as part of Reserve 29363 Lot 358 comprising of 155.96 hectare's making a total area of reserve 224.99 for the purposes of public recreation (golf course).

The Management Order for Reserve 29363 is specific in that the approved use is Public Recreation Golf Course. The Management Order dictates the use of the reserve and Council should not use the reserve for any other purpose without the approval of the Department of Lands.

The shire leases Reserve 29363 in total to the Boolbardie Country Club (Incorporated) and renewed the lease on 1 January 2012 for a period of 21 years.

The lease with the Boolbardie Country Club (Inc) has the following clauses

12. Use

(1) (a) the lessee must not and must not suffer or permit a person to – use the premises for any purpose other than the permitted purpose (Public Recreation - Golf Course)

22. assignment, subletting and charging

(1) The lessee must not assign the leasehold estate in the premises nor sublet, part with possession, or dispose of the premises or any part of the premises without the prior written consent of the lessor and any other persons whose consent is required under this lease or at law.

COMMENT

The Boolbardie Country Club has been made aware of the increase in size of Reserve 29363 in 2007 and the ongoing occupation of Mr Desmond and Hoult of a section of Reserve 29363.

The Boolbardie Country Club have written to Council (attached) regarding their position and requesting that Mr Desmond and Hoult be authorised to continue their occupation of the reserve.

The club also advise that they have not received monetary gain from allowing the occupation of the reserve.

29 JULY 2015

It would appear from the research that has been undertaken that Mr Desmond and Mr Hoult were in occupation of an area of the unallocated crown land when the vesting was changed and have been in continuous occupation since.

The areas indicated in blue (approx. 43.55 hectares) and yellow (approx. 21.20 hectares) on the attached map indicating occupied areas have been plotted by the Works Manager and he has reported that they are fenced to a standard that contains the stock within the boundaries.

Mr Hoult has also verbally advised he was in discussions with the Department of Lands regarding an approval to occupy an area of the unallocated crown land prior to the vesting in 2007.

It would appear as though an administrative oversight may have occurred that did not identify that the increased size of the Reserve 29363 would take in unallocated crown land that had tenants in occupation. There has been no indication on the Council records that Mr Desmond and Hoult were advised of the variation and requested to vacate the land in 2007.

Given the Management Order and use of the land the Council could require the Boolbardie Country Club to comply with the Management Order and require that Mr Desmond and Hoult vacate Reserve 29363.

However given the area of land being occupied is currently not being utilised by the Boolbardie Country Club the Council may consider options to enable Mr Hoult and Mr Desmond to remain in occupation.

The Council could apply to the Lands Department to amend the current Management Order to Council on Reserve 29363 to include the power to approve a licence to occupy areas of the reserve not required by Boolbardie Country Club for the purpose of a golf course.

If Council considers this an option it could apply conditions similar to the approvals to utilise areas of Reserve 49809 (the common).

The Council could also apply to the Lands Department to have the area currently occupied by Mr Desmond and Mr Hoult included in the Councils Reserve 49809 and apply the same licence to occupy conditions that are in place.

Given that Mr Desmond and Hoult also have approval to occupy an area of Reserve 49809 they have options to relocate their stock and facilities to another albeit smaller area of adjacent reserve if required.

LEGAL IMPLICATIONS

The occupation of a Reserve should be in accordance with the Management Order issued to the Council under *the Land Administration Act*.

POLICY IMPLICATIONS

There are no policy implications relative to this report

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

FINANCIAL IMPLICATIONS

There are no financial implications relative to this report

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

There is a risk of noncompliance with the *Land Administration Act*.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

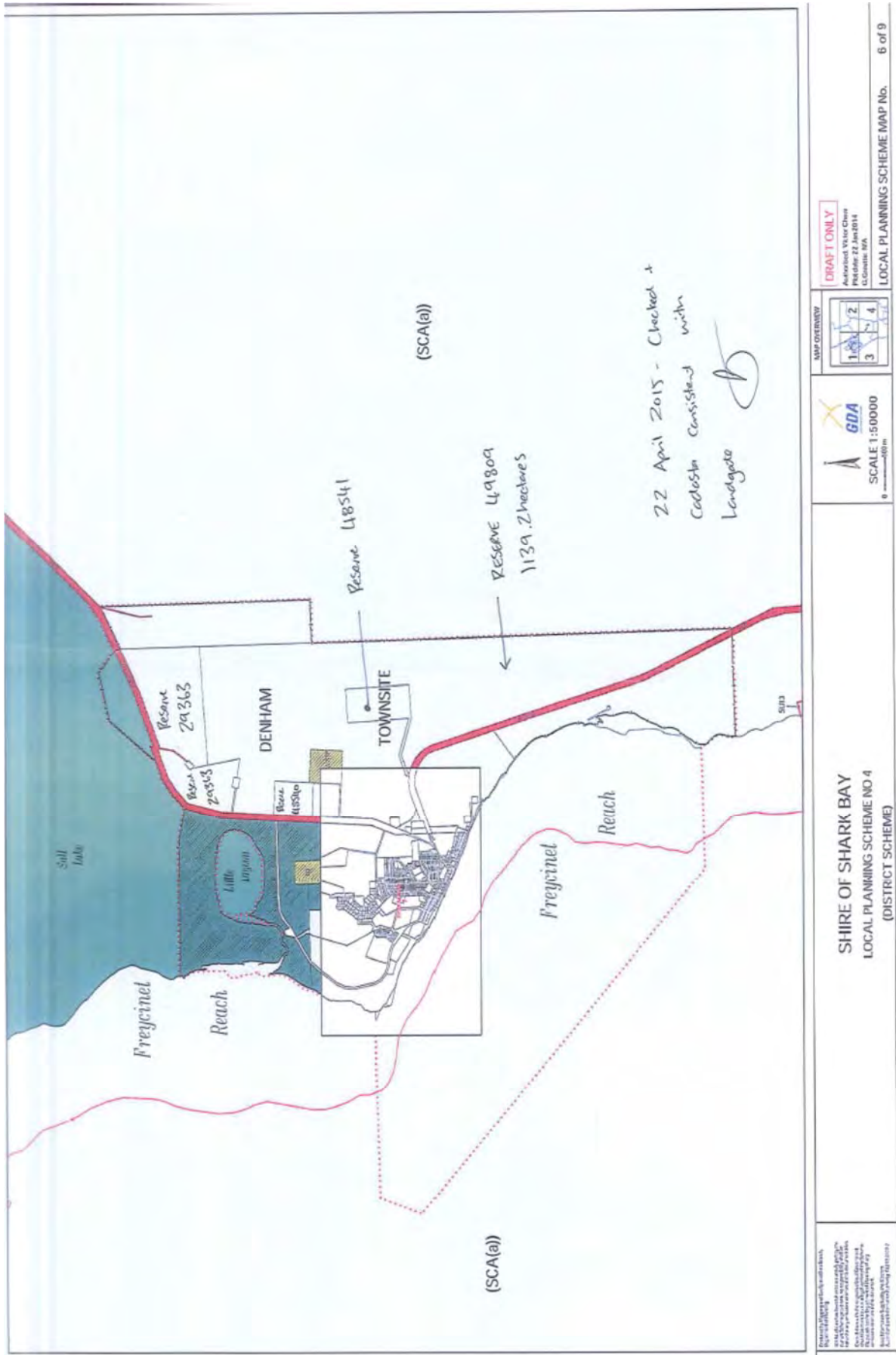
Chief Executive Officer

P Anderson

Date of Report

25 June 2015

29 JULY 2015



DRAFT ONLY
 Approved Value Class
 Adopted 22 June 2014
 Council: 100

MAP OVERVIEW
 1 2 3 4
 SCALE 1:50000
 0 100m

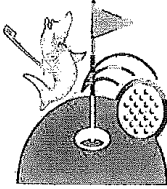
SHIRE OF SHARK BAY
 LOCAL PLANNING SCHEME NO 4
 (DISTRICT SCHEME)

SHIRE OF SHARK BAY
 LOCAL PLANNING SCHEME NO 4
 (DISTRICT SCHEME)

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

BOOLBARDIE COUNTRY CLUB



SHIRE OF SHARK BAY

BOOLBARDIE COUNTRY CLUB INC. SHARK BAY GOLF CLUB
MONKEY MIA ROAD, DENHAM W.A. 6537

President: Robert Blennerhassett
Ph: 99 483320

Secretary: Jill Deschamp
Ph: 99 483 224

19th. June 2015

Chief Executive Officer
Shire of Shark Bay
PO Box 129
Denham 6537

Dear Paul

RESERVE 29363 BOOLBARDIE COUNTRY CLUB INC.

We would like to apply to Council to give consideration to the occupation of Mr Hoult and Mr Desmond on Reserve 29363 to continue for the purpose of containing stock.

The Boolbardie Country Club has allowed this arrangement unofficially for some years past, without realising the need to apply for permission from Council.

We are aware that Boolbardie Country Club cannot sublet any part of the premises without prior written consent of the Council and have not received any monetary gain from allowing Mr Hoult and Mr Desmond to occupy a portion of this land.

We trust that Council will make a decision in favour of confirming this arrangement.

Yours sincerely,

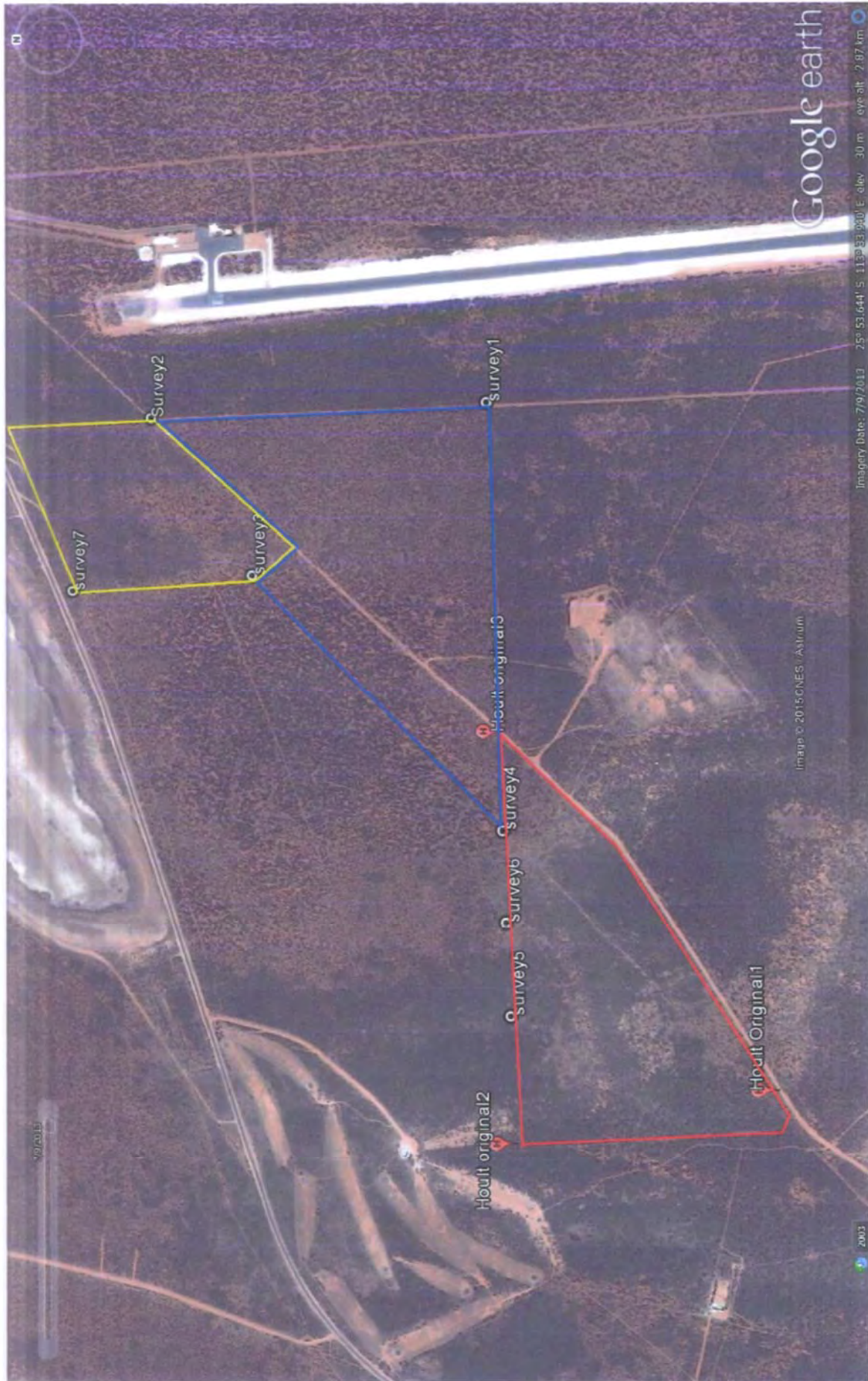
A handwritten signature in dark ink, appearing to be 'R Blennerhassett', written over a horizontal line.

for
Robert Blennerhassett
President

Email: jilldeschamp@westnet.com.au

MINUTES OF THE ORDINARY COUNCIL MEETING

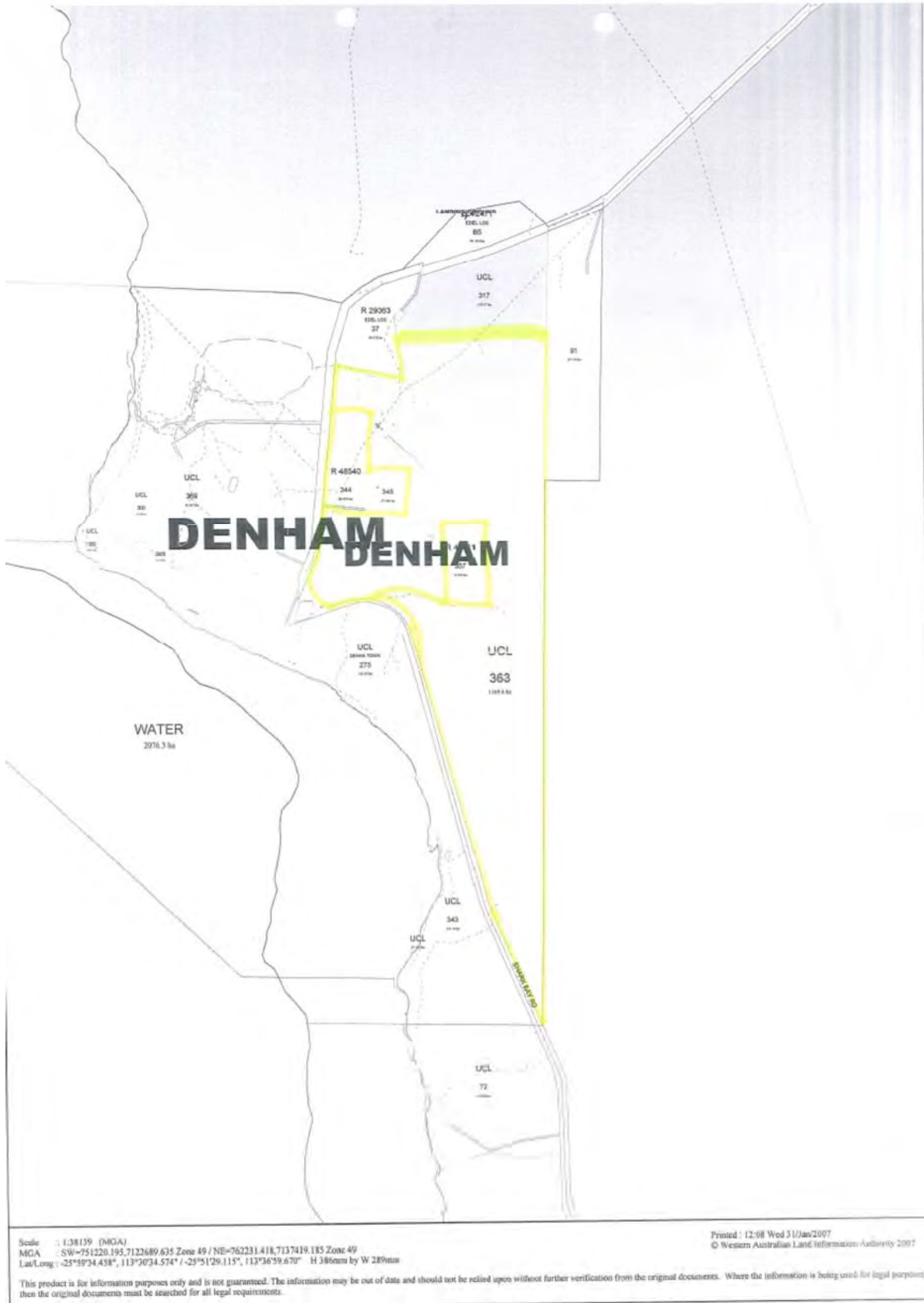
29 JULY 2015



Confirmed at the Ordinary Council meeting held on the 38 26 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015



MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

11.4 MONKEY MIA – INTENT TO REPEAL BOATING PROHIBITED AREA No. 988
LE00011

AUTHOR

Clint Doak - M P Rogers & Associates Pty Ltd – Coastal Engineers

DISCLOSURE OF ANY INTEREST

Declaration of Interest: M P Rogers & Associates

Nature of Interest: Financial Interest as receive fees for advice to the Shire

Declaration of Interest: Greg Ridgley

Nature of Interest: Financial as work at Monkey Mia

Cr Ridgley left Council Chambers at 3.25pm

Moved Cr Capewell
Seconded Cr Bellottie

Council Resolution

That Council request the Chief Executive Officer to write to the Department of Transport requesting that Boating Prohibited Area No. 988 be rescinded and removed from the Register of Restricted Areas of Navigable Waters.

6/0 CARRIED

Cr Ridgley returned to Council Chamber at 3.26pm

BACKGROUND

Boating Prohibited Area No. 988 was gazetted on the 11th of September 2001. The Department of Transport's register of Restricted Areas of Navigable Waters describes this Boating Prohibited Area as follows.

“All those waters contained in an area commencing at a point 8 metres west of the boat launching ramp at Monkey Mia, thence due north for 40 metres, thence due west for 15 metres, thence due south for 40 metres to the foreshore.”

The spatial extent of this Boating Prohibited Area is shown diagrammatically in the following figure (as provided by Department of Transport). As the name suggests, boating is not permitted in this area and anyone caught using this area could be given an infringement.

29 JULY 2015



The Department of Transport have advised that no records exist that outline the reason for the gazettal of Boating Prohibited Area No. 988. Furthermore, the Department of Transport have advised that they would be happy to rescind the gazettal if agreement is received from all local stakeholders.

In accordance with the above advice from the Department of Transport, the following local stakeholders are on record as providing their support for the repeal.

- Department of Parks and Wildlife.
- Aspen Resorts.
- Blue Lagoon Pearls.
- Monkey Mia Yacht Charters.
- Monkey Mia Wildsights.

COMMENT

Given the presence of the Monkey Mia Jetty and Boat Ramps, the existence of this Boating Prohibited Area does not fit with the intended use of this waterway area by recreational and commercial vessels. The presence of this Boating Prohibited Area is not noted on local nautical charts, nor was it raised during the application for a modification to the Jetty Licence for the construction of the new Monkey Mia Jetty. The area has been used extensively by commercial and recreational vessels throughout recent memory.

The Department of Transport have no record regarding the reasoning behind the gazettal of this area. As a result, there is no compelling reason for the Boating Prohibited Area to remain in place in the future.

LEGAL IMPLICATIONS

There are no legal implications for the Shire.

POLICY IMPLICATIONS

There are no policy implications to this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

FINANCIAL IMPLICATIONS

There are no financial implications to this report

STRATEGIC IMPLICATIONS

Repeal of Boating Prohibited Area No. 988 would enable the full utilisation of the Monkey Mia Jetty and the shoreline between it and the boat ramp.

RISK MANAGEMENT

There is no risk to the Shire associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

21 July 2015

29 JULY 2015

11.5 WANNOO TOWNSITE BUSINESSES WASTE DISPOSAL
P2027

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Wake
Seconded Cr Prior

Council Resolution

That Council:

Part 1 Endorse the Chief Executive Officers actions in providing an interim waste disposal solution for businesses at the Wannoo Town Site with the owners of the Meadow Pastoral Lease.

Part 2 That the administration be requested to commence the process to excise a section of land from the Meadow Pastoral Lease for the purposes of a tip site for the Wannoo Town Site.

The process to register a proposed waste disposal site for putrescible and inert waste only for businesses in the Wannoo Town Site be undertaken in conjunction with the excision of a section of Meadow Pastoral Lease.

That a Memorandum of Understanding between the Shire of Shark Bay and businesses operating at the Wannoo Town Site be established to define the responsibilities and management associated with the proposed waste disposal site which will be established exclusively for the Wannoo Town Site business operators.

7/0 CARRIED

BACKGROUND

The Billabong Roadhouse and Billabong Hotel/Motel are situated in the Wannoo Town Site at the southern extremity of the Shires boundaries approximately 170 klms from the Denham Town Site.

The Billabong Roadhouse was originally built in 1961, and the Hotel/Motel being established in 1971.

It is unclear given the records that could be located as to what the waste disposal requirements were when the planning approvals were granted for the establishment of both the businesses.

The Billabong Roadhouse and Hotel/Motel have been utilising an abandoned Main Roads Western Australia department camp area that is located 3 klms south of the

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Wannoo Town Site (Billabong) 200 metres off the highway as a rubbish disposal site that is on the Meadow Pastoral Lease within Lot 219 on Deposited Plan 220369 currently owned by Harold Crawford of Nerren-Nerren Station.

The Meadow lease was held by Clark and Sons since 1935 and was sold to H.J.Crawford (Nerren-Nerren Pastoral Co.) in 1984 who continued to allow the pit to be used by businesses for their kitchen and normal waste.

In June 2015 the owner of Meadow Pastoral lease was advised that the site had been reported as a contaminated site to the Department of Environmental Regulation and was being investigated.

Mr Crawford has advised the following:

When MRD began roadside pickup from Carnarvon of bins from truck bays etc., and later also from the 24hr camp stop on highway 30 km further south, the volume of highway waste increased, also added to by the increased traffic volume.

When Downer as contractors for MRD took over roadside rubbish pickups from Carnarvon to their southern district boundary, (around 300km), they in filled the pit that was being used on site and dug a new and bigger pit (the present pit) to accommodate the waste created by increased traffic and the local users (BBRH & BBHM), also with increased patronage.

Also bins outside the Hotel and Roadhouse within Wannoo and also over the highway in the truck bay are bins collected and bagged by Downers and disposed of in the tip site.

Downers have taken some responsibility for tip maintenance and clean-up. They have recently had contractors on site to clean-up windblown loose paper and bags etc. Also they have within the last 2 – 3 weeks I am advised, are no longer dumping roadside rubbish into the pit. They are presently transporting roadside pick-up rubbish back to Carnarvon via a “skip bin” contractor.

In 1990's when the highway road reserve was fenced either side, at the tip site, rather than fence off the site but allow gate access, the fence was directed around the area to allow room for further renewal sites within a fenced area adjacent to the road reserve. No excision from the lease was made.

It would appear that the uncontrolled nature of the site and the increased waste emanating from the Main Roads Western Australia collection has significantly contributed to the issues now faced by the landowner.

Main Roads Western Australia have taken responsibility for the waste disposal site and have taken actions to remove a significant amount of waste from the site and have advised in part as follows. (Refer attached)

Once the actions have been completed and a full report by MRWA of the remediation activities submitted to DER, MRWA has been advised that the site will be recorded as a clean site and no further action will be taken. These activities do not preclude construction of a new pit at this location but are purely in adherence to the remediation requirements for this instance. MRWA is not seeking any involvement in any future proposals at this location

The issue of the waste disposal site at this site has been the subject of Council discussion previously, in March 2001 the Council approved the transit park at Lot 4 Wannoo North West Coastal Highway with the following conditions:

29 JULY 2015

Compliance with councils trade waste disposal requirements

The provision of trade waste storage facilities to a design approved by council

Arrangement satisfactory to the shires engineering officer to be made for the storage and collection of garbage container.

It is unclear if these conditions of approval were met or followed up on by administration as being realistically financially or logistically achievable.

In August 2002 the Shire received correspondence from the Department of Environmental Protection regarding the Billabong Roadhouse illegal landfill.

The notice in part stated:

On July 3 2002, a black plume of smoke was noticed on the west side of the North West Coastal Highway approximately 2 kms south of the Billabong Road House. A Departmental Officer, Renee Hodges, noticed a BGC truck leaving the area where the pollution incident occurred.

On inspection, an unlicensed medium size landfill was found burning. In amongst the pit waste were burning tyres, fuel storage containers, gas bottles and putrescible waste. There were no fences hence rubbish and debris was strewn throughout the surrounding bush.

It is clearly apparent that the roadhouse and tavern require waste management facilities. However the current location is unlicensed and poorly managed. The DEP will require the Shire to provide a facility that meets either DEP licence or registration criteria, alternatively waste should be collected and returned to Denham.

Subsequently the Council in September 2002 resolved the following:

- 1 Employ a contractor to clean up the Wannoo Tip Site.**
- 2 Agree that an interim fenced tipping trench be provided at the present tip site location.**
- 3 Consider the cost of interim rubbish clean-up and control and this be provided until such time as a total rubbish control plan for the area be formulated and fees assessed.**
- 4 Further investigate other means of rubbish collection from all commercial operations outside the Denham town site boundary by way of either a central tipsite or costings for truck pickup or other alternatives.**
- 5 When all costs and collection procedures are available, a public meeting of all affected businesses be held at the Overlander Hall to discuss and formulate a rubbish plan for these businesses.**

The Department of Environmental Protection were advised of the intent of Council in regard to the Wannoo Town Site – illegal landfill site as follows;

As indicated in the report the immediate strategy is to clean up the site and provide a new trench fenced in a dome like manner covering the trench completely.

It would be recommended to council that this is an interim strategy prior to council obtaining a tipping trailer to be utilised to transfer waste from Wannoo to Denham.

29 JULY 2015

It is hoped that if council agrees to this strategy a transfer arrangement will be in place early in the 2003/2004 financial year.

It is unclear if the resolutions of Council were fully undertaken, however given the tip site appears to have been in constant use since this resolution it could be assumed that limited remedial action has been taken and the resolution outcomes were not satisfactory.

COMMENT

The issue of waste disposal for the business at the Wannoo Town Site would appear to have been a matter that has not been addressed adequately since the establishment of the businesses.

The changes in legislation regarding the disposal of waste, particularly waste that is not considered putrescible or inert have become quite restrictive and historical waste disposal sites if not managed in accordance with current regulations can present a significant risk to the landholder.

The owner of Meadow Station (Mr Harold Crawford) is due to the serving of the notice regarding the notification of a contaminated site, now very anxious to divest himself of any responsibility regarding this historical waste disposal site.

The actions by Main Roads Western Australia have significantly improved the area and with proper management may enable the site to be utilised for the disposal of putrescible and inert waste only. This would exclude any contaminated waste such as used oil and chemicals or items such as tyres and batteries.

The Chief Executive Officer and Works Manager met with Mr Crawford and the business proprietors at the Wannoo town site to discuss the issues associated with the waste disposal site and the reluctance of Mr Crawford to continue to authorise the dumping of waste at the site.

Mr Crawford has following the removal of waste by Main Roads Western Australia agreed to allow the business at the Wannoo Town Site to utilise the site for the disposal of their putrescible and inert waste only, on the condition that the Shire be responsible for any further remedial action if required due to disposal of waste by the business.

This agreement is also on the condition that a long term solution that removes Meadow Station from any responsibility regarding any waste disposal site that is put in place.

In further discussions with Mr Crawford it is also proposed to fence off the access from the highway with the businesses utilising a rear access from their properties along established track on the pastoral lease.

This would discourage any illegal dumping by individuals not associated with the Wannoo Town Site.

It is proposed by the administration to excise the current area of land that has been utilised for the waste disposal site with the agreement of the current owner and apply for the registration of a waste disposal site for putrescible and inert waste.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

The excision and registering of a waste disposal facility in the name of the Shire of Shark Bay for the exclusive use of the businesses in the Wannoo Town Site, with a Memorandum of Understanding or similar agreement that the businesses manage the waste disposal facility with supervision from the Shire would make inroads to exclude the incidence of uncontrolled waste disposal.

The area of land owned by the business at the Wannoo Town Site is not sufficient to enable them to dispose of their waste on site. Mr Crawford has advised that the cap rock in the area also would make any significant excavation difficult and expensive.

The businesses due to the issues that the notification to the Department of Environmental Regulation has raised are also considering alternative methods of waste disposal which will in the long term reduce the amount of waste to landfill.

There will be ongoing issues associated with an isolated unmanned waste disposal site such as illegal dumping, however fencing, and signage and if required monitoring with remote cameras, can assist in the control and identify illegal activity if required.

However as the businesses rely on a cost effective method of waste disposal it is in their interests to ensure the waste disposal site is utilised and maintained in accordance with the legislation.

The Council may also consider requiring the businesses to formulate their own waste management solution and dispose of the waste at an existing licensed waste disposal site, however this would be a significant cost impost on the businesses.

This proposal may also raise issues associated with other businesses isolated from licensed waste disposal facilities that do not have sufficient area on their properties to dispose of their waste and the waste disposal methods that have been historically undertaken.

LEGAL IMPLICATIONS

A waste disposal site should operate in compliance with the Environmental Protection Act and Regulations and the Environmental Protection (rural landfill) Regulations 2002 and either be registered or licenced in accordance with the Act and comply with the regulations

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

The surveying and excision of an area of the Meadow Pastoral Lease is estimated to cost in the vicinity of \$7,500.

The area is currently fenced, however the fencing may not be sufficient long term and there will be ongoing financial implications when the fencing is required to be upgraded to ensure any rubbish is contained within the site.

The area of the facility required specifically for the disposal of waste can also be reviewed in line with the reduction in organisations utilising the site which will impact on any future fencing costs.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

There will be costs associated with the excavation of areas for the disposal of waste which can be included in future budgets when required.

The Council raised \$12,001.57 in rates from two businesses in the Wannoo Town Site in the 2014/2015 year. There is no rubbish charge associated with these properties.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

There is a component of risk involved with the operation of unmanned waste disposal sites and illegal dumping.

The use of adequate fencing and a Memorandum of Understanding regarding responsibilities of operations with the business approved to utilise the site will mitigate but not remove the risk factors to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

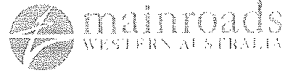
Date of Report

21 July 2015



MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015



Enquiries: Kory Wright
Our Ref: D15#277018
Your Ref: Billabong Landfill

16th June 2015

Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Dear Paul;

Remediation of Meadow Station Landfill (Billabong) - Lot 219 on Plan 220369 (Volume/Folio: LR3084/983) – North West Coastal Highway.

I refer to the suspected contaminated site at the above location. Main Roads WA (MRWA), as a contributor at this location and in response to the remediation advice by the Department of Environment Regulation (DER), is pursuing the full extraction of the suspected contaminated material and transport of that material to the waste facility located in Geraldton. The remediation plan proposed includes the following;

- Removal of all waste material (including contaminated soil from within the pit) from site including hazardous, non-putrescible and putrescible.
- Transport of the waste material to the Geraldton waste disposal facility for processing.
- Rehabilitation of the area to a 'pre-site' condition, *i.e.* fit for the purpose that existed before the landfill was established; this will involve the transport of clean soil/fill material to the location for the purpose of filling in the excavated pit as required by the remediation actions identified by the DER to attain 'Clean Site' status.

Once the actions have been completed and a full report by MRWA of the remediation activities submitted to the DER, MRWA has been advised that the site will be recorded as a 'Clean Site' and no further action will be required. These activities do not preclude construction of a new pit at this location but are purely in adherence to the remediation requirements for this instance. MRWA is not seeking involvement in any future proposals at this location.

Due to statutory requirements for the DER and budgetary constraints for MRWA, the remediation activities are proposed for completion before 30th June 2015.

If you require any further information, or wish to discuss any aspect of this proposal, please contact Kory Wright on 9956 1244 or email kory.wright@mainroads.wa.gov.au.

Yours sincerely

Bernie Miller
REGIONAL MANAGER

Main Roads Western Australia
Mid West-Gascoyne Region
Eastward Road, Geraldton WA 6631
PO Box 185, Geraldton WA 6534

Website: mainroads.wa.gov.au
Email: mwreg@mainroads.wa.gov.au
Telephone: (08) 9956 1200
Facsimile: (08) 9956 1240

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

P2006 - Meadow Site - Der



Government of Western Australia
Department of Environment Regulation

RECEIVED

26 JUN 2015

SHIRE OF SHARK BAY

Your ref
Our ref DMO 9089
Enquiries Registrar
Phone 1300 762982
Fax
Email

I-CR-19897

Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

Dear Sir/Madam

**NOTICE OF DECISION TO EXTEND THE TIME TO CLASSIFY KNOWN OR SUSPECTED
CONTAMINATED SITE UNDER SECTION 14(2) OF THE CONTAMINATED SITES ACT 2003**

Please be advised that on 26/05/2015 the site consisting of the following parcel(s):

- Parcel 64634 = Approximate spatial representation of landfill area within Lot 219 on Deposited Plan 220369 as shown on certificate of title LR3084/983, Meadow WA 6532, Shire of Shark Bay (central co-ordinate: MGA Zone 50, 263452.78E, 7029594.97N)

was reported to the Chief Executive Officer of the Department of Environment Regulation (DER) as a known or suspected contaminated site under the *Contaminated Sites Act 2003* (the Act).

This notification is being sent to you as one of the persons who will be given notice of a site classification under s15(1) of the Act, on the grounds that you, as the recipient, are one or more of the following:

- (a) owner of the site,
- (b) occupier of the site;
- (c) relevant public authority;
- (d) person who in the CEO's opinion there is particular reason to notify;
- (e) person who made the report under section 11 or 12; and
- (f) person in the CEO's opinion who may be responsible for remediation of the site classified as *contaminated – remediation required*.

DER is required, within 45 days of receiving a report to:

- classify the site; or
- notify you in writing, of the decision to extend the time required to classify the site.

Notice of the site's classification will be given to you no later than 10 days after the classification is made.

Due to particular circumstances, DER, under section 14(1), has taken a decision to extend the time required to classify the site. The reason for this is DER is awaiting for a submission of a

Licensing and Approvals, Contaminated Sites
Postal Address: Locked Bag 33, Cloisters Square WA 6850
Ph: 1300 762 982 Fax: (08) 9333 7575
contaminated_sites@der.wa.gov.au
www.der.wa.gov.au

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

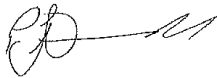
remediation report. The classification of the site is expected to take a further 45 days after the information is received.

Once the site has been classified, you will be notified in writing of the site's classification.

If you have any information you believe should be taken into account by DER when determining the site's classification, please forward this information, marked for the attention of the Senior Manager, Contaminated Sites, as soon as possible.

For further information please contact the Contaminated Sites Information Line on 1300 762 982.

Yours sincerely



Paul Newell, A/Manager

CONTAMINATED SITES
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

18/06/2015

29 JULY 2015



Western Australia

Environmental Protection Act 1986

**Environmental Protection (Rural Landfill)
Regulations 2002**

As at 01 Jul 2002 Version 00-a0-10
Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

**Environmental Protection (Rural Landfill)
Regulations 2002**

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Environmental Protection (Rural Landfill) Regulations 2002

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Environmental Protection Act 1986

Environmental Protection (Rural Landfill) Regulations 2002

1. Citation

These regulations may be cited as the *Environmental Protection (Rural Landfill) Regulations 2002*.

2. Commencement

These regulations come into operation on 1 July 2002.

3. Interpretation

In these regulations —

approved means approved in writing by the Chief Executive Officer;

clinical waste has the same meaning as in the *Environmental Protection (Controlled Waste) Regulations 2001*;

Fire Control Officer, in relation to a landfill site, means a person who has such qualifications in fire fighting or fire control as are approved, appointed to that position by the occupier of the landfill site;

landfill site means a landfill site to which these regulations apply, in accordance with regulation 4;

Landfill Waste Classification and Waste Definitions 1996 means the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer, as amended from time to time;

material containing asbestos has the same meaning as in regulation 41 of the *Environmental Protection (Controlled Waste) Regulations 2001*;

Environmental Protection (Rural Landfill) Regulations 2002

r. 4

putrescible waste means putrescible waste as defined in the *Landfill Waste Classification and Waste Definitions 1996*;

surface water body means a watercourse or wetland (as those terms are defined in the *Rights in Water and Irrigation Act 1914*) and any other surface water, whether artificial or natural;

tipping area means the area of a landfill site where waste currently being brought to the site is being deposited.

4. Landfill sites to which these regulations apply

These regulations apply to and in respect of premises specified in Schedule 1 Part 2 of the *Environmental Protection Regulations 1987* as category 89 premises and registered under regulation 5B of those regulations.

5. Tipping area

The occupier of the landfill site must ensure that the tipping area of the site is not greater than —

- (a) 30 metres in length; and
- (b) 2 metres above ground level in height.

Penalty: \$5 000.

6. Covering of waste

(1) The occupier of a landfill site must ensure that waste in the tipping area of the site is covered —

- (a) at least as often as is specified in the Table to this regulation; and
- (b) in accordance with subregulation (2).

Penalty: \$5 000.

(2) Waste is to be —

- (a) covered with a dense, inert and incombustible material, or such other material as is approved in respect of a particular landfill site; and

Environmental Protection (Rural Landfill) Regulations 2002

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- (b) totally covered, so that no waste is left exposed.
- (3) The occupier of a landfill site must ensure that there is enough cover material at any time stored and readily available on the site for the tipping area of the site to be covered, in accordance with this regulation, at least twice.
- Penalty: \$5 000.

Table

Tonnes of waste received per year	Frequency waste is to be covered
Less than 500 tonnes	Monthly
Between 500 and 2 000 tonnes	Fortnightly
Between 2 000 and 5 000 tonnes	Weekly

7. Fencing of landfill site

The occupier of a landfill site must ensure that there is a fence around the boundary of the site which is an effective barrier to cattle, horses and other stock.

Penalty: \$5 000.

8. Waste to be contained on landfill site

The occupier of a landfill site must ensure that —

- (a) waste does not get washed, or blown, outside the site; and
- (b) waste that has been washed, or blown, away from the tipping area of the site is returned to the tipping area at least once in each month.

Penalty: \$5 000.

9. Separation of waste from water and site boundary

Unless otherwise approved in writing, the occupier of a landfill site must ensure that there is no waste within —

- (a) 35 metres from the fence surrounding the site;

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- (b) 100 metres of any surface water body at the site; or
- (c) 3 metres of the highest level of the water table aquifer at the site.

Penalty: \$5 000.

10. Stormwater management

The occupier of a landfill site must ensure that stormwater on the site is adequately managed so that —

- (a) it is diverted from areas of the site where there is waste; and
- (b) water that has come into contact with waste is to be diverted into a sump on the site, or otherwise retained on the site.

Penalty: \$5 000.

11. Dust suppression

The occupier of a landfill site must ensure that no visible dust escapes from the landfill site.

Penalty: \$5 000.

12. Firebreaks

The occupier of a landfill site must ensure that there is a firebreak of at least 3 metres around the boundary of the site.

Penalty: \$5 000.

13. Burning of greenwaste only

- (1) The occupier of a landfill site must ensure that waste is not burnt at the site, other than greenwaste burnt in accordance with this regulation.

Penalty: \$5 000.

- (2) Greenwaste may be burnt if —

- (a) it is dry and seasoned for at least 2 months before it is burnt;

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- (b) it is burnt in a designated burning area of the landfill site;
- (c) it is burnt in trenches or windrows;
- (d) it is burnt quickly and in such a way that the generation of smoke is minimised;
- (e) burning does not commence before 8 a.m. and the Fire Control Officer for the landfill site declares the area safe by 12 noon on the same day; and
- (f) there is present in the area from the time burning commences until the Fire Control Officer for the landfill site declares the area safe —
 - (i) a fire fighting vehicle carrying at least 500 litres of water, fitted with at least 30 metres of 19 mm diameter rubber hose and with a pump capacity capable of delivering a minimum of 250 litres of water per minute at a minimum of 700 kPA through a nozzle capable of projecting water by spray or by jet; and
 - (ii) 2 persons, who have such qualifications in fire fighting as are approved.

(3) In this regulation —

designated burning area means an area of a landfill site that has been designated by the occupier of the site as a designated burning area and which —

- (a) is at least 50 metres from the boundary of the site;
- (b) has no inflammable material on it, other than the greenwaste and live trees, for a radius of 50 metres;
- (c) is positioned on an area of the site where waste (other than the greenwaste to be burnt) has not been deposited; and
- (d) is at least 500 metres from any person's residence or place of employment (other than the landfill site) or an educational institution, hospital or other public place;

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greenwaste means waste that originates from flora.

14. Outbreak of fire

- (1) The occupier of a landfill site must ensure that there are appropriate procedures in force at the site so that —
 - (a) any unauthorised fire on the site is promptly extinguished; and
 - (b) appropriate alarm and evacuation procedures are in place.
- (2) The occupier of a landfill site must ensure that an unauthorised fire on the site is extinguished as soon as possible.
- (3) Within 14 days of an unauthorised fire at a landfill site, the occupier of the site must give to the Chief Executive Officer a report on the fire containing —
 - (a) details of the date, time and location of the fire;
 - (b) the time the location of the fire was declared safe by the Fire Control Officer for the site; and
 - (c) the cause, or suspected cause, of the fire.

Penalty: \$5 000.

15. Approval for disposal at landfill site of clinical waste or material containing asbestos

- (1) The occupier of a landfill site must ensure that clinical waste or material containing asbestos is not disposed of at the site unless the site is approved for the disposal of that waste or material, as is relevant.
- (2) The occupier of a landfill site must ensure that clinical waste and material containing asbestos is disposed of in accordance with the relevant approval.

Penalty: \$5 000.

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- (3) Where there is a conflict between a requirement of regulation 16 and a requirement of an approval, the requirement of regulation 16 prevails.

16. Disposal of clinical waste and material containing asbestos

- (1) The occupier of a landfill site is to ensure that clinical waste and material containing asbestos disposed of at the site is disposed of under the occupier's personal supervision or the personal supervision of a person nominated by the occupier.
- (2) The person supervising the disposal of clinical waste or material containing asbestos at a landfill site is to ensure that it is covered as soon as is practicable after its disposal —
- (a) with a dense, inert and incombustible material; and
 - (b) to a depth of at least one metre.
- (3) The occupier of a landfill site is to ensure that there is kept at the landfill site an accurate and up to date —
- (a) register of clinical waste and material containing asbestos disposed of at the landfill site; and
 - (b) a plan of the landfill site showing the position of clinical waste and material containing asbestos disposed of at the landfill site.
- (4) The person supervising the disposal of clinical waste or material containing asbestos at a landfill site is to make an entry in the register within 2 hours of supervising the covering of waste under subregulation (2), stating —
- (a) the date;
 - (b) the person's name;
 - (c) that the waste has been covered in accordance with that subregulation; and
 - (d) where more than one square metre of waste was covered, grid coordinates with reference to the plan of the landfill site so that the position of the waste can be easily and accurately ascertained.

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- (5) The occupier of a landfill site is to ensure that the grid references entered in the register are marked on the plan of the landfill site.

Penalty: \$5 000.

17. Post-closure plan

- (1) The occupier of a landfill site must prepare and submit to the Chief Executive Officer for approval a post-closure rehabilitation plan, in accordance with subregulation (2), for the site within 18 months of the site being registered under regulation 5B of the *Environmental Protection Regulations 1987*.

Penalty: \$5 000.

- (2) A post-closure rehabilitation plan is to set out a plan for the rehabilitation of the site after it has ceased to be a landfill site and, in particular, is to specify —
- (a) options for the use of the site after it has ceased to be a landfill site, and is to specify the preferred option;
 - (b) a conceptual design of the infrastructure needed for the preferred option for the use of the site after it has ceased to be a landfill site;
 - (c) the estimated final contours of the site, after allowing for settlement, and specifying to what extent settlement has been allowed for;
 - (d) the capping materials proposed to be used on the site;
 - (e) a proposed system of drainage of the site;
 - (f) measures proposed for the protection of the environment and the monitoring of the site; and
 - (g) the estimated period for which the site will require protection and monitoring.

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Notes

- ¹ This is a compilation of the *Environmental Protection (Rural Landfill) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Environmental Protection (Rural Landfill) Regulations 2002</i>	14 Jun 2002 p. 2779-89	1 Jul 2002 (see r. 2)

MINUTES OF THE ORDINARY COUNCIL MEETING

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Environmental Protection (Rural Landfill) Regulations 2002

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
approved	3
clinical waste	3
designated burning area	13(3)
Fire Control Officer	3
greenwaste	13(3)
landfill site	3
Landfill Waste Classification and Waste Definitions 1996	3
material containing asbestos	3
putrescible waste.....	3
surface water body.....	3
tipping area	3

MINUTES OF THE ORDINARY COUNCIL MEETING

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12. FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved Cr Prior
Seconded Cr Capewell

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$1,517,472.21 be accepted.

7/0 CARRIED

Comment

The schedules of accounts for payment covering:

Municipal fund account cheque numbers 26759 to 26766 totalling \$24,216.76
Municipal fund direct lodgements for June 2015 totalling \$19,811.98
Municipal fund account electronic payment numbers MUNI EFT 17533 to 17703 totalling \$1,268,927.91
Municipal fund account for June payroll totalling \$116,365.00
Trust fund account cheque numbers 1054 to 1055 totalling \$949.75
Trust fund account electronic payment numbers EFT 17704 to 17921 totalling \$61,379.96 and
Trust fund Police Licensing for June 2015 totalling \$25,820.85

The schedule of accounts submitted to each member of Council on 24 July 2015 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.

Voting Requirements

Simple Majority Required

Signature

Author	<i>C Wood</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	17 July 2015

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MUNI CHEQUES 26759-26766 TO 30 JUNE 2015

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26759	03/06/2015	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	560.64
26760	03/06/2015	MACQUARIE ACCUMULATOR	SUPER SUPERANNUATION CONTRIBUTIONS	562.18
26761	03/06/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	537.24
26762	05/06/2015	HORIZON POWER-STREET LIGHTING	STREETLIGHTS MAY 2015	3191.22
26763	05/06/2015	HORIZON POWER-MAIN USAGE	ELECTRICITY MAY 015	7965.65
26764	05/06/2015	WATER CORPORATION - OSBORNE PARK	USAGE AND SERVICE CHARGE MAY 15	10681.85
26765	12/06/2015	WATER CORPORATION - OSBORNE PARK	65 KNIGHT TCE SHIRE OFFICE DESAL USAGE	665.69
26766	19/06/2015	WATER CORPORATION - OSBORNE PARK	CRC 24/3 TO 26/5 SERVICE CHARGE	52.29
			TOTAL CHEQUE PAYMENTS FOR JUNE 2015	\$24,216.76

MUNI DIRECT DEBITS TO 30 JUNE 2015

DIRECT DEBIT	DATE	NAME	DESCRIPTION	AMOUNT
DD12284.1	03/06/2015	BANKWEST CORPORATE MASTERCARD	BUSINESS CREDIT ACCOUNT	-1848.45
DD12298.1	21/06/2015	VIVA ENERGY AUSTRALIA	FUEL	-164.19

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DD12305.1	14/06/2015	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	PAYROLL DEDUCTIONS	-4552.49
DD12305.2	14/06/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-225.44
DD12305.3	14/06/2015	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-255.73
DD12305.4	14/06/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-179.08
DD12305.5	14/06/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-201.95
DD12305.6	14/06/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-179.08
DD12305.7	14/06/2015	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-156.56
DD12305.8	14/06/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-467.08
DD12305.9	14/06/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-188.95
DD12312.1	14/06/2015	WALGA SUPER	SUPERANNUATION CONTRIBUTIONS	245.48
DD12312.2	14/06/2015	JOHN AND GAYNA SUPERANNUATION FUND	PAYROLL DEDUCTION FOR GAYNA MARIE MCBRIDE	-147.12
DD12312.3	14/06/2015	AMP SUPERANNUATION	PAYROLL DEDUCTION FOR DONNELLE LEE OAKLEY	-98.36
DD12336.1	28/06/2015	WALGA SUPER	PAYROLL DEDUCTIONS	-4501.77
DD12336.2	28/06/2015	JOHN AND GAYNA SUPERANNUATION FUND	PAYROLL DEDUCTIONS	-529.88
DD12336.3	28/06/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-182.98
DD12336.4	28/06/2015	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-354.09
DD12336.5	28/06/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-179.08
DD12336.6	28/06/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-179.08
DD12336.7	28/06/2015	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-44.17
DD12336.8	28/06/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-549.78
DD12336.9	28/06/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-188.95
DD12305.10	14/06/2015	REST	SUPERANNUATION CONTRIBUTIONS	-603.48
DD12305.11	14/06/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-779.10
DD12305.12	14/06/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-145.33
DD12305.13	14/06/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-166.71
DD12305.14	14/06/2015	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-171.98
DD12305.15	14/06/2015	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-188.95
DD12305.16	14/06/2015	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-186.67

MINUTES OF THE ORDINARY COUNCIL MEETING

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DD12305.17	14/06/2015	JOHN AND GAYNA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-382.50
DD12336.10	28/06/2015	REST	SUPERANNUATION CONTRIBUTIONS	-607.96
DD12336.11	28/06/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-361.15
DD12336.12	28/06/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-145.33
DD12336.13	28/06/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-191.91
DD12336.14	28/06/2015	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-171.98
DD12336.15	28/06/2015	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-188.95
DD12336.16	28/06/2015	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-188.83
DD12336.17	28/06/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-202.37
TOTAL DIRECT DEBITS FOR JUNE 2015				\$19,811.98

MUNI EFTS 17533-17703 TO 30 JUNE 2015

EFT	DATE	TRUST	DESCRIPTION	AMOUNT
EFT17704	-17718			
EFT17719	03/06/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	736.21
EFT17720	03/06/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	1183.83
EFT17721	03/06/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	489.46
EFT17722	03/06/2015	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	223.83
EFT17723	03/06/2015	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	345.87
EFT17724	03/06/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	1362.57
EFT17725	03/06/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	566.85
EFT17726	03/06/2015	JOHN AND GAYNA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	838.56
EFT17727	03/06/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	631.10

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EFT17728	03/06/2015	WA LOCAL GOV SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	12805.70
EFT17729	03/06/2015	WESTPAC SECURITIES ADMINISTRATION	SUPERANNUATION CONTRIBUTIONS	566.85
EFT17730	03/06/2015	REST	SUPERANNUATION CONTRIBUTIONS	1574.06
EFT17731	03/06/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	537.24
EFT17732	03/06/2015	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	515.94
EFT17733	03/06/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1211.50
EFT17734	-17751	TRUST		
EFT17752	05/06/2015	ALLTOOLS W.A	TOOLS	2505.00
EFT17753	05/06/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	TOOLS	565.11
EFT17754	05/06/2015	BAJA DATA & ELECTRICAL SERVICES	REPAIR RUSTED POWER SUPPLY POLE	566.50
EFT17755	05/06/2015	BOLTS R US	RODS FOR SCHAFERS	74.23
EFT17756	05/06/2015	CORAL COAST PLUMBING	UNBLOCK DISABLED TOILET	99.00
EFT17757	05/06/2015	CUMMINS ENGINE COMPANY PTY LTD	FILTERS	839.87
EFT17758	05/06/2015	CONPLANT AUSTRALIA	TYRE COMPACTOR	1342.51
EFT17759	05/06/2015	CDH ELECTRICAL	CONNECT & TEST GENSET @ REC CENTRE	1443.38
EFT17760	05/06/2015	DENHAM IGA X-PRESS	MONTHLY ACCOUNT MAY 2015	2637.25
EFT17761	05/06/2015	SHARK BAY SUPERMARKET	ROBBRO SUPPLIES FOR BUSH CREW	182.75
EFT17762	05/06/2015	SHARK BAY FUEL & SERVICE CENTRE	REPAIRS	113.52
EFT17763	05/06/2015	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	475.52
EFT17764	05/06/2015	ATOM-GERALDTON INDUSTRIAL SUPPLIES	ASSORTED HAND TOOLS	561.48
EFT17765	05/06/2015	THINK WATER GERALDTON	CAMLOCK FITTINGS	173.50
EFT17766	05/06/2015	HARE & FORBES PYT LTD	GHD-30V GEARED HEAD DRILL	3399.00
EFT17767	05/06/2015	HITS RADIO PTY LTD	ADVERTISING ON RADIO-SHARK BAYMAY 15	532.40
EFT17768	05/06/2015	TOLL IPEC PTY LTD	FREIGHT	148.94
EFT17769	05/06/2015	JASON SIGNMAKERS	SAFETY SIGNS	184.80
EFT17770	05/06/2015	MITCHELL & BROWN, GERALDTON	DISHWASHER FOR 16A SUNTER PLACE	699.00
EFT17771	05/06/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS TO 30 JUNE 2015	523.41
EFT17772	05/06/2015	MITRE 10 SHARK BAY MARINE & HARDWARE	PLY AND PVC DOWNPIPE	1078.61
EFT17773	05/06/2015	OCEANSIDE VILLAGE	ACCOM FOR MR GLEN BANGAY	480.00
EFT17774	05/06/2015	PEST-A-KILL	MICE MONITORING & BAITING	275.00
EFT17775	05/06/2015	PAPER PLUS OFFICE NATIONAL	VARIOUS STATIONERY	303.22

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EFT17776	05/06/2015	ROBBRO WA PTY LTD	CARTING GRAVEL SHARK BAY ROAD	66110.00
EFT17777	05/06/2015	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN June 2014	1452.00
EFT17778	05/06/2015	SHARK BAY COMMUNITY RESOURCE CENTRE	PHOTOCOPIES FOR BRIDGE CLUB	51.00
EFT17779	05/06/2015	SHARK BAY CLEANING SERVICE	CLEANING CONTRACT MAY 15	12533.31
EFT17780	05/06/2015	MCKELL FAMILY TRUST	STREET SWEEPING & RUBBISH CONTRACT FOR MAY 15 PLUS PAINTING PENS UNIT 2	15563.74
EFT17781	05/06/2015	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR	495.00
EFT17782	05/06/2015	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE FOR SMS TO PUBLIC	515.97
EFT17783	05/06/2015	THE BLOCK MAKERS	TERRAFORCE BLOCKS FOR OFFICE CAR PK	14869.90
EFT17784	05/06/2015	TELEMALL AUDIO COMMUNICATIONS	MESSAGE ON HOLD QUARTERLY SER FEE	345.40
EFT17785	05/06/2015	WESTRAC EQUIPMENT PTY LTD	ALTERNATOR	85.61
EFT17786	05/06/2015	YADGALAH ABORIGINAL CORP	HIRE OF MINI DIGGER- BOAT RAMP	935.00
EFT17787	08/06/2015	AUSTRALIAN TAXATION OFFICE	BAS MAY 15	617086.00
EFT17788	12/06/2015	ALLELECTRIX PTY LTD	REPAIR SWITCH FOR GALLERY LIGHTS	198.00
EFT17789	12/06/2015	AUSTRALIA POST	ACCOUNT FOR MAY 2015	265.33
EFT17790	12/06/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	EYE WASH AND SHOWER PUMP	198.55
EFT17791	12/06/2015	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY MAY	198.00
EFT17792	12/06/2015	BRIAN JOHN GALVIN	WATER BILL 15/6/15	201.42
EFT17793	12/06/2015	DEPARTMENT OF PARKS AND WILDLIFE	ADULT DAY PASSES MONKEY MIA-SBDC	3460.50
EFT17794	12/06/2015	AD COOTE & CO	LIGHT POLE JETTY	1820.50
EFT17795	12/06/2015	GERALDTON FUEL COMPANY	FUEL BULK MAY	41408.71
EFT17796	12/06/2015	GRAY & LEWIS LAND USE PLANNERS	GENERAL PLANNING MAY 15	6125.63
EFT17797	12/06/2015	TOLL IPEC PTY LTD	FREIGHT	251.84
EFT17798	12/06/2015	LANDGATE	GRV VALUATION	36.55
EFT17799	12/06/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS TO 30 JUNE 2015	583.32
EFT17800	12/06/2015	NORDIC HOMES	FINAL BALANCE 50% OF RETENTION MONIES	13082.09
EFT17801	12/06/2015	PROJECT 3	PHASE 1 OF 2016 FESTIVAL OF DISCOVERY	27500.00
EFT17802	12/06/2015	BUCKINGHAM PEWTER	DIRK HARTOG PLATES & VLAMINGH PLATES	990.00
EFT17803	12/06/2015	ROBBRO WA PTY LTD	DRY LOADER HIRE, LOOP ROAD	35241.25
EFT17804	12/06/2015	RICHARD CLAUDE MORONEY	CLEAN UP & REMOVE RUBBISH SBIC-MAY 15	31.00

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EFT17805	12/06/2015	SHARK BAY AIR CHARTER	AIR TRAVEL CR PRIOR & CEO TO AVIATION MEETING IN CARNARVON ON MONDAY 11 MAY 2015	606.65
EFT17806	12/06/2015	TELSTRA CORPORATION LIMITED	1300 PHONE MAY/JUNE	29.77
EFT17807	12/06/2015	VISIT MERCHANDISE	500 x FLY NETS	1460.58
EFT17808	12/06/2015	WALGA	DISCOVERY CENTRE WEBSITE	6104.00
EFT17809	12/06/2015	WEST-OZ WEB SERVICES	COMMISSIONS - SBIC	82.90
EFT17811	-17812	TRUST		
EFT17813	17/06/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	99.30
EFT17814	19/06/2015	RADROCK MOBILE CLIMBING	HIRE OF THE RADROCK CLIMBING WALL	1540.00
EFT17815	19/06/2015	AUTO ONE	OIL FILTERS	51.60
EFT17816	19/06/2015	GRIFFIN VALUATION ADVISORY	VALUATION OF INFRASTRUCTURE ASSETS	10613.53
EFT17817	19/06/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	PINE SLATS TOWN HALL	88.84
EFT17818	19/06/2015	BOC LIMITED	CONTAINER RENTAL	76.90
EFT17819	19/06/2015	BRIGHTHOUSE	RETIREMENT ACCOMMODATION PRELIMSARIES	3915.00
EFT17820	19/06/2015	BLACKWOODS ATKINS	WHEEL STOPS	2080.10
EFT17821	19/06/2015	DAVID GRAY AND CO PTY LTD	SESHIN SS MOSQUITO FOGGER	3506.80
EFT17822	19/06/2015	CDH ELECTRICAL	FITTING OF 15 AMP PLUG	367.65
EFT17823	19/06/2015	GEARING BUTCHER'S	RAD ROCK CLIMBING WALL EVENT	93.24
EFT17824	19/06/2015	ATOM-GERALDTON INDUSTRIAL SUPPLIES	FORESHORE BINS	713.19
EFT17825	19/06/2015	UHY HAINES NORTON	UPDATE OF LONG TERM FINANCIAL & ASSET MANAGEMENT PLAN	10145.30
EFT17826	19/06/2015	TOLL IPEC PTY LTD	FREIGHT	472.58
EFT17827	19/06/2015	JASON SIGNMAKERS	TACTILES AND SIGNS	16936.70
EFT17828	19/06/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL EXPENSES	2125.32
EFT17829	19/06/2015	PLUMOVATION	FIX GUEST TOILET 80 DURLACHER STREET	165.00
EFT17830	19/06/2015	PROFESSIONAL PC SUPPORT	REPLACEMENT SERVER AND INSTALLATION	9442.00
EFT17831	19/06/2015	PAPER PLUS OFFICE NATIONAL	VARIOUS STATIONERY	2011.18
EFT17832	19/06/2015	MP ROGERS & ASSOCIATES	MANAGEMENT OF CONSTRUCTION PHASE OF MONKEY MIA JETTY REPLACEMENT	2422.75
EFT17833	19/06/2015	ROBBRO WA PTY LTD	LOOP ROAD 01/06/2015 TO 06/06/2015	57362.25

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

EFT17834	19/06/2015	REPLAS	BOLLARDS FOR MONKEY MIA CAR PARK	3157.62
EFT17835	19/06/2015	SHARK BAY COMMUNITY RESOURCE CENTRE	SPORTS AND REC CENTRE MANAGEMENT	4950.00
EFT17836	19/06/2015	TRUCKLINE PARTS CENTRE	PARTS	1351.26
EFT17837	23/06/2015	AMAZZINI AND SON	PAVERS SAPPIE PARK	249.60
EFT17838	23/06/2015	AUSCOINSWEST	GOLD COINS –MERCANDISE SBDC	369.60
EFT17839	23/06/2015	DEPARTMENT OF PARKS AND WILDLIFE	ADULT DAY PASSES MM - SBDC	3447.00
EFT17840	23/06/2015	JASON SIGNMAKERS	SIGN FOR MONKEY MIA JETTY	71.50
EFT17841	23/06/2015	PLUMOVATION	REFURB PENSIONER UNIT 2	2497.00
EFT17842	23/06/2015	ROBBRO WA PTY LTD	MATERIAL CARTING –LOOP ROAD	76918.75
EFT17843	23/06/2015	STATE EMERGENCY SERVICE SHARK BAY INC	FREIGHT ON FIT OUT OF BUILDING COST	1156.54
EFT17844	23/06/2015	WALGA	DEV OF SHIRE AND SBDC WEBSITES	11859.20
EFT17845	-17846	TRUST		
EFT17847	29/06/2015	AUSCOINSWEST	SOUVENIR COINS –MERCANDISE SBDC	568.70
EFT17848	29/06/2015	LAURENCE JAMES MICHAEL BELLOTTIE	MEETING ATTENDANCE JUNE 2015	529.64
EFT17849	29/06/2015	BEEES KNEES AROMATHERAPY	FLY SPRAYS	103.50
EFT17850	29/06/2015	S.A.BURTON	TILING OVERLANDER HALL	7704.40
EFT17851	29/06/2015	CHERYL LORRAINE COWELL	PRESIDENT'S ALLOWANCE JUNE 2015	1737.12
EFT17852	29/06/2015	CUMMINS ENGINE COMPANY PTY LTD	AIR FILTERS	159.51
EFT17853	29/06/2015	CAMERON LANGRIDGE	PHOTOGRAPHY OF SHARK BAY SURROUNDS	332.80
EFT17854	29/06/2015	FRANCESCA HOULT	REIMBURSEMENT FOR POLICE CLEARANCE	62.40
EFT17855	29/06/2015	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	874.27
EFT17856	29/06/2015	GASCOYNE OFFICE EQUIPMENT	REFURBISHED ROLLER UNIT FOR RICOH	495.50
EFT17857	29/06/2015	GERALDTON MOWER & REPAIRS SPECIALISTS	GRASS TRIMMER & HARNESS	1163.00
EFT17858	29/06/2015	THINK WATER GERALDTON	4 CAMLOCS FOR SUCTION HOSES	272.70
EFT17859	29/06/2015	TOLL IPEC PTY LTD	FREIGHT	66.56
EFT17860	29/06/2015	JOHN FAMLONGA	FABRICATION OF PICK UP FOR PUMP	605.00
EFT17861	29/06/2015	JASON SIGNMAKERS	20KLH WARNING SIGNS FOR KNIGHTS TCE	85.80
EFT17862	29/06/2015	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE JUNE 2015	730.85
EFT17863	29/06/2015	KEVIN LAUNDRY	MEETING ATTENDANCE JUNE 2015	529.64
EFT17864	29/06/2015	OCEANSIDE VILLAGE	ACCOMMODATION FOR TOM LACHLAN	320.00
EFT17865	29/06/2015	PLUMOVATION	OVERLANDER HALL UPGRADE	15228.51

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

EFT17866	29/06/2015	MARGARET PRIOR	MEETING ATTENDANCE JUNE 2015	529.64
EFT17867	29/06/2015	GREGORY LEON RIDGLEY	MEETING ATTENDANCE JUNE 2015	529.64
EFT17868	29/06/2015	RAY WHITE REAL ESTATE SHARK BAY	RENT 34 HUGHES ST JUNE 2015	1127.00
EFT17869	29/06/2015	SHARK BAY CLEANING SERVICE	BI MONTHLY ACCCOUNT - CLEANING	6117.87
EFT17870	29/06/2015	SHARK BAY FREIGHTLINES	FREIGHT FOR JUNE	3533.62
EFT17871	29/06/2015	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS MAY 15	3773.00
EFT17872	29/06/2015	SIETSKE HUNN	REIMBURSEMENT FOR RESOURCES BOUGHT FOR HOLIDAY PROGRAM	33.55
EFT17873	29/06/2015	TELSTRA CORPORATION LIMITED	PHONE BILL FOR MAY	2324.09
EFT17874	29/06/2015	TRUCKLINE PARTS CENTRE	PARTS	95.77
EFT17875	29/06/2015	THOMAS LACHLAN	MEALS JUNE VISIT	67.53
EFT17876	29/06/2015	BRIAN WAKE	COUNCIL MEETING 27/5, LOCAL GOV RRG CARNARVON 19/6 AND COUNCIL MEETING 24/6/15 TRAVEL REIMBURSEMENT	1381.13
EFT17877	30/06/2015	MICHAEL & REBECCA STANLEY	M.STANLEY HIGH RISK WORK LICENCE	70.00
EFT17878	30/06/2015	ALLELECTRIX PTY LTD	REFIT SMOKE ALARM & CEILING FAN UNIT 2	416.35
EFT17879	30/06/2015	BLACK SWAN STATE THEATRE COMPANY	SHADOWBOXING PERFORMANCE	2200.00
EFT17880	30/06/2015	CDH ELECTRICAL	ELECTRICAL REWIRING OVERLANDER HALL	3067.69
EFT17881	30/06/2015	ATOM-GERALDTON INDUSTRIAL SUPPLIES	SHADE SAIL CORD	56.10
EFT17882	30/06/2015	GERALDTON MOWER & REPAIRS SPECIALISTS	MOWER CUTTING EDGES	389.60
EFT17883	30/06/2015	PAULS TYRES	TYRES RANGER UTE	1261.50
EFT17884	30/06/2015	ROBBRO WA PTY LTD	MATERIAL CARTING LOOP ROAD	36665.75
EFT17885	30/06/2015	MCKELL FAMILY TRUST	RUBBISH & STREET SWEEPING JUNE 15	10963.76
EFT17886	30/06/2015	SHARK BAY CAR HIRE	CAR HIRE-TRANSPORT DOCTOR AIRPORT	495.00
EFT17887	30/06/2015	SHIRE OF CARNARVON	CONTRIBUTIONS TO COMMUNITY EMERGENCY SERVICES MANAGER FOR 2014/2015	8440.53
EFT17888	30/06/2015	SALTWATER CAFE	LUNCH COUNCIL MEETING JUNE 15	148.50
			TOTAL EFT PAYMENTS FOR JUNE 2015	\$1,268,927.91
EFT17889	-17921	TRUST		

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

TRUST CHQS 1054 TO 1055 30 JUNE 2015

CHEQUE	DATE	NAME	DESCRIPTION	AMOUNT
1054	17/06/2015	BUILDING & CONSTRUCTION IND TRAINING	BCITF L & B PITT	878.00
1055	26/06/2015	BUILDING & CONSTRUCTION IND TRAINING	BCITF D & J HELLWIG	71.75
TOTAL TRUST CHEQUES FOR JUNE 2015				\$949.75

**SHIRE OF SHARK BAY
TRUST EFTS 17704-17921 TO 30 JUNE 2015**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT17704	02/06/2015	JAMES SNR POLAND	ART SALES MAY 2015	20.00
EFT17705	02/06/2015	PRIORITY SHARK BAY PTY LTD	TOURS MAY 2015	1357.20
EFT17706	02/06/2015	BLUE LAGOON PEARLS	TOURS MAY 2015	686.45
EFT17707	02/06/2015	SHARK BAY COASTAL TOURS	TOURSMAY 2015	2136.72
EFT17708	02/06/2015	EMILY ELIZABETH WARD	TOURS MAY 2015	55.60
EFT17709	02/06/2015	GASCOYNE OFFSHORE AND MARINE	TOURS MAY 2015	478.50
EFT17710	02/06/2015	INTEGRITY COACH LINES (AUST) PTY LTD	TOURS MAY 2015	196.80
EFT17711	02/06/2015	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	TOURS MAY 2015	3671.40
EFT17712	02/06/2015	MONKEYMIA WILDSIGHTS	TOURS MAY 2015	4202.97
EFT17713	02/06/2015	WA OCEAN PARK PTY LTD	TOURS MAY 2015	495.90
EFT17714	02/06/2015	PRAGUE HOLDINGS	TOURS MAY 2015	2740.50
EFT17715	02/06/2015	SIETSKE HUNN	ART SALES MAY 2015	3.50
EFT17716	02/06/2015	SHIRE OF SHARK BAY	COMMISSION TOURS MAY 2015	2763.13
EFT17717	02/06/2015	SHARK BAY SCENIC QUAD BIKE TOURS	TOURS MAY 2015	339.30

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

EFT17718	02/06/2015	WULA GUDA NYINDA (CAPES)	TOURS MAY 2015	1709.55
EFT17734	03/06/2015	BAY LODGE MIDWEST OASIS	BOOKEASY MAY 2015	341.50
EFT17735	03/06/2015	CASSA'S COTTAGE	BOOKEASY MAY 2015	408.00
EFT17736	03/06/2015	DENHAM SEASIDE CARAVAN PARK	BOOKEASY MAY 2015	456.45
EFT17737	03/06/2015	HARTOG COTTAGES	BOOKEASY MAY 2015	2465.00
EFT17738	03/06/2015	HERITAGE RESORT SHARK BAY	BOOKEASY MAY 2015	153.00
EFT17739	03/06/2015	HAMELIN STATION STAY	BOOKEASY MAY 2015	85.00
EFT17740	03/06/2015	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY MAY 2015	181.90
EFT17741	03/06/2015	ASPEN MONKEY MIA PTY LTD	BOOKEASY MAY 2015	936.70
EFT17742	03/06/2015	MONKEYMIA WILDSIGHTS	BOOKEASY MAY 2015	776.05
EFT17743	03/06/2015	NINGALOO REEF DIVE	BOOKEASY MAY 2015	663.00
EFT17744	03/06/2015	NANGA BAY RESORT	BOOKEASY MAY 2015	42.50
EFT17745	03/06/2015	OCEANSIDE VILLAGE	BOOKEASY MAY 2015	408.00
EFT17746	03/06/2015	SHARK BAY HOTEL MOTEL	BOOKEASY MAY 2015	242.25
EFT17747	03/06/2015	SHARKBAY CARAVAN PARK	BOOKEASY MAY 2015	255.00
EFT17748	03/06/2015	SHIRE OF SHARK BAY	COMMISSION MAY 2015	1648.15
EFT17749	03/06/2015	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY MAY 2015	357.00
EFT17750	03/06/2015	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY MAY 2015	314.50
EFT17751	03/06/2015	UNREAL FISHING CHARTERS	BOOKEASY MAY 2015	212.50
EFT17810	17/06/2015	DEPT OF COMMERCE - BUILDING COMM	BUILDING LEVY L & B PITT	484.29
EFT17811	17/06/2015	SHIRE OF SHARK BAY	COMMISSION BUILDER LICENCE LEVY	45.00
EFT17812	17/06/2015	SHIRE OF SHARK BAY	BCITF FEE	66.00
EFT17845	24/06/2015	ALIT OAKLEY	GYM REFUND	20.00
EFT17846	26/06/2015	SHIRE OF SHARK BAY	BCITF FEE JUNE 15	8.25
EFT17889	30/06/2015	BLUE DOLPHIN CARAVAN PARK	BOOKEASY JUNE 2015	306.00
EFT17890	30/06/2015	BUSH HERITAGE HAMELIN STATION STAY	BOOKEASY JUNE 2015	22.10
EFT17891	30/06/2015	BAY LODGE MIDWEST OASIS	BOOKEASY JUNE 2015	585.00
EFT17892	30/06/2015	GERALDTON OCEAN WEST	BOOKEASY JUNE 2015	221.00
EFT17893	30/06/2015	HARTOG COTTAGES	BOOKEASY JUNE 2015	369.75
EFT17894	30/06/2015	HAMELIN POOL CARAVAN PARK AND TOURIST	BOOKEASY JUNE 2015	212.50

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

EFT17895	30/06/2015	HERITAGE RESORT SHARK BAY	BOOKEASY JUNE 2015	306.00
EFT17896	30/06/2015	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY JUNE 2015	605.20
EFT17897	30/06/2015	ASPEN MONKEY MIA PTY LTD	BOOKEASY JUNE 2015	3212.30
EFT17898	30/06/2015	MONKEYMIA WILDSIGHTS	BOOKEASY JUNE 2015	1833.45
EFT17899	30/06/2015	NANGA BAY RESORT	BOOKEASY JUNE 2015	102.00
EFT17900	30/06/2015	OCEANSIDE VILLAGE	BOOKEASY JUNE 2015	301.75
EFT17901	30/06/2015	SHARK BAY HOTEL MOTEL	BOOKEASY JUNE 2015	267.75
EFT17902	30/06/2015	SHARK BAY HOLIDAY COTTAGES	BOOKEASY JUNE 2015	114.75
EFT17903	30/06/2015	SHARKBAY CARAVAN PARK	BOOKEASY JUNE 2015	626.50
EFT17904	30/06/2015	SHIRE OF SHARK BAY	BOOKEASY COMMISSION JUNE 2015	1933.95
EFT17905	30/06/2015	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY JUNE 2015	204.00
EFT17906	30/06/2015	JOHN MCDONALD -SUNSET VIEW ACCOM	BOOKEASY JUNE 2015	221.00
EFT17907	30/06/2015	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY JUNE 2015	935.00
EFT17908	30/06/2015	WULA GUDA NYINDA (CAPES)	BOOKEASY JUNE 2015	561.00
EFT17909	30/06/2015	BLUE LAGOON PEARLS	TOURS JUNE 2015	256.65
EFT17910	30/06/2015	SHARK BAY COASTAL TOURS	TOURS JUNE 2015	1083.15
EFT17911	30/06/2015	EMILY ELIZABETH WARD	ART SALE JUNE 2015	33.36
EFT17912	30/06/2015	GASCOYNE OFFSHORE AND MARINE	TOURS JUNE 2015	3558.30
EFT17913	30/06/2015	INTEGRITY COACH LINES (AUST) PTY LTD	TOURS JUNE 2015	209.10
EFT17914	30/06/2015	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	TOURS JUNE 2015	3329.49
EFT17915	30/06/2015	MONKEYMIA WILDSIGHTS	SHOTOVER TOURS JUNE 2015	3702.28
EFT17916	30/06/2015	PRAGUE HOLDINGS PTY LTD	TOURS JUNE 2015	217.50
EFT17917	30/06/2015	SIETSKE HUNN	ART SALE JUNE 2015	56.00
EFT17918	30/06/2015	SHIRE OF SHARK BAY	TOURS SALES COMM JUNE 2015	2248.77
EFT17919	30/06/2015	SHARK BAY SCENIC QUAD BIKE TOURS	TOURS JUNE 2015	1313.70
EFT17920	30/06/2015	TRISH MILBURN ART & PHOTOGRAPHY	ART SALE JUNE 2015	20.00
EFT17921	30/06/2015	WULA GUDA NYINDA (CAPES)	TOURS JUNE 2015	983.10
			TOTAL TRUST EFT PAYMENTS JUNE 2015	\$61,379.96

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

12.2 FINANCIAL REPORTS TO 30 JUNE 2015
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Laundry
Seconded Cr Wake
Carried 7/0

Council Resolution

That the monthly financial report to 30 June 2015 as attached be received.
7/0 CARRIED

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **30 June 2015** are attached.

Voting Requirements

Simple Majority Required

Signature

Author	<i>C Wood</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	22 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY	
MONTHLY FINANCIAL REPORT	
For the Period Ended 30 June 2015	
LOCAL GOVERNMENT ACT 1995	
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996	
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	Statement of Budget Amendments
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Note 2	Explanation of Material Variances
Note 3	Net Current Funding Position
Note 4	Cash and Investments
Note 6	Receivables
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Note 8	Capital Disposals
Note 9	Rating Information
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Note 12	Trust
Note 13	Capital Acquisitions

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 June 2015							
	Note	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		60,226	60,226	60,231	5	0.01%	▲
General Purpose Funding - Rates	9	1,172,118	1,172,118	1,202,285	30,166	2.57%	▲
General Purpose Funding - Other		1,987,309	1,987,309	2,952,176	964,867	48.55%	▲
Law, Order and Public Safety		46,081	46,081	166,511	120,430	261.34%	▲
Health		750	750	751	1	0.13%	▲
Housing		75,680	75,680	75,289	(391)	(0.52%)	▼
Community Amenities		280,937	280,937	283,884	2,947	1.05%	▲
Recreation and Culture		225,456	225,456	263,835	38,379	17.02%	▲
Transport		427,009	427,009	435,131	8,122	1.90%	▲
Economic Services		834,010	834,010	1,115,056	281,046	33.70%	▲
Other Property and Services		18,000	18,000	32,427	14,427	80.15%	▲
Total Operating Revenue		5,127,576	5,127,576	6,587,575	1,459,999		
Operating Expense							
Governance		(332,721)	(332,721)	(187,089)	145,631	(43.77%)	▲
General Purpose Funding		(104,798)	(104,798)	(106,002)	(1,204)	1.15%	▼
Law, Order and Public Safety		(287,429)	(287,429)	(363,532)	(76,103)	26.48%	▼
Health		(58,735)	(58,735)	(61,407)	(2,672)	4.55%	▼
Housing		(179,077)	(179,078)	(166,076)	13,002	(7.26%)	▲
Community Amenities		(671,341)	(671,341)	(644,356)	26,985	(4.02%)	▲
Recreation and Culture		(1,823,939)	(1,823,939)	(1,816,911)	7,028	(0.39%)	▲
Transport		(1,914,174)	(1,914,174)	(1,824,708)	89,465	(4.67%)	▲
Economic Services		(1,348,548)	(1,348,548)	(1,344,780)	3,768	(0.28%)	▲
Other Property and Services		(18,000)	(18,000)	(12,373)	5,627	(31.26%)	▲
Total Operating Expenditure		(6,738,762)	(6,738,763)	(6,527,235)	211,528		
Funding Balance Adjustments							
Add back Depreciation		2,219,831	2,219,831	2,226,363	6,532		
Adjust (Profit)/Loss on Asset Disposal	8	63,662	63,662	137,418	73,756		
Adjust Provisions and Accruals							
Net Cash from Operations		672,307	672,306	2,424,121	1,751,815		
Capital Revenues							
Grants, Subsidies and Contributions	11	3,023,281	3,023,281	2,759,714	(263,567)	(8.72%)	▼
Proceeds from Disposal of Assets	8	128,000	128,000	135,455	7,455	5.82%	▲
Total Capital Revenues		3,151,281	3,151,281	2,895,169	(256,112)		
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(582,717)	(582,717)	(511,677)	71,040	12.19%	▲
Infrastructure - Roads	13	(926,595)	(926,595)	(467,226)	459,369	49.58%	▲
Infrastructure - Public Facilities	13	(3,442,976)	(3,442,976)	(2,570,791)	872,185	25.33%	▲
Infrastructure - Streetscapes	13	(25,000)	(25,000)	0	25,000	100.00%	▲
Infrastructure - Footpaths	13	(64,400)	(64,400)	(56,164)	8,236	12.79%	▲
Infrastructure - Drainage	13	(30,000)	(30,000)	(30,671)	(671)	(2.24%)	▼
Heritage Assets	13	(68,572)	(68,572)	(13,573)	54,999	80.21%	▲
Plant and Equipment	13	(711,047)	(711,047)	(727,896)	(16,849)	(2.37%)	▼
Furniture and Equipment	13	(42,000)	(42,000)	(28,848)	13,152	31.31%	▲
Total Capital Expenditure		(5,893,307)	(5,893,307)	(4,406,846)	1,486,461		
Net Cash from Capital Activities		(2,742,026)	(2,742,026)	(1,511,677)	1,230,349		
Financing							
Proceeds from New Debentures		0	0	0	0		
Transfer from Reserves	7	1,578,352	1,578,352	1,130,212	(448,140)	(28.39%)	
Repayment of Debentures	10	(105,311)	(105,311)	(105,311)	(0)	(0.00%)	
Transfer to Reserves	7	(1,192,758)	(1,192,758)	(1,170,753)	22,005	1.84%	
Net Cash from Financing Activities		280,283	280,283	(145,853)	(426,136)		
Net Operations, Capital and Financing		(1,789,436)	(1,789,436)	766,592	2,556,028		▲
Opening Funding Surplus(Deficit)	3	1,789,436	1,789,436	1,789,436	0		
Closing Funding Surplus(Deficit)	3	0	(0)	2,556,028	2,556,028		▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

MINUTES OF THE ORDINARY COUNCIL MEETING

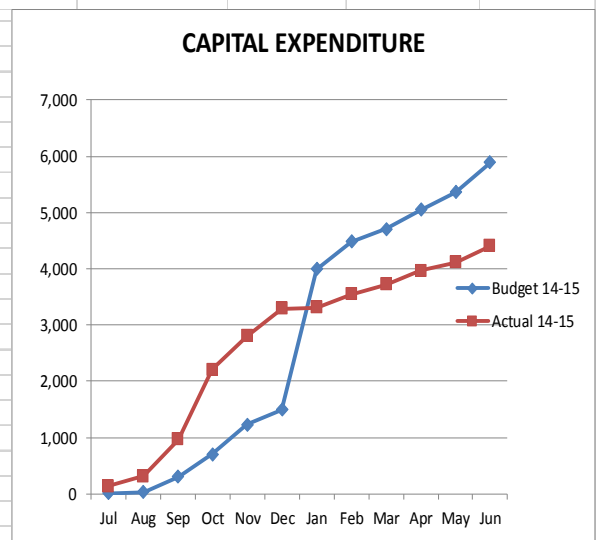
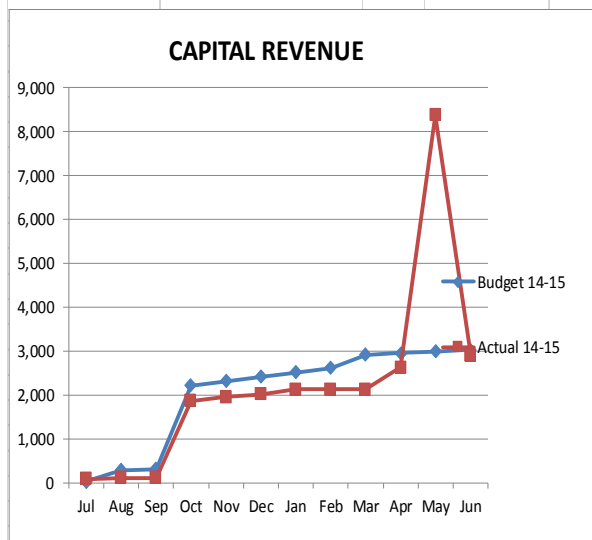
29 JULY 2015

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 30 June 2015				
	Note	Amended Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues		\$	\$	\$
Rates	9	1,163,355	1,163,355	1,192,404
Operating Grants, Subsidies and Contributions	11	2,374,416	2,374,416	3,438,654
Fees and Charges		1,334,942	1,334,942	1,547,131
Interest Earnings		105,600	105,600	116,747
Other Revenue		149,263	149,263	288,639
Profit on Disposal of Assets	8	0	0	4,000
Total Operating Revenue		5,127,576	5,127,576	6,587,575
Operating Expense				
Employee Costs		(1,814,926)	(1,814,926)	(1,778,356)
Materials and Contracts		(2,165,795)	(2,165,797)	(1,933,828)
Utility Charges		(125,113)	(125,113)	(129,101)
Depreciation on Non-Current Assets		(2,219,831)	(2,219,831)	(2,226,363)
Interest Expenses		(27,033)	(27,033)	(27,055)
Insurance Expenses		(149,887)	(149,887)	(115,192)
Other Expenditure		(172,515)	(172,515)	(176,022)
Loss on Disposal of Assets	8	(63,662)	(63,662)	(141,318)
Total Operating Expenditure		(6,738,762)	(6,738,764)	(6,527,235)
Funding Balance Adjustments				
Add back Depreciation		2,219,831	2,219,831	2,226,363
Adjust (Profit)/Loss on Asset Disposal	8	63,662	63,662	137,418
Adjust Provisions and Accruals				
Net Cash from Operations		672,307	672,306	2,424,122
Capital Revenues				
Grants, Subsidies and Contributions	11	3,023,281	3,023,281	2,759,714
Proceeds from Disposal of Assets	8	128,000	128,000	135,455
Total Capital Revenues		3,151,281	3,151,281	2,895,169
Capital Expenses				
Land Held for Resale		0	0	0
Land and Buildings	13	(582,717)	(582,717)	(511,677)
Infrastructure - Roads	13	(926,595)	(926,595)	(467,226)
Infrastructure - Public Facilities	13	(3,442,976)	(3,442,976)	(2,570,791)
Infrastructure - Streetscapes	13	(25,000)	(25,000)	0
Infrastructure - Footpaths	13	(64,400)	(64,400)	(56,164)
Infrastructure - Drainage	13	(30,000)	(30,000)	(30,671)
Heritage Assets	13	(68,572)	(68,572)	(13,573)
Plant and Equipment	13	(711,047)	(711,047)	(727,896)
Furniture and Equipment	13	(42,000)	(42,000)	(28,848)
Total Capital Expenditure		(5,893,307)	(5,893,307)	(4,406,846)
Net Cash from Capital Activities		(2,742,026)	(2,742,026)	(1,511,677)
Financing				
Proceeds from New Debentures		0	0	0
Transfer from Reserves	7	1,578,352	1,578,352	1,130,212
Repayment of Debentures	10	(105,311)	(105,311)	(105,311)
Transfer to Reserves	7	(1,192,758)	(1,192,758)	(1,170,753)
Net Cash from Financing Activities		280,283	280,283	(145,853)
Net Operations, Capital and Financing		(1,789,436)	(1,789,436)	766,592
Opening Funding Surplus(Deficit)	3	1,789,436	1,789,436	1,789,436
Closing Funding Surplus(Deficit)	3	(0)	(0)	2,556,028

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 30 June 2015								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal) Expenditure (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Budget	Variance (d) - (c)	
		\$	\$	\$	\$	\$	\$	\$
Land and Buildings	13	397,861	113,816	511,677	582,717	582,717	71,040	
Infrastructure Assets - Roads	13	7,145	460,081	467,226	926,595	926,595	459,369	
Infrastructure Assets - Public Facilities	13	2,257,102	313,689	2,570,791	3,442,976	3,442,976	872,185	
Infrastructure Assets - Footpaths	13	56,164	0	56,164	64,400	64,400	8,236	
Infrastructure Assets - Drainage	13	0	30,671	30,671	30,000	30,000	(671)	
Infrastructure Assets - Streetscapes	13	0	0	0	25,000	25,000	25,000	
Heritage Assets	13	13,573	0	13,573	68,572	68,572	54,999	
Plant and Equipment	13	69,433	658,464	727,896	711,047	711,047	(16,849)	
Furniture and Equipment	13	0	28,848	28,848	42,000	42,000	13,152	
Capital Expenditure Totals		2,801,276	1,605,569	4,406,846	5,893,307	5,893,307	1,486,461	
Funded By:								
Capital Grants and Contributions					2,759,714	3,023,281	3,023,381	263,567
Borrowings					0	0	0	0
Other (Disposals & C/Fwd)					475,416	968,111	968,111	492,695
Own Source Funding - Cash Backed Reserves								
Infrastructure Reserve					585,000	931,900	931,900	346,900
Pensioner Unit Maintenance Reserve					33,703	30,000	30,000	(3,703)
Plant Replacement Reserve					414,855	414,855	414,855	0
Fire Fighting Replacement Reserve					11,761	12,000	12,000	239
Recreation Facility Reserve					77,897	178,897	178,897	101,000
Total Own Source Funding - Cash Backed Reserves					1,123,216	1,567,652	1,567,652	444,436
Own Source Funding - Operations					48,500	334,163	334,163	285,663
Capital Funding Total					4,406,846	5,893,207	5,893,307	1,486,361



MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

	1. SIGNIFICANT ACCOUNTING POLICIES				
	(a) Basis of Preparation				
	The budget has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.				
	Except for cash flow and rate setting information, the budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.				
	The Local Government Reporting Entity				
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.				
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.				
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.				
	(b) 2013/14 Actual Balances				
	Balances shown in this budget as 2013/14 Actual are as forecast at the time of budget preparation and are subject to final adjustments.				
	(c) Rounding Off Figures				
	All figures shown in this budget, other than a rate in the dollar, are rounded to the nearest dollar.				
	(d) Rates, Grants, Donations and Other Contributions				
	Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.				
	Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.				
	(e) Goods and Services Tax (GST)				
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).				
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.				
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.				
	(f) Superannuation				
	The Council contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.				

Confirmed at the Ordinary Council meeting held on the 02/28 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(g) Cash and Cash Equivalents	
	Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.
	Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.
(h) Trade and Other Receivables	
	Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.
	Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.
	Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.
(i) Inventories	
	General
	Inventories are measured at the lower of cost and net realisable value.
	Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.
	Land Held for Resale
	Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.
	Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.
	Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.
(j) Fixed Assets	
	Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.
	Mandatory Requirement to Revalue Non-Current Assets
	Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
		The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:			
		(a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and			
		(b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government -			
		(i) that are plant and equipment; and			
		(ii) that are -			
		(I) land and buildings; or			
		(II) infrastructure;			
		and			
		(c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.			
		Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.			
		In 2013, Council commenced the process of adopting Fair Value in accordance with the Regulations.			
		Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the budget as necessary.			
		<i>Land Under Control</i>			
		In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.			
		Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.			
		Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.			
		<i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i>			
		All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.			
		In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.			
		Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework detailed above.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2015				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(j)	Fixed Assets (Continued)			
	Revaluation			
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
	Transitional Arrangement			
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
	Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.			
	Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.			
	Land Under Roads			
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.			
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.			
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.			
	Depreciation			
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2015				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
	(j) Fixed Assets (Continued)			
	Major depreciation periods used for each class of depreciable asset are:			
	Buildings			25 to 50 years
	Construction other than buildings (Public Facilities)			5 to 50 years
	Plant and Equipment			5 to 15 years
	Furniture and Equipment			4 to 10 years
	Heritage			25 to 50 years
	Roads			25 years
	Footpaths			50 years
	Sewerage piping			75 years
	Water supply piping & drainage systems			75 years
	The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.			
	An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.			
	Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.			
	When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.			
	Capitalisation Threshold			
	Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.			
	(k) Fair Value of Assets and Liabilities			
	When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:			
	Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2015				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(k)	Fair Value of Assets and Liabilities (Continued)			
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.			
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).			
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.			
	<i>Fair Value Hierarchy</i>			
	AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:			
	Level 1			
	Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.			
	Level 2			
	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.			
	Level 3			
	Measurements based on unobservable inputs for the asset or liability.			
	The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.			
	<i>Valuation techniques</i>			
	The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:			
	Market approach			
	Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2015				
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(k) Fair Value of Assets and Liabilities (Continued)				
Income approach				
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.				
Cost approach				
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.				
Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.				
As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.				
(l) Financial Instruments				
Initial Recognition and Measurement				
Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).				
Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.				
Classification and Subsequent Measurement				
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.				
Amortised cost is calculated as:				
(a) the amount in which the financial asset or financial liability is measured at initial recognition;				
(b) less principal repayments and any reduction for impairment; and				
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.				

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY

NOTES TO AND FORMING PART OF THE BUDGET

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(I) Financial Instruments (Continued)

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) *Financial assets at fair value through profit and loss*

Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

(ii) *Loans and receivables*

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

(iii) *Held-to-maturity investments*

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) *Available-for-sale financial assets*

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.

(v) *Financial liabilities*

Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO AND FORMING PART OF THE BUDGET				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(l)	Financial Instruments (Continued)			
	<i>Impairment</i>			
	A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).			
	In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.			
	In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.			
	For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.			
	<i>Derecognition</i>			
	Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.			
	Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.			
(m)	Impairment of Assets			
	In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.			
	Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.			
	Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO AND FORMING PART OF THE BUDGET				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(m)	Impairment of Assets (Continued)			
	For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.			
(n)	Trade and Other Payables			
	Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.			
(o)	Employee Benefits			
	Short-Term Employee Benefits			
	Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.			
	The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.			
	Other Long-Term Employee Benefits			
	Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.			
	The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY				
NOTES TO AND FORMING PART OF THE BUDGET				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(p)	Borrowing Costs			
	Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.			
(q)	Provisions			
	Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.			
	Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.			
(r)	Current and Non-Current Classification			
	In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 June 2015					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	V	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	5	0.01%	▲	Permanent	No reportable variance
General Purpose Funding - Rates	30,166	2.57%	▲	Permanent	Excess Rates applied to this area
General Purpose Funding - Other	964,867	48.55%	▲	Permanent	Prepayment of FAGs for 15/16
Law, Order and Public Safety	120,430	261.34%	▲	Timing	FESA grant for 13/14 expenses paid this year
Health	1	0.13%	▲	Permanent	No reportable variance
Housing	(391)	(0.52%)	▼	Timing	No reportable variance
Community Amenities	2,947	1.05%	▲	Permanent	No reportable variance
Recreation and Culture	38,379	17.02%	▲	Permanent	Increase sales at Shark Bay Discovery Centre
Transport	8,122	1.90%	▲	Timing	Increase in Denham Marine Charges
Economic Services	281,046	33.70%	▲	Timing	Income from Main Roads Private Works for Cyclone Olwyn
Other Property and Services	14,427	80.15%	▲	Permanent	Diesel Fuel Rebate higher than expected
Operating Expense					
Governance	145,631	(43.77%)	▲	Timing	Reduced expenditure on administration
General Purpose Funding	(1,204)	1.15%	▼	Timing	No reportable variance
Law, Order and Public Safety	(76,103)	26.48%	▼	Permanent	Costs of Cyclone Olwyn impacting on this program
Health	(2,672)	4.55%	▼	Timing	No reportable variance
Housing	13,002	(7.26%)	▲	Permanent	Allocation of Staff housing corrected
Community Amenities	26,985	(4.02%)	▲	Timing	Planning and Development costs less than expected
Recreation and Culture	7,028	(0.39%)	▲	Timing	No expenditure on Cape Inscription
Transport	89,465	(4.67%)	▲	Timing	Country road program to be completed in 15/16
Economic Services	3,768	(0.28%)	▲	Timing	No reportable variance
Other Property and Services	5,627	(31.26%)	▲	Timing	Costs associated with payment of workers compensation
Capital Revenues					
Grants, Subsidies and Contributions	(263,567)	(8.72%)	▼	Timing	Not all capital grants were received this year
Proceeds from Disposal of Assets	7,455	5.82%	▲	Permanent	Increased funds received for plant changeover
Capital Expenses					
Land and Buildings	71,040	12.19%	▲	Timing	Rec Centre sound proofing and Town Hall work to be completed in 15/16.
Infrastructure - Roads	459,369	49.58%	▲	Timing	Road projects to be completed in 15/16.
Infrastructure - Public Facilities	872,185	25.33%	▲	Timing	Projects to be completed include Monkey Mia Jetty and Carpark, Landfill and Foreshore Projects
Infrastructure - Footpaths	8,236	12.79%	▲	Permanent	Under expenditure in 14/15
Infrastructure - Drainage	(671)	(2.24%)	▼	Timing	No reportable variance
Heritage Assets	54,999	80.21%	▲	Timing	Refurbishment of Old stables to be completed
Plant and Equipment	(16,849)	(2.37%)	▼	Timing	SES purchase from 2013/14 expended this year
Furniture and Equipment	13,152	31.31%	▲	Permanent	Purchases completed
Financing					
Loan Principal	(0)	(0.00%)	▼	Timing	No reportable variance

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

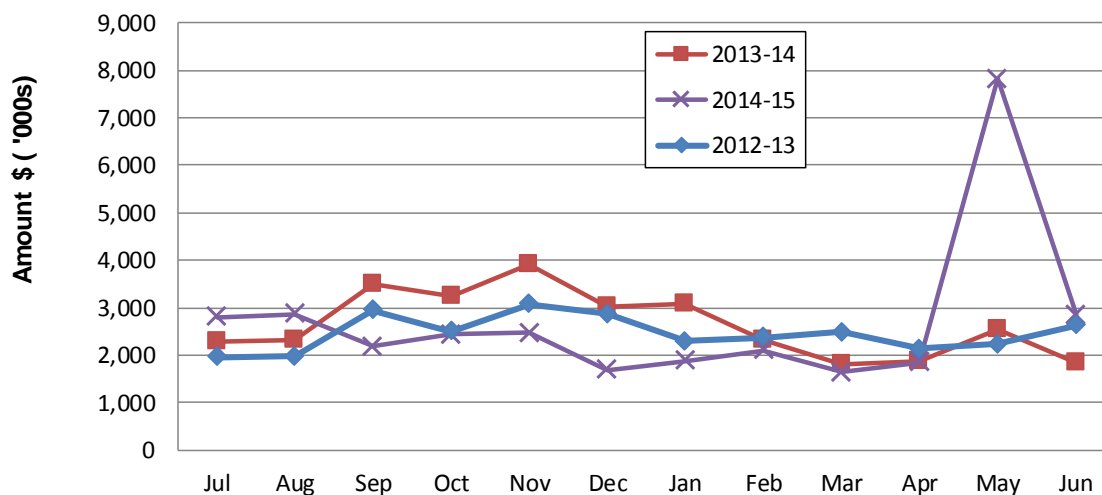
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

Note 3: NET CURRENT FUNDING POSITION

		Positive=Surplus (Negative=Deficit)		
		YTD 30 Jun 2015	30th June 2014	YTD 30 Jun 2014
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	2,225,145	1,077,678	1,077,678
Cash Restricted	4	7,735,504	1,994,965	1,994,965
Receivables - Rates	6	12,610	15,073	15,073
Receivables -Other	6	621,925	1,115,568	1,115,568
Interest / ATO Receivable/Trust		5,522	6,876	6,876
Inventories		110,379	146,545	146,545
		10,711,085	4,356,705	4,356,705
Less: Current Liabilities				
Payables		(192,608)	(323,153)	(323,153)
Provisions		(226,945)	(249,152)	(249,152)
WATC R4R Grant		(5,700,000)	0	0
		(6,119,552)	(572,305)	(572,305)
Less: Cash Reserves	7	(2,035,504)	(1,994,965)	(1,994,965)
Net Current Funding Position		2,556,028	1,789,436	1,789,436

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position

The funding for the Foreshore project has been transferred to WATC as required by the grant conditions and hence the reduction in liquidity from last month. Liquidity is high due to prepayment of FAGs.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 30 June 2015							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	1,063,579			1,063,579	Bankwest	At Call
Reserve Bank Account	0.00%		1,035,504		1,035,504	Bankwest	At Call
Telenet Saver	1.90%	1,160,866			1,160,866	Bankwest	At Call
Trust Bank Account	0.00%			9,837	9,837	Bankwest	At Call
Cash On Hand		700			700	Bankwest	On Hand
(b) Term Deposits							
WATC Grant Funding	1.95%		5,700,000		5,700,000	Bankwest	At Call
Trust	3.25%			92,320	92,320	Bankwest	Aug 2015
Reserve Investment Account	3.50%		1,000,000		1,000,000	Bankwest	July 2015
Total		2,225,145	7,735,504	102,157	10,062,806		
Comments/Notes - Investments							
Surplus funds invested for terms conducive to cashflow requirements. Increase in restricted cash is due to Foreshore grant.							

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

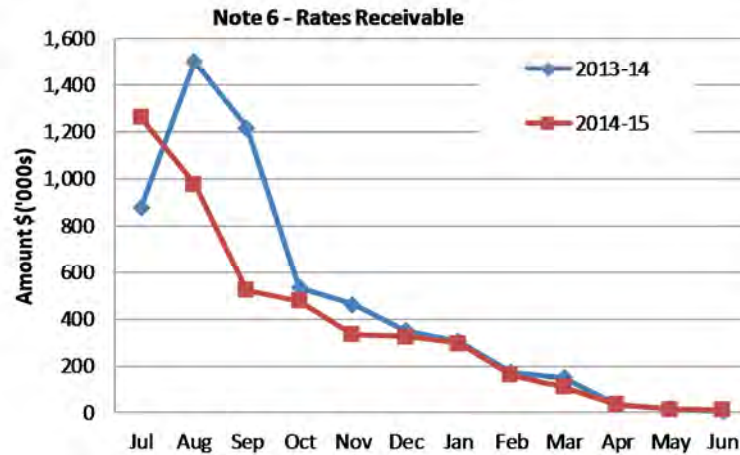
For the Period Ended 30 June 2015

Note 6: RECEIVABLES

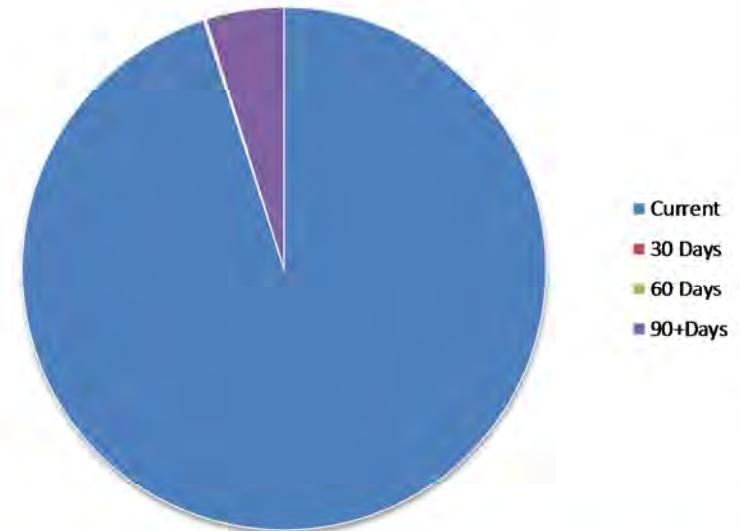
Receivables - Rates Receivable	YTD 30 Jun 2015	30 June 2014
	\$	\$
Opening Arrears Previous Years	5,744	6,217
Levied this year	1,261,346	1,119,537
Less Collections to date	(1,254,480)	(1,120,010)
Equals Current Outstanding	12,610	5,744
Net Rates Collectable	12,610	5,744
% Collected	99.00%	99.49%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	349,223	224	328	17,718
Total Receivables General Outstanding				367,492

Amounts shown above include GST (where applicable)



Receivables - General



Comments/Notes - Receivables Rates

Collection rate similar to last year.

Comments/Notes - Receivables General

Sundry debtors at an acceptable level. Major debtor is Main Roads.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

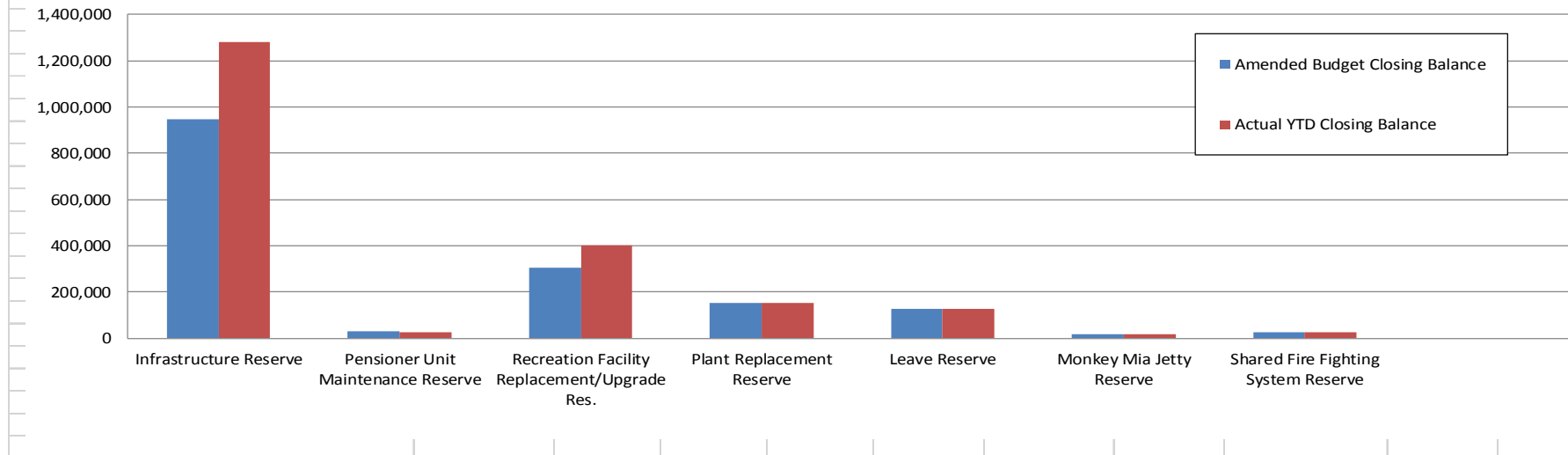
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

Note 7: Cash Backed Reserve

2014-15		Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Amended Budget Closing Balance	Actual YTD Closing Balance
Name	Opening Balance									
	\$	\$	\$	\$	\$	\$	\$		\$	\$
Infrastructure Reserve	1,163,060	40,000	25,206	676,658	676,658	(931,900)	(585,000)		947,818	1,279,924
Pensioner Unit Maintenance Reserve	56,875	1,800	1,174	0	0	(30,000)	(30,000)		28,675	28,049
Recreation Facility Replacement/Upgrade Res.	469,092	15,000	10,461	0	0	(178,897)	(77,896)		305,195	401,657
Plant Replacement Reserve	114,832	4,000	2,877	450,000	450,000	(414,855)	(414,855)		153,977	152,854
Leave Reserve	134,189	3,500	3,080	0	0	(10,700)	(10,700)		126,989	126,569
Monkey Mia Jetty Reserve	19,417	600	449	0	0	0	0		20,017	19,866
Shared Fire Fighting System Reserve	37,498	1,200	849	0	0	(12,000)	(11,761)		26,698	26,586
	1,994,963	66,100	44,095	1,126,658	1,126,658	(1,578,352)	(1,130,212)		1,609,369	2,035,504

Note 7 - Year To Date Reserve Balance to End of Year Estimate



MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 June 2015								
Note 8 CAPITAL DISPOSALS								
Actual YTD Profit/(Loss) of Asset Disposal					Current Budget			Comments
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 30 06 2015			
\$	\$	\$	\$		Amended Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
					\$	\$	\$	
				Plant and Equipment				
41,544	(12,112)	30,909	1,477	Works Manager Ute	0	1,477	1,477	
31,830	(8,511)	0	(23,319)	SES Vehicle (Useless Loop)	(23,319)	(\$23,319)	0	
31,197	(9,175)	24,545	2,524	Town Supervisor Ute	0	2,524	2,524	
148,067	(27,724)	80,000	(40,343)	Grader	(40,343)	(\$40,343)	(0)	
76,462	(9,808)	0	(66,654)	Heritage Assets	0	(\$66,654)	(66,654)	
23,943	(12,841)	0	(11,102)	Monkey Mia Boating Facilities	0	(\$11,102)	(11,102)	
353,044	(80,171)	135,455	(137,418)		(63,662)	(137,418)	(73,756)	
Comments - Capital Disposal/Replacements								

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 June 2015

NOTE 9: RATING INFORMATION												
	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$	
Differential General Rate												
Gross Rental Value	8.6183	305	4,011,093	365,014	415	157	365,587	345,688	1,200	0	346,888	
GRV - Commercial	8.6183	54	3,755,697	327,885	0	0	327,885	323,677	0	0	323,677	
GRV - Industrial	8.6183	39	551,945	51,799	0	0	51,799	47,568	0	0	47,568	
Unimproved Value	19.3581	6	671,384	129,967	-1172	0	128,795	129,967	-6,700	0	123,267	
UV Mining	19.3581	11	701,415	135,781	(1,530)	0	134,251	139,645	0	0	139,645	
UV Pastoral	10.6928	12	757,960	81,047	0	0	81,047	80,799	0	0	80,799	
Sub-Totals		427	10,449,494	1,091,492	(2,287)	157	1,089,363	1,067,344	-5,500	0	1,061,844	
Minimum Payment												
	Minimum \$											
Gross Rental Value	765.00	169	955,032	129,285	0	0	129,285	129,285	0	0	129,285	
GRV - Commercial	765.00	28	178,274	21,420	0	0	21,420	21,420	0	0	21,420	
GRV - Industrial	765.00	6	46,233	4,590	0	0	4,590	4,590	0	0	4,590	
Unimproved Value	765.00	5	7,209	3,825	0	0	3,825	3,825	0	0	3,825	
UV Mining		2	0	1,530	0	0	1,530	0	0	0	0	
Sub-Totals		210	1,186,748	160,650	0	0	160,650	159,120	0	0	159,120	
Concessions							(94,577)				(94,577)	
Amount from General Rates							1,155,436				1,126,387	
Specified Area Rates							36,968				36,968	
Totals							1,192,404				1,163,355	

Comments - Rating Information

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 June 2015									
10. INFORMATION ON BORROWINGS									
(a) Debenture Repayments									
Particulars	Principal 1-Jul-14	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments		
			Actual \$	Amended Budget \$	Actual \$	Amended Budget \$	Actual \$	Amended Budget \$	
Loan 48 - McCleary Property	53,675	0	25,926	25,926	31,589	31,589	2,021	2,021	
Loan 48 - Shire Office	45,723	0	22,086	22,086	19,797	19,797	2,373	2,373	
Loan 53 - Staff Housing	98,693	0	17,305	17,305	81,388	81,388	5,577	5,559	
Loan 56 - Staff Housing	108,482	0	14,105	14,104	94,377	94,378	6,300	6,292	
Loan 57 - Monkey Mia Bore	275,129	0	25,890	25,890	249,239	249,239	10,784	10,787	
	581,702	0	105,311	105,311	476,391	476,391	27,055	27,033	

All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2015

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2014-15 Amended Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	1,447,213	0	1,447,213	0	2,170,416	(723,203)
Grants Commission - Roads	WALGGC	Y	422,446	0	422,446	0	648,188	(225,742)
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	5,820	0	5,820	0	7,853	
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	62,450	0	0	62,450	39,489	(39,489)
FESA SES Capital Grants	Dept. of Fire & Emergency Serv.	Y	34,384	0	34,384	0	48,009	(48,009)
FESA Non Cash Capital Grant	Dept. of Fire & Emergency Serv.	Y	0		0	86,016	86,016	0
COMMUNITY AMENITIES								
Grant - Recycling at Landfill	Gascoyne Development Commission	Y	378,341			378,341	378,341	0
RECREATION AND CULTURE								
Grant - Jimmy Poland project	LotteryWest	Y	5,000	0	5,000	0	5,636	0
Grant -Tennis Court Resurfacing	Dept. of Sport and Recreation	N	100,000			100,000	0	100,000
SBS Radio Transmission						17,617	17,617	
TRANSPORT								
Road Preservation Grant	State Initiative	Y	84,500	0	84,500	0	84,500	0
Useless Loop Road - Mtce	Main Roads WA	Y	300,000	0	300,000		300,000	0
Contributions - Road Projects	Miscellaneous	Y	5,000	0	0	5,000	5,000	0
Contributions - Road Projects	Pipeline	Y	7,650	0	7,650	0	7,650	0
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,877	0	0	199,877	0	199,877
RRG Grants - Capital Projects	Regional Road Group	Y	295,113	0	0	295,113	250,751	44,362
Grant - MM Boat Ramp Carpark	Dept. of Transport	Y	232,500	0	0	232,500	232,500	0
Grant - R4R Monkey Mia Jetty	Dept. of Regional Development	Y	1,750,000	0	0	1,750,000	1,750,000	0
ECONOMIC SERVICES								
Contributions-Seniors Projects	Council of the Aged WA	Y	800	0	800	0	800	0
Grants - Community Activities	Dept. of Communities	Y	2,000	0	2,000	0	3,000	(1,000)
Contribution - Monkey Mia	Dept. of Parks and Wildlife	Y	49,876		49,876		49,876	0
Contribution - Signage	Gascoyne Development Commission	N	12,727		12,727	0	12,727	0
Contribution - Signage	Tourism Association	N	2,000		2,000	0	0	2,000
2016 Celebrations	Tourism						100,000	(100,000)
TOTALS			5,397,697	0	2,374,416	3,126,914	6,198,369	(791,204)
	Operating		2,402,482				3,438,654	
	Non-operating		2,995,215				2,759,714	
			5,397,697				6,198,369	

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2015				
Note 12: TRUST FUND				
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:				
Description	Opening Balance 1 Jul 14	Amount Received	Amount Paid	Closing Balance 30-Jun-15
	\$	\$	\$	\$
Election Deposits	240	0	(240)	0
Library Card Bond	50	500	(350)	200
Kerb/Footpath Deposit	4,200	0	0	4,200
Building Completion Bond	71,728	1,738	(73,465)	0
Bond Key	1,690	1,700	(1,080)	2,310
Police Licensing	2,347	262,522	(262,483)	2,386
Marquee Deposit	700	1,400	(1,400)	700
Building Licence Levy		2,176	(2,135)	41
Sunter Place - Recreation Reserve	90,250	2,071	0	92,321
Tours Sales	0	285,494	(285,494)	0
Bookeasy Sales	0	129,253	(129,253)	0
BCITF Levy	0	3,603	(3,603)	0
Hall Bond	0	810	(810)	0
Community Bus	0	600	(600)	0
	171,205	691,867	(760,914)	102,158

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

SHIRE OF SHARK BAY										
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY										
For the Period Ended 30 June 2015										
Note 13: CAPITAL ACQUISITIONS										
Physical % of Completion	Level of Completion Indicator	Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Amended Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
		Land Improvements								Level of Completion Indicators
		Governance								0% ○
0%	○	Shire Office Carpark Capital Works	3.7.1	CEO	(20,000)	(20,000)	(19,341)	659		20% ○
		Governance Total			(20,000)	(20,000)	(19,341)	659		40% ○
		Buildings								60% ○
		Housing								80% ●
100%	●	Construction Staff Housing Sunter Place	1.2.4	CEO	(165,000)	(165,000)	(162,010)	2,990		100% ●
100%	●	Staff Housing - 5 Spaven Way	1.2.4	CEO	(3,500)	(3,500)	(3,304)	196	(3,304)	Completed
100%	●	Staff Housing - 65 Brockman St	1.2.4	EMCD	(3,800)	(3,800)	(3,799)	1	(3,799)	Completed
100%	●	Staff Housing - 51 Durlacher St	1.2.4	EMFA	(4,100)	(4,100)	(4,085)	15	(4,085)	Completed
100%	●	Staff Housing - 80 Durlacher St	1.2.4	EMCD	(3,600)	(3,600)	(3,304)	296	(3,304)	Completed
100%	●	Pensioner Units Capital	1.2.4	EMCD	(30,000)	(30,000)	(33,703)	(3,703)	(33,703)	Completed
		Housing Total			(210,000)	(210,000)	(210,204)	(204)	(48,195)	
		Law, Order And Public Safety								
100%	●	Emergency Services Building Construction	3.7.1	CEO	(200,000)	(200,000)	(201,884)	(1,884)		Completed
100%	●	Emergency Services Building Site Works	3.7.1	CEO	0	0	0	0	0	
		Law, Order And Public Safety Total			(200,000)	(200,000)	(201,884)	(1,884)		
		Recreation And Culture								
15%	○	Recreation Centre - Sound Proofing	3.7.1	EMCD	(50,000)	(50,000)	0	50,000		Will be completed in July
60%	○	Town Hall Pathways and Wall Extension	3.7.1	WKM	(25,000)	(25,000)	(14,626)	10,374		Further work on footpath to be done in 15/16
15%	○	Overlander Hall Upgrade	3.7.1	EMCD	(50,000)	(50,000)	(37,964)	12,036	(37,964)	Completed
		Recreation And Culture Total			(125,000)	(125,000)	(52,590)	72,410	(37,964)	
		Transport								
100%	●	Depot - Replacement of Depot Walls	3.7.1	WKM	(25,674)	(25,674)	(25,615)	59	(25,615)	Works completed
100%	●	Replacement of Air Conditioners	3.7.1	WKM	(2,043)	(2,043)	(2,043)	0	(2,043)	Works completed
		Transport Total			(27,717)	(27,717)	(27,658)	59	(27,658)	
		Land and Buildings Total			(582,717)	(582,717)	(511,677)	71,040	(113,816)	

MINUTES OF THE ORDINARY COUNCIL MEETING

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Physical % of Completion	Level of Completion Indicator	Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
		Drainage/Culverts								
		Transport								
100%	●	Drainage/Sump Construction	3.7.1	WKM	(30,000)	(30,000)	(30,671)	(671)	(30,671)	Completed
		Transport Total			(30,000)	(30,000)	(30,671)	(671)	(30,671)	
		Drainage/Culverts Total			(30,000)	(30,000)	(30,671)	(671)	(30,671)	
		Footpaths								
		Transport								
100%	●	Footpath Construction	3.7.1	WKM	(64,400)	(64,400)	(56,164)	8,236		Construction completed
		Transport Total			(64,400)	(64,400)	(56,164)	8,236		
		Footpaths Total			(64,400)	(64,400)	(56,164)	8,236		
		Furniture & Office Equip.								
		Governance								
100%	●	Computer Hardware Upgrade/New	1.2.1	EMFA	(5,000)	(5,000)	(10,860)	(5,860)	(10,860)	Completed
100%	●	Computer Software Upgrade/New	1.2.1	EMFA	(5,000)	(5,000)	(1,179)	3,822	(1,179)	Completed
0%	○	Council Chambers Furniture and Equipment	1.2.1	EMFA	(2,000)	(2,000)	0	2,000	0	No requirements
100%	●	Office Furniture & Equipment	1.2.1	EMFA	(5,000)	(5,000)	0	5,000	0	Expenditure transferred to Operating
		Governance Total			(17,000)	(17,000)	(12,039)	4,961	(12,039)	
		Recreation And Culture								
100%	●	Inflatable Movie Screen	2.4.1	EMCD	(10,000)	(10,000)	(9,331)	669		Completed
100%	●	Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(15,000)	(15,000)	(7,479)	7,522	(7,479)	Completed
		Recreation And Culture Total			(25,000)	(25,000)	(16,809)	8,191	(7,479)	
		Furniture & Office Equip. Total			(42,000)	(42,000)	(28,848)	13,152	(19,517)	
		Heritage Assets								
		Recreation And Culture								
0%	○	Shade over Velsheda	2.2.2	WKM	(5,000)	(5,000)	0	5,000		15/16 project
100%	●	Directional Plaque	2.2.2	EMCD	(13,572)	(13,572)	(13,573)	(1)		Completed
0%	○	Refurbishment of Old Jail and Stables	2.2.2	CEO	(50,000)	(50,000)	0	50,000	0	15/16 project
		Recreation And Culture Total			(68,572)	(68,572)	(13,573)	54,999		
		Heritage Assets Total			(68,572)	(68,572)	(13,573)	54,999		

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Physical % of Completion	Level of Completion Indicator	Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
		Plant , Equipment and Vehicles								
		Law, Order And Public Safety								
100%	●	SES Rescue Equipment	3.7.1	EMFA	(62,450)	(62,450)	(39,489)	22,961		Completed
100%	●	SES Loop Personnel Carrier	3.7.1	EMFA	0	0	(86,016)	(86,016)	(86,016)	Unbudgeted item purchased by SES
		Law, Order And Public Safety Total			(62,450)	(62,450)	(125,504)	(63,054)		
		Recreation And Culture								
0%	○	Recreation Centre - Scissor Lift	1.6.7	EMCD	(35,000)	(35,000)	0	35,000		Deferred item
100%	●	Replacement Fire Pump	1.6.7	EMCD	(12,000)	(12,000)	(11,761)	239	(11,761)	Completed
		Recreation And Culture Total			(47,000)	(47,000)	(11,761)	35,239	(11,761)	
		Transport								
100%	●	Fire Fighting Pumps	1.1.6	WKM	(6,576)	(6,576)	(6,576)	0		Completed
100%	●	Depot Tools and Major Plant	1.1.6	WKM	(10,000)	(10,000)	(2,794)	7,206		Completed
100%	●	Communications Upgrade	1.1.6	WKM	(2,500)	(2,500)	0	2,500		Completed
100%	●	Water Tanker	1.1.6	WKM	(101,730)	(101,730)	(101,730)	0	(101,730)	Completed
100%	●	Town Supervisor's Ute	1.1.6	WKM	(39,450)	(39,450)	(39,436)	14	(39,436)	Completed
100%	●	Works Manager's Ute	1.1.6	WKM	(49,185)	(49,185)	(49,185)	0	(49,185)	Completed
100%	●	Major Plant Items	1.1.6	WKM	(15,000)	(15,000)	(13,754)	1,246		Completed
100%	●	Pallet Racking	1.1.6	WKM	(6,820)	(6,820)	(6,820)	0		Completed
100%	●	Grader	1.1.6	WKM	(370,336)	(370,336)	(370,336)	0	(370,336)	Completed
		Transport Total			(601,597)	(601,597)	(590,631)	10,966	(560,687)	
		Plant , Equipment and Vehicles Total			(711,047)	(711,047)	(727,896)	(16,849)	(572,448)	

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Physical % of Completion	Level of Completion Indicator	Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
		Public Facilities								
		Community Amenities								
0%	○	SBS Radio Transmission			0	0	(17,617)	(17,617)	(17,617)	Completed - Funded by grant
		Refuse Tip and Recycling	2.4.2	WKM	(378,341)	(378,341)	0	378,341		15/16 Project
		Community Amenities Total			(378,341)	(378,341)	(17,617)	360,724	(17,617)	
		Recreation And Culture								
10%	○	Town Oval Bore	3.7.1	WKM	(30,000)	(30,000)	(2,378)	27,622		15/16 project
		Economic Services Total			(30,000)	(30,000)	(2,378)	27,622		
		Recreation And Culture								
80%	●	Recreation Centre Grounds	1.6.7	EMCD	(184,635)	(184,635)	(129,715)	54,920		To be completed in 15/16
65%	●	Charlie Sappie Park	3.7.1	WKM	(15,000)	(15,000)	(13,678)	1,322	(13,678)	To be completed in 15/16
0%	○	Foreshore Revitalisation	3.7.1	CEO	(200,000)	(200,000)	(19,110)	180,890	(19,110)	Preliminary scoping completed
70%	●	Replacement of Gazebos	3.7.1	WKM	(20,000)	(20,000)	(14,738)	5,262	(14,738)	To be completed in July
0%	○	Practice Cricket Nets	3.7.1	WKM	(5,000)	(5,000)	0	5,000	0	Deferred item
10%	○	Tennis Court Resurfacing	3.7.1	EMCD	(100,000)	(100,000)	0	100,000	0	Deferred item
		Recreation And Culture Total			(524,635)	(524,635)	(177,242)	347,393	(47,526)	
		Transport								
90%	●	Monkey Mia Jetty	1.6.5	CEO	(2,200,000)	(2,200,000)	(2,107,390)	92,610		Further work to be done in 15/16
90%	●	Monkey Mia Boat Ramp Carpark	1.6.5	WKM	(310,000)	(310,000)	(266,163)	43,837	(266,163)	Further minor work to be done in 15/16
		Transport Total			(2,510,000)	(2,510,000)	(2,373,553)	136,447	(266,163)	
		Public Facilities Total			(3,442,976)	(3,442,976)	(2,570,791)	872,185	(313,689)	

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Physical % of Completion	Level of Completion Indicator	Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
		Roads (Non Town)								
		Transport								
100%	●	Useless Loop Road RRG 13/14	1.1.6	WKM	(112,468)	(112,468)	(115,381)	(2,913)	(115,381)	Completed
0%	○	Woodleigh-Bryo Floodway RRG	1.1.6	WKM	(122,712)	(122,712)	0	122,712	0	Carried forward to 15/16
0%	○	Road Projects R2R	1.1.6	WKM	(199,877)	(199,877)	0	199,877	0	Plan for funding to be developed in 15/16.
50%	◉	Useless Loop Road - Resheet RRG	1.1.6	WKM	(229,957)	(229,957)	(154,152)	75,805	(154,152)	To be completed in 15/16
100%	●	Hamelin Pool Road - Reseal RRG	1.1.6	WKM	(90,000)	(90,000)	(22,181)	67,819	(22,181)	Completed
		Transport Total			(755,014)	(755,014)	(291,714)	463,300	(291,714)	
		Roads (Non Town) Total			(755,014)	(755,014)	(291,714)	463,300	(291,714)	
		Streetscapes								
		Economic Services								
0%	○	Information Bay Signage	2.1.3	EMCD	(25,000)	(25,000)	0	25,000		Grant received project will proceed in new year
		Economic Services Total			(25,000)	(25,000)	0	25,000		
		Streetscapes Total			(25,000)	(25,000)	0	25,000		
		Town Streets								
		Transport								
100%	●	Durlacher Street/Barnard Street R2R	1.1.6	WKM	(164,436)	(164,436)	(168,367)	(3,931)	(168,367)	Completed
100%	●	Police Station Carpark	1.1.6	WKM	(7,145)	(7,145)	(7,145)		(7,145)	Completed
		Transport Total			(171,581)	(171,581)	(175,512)	(3,931)	(175,512)	
		Town Streets Total			(171,581)	(171,581)	(175,512)	(3,931)	(175,512)	
		Capital Expenditure Total			(5,893,307)	(5,893,307)	(4,406,846)	1,486,461		

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12.3 FINANCIAL ASSISTANCE GRANTS
FM 00001

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Wake
Seconded Cr Prior

Council Resolution

That Council:

- 1. Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Council's services and infrastructure;**
- 2. Acknowledges the receipt of \$1,869,659 in 2014/2015;**
- 3. Will ensure that this Federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.**

7/0 CARRIED

BACKGROUND

The Australian Local Government Association is conducting a national campaign to highlight the importance of Financial Assistance Grants to Australian Local Governments. The campaign aims to reverse the damaging three indexation freeze on Financial Assistance Grants payments that was implemented in the 2014/2015 Federal Budget.

COMMENT

Financial Assistance Grants funding is not currently keeping pace with demand for services and infrastructure in local communities and the freeze will worsen this. Freezing Financial Assistance Grants at their current level until 2017/2018 will result in a permanent reduction in the Financial Assistance Grant base by 13%.

Australian Local Government Association has called for Financial Assistance Grants indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of Financial Assistance Grants and the indexation methodology. Whilst the Federal Government recently announced an additional \$1.105B funding addition to the Roads To Recovery program, this funding is only allocated for two years and is not guaranteed to continue. Further, Roads To Recovery funding is tied to grant program and unlike Financial Assistance Grant funds, cannot be used for general purposes. Any shift away from general purpose funding could seriously impact Local Government's financial sustainability.

In order to guard against this risk, Australian Local Government Association has asked Councils, through the State Associations, to support the Financial Assistance Grants

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campaign by passing a resolution to acknowledge the receipt and importance of Financial Assistance Grants.

The level of Financial Assistance Grants that the Shire of Shark Bay has received over the last 3 years is as follows:

2013/2014	\$1,800,413
2014/2015	\$1,869,659
2015/2016	\$1,874,501

The Financial Assistance Grants contribute significantly to Council's overall budget being approximately 37% of total operating income.

LEGAL IMPLICATIONS

There are no legal implications from this report.

POLICY IMPLICATIONS

There are no policy implications from this report.

FINANCIAL IMPLICATIONS

The Financial Assistance Grants represent approximately 37% of Council's total operating income.

STRATEGIC IMPLICATIONS

Outcome 4.3 A long term strategically focused Council that functions efficiently and is unified.

RISK MANAGEMENT

This is a low risk decision by Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager Finance and Administration	<i>C Wood</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	21 July 2015

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12.4 CARRY FORWARD PROJECTS
FM 00001

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Laundry
Seconded Cr Prior

Council Resolution

That Council approve the following projects as carried forward projects into 2015/2016 financial year:

Project	\$	Funding
Denham Town Hall	10,000	Infrastructure Reserve
Netta's upgrade	5,000	Recreation Reserve
Sound Proofing Council Chambers	50,000	Recreation Reserve
Charlie Sappie Park	10,000	Infrastructure Reserve
Town Oval Bore	27,500	Infrastructure Reserve
Refurbishment of Old Gaol and Stables	50,000	Infrastructure Reserve
Useless Loop RRG 14/15	75,800	Road Funding
Monkey Mia Carpark	44,000	Infrastructure Reserve
Monkey Mia Jetty	76,300	Grant Funding
Useless Loop Maintenance	71,000	Road Funding
Total	419,600	

7/0 CARRIED

BACKGROUND

The report seeks Council approval for expenditure to be incurred on projects which were not completed in 2014/2015. Final year end accounting information for 2014/2015 was not available at the time of the formulation and adoption of the 2015/2016 budget and therefore Council's approval is required to allow these projects

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to incur expenditure in order to be finalised. The carry forward projects listed below are funded by either grant funds or reserves.

COMMENT

Carry forward projects are:

Project	\$	Funding	Progress and Reason for Delay
Denham Town Hall	10,000	Infrastructure Reserve	Awaiting Contractors. Due to be completed August.
Netta's upgrade	5,000	Recreation Reserve	Awaiting Contractors. Due to be completed July.
Sound Proofing Council Chambers	50,000	Recreation Reserve	Awaiting Contractor to do site visit – now done. To be completed in August.
Charlie Sappie Park	10,000	Infrastructure Reserve	Late delivery of new signs. Due to be completed Aug.
Town Oval Bore	27,500	Infrastructure Reserve	Delayed due to joint project with DOT. Due to be completed August.
Refurbishment of Old Jail and Stables	50,000	Infrastructure Reserve	Awaiting material delivery. Due to be completed November.
Useless Loop RRG 14/15	75,800	Road Funding	Delayed due to rain events. Due to be completed September.
Monkey Mia Carpark	44,000	Infrastructure Reserve	Delayed due to rain events. Due to be completed August.
Monkey Mia Jetty	76,300	Grant Funding	Awaiting D Fender fabrication. To be completed in December.
Useless Loop Maintenance	71,000	Road Funding	Delayed due to rain events. Due to be completed September.
Total	\$419,600		

The major reasons for the delay in completing these projects are the availability of specialised contractors and the effort directed to the outcome of Cyclone Olwyn.

LEGAL IMPLICATIONS

Section 6.8 (b) of the *Local Government Act 1995* states that a local government is not to incur expenditure from its municipal fund for an *additional purpose* except where the expenditure is authorised in advance by resolution (Absolute Majority required). The

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term *additional purpose* means a purpose for which no expenditure estimate is included in the local government's annual budget.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Council's approval is required to enable these projects to be completed.

STRATEGIC IMPLICATIONS

Outcome 4.3 A long term strategically focused Council that functions efficiently and is unified.

RISK MANAGEMENT

There is a high risk that Council will not satisfy grant requirements or complete its capital program should this recommendation not be adopted.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Executive Manager Finance and Administration	<i>C Wood</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	22 July 2015

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13. TOWN PLANNING REPORT

13.1 PROPOSED RETAINING (LIMESTOCK ROCK) WALL – LOT 2 (96) DAMPIER ROAD, DENHAM P1344

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Laundry

Nature of Interest: Financial as is the Draftsman of the project.

Cr Laundry left Council Chambers at 3.49pm

Moved Cr Capewell
Seconded Cr Prior

Council Resolution

That Council:

- 1. Approve the planning application lodged by David Cunningham for a retaining (limestone rock) wall on Lot 2 (96) Dampier Road Denham subject to the following conditions;**
 - (i). The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**
 - (ii). All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.**
 - (iii). All works are to be fully contained within the lot boundaries as stated in the application.**
 - (iv). If the works subject of this approval are not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.**
- 2. Includes advice notes on the approval as follows:**
 - (a) This is planning consent only, and is not authorisation to commence any on site construction. You are required to obtain a separate building permit prior to any works commencing. Additional information on the type of construction may be required for any building permit.**

6/0 CARRIED

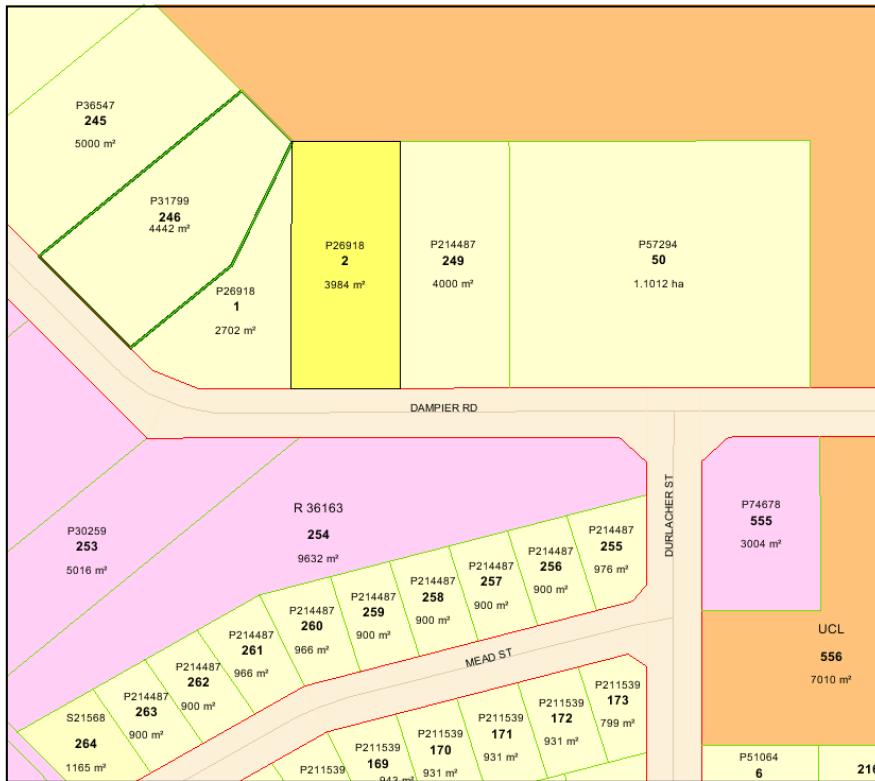
Cr Laundry returned to Council Chamber at 3.50pm

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BACKGROUND

Lot 2 has been developed with an existing building and associate hardstand (Mitre 10).



The applicant has indicated that soil has collapsed on site as a result of the recent cyclone – refer photograph below.



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COMMENT

Lot 2 is zoned 'Industry' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The applicant proposes retaining along the western boundary to effectively address the difference in levels between Lot 2 and adjacent Lot 1 to the west. Retaining is proposed to be constructed out of limestone boulders and rocks cemented together.

The applicant has advised the retaining wall will be 1.2 metres at the front boundary and graduate up to a maximum of 1.5 metres. The total 'retaining' wall length is approximately 49.5 metres.

The applicant has confirmed that all retaining will be located within the lot boundary.

The proposed development was referred to the adjacent owner of Lot 1 Dampier Road (out of courtesy). Advertising closes on the 17 July 2015. At the time of writing this report no submissions had been received.

As the lot is zoned 'Industry', the proposed retaining wall has no real impact in terms of aesthetics, streetscape or amenity. Accordingly it is recommended that the application be approved.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – explained in the body of this report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this report.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk management report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author *L Bushby*

Chief Executive Officer *P Anderson*

Date of Report 14 July 2015

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13.2 PROPOSED SINGLE HOUSE / HOLIDAY HOME, OUTBUILDING AND RETROSPECTIVE PLANNING APPLICATION FOR EXISTING RETAINING WALLS – LOT 9 (12) MAINLAND STREET, DENHAM
P4180

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Determine that the 'holiday home' use may be consistent with the objectives of the Town Centre zone and note that the advertising procedures of clause 9.4 of the Scheme have already been conducted.**
2. **Note that no written submissions were received during formal advertising.**
3. **Approve the application lodged by Ron Lindsay for a single house / holiday home, outbuilding and existing retaining walls on Lot 9 (12) Mainland Street, Denham subject to the following conditions:**
 - (i) **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - (ii) **This approval allows the proposed dwelling to be used as a single house and / or holiday home. The house shall only be used as a standard holiday home that shall accommodate a maximum of 6 people at any one time (including the total number of adults and children).**
 - (iii) **Prior to occupation or use of the existing dwelling for a holiday home, the owner shall lodge a Fire and Emergency Response Plan to the Shire. The Plan shall address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, and provision of fire extinguishers.**
 - (iv) **The owner / applicant to be responsible for implementation of a Fire and Emergency Response Plan and ensure an evacuation plan is displayed in the house.**

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- (v) **The owner / applicant to lodge a Holiday Home Management Plan within 3 months of the date of this planning consent. The Holiday Home Management Plan is to nominate a local manager / caretaker within the vicinity of the property, detail how nuisances or noise complaints will be addressed by the manager / caretaker and include information on management of the holiday home and property.**
 - (vi) **Any sign for the holiday home must be located within the property boundaries and the sign face shall not exceed an area of 0.2 square metres.**
 - (vii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - (viii) **The house shall be provided with a minimum of two constructed car parking spaces on site to the satisfaction of the Chief Executive Officer. Carparking shall be constructed prior to occupation or alternative time period agreed to in writing by the Chief Executive Officer.**
 - (ix) **A trafficable driveway shall be installed on site prior to occupation or an alternative time period agreed to in writing by the Chief Executive Officer.**
 - (x) **The on site parking and driveway shall be maintained to a trafficable standard to the satisfaction of the Chief Executive Officer.**
 - (xi) **All car parking is to be fully accommodated on site at all times.**
 - (xii) **The outbuilding shall be constructed out of non – reflective colours and materials (colorbond) to be approved separately in writing by the Chief Executive Officer.**
 - (xiii) **This planning approval only include a 11.64m² outbuilding to the rear of the proposed house. The garage shown on the site plan submitted is not included in this approval.**
 - (xiv) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**
- 3. Include advice notes on any planning approval to advise the applicant that:**
- (a) **Planning approval does not negate the need to comply with any separate legislation such as health requirements.**

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- (b) **It is recommended that you liaise with your insurance company as many residential public liability insurance policies exclude the use of premises for short rentals. Please note that the Shire takes no responsibility for safety and public liability of guests in the accommodation.**
- (c) **Planning consent is not an approval to commence construction. A separate Building Permit must be obtained for the proposed house and outbuilding.**
- (d) **The applicant is advised of the need to ensure adequate dust mitigation measures are undertaken during all phases of construction to ensure neighbours are not affected by dust nuisance. It is the owners responsibility to take measures to prevent wind erosion or sand drift as a result of any works.**

Section 3.25 of the Local Government Act allows the Shire of Shark Bay to serve notices on land owners to take measures to prevent wind erosion or sand drift.

- (e) ***Any future front fencing is to comply with the provisions of the Residential Design Codes, which require front wall and fences to be visually permeable above 1.2 metres.***

7/0 CARRIED

BACKGROUND

- *Relevant Building Approvals*

The original levels of Lot 9 would have sloped to the south from Mainland Street. Retaining walls have been constructed on site in accordance with a Building Licence issued by the Shire in 2010 (Licence No 3113). There is no record of planning approval for the existing retaining walls.

As the owner lodged a new application for a house and outbuilding, Gray & Lewis has taken the opportunity to encourage them to seek retrospective planning approval for the existing retaining walls.

The Shires Building Surveyor has inspected the property – refer photographs at the end of this report. The walls were certified by an engineer as part of the 2010 Building Application.

The retaining has achieved a relatively level lot as viewed from Mainland Street.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015



- *Zoning and surrounding development*

Lot 9 is zoned 'Town Centre' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). An 'R50' density code applies to the Town Centre zone.

Lots north of Mainland Street are zoned 'Residential' under the Scheme.

The lots to the south and south east have been development for short stay tourist accommodation.



- *Requirement for Planning Approval & Landuse Classification*

29 JULY 2015

Single House

The proposed single house requires planning approval as it is designated as a 'D' use in the Town Centre zone under Table 1 of the Scheme. The 'D' designation means that the *'use is not permitted unless the local government has exercised its discretion by granting planning approval'*.

Holiday Home

The Scheme does not have a specific definition for 'holiday home'. The Western Australian Planning Commission has guidelines for 'Holiday Homes – Short stay use of residential dwellings' ('Western Australian Planning Commission Guidelines'). The Western Australian Planning Commission Guidelines include definitions for standard and large holiday homes.

A standard holiday home is defined as *'means a single house (excluding ancillary accommodation), which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).'*

A 'holiday home' is a landuse that is not specifically listed in the Zoning Table of the Scheme. Under Clause 4.4.2 of the Scheme Council has three options in determining any application involving a 'Use Not Listed as follows:

- (a) Determine that the use is consistent with the objectives of the Town Centre zone and is therefore permitted;
- (b) Determine that the use may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) Determine the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Gray and Lewis does not recommend Option (a) as the objective of the Town Centre is primarily to cater for commercial uses, and approval of the development as a 'permitted' use will set a precedent for all future 'holiday home' applications to also be processed as permitted uses. There may be circumstances where Council receives an application for a holiday home in the Town Centre and consider the location to be unsuitable.

Gray & Lewis recommends Council pursue Option (b), and consider that the proposed 'holiday home' use may be consistent with the objective of the Town Centre zone (requiring advertising).

Outbuilding

Normally an outbuilding of the size proposed would not require planning approval where it is *'ancillary to a dwelling'*. The outbuilding is proposed to be constructed on the vacant lot, so the owner can use it for storage during construction of the house.

Planning approval is required for an outbuilding on a vacant lot, even where it complies with the Residential Design Codes.

29 JULY 2015

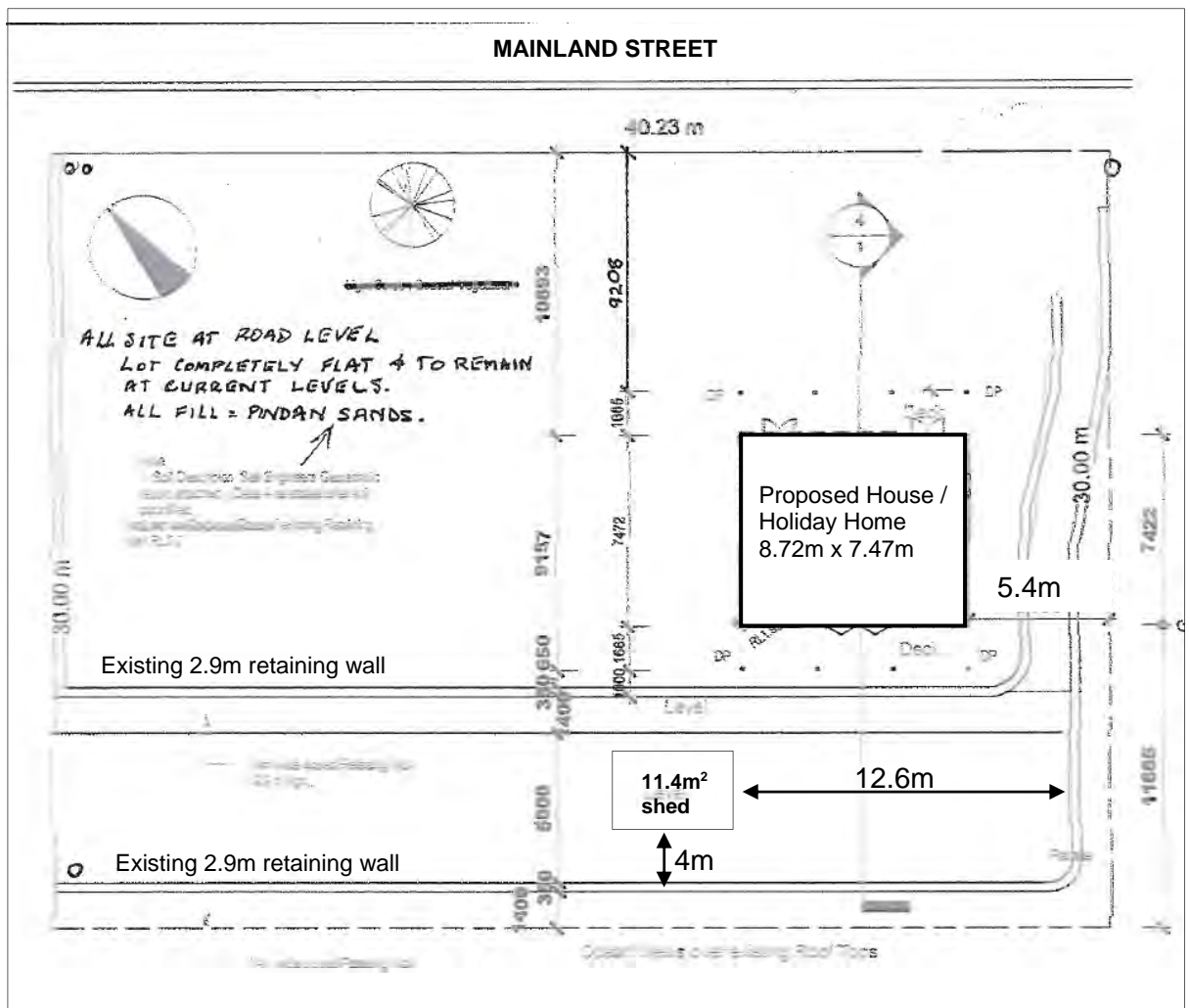
Retaining Walls

The Building Permit issued for retaining walls does not constitute planning approval. The retaining walls constitute 'development' under the Scheme and require planning approval.

COMMENT

• **Proposed Development**

The application seeks retrospective planning approval for the existing retaining walls, a new single house (also proposed as holiday home), and an outbuilding – refer site plan below.



• **Retaining Walls**

The retaining walls along the west, south and east boundary. The west retaining wall has a height of 0.9 metres and the east retaining walls consist of two tiers.

The highest portion of retaining is the two tiers running parallel to the southern boundary which have a combined overall height of nearly 6 metres. Each tier is 2.9 metres high.

29 JULY 2015

As the lot is zoned 'Town Centre' and the retaining walls were constructed in 2010 on a vacant lot, it could be argued that the Residential Design Codes do not apply.

As the retaining walls form part of an application to utilise the lot partly for residential purposes, Gray & Lewis has nonetheless undertaken assessment in accordance with the Residential Design Codes.

Under the 'deemed to comply' requirements of the Residential Design Codes ('the Codes') retaining walls are required to be setback from boundaries (similar to walls). The setback is calculated using a height of 2.4 metres plus the height of the retaining wall.

The application entails setback variations for the retaining walls, therefore the applicant seeks approval under the alternative Design Principles of the Codes as follows:

'Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.'

Gray & Lewis has liaised with the Shires Building Surveyor and recommends that the engineering certification approved as part of the 2010 Building Licence be accepted as sufficient demonstration that the walls are 'engineered' to an appropriate standard.

The amenity of adjacent 'commercial' properties is generally less than that of a residential zone. The walls have been established since 2010 and no visual amenity concerns have been raised.

It is recommended that the retaining walls be approved subject to standard drainage conditions.

- **Proposed Single House**

The setbacks for the proposed house comply with the 'deemed to comply' requirements of the Residential Design Codes. The single storey house will be setback 10 metres from Mainland Street, 5.4 metres from the eastern boundary and over 26 metres from the western boundary.

The floor area measures 8.72 metres by 7.42 metres therefore the house only takes up a small footprint of the lot (2 bedrooms/ 1 bathroom).

There are no overlooking concerns as the dwelling has sufficient setbacks from all boundaries, and the design does not include any windows on the west or east elevations. Any overlooking to the south is of commercial short stay accommodation so does not impact on any residential amenity.

In any event, the existing ground levels have already been established through the approved 2010 building licence.

The external walls are proposed to have a weatherboard appearance (fawn), and a cream colorbond roof is proposed.

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- **Proposed Holiday Home**

The applicant would like to let the house out for holiday accommodation when it is not being used by their family. As the house only has two bedrooms they anticipate that it will mainly cater for up to four people.

They seek a flexible approval for a maximum of 6 people in case couples have children.

As occupiers of the dwelling will be unfamiliar with the house layout, the Western Australian Planning Commission Guidelines recommend an emergency response plan be required. This can be a condition of planning approval and should address matters such as emergency escape route plans, smoke detectors and emergency contact numbers.

Gray & Lewis recommends support for the holiday home landuse as it is proposed in a location immediate adjacent to commercial short stay accommodation (in Knight Terrace), is compatible with surrounding landuses, and is consistent with strategic planning for this area as the land is earmarked as 'Tourist' zone under the Local Planning Strategy and Draft Local planning Scheme No 4.



- **Consultation**

The application has already been advertised for public comment and closed on the 17 July 2015. No written submissions have been received. One landowner in Mainland

MINUTES OF THE ORDINARY COUNCIL MEETING

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Street contacted Gray & Lewis and sought assurances that limitations on the maximum occupancy would be imposed to make sure the 'holiday accommodation' does not cater for excessive numbers of people.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – explained in the body of this report.

POLICY IMPLICATIONS

WAPC guidelines for 'Holiday Homes – Short stay use of residential dwellings' – explained in the body of this report.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

Tourism and businesses have local economic benefits.

STRATEGIC IMPLICATIONS

Shire of Sark bay Local Planning Strategy – this land is earmarked as Tourist zone in the Strategy as explained in the body of this report.

RISK MANAGEMENT

This is a low risk management report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

17 July 2015

29 JULY 2015

**EXISTING RETAINING WALLS – LOT 9 (No 12) MAINLAND STREET,
DENHAM**



**VIEW LOOKING FROM SOUTH EAST LOT CORNER TOWARDS
MAINLAND STREET TO THE NORTH**



MINUTES OF THE ORDINARY COUNCIL MEETING

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VIEW LOOKING TOWARDS THE NORTH WEST



Site Inspection Photographs taken by Glenn Bangay, Principal Environmental Health Officer / Building Surveyor

29 JULY 2015

13.3 HIRE BUSINESSES ALONG DENHAM FORESHORE
RES39569

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Prior

Nature of Interest: Proximity Interest as has a business office close to the one
proposed

Disclosure of Interest: Cr Ridgley

Nature of Interest: Proximity Interest as office is on Foreshore.

Cr Prior asked to be able to return to the Council Chamber for the discussion and left Council Chambers at 3.55pm

Cr Ridgley asked to be able to return to the Council Chamber for the discussion and left Council Chambers at 3.55pm

Moved Cr Laundry
Seconded Cr Wake

Council Resolution

That Council allow Cr Ridgley and Cr Prior to return to Council Chamber for the discussion only.

5/0 CARRIED

Cr Ridgley and Cr Prior returned to Council Chambers at 3.57pm.

Cr Ridgley & Cr Prior left Council Chambers at 4.30pm.

Officer Recommendation

That Council:

1. Authorise the Chief Executive Officer to sign a planning application form for private recreation (water based hire activities) in Reserve 39569 and in accordance with Area A on the plan included as Attachment 5.
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 formal planning application for private recreation (water based hire activities) in Reserve 39569. The approval shall be to the Shire of Shark Bay so that use of the reserve can be controlled through the separate permit process in accordance with relevant Local Laws.
3. Determine as the owner of Reserve 39565 to allow for a maximum of 3 Permit areas in accordance with the plan included as Attachment 6.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

4. Advise all three proponents that:
 - (i) The Shire has issued planning approval for the eastern foreshore area to be used for hire businesses (shown as Area A on the plan included as Attachment 5).
 - (ii) Individual applications can be lodged to the Shire for a Permit to operate a hire business within one of the designated areas shown on the plan included as Attachment 6. A Permit is required under the Shire of Shark Bay Local Government Local Property Local Law.
 - (iii) Formal applications for a Permit are requested to be lodged as soon as possible as there is interest from 3 different proponents in water based hire businesses. An application fee of \$ 2,538.00 must be lodged with each proposal.
 - (iv) Permit applications need to include a copy of current public liability insurance cover for no less than 10 million (2015/2016), and a risk management plan.
 - (v) The parking of any trailers related to commercial businesses on any residential property also requires separate planning approval by the Shire.
5. Note that an information sheet and application form has been compiled for general administrative use, and authorise the Chief Executive Officer to provide this information to each proponent (Attachment 7).
6. Note that all Permit Applications will be referred to Council for determination.

Note: Council should indicate if they require Permit applications to be advertised for public comment.

AMENDMENT TO OFFICER RECOMMENDATION

Reason: The Council considered that the area of Reserve 39569 should not be made available for commercial activity and amended the recommendation to reflect this. The Council also defined the area to be allocated on Reserve 39565 for permits and included this in the resolution.

Moved Cr Laundry
Seconded Cr Capewell

Council Resolution

That Council:

1. **Authorise the Chief Executive Officer to sign a planning application form for private recreation (water based hire activities) in Reserve 39569 and in accordance with Area A on the plan included as Attachment 5.**
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 formal planning application for private recreation (water based hire activities) in Reserve 39569. The approval shall be to the Shire of Shark Bay so that use of the reserve can be controlled through the separate permit process in accordance with relevant Local Laws.**

29 JULY 2015

3. Determine as the owner of Reserve 39565 to allow for a maximum of 3 Permit areas each 20 metres in length situated in the area at a safe distance east of the Knight Terrace/Denham road roundabout for a total distance of 60 Metres.
4. Advise all three proponents that:
 - (i) The Shire has issued planning approval for the eastern foreshore area to be used for hire businesses (shown as Area A on the plan included as Attachment 5).
 - (ii) Individual applications can be lodged to the Shire for a Permit to operate a hire business within one of the designated areas shown on the plan included as Attachment 6. A Permit is required under the Shire of Shark Bay Local Government Local Property Local Law.
 - (iii) Formal applications for a Permit are requested to be lodged as soon as possible as there is interest from 3 different proponents in water based hire businesses. An application fee of \$ 2,538.00 must be lodged with each proposal.
 - (iv) Permit applications need to include a copy of current public liability insurance cover for no less than 10 million (2015/2016), and a risk management plan.
 - (v) The parking of any trailers related to commercial businesses on any residential property also requires separate planning approval by the Shire.
5. Note that an information sheet and application form has been compiled for general administrative use, and authorise the Chief Executive Officer to provide this information to each proponent (Attachment 7).
6. Note that all Permit Applications will be referred to Council for determination.

Note: Council should indicate if they require Permit applications to be advertised for public comment.

5/0 CARRIED

Cr Ridgely and Cr Prior returned to Council Chambers 4.33pm.

BACKGROUND

The Shire has received three proposals from parties interested in establishing hire businesses along the Denham foreshore – refer Attachment 1, 2 and 3.

The proposals relating to Denham foreshore have not been accepted as formal planning applications at this stage, as the foreshore is a Reserve (No 39569). There is a Management Order to the Shire of Shark Bay for 'foreshore protection and recreation'.

It is therefore important for Council to consider the proposals as the owner of the land, as well as a decision making authority.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Following discussion with the Chief Executive Officer, it was considered prudent for Council to consider the situation strategically, and determine the best location for these type of uses.

Currently, the only business operating adjacent to the foreshore is quad bike tours. They obtain an annual permit from the Shire, pay annual fees and provide liability insurance (in accordance with relevant local laws). The last annual fee payment required was \$2538.00 for 2015/2016.



It is important to note that the Management Order for the other reserve on the foreshore (No 38444) is to the Minister for Transport, and the responsible authority for the reserve is the Department of Transport.

Proximity of any activities to the Department of Transport reserve and existing jetties needs to be taken into account.

MINUTES OF THE ORDINARY COUNCIL MEETING

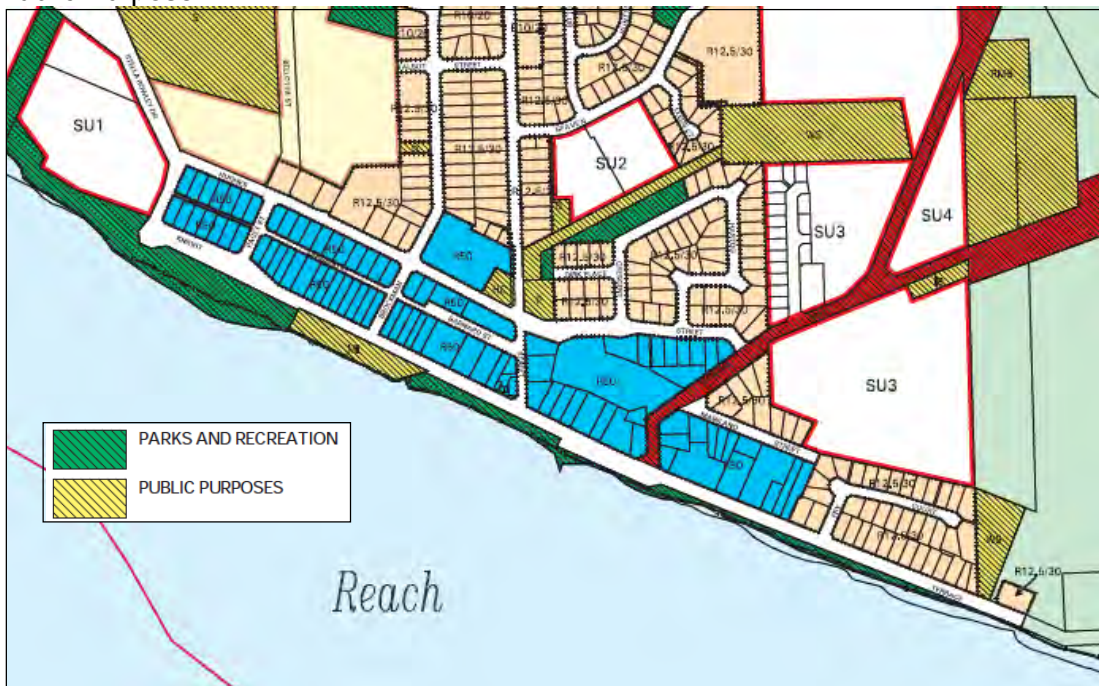
29 JULY 2015



COMMENT

- **Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme')**

The majority of the foreshore is reserved 'Parks and Recreation' under the Scheme as shown on the scheme map below. The Department of Transport Reserve is reserved 'Public Purpose'.



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- **Current Proposals**

The current hire business proposals are summarised below and are included on an overall plan – Attachment 4.

Proposal/ location 1 - Lodged by Walu Guda Nyinda Eco Adventures for hire of kayak and paddle boards to the west of Reserve 38444 and existing jetties.

The applicant indicates that they will bring kayaks on a trailer to the carpark / hardstand (opposite the Discovery Centre) and use the adjacent beach.



They propose to alternate between Denham foreshore and Little Lagoon. There is a separate agenda item on the Little Lagoon proposal (refer 13.4).

Proposal/ location 2 – Lodged by Garth Chamberlain for ‘Shark Bay Water Sports Hire’. Hiring of surf cats, kayaks and paddle boards west of the Denham Hamelin Road / Knight Terrace roundabout.



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A trailer / office is proposed to be parked in the yellow area and surf cats stored on the beach in the green area. Kayaks and paddleboards would be removed by trailer daily.

The applicant indicates the trailer will be parked at 26 Hartog Crescent when not in use.

Parking a commercial trailer on a residential property requires planning approval as it would constitute a 'commercial vehicle' defined in the Scheme as '*means a vehicle whether licenced or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended) a van, utility or light truck which is created by the manufacturer as being suitable to carry loads up to 1.5 tonnes.*'

Proposal/ location 3 – The third proposal is less detailed and the applicant is seeking guidance on the location where such a business could operate.

• **Officer Comment**

The provision of hire businesses along the Denham foreshore has potential to provide increased activities for local residents, tourists and visitors to the area. The proposed uses would add interest to the foreshore and help maintain activity adjacent to the town centre.

There may also be positive benefits for local businesses involved in tourist related uses (such as accommodation).

If Council is supportive of the proposed uses there are two options:

Option 1. Examine a number of designated locations so a range of operators can set up along points of the foreshore, with separation between operators.

This has potential to create interest along the entire foreshore and allow each operator to have a core location.

Option 2. Designated one area for all operators in a location most suitable for the proposed landuse.

Council can ensure that the majority of the foreshore remains free for general public use, and direct all hire businesses to one core strategic location.

From a planning perspective Gray & Lewis has no reservations over Option 1 or 2 however advises that:

1. It is recommended that any areas for hire businesses be located a reasonable distance from the existing jetties.

Gray & Lewis has informally liaised with the Department of Transport who advise they object to the location of Proposal 1 and do not want this type of activity near their reserve. Department of Transport seeks to avoid potential conflict on the water with tourist paddle craft and powered vessels, both recreational and commercial.

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2. Allocating the south east portion of the foreshore for this type of activity would be consistent with the Shire of Shark Bay Foreshore and Main Street Revitalisation Plan ('the Plan'). The Plan highlights that the south east end of the foreshore is a prime swimming location and recreational beach and water area, but currently has a lack of facilities compared to other areas.

The Plan recognises opportunity to designate this area for specific beach related activities such as wind surfing to increase it's attractiveness to tourists and day visitors.

3. It is recommended that any planning approval be granted directly to the Shire of Shark Bay for the landuse.

All proponents will need to apply for a separate Permit to operate any business on the foreshore in accordance with the Shire of Shark Bay Local Government Property Local Law.

- **Consultation**

Letters were sent to landowners on Knight Terrace nearby to Proposals 1 and 2.

Only one submission was received at the time of writing this report. The submission was lodged by the owner of the Shark Bay Hotel Motel in support of the proposal stating that there is a need to provide activities for visitors to the area.

It is acknowledged that the foreshore is utilised by a wide range of multi-users for various activities including boating, swimming, dog walking and exercise.

The Shire can advertise any proposal for public comment. Council can undertake further advertising to gain wider community comment on the proposed '*designated area*'.

Option 2 is recommended. A plan with a recommended designated area is included as Attachment 5 for Council consideration.

Council also needs to consider how many permit holders to cater for. A plan is included as Attachment 6 showing how 3 operators can be accommodated.

These plans can be modified to suit any decision of Council and are included to generate discussion.

Even if all three current proposals do not proceed, it would be beneficial to cater for future permit applications. Council may receive further applications to hire other water related equipment such as wind surfing/ paddle boats etc

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 - Under Clause 3.2.1 of the Scheme a person may not use a reserve or carry out development in a reserve without first having obtained planning approval.

MINUTES OF THE ORDINARY COUNCIL MEETING

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In determine any application, Council is to have regard for general planning matters (set out under Clause 10.2) and the ultimate purpose intended for the reserve.

There is no specific landuse definition in the Scheme for water based hire activities. The closest definition is 'private recreation' defined as '*means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge*'.

Council has broad discretion to consider any landuse in a local reserve.

Local Government Act 1995 – Section 5.42 allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decision.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice. The Shire will receive annual permit application fees for any Permit Application by proponents.

STRATEGIC IMPLICATIONS

The proposed landuses have potential to increase interest and activity along the foreshore, and may have local economic benefits

RISK MANAGEMENT

Potential conflict with public use of the foreshore for swimming activities. This risk may be reduced if the Shire advertises any proposed designated Permit area to the broader community. Even if planning approval is issued, the Shire may advertise Permit Applications.

Risk can also be reduced by requiring risk management plans as part of permit applications.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	17 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

Attachment #1

Chief Executive Officer
Paul Anderson
Shire of Shark Bay
97 Knight Terrace
Denham WA 6537



7 May 2015

Dear Paul,

SUBJECT: APPLICATION FOR WATER SPORT EQUIPMENT HIRE AT LITTLE LAGOON AND FORESHORE (ECO TOURISM PROPOSAL)

We would like to ask the Council for permission to operate kayak and Stand Up Paddle board (SUP) hire at Little Lagoon and foreshore.

BACKGROUND

Wula Guda Nyinda Eco Adventures was first established in Monkey Mia in 2004 and is owned and operated by Darren "Capes" Capewell and his partner Mira Vankova. Darren is a descendant of the Nhanda and Malgana people, local Aboriginal people of the area.

Wula Guda Nyinda translates to 'you come this way' a traditional term for intergenerational sharing, which is a means of passing on wisdom and a pivotal element of the Aboriginal way of life. Sharing culture and encouraging respect for Aboriginal customs and traditions is the key motivation of our tours, which operate under the philosophy of education, understanding and respect (EUR). All tours aim to foster an understanding of the natural land, wildlife, stories and traditions of the region.

We have been involved in the tourism industry for eleven years and during this time we have developed an in depth understanding of the tourism industry and the issues which might affect the visitor experience in Australia. During this time we have also come to learn about tourism in the Shark Bay region and to get a better understanding of what type of experience visitors to the area are seeking. As a result of this, we have continued to grow our business and incorporate new and exciting experiences.

We are the only commercial kayak tour operator in the region and currently offer half day, full day and extended itineraries.

The kayak tours were incorporated into our business after speaking with visitors both in Monkey Mia and Denham, who had indicated that it would be great to be able to either join a tour or hire a kayak and explore the Shark Bay World Heritage Area.

Four wheel drive tours have also been introduced and gives visitors a land based experienced that compliments all the other experiences we offer.

The Wula Guda Nyinda Trust ABN 34955756120 t/a Wula Guda Nyinda Eco Adventures
M: + (61) 0429 708 847 • E: info@wulaguda.com.au • W: www.wulaguda.com.au

29 JULY 2015

LOCATIONS

Our preferred locations are Little Lagoon and Denham foreshore as these are suitable locations for water sports hire which offer:

- Easy access from inland road
- They are unique local attractions and landmarks
- Both sites are safe locations suitable for recreational activities
- Little Lagoon is located within a land use context that will not overly limit the extent of other activities and locations
- Little Lagoon has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation (e.g. mobile coffee van)

WATER SPORT EQUIPMENT HIRE ON THE FORESHORE

Water sport equipment hire such as kayaking or stand up paddle boarding has become very popular tourist activity.

Kayaking and paddle boarding has a minimal impact on the environment. It builds stronger environmental and cultural awareness and respect for nature enabling visitors to get closer to the nature.

Water sports in Shark Bay provide positive experiences. In particular, kayaking is good fun activity suitable for all family.

OPERATION

The hire equipment will be transported on a purpose built trailer which makes it easier to relocate if required (Attachment 1).

At Little Lagoon, we would prefer to have an area of operation between the main car park (Please refer to Attachment 1) and up to the second shelter as this has toilet access and it also attracts the majority of traffic. Plus, if it gets a bit windy, we can relocate the trailer unit around towards the second shelter out of the wind.

Denham foreshore – preferably, we would like to have trailer parked in the small car park opposite the Shark Bay discovery Centre as shown on Attachment 3.

Our mobile kayak unit would consist of a trailer with kayaks and signs as shown on Attachment 2.

We would operate kayak hire daily from 10am – 3pm (subject to demand) and also additional hours on demand and during school holidays.

Wula Guda Nyinda licences and certificates:

- Public Liability Insurance up to \$10 million
- Commercial Tour Operator License issued by the Department of Parks & Wildlife
- Sit on Top Kayak Tour Guide Certificate issued by the Canoeing Australia
- Working with Children Certificate
- Senior First Aid Certificate

We have discussed this matter with the Department of Transport.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Wula Guda Nyinda Eco Adventures would like to ask the Shire to look at granting us an exclusive opportunity (licence) to operate this kayak and SUP hire for a period of 5 years, to allow us certainty in investing the resources required to develop this product.

We have done our research and we feel strongly that a Kayak and SUP Hire at Little Lagoon and foreshore would greatly compliment existing tourism activities and further establish Shark Bay as a safe and affordable family holiday destination.

We hope that Council can consider our application and this great tourist opportunity.

Kind regards,



Darren Capewell
Director

The Wula Guda Nyinda Trust ABN 34955756120 t/a Wula Guda Nyinda Eco Adventures
M: + (61) 0429 708 847 • E: info@wulaguda.com.au • W: www.wulaguda.com.au

MINUTES OF THE ORDINARY COUNCIL MEETING

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Attachement 1

Example of mobile kayak unit



MINUTES OF THE ORDINARY COUNCIL MEETING

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Attachement 2

LOCATIONS - for proposed kayak and SUP hire mobile kayak unit

Little Lagoon – main car park



Denham Foreshore – car park opposite Shark Bay Discovery Centre



MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

From: [Brookes, Denis](#)
To: info@wvlaguda.com.au
Subject: Kayaks
Date: Wednesday, 3 June 2015 1:09:16 PM
Attachments: [Picture \(Device Independent Bitmap\) 1.jpg](#)

Hi Darren

Just to confirm our conversation. At this time Surf Skis, Paddle Boards and Sit on Top Kayaks are not regarded as vessels and as such do not require survey or a Certificate of Operation.

Hope this helps

Cheers

Denis

Denis Brookes

Manager - Safety Management and Certification | Marine Safety | Department of Transport

1 Essex Street, Fremantle WA 6160

Tel: (08) 94357538 Fax: (08) 94357803 Mob: 0427440438

Email: Denis.Brookes@transport.wa.gov.au | Web: www.transport.wa.gov.au



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29 JULY 2015

Attachment # 2



Shark Bay Water Sports Hire.

Proposal by Garth Chamberlain

Shark Bay Water Sports Hire.

Business Overview.

I propose to set up a water sports hire business on the foreshore of Denham between the roundabout at the IGA supermarket and the Bay Lodge Back Packers. This business will endeavour to offer tourists and locals a chance to get out on the water and enjoy the wonders that the Denham waterfront offers in a safe and environmentally friendly way.

The core business would be the hire of sailing boats namely Windrush 14' Surf Cats and the Hobie Wave. To make the business viable I would also be looking to hire kayaks and stand up paddle boards for times of low winds and tides.

Safety will be paramount to the success of this business. I am prepared to meet all requirements of the Department of Transport and Shark Bay Shire and have comprehensive insurance.

Similar successful businesses exist in Monkey Mia, Coral Bay, Kalbarri, South Perth and Busselton and I believe there is scope here in Denham to provide a service that will further enhance the tourist experience and offer locals the chance to partake in healthy and environmentally friendly activities, without encroaching on any other business within the town.

Personal Profile.

I Garth Chamberlain have lived in Denham from February 2010. I have owned property here since November 2013 including holiday accommodation. I have made Shark Bay my home and intend to stay here for many years to come.

Since arriving in Shark Bay I have worked at the Salt Water Café, The Shark Bay Hotel, Department of parks and Wildlife Monkey Mia, and Ocean Park. These roles have given me a good understanding of the tourism industry and expectations. I am customer service focused and intend to run this business with the upmost professionalism. I feel there is a need for a business like this in Denham to further enhance the tourism experience here in Shark Bay and possibly entice more visitors during the off season summer months.

I have a Restricted Coxswains Ticket, senior first aid, working with children certificate and a good understanding of the sensitivity of the local marine environment and weather conditions. I feel that all this will hold me in good stead to developing this business into one that will not only be successful for me but also an asset to the local community and tourism industry of Shark Bay.

29 JULY 2015

Fleet.

I envisage that initially the fleet will be made up of.

- 5 Windrush 14' Surf Cats. (refer photo 1a) with the intent of expanding this part of the fleet to include 5 new Hobie Wave Cats (refer spec sheet 2a)
- A small rescue dingy or jet ski.
- 5 double kayaks.
- 4 single kayaks.
- 4 Stand up paddle boards.
- A trailer with small office.

All equipment will be licenced and will operate within the regulations stipulated by the DOT. All relevant safety gear and training will be provided.



Photo 1a, Windrush 14' at South Perth

Wave

The Hobie Wave is an easy-to-sail, easy-to-rig speedster that will have you smiling. Fun for the family and exciting for the juniors while forgiving enough for the newly initiated, the Hobie Wave is the ideal must-go-sailing-now catamaran.



[Wave Photos](#)
[Complete Specs & Features](#)

SPECIFICATIONS

Crew: 1-4
Length: 13' / 3.96 m
Beam: 7' / 2.13 m
Capacity: 800 lbs / 362 kg
Weight: 245 lbs / 111 kg
Draft w/ Rudder Up: 11" / 0.28 m
Mast Length: 20' / 6.09 m
Sail Area: 85 ft² / 8.0 m²
Hull Construction: Rotomolded Polyethylene



[Where to Buy?](#)

All colors, graphics and specifications of all models are subject to change without notice.

spec sheet 2a. Photo on front cover.

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Location.

I believe for the business to be a success it would have to be positioned between the roundabout at the IGA and the Bay Lodge. (Refer photo 3a)

This area offers.

- Ample space for the storage of the hire surf cats.
- Ample parking for hire trailer that does not impede anybody's view.
- Ample parking for customers.
- Safe and clean beach area free of rocks for the launching and retrieval of equipment.
- High visibility site for public awareness of the business.

The trailer/office and all paddling equipment would be removed each day and kept at 26 Hartog Crescent Denham and would need to be no bigger than 3m x 8m. For logistical reasons the sailing cats would require a place above the high tide line where they could be secured in a safe manner and left in place over night. The area required for 5 Surf cats would be approximately 4m x 10m with a possibility to expand the fleet to 10. Therefore requiring an area of around 100sqm and could be two separate areas of 50sqm. I feel this location has the potential to accommodate these requirements without causing a public risk or impeding beach access. The rescue dingy would ideally need to be anchored or moored just of shore with the possibility to be left above the high tide line with the surf cats in the case of bad weather. It would be the operator's responsibility to remove the surf cats and rescue dingy in the case of severe weather and would be the only reason for them to be removed.

Trailer position; Area to be considered for storage of Sail boats and operations



Photo 3a

29 JULY 2015

Equipment Trailer / booking office.

The trailer / office would be either custom made or a converted caravan. The front section would be the office and storage for safety gear etc. this would need to be approximately 3m x 3m. The rear would be set up with a rack system to carry all the paddling equipment and would need to be approximately 3m x 4m. This would need an area of approximately 24sqm. The front office section would be either painted and sign written or completely stickered with company name and advertising. This would be done to the highest possible quality, affordable at the time and would be improved on/developed as the business evolves.

Hours of Operation.

The business would be operated all year round between the hours of 7am and 7pm. This would depend largely on weather and tide conditions and also would consider seasonal requirements and daylight hours.

Area of Operation.

Sailing Boats.

The area of operation for sailing boats will be largely determined by the regulations set by the Department of Transport for safety. I envision an area for sailing boats to be bordered by the channel to the west and from the first large channel marker to the town lookout to the east. No sailing boats will be allowed to cross the channel or be within 50m of the town swimming area. This area may be expanded for the inclusion of guided sailing tours to and from Ocean Park. This will require a CTO licence from Dpaw as it is inside the Marine Park. (Refer photo 4a)

Kayaks.

The area of operations of Kayaks would be from Ocean Park to little lagoon and no more than 1km offshore. With the possibility to hire the kayaks for full days and be taken by the customers to places like Big Lagoon, Eagle Bluff etc, with the exclusion of Monkey Mia. (Refer photo 4a)

SUPS.

The area of operations of Stand Up Paddle Boards would be from each end of Knight Tce to no more than 800m offshore. With the possibility to hire the kayaks for full days and be taken by the customers to places like Big Lagoon, Eagle Bluff etc, with the exclusion of Monkey Mia. (Refer photo 4a)

Boundaries

Sups ; Sailing boats ; Kayaks



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Public Liability.

The business will give all necessary tuition and provide all necessary safety equipment. Have a safety management plan and meet all safety requirements set out by Department of Transport.

The business will have full comprehensive insurance including Public liability.

Employment.

Initially the business would be run by myself Garth Chamberlain full time and 1 other person part time. As the business grows there may need to be up to 5 people employed on part time or casual basis.

Future expansion and goals.

As the business grows I would hope to increase the fleet to 10 or more sailing cats with the goal of starting a sailing school encompassing kite surfing and windsurfing lessons. Providing an opportunity for the community and visitors of Denham to learn and partake in fun, exciting, healthy and environmentally friendly pastimes.

I would also like to explore the possibility of guided sailing tours to Ocean Park and back.

When the business is up and running I would like to, in conjunction with the local tourism council, organize a windsurfing and kite surfing race from Eagle Bluff back to Denham. The aim of this would be to draw more tourism in during the quieter summer months and highlight the potential of Denham as a great destination for wind based water sports.

MINUTES OF THE ORDINARY COUNCIL MEETING

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RECEIVED

25 MAY 2015

SHIRE OF SHARK BAY

CA000002

attachment # 3

25th May 2015

Shire of Shark Bay
Paul Anderson
Knight Terrace
DENHAM WA 6537

Dear Sir,

RE: APPLICATION FOR SMALL BOAT HIRE BUSINESS

We would like to apply for application to start a small boat hire business in Denham on the foreshore. The locations we have looked at are:

1. At the roundabout at the entrance to town as it already has sand and it would make it easy to launch the boats (south west corner).
2. Up by the old jetty near where the fishermen leave their small dinghy's in front of the Discovery Centre
3. Where the motorbikes operate from (in front of the Service Station) however, this would require a concrete ramp to be made to enable easy access to load and unload boats, also it would be safe for people access. The area required would be approx. 200-300m².

There are six boats and a trailer which would be on site. The trailer would have signage on it for advertising the business. We would also advertise locally in the Inscription Post and have small brochures.

Hours of operation would be 10am – 4.30pm depending on demand and maybe extending during holiday times to suit.

We would have a person on duty whilst boats are operating to supervise and make sure people are using the boats correctly and within the boundaries specified and safely.

I think this would be a positive impact on the town and would generate some interest within the tourism sector of the community adding activities and colour on the foreshore.

Thank you for your consideration.

Yours sincerely,



Ross and Beverley Smith

PO Box 434
DONNYBROOK WA 6239
Email: eaglebee@westnet.com.au
Mobile: Ross 0409 77 11 74 Bev: 0448 77 11 74

MINUTES OF THE ORDINARY COUNCIL MEETING

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ACTIVITIES REQUIRING PERMITS ON LOCAL GOVERNMENT PROPERTY

Guidelines and Application Form

INTRODUCTION

The purpose of these guidelines is to provide prospective applicants information as to the requirements of obtaining a permit for conducting activities on local government property, and to provide a Permit Application form.

The Permit Application form can be used for renewal applications where a permit has expired.

THE LOCAL LAWS

A permit is required to operate a commercial business on reserves vested in the Shire of Shark Bay.

Permits are issued under either the Shire of Shark Bay Local Government Property Local Law or the Shire of Shark Bay Activities in Thoroughfares and Public Places and Trading Local Law.

A copy of these local laws can be found on the Shire of Shark Bay website :

www.sharkbay.wa.gov.au (under 'Your Council' and 'Public Documents')

WHO NEEDS A PERMIT?

Anyone conducting a commercial business on land that is vested in the Shire must have a permit to do so. It is important that the Shire is aware of who is operating a business from land managed and controlled by Shire to:

- manage competing uses of public open space;
- manage the impact on the asset (e.g. wear and tear of the reserve);
- to ensure there is adequate public liability insurance and risk management processes in place, and
- to ensure that the activation of the space is in the best interests of the Shire and the community.

You **do not** need a permit under these local laws if you are conducting your business on private land, or have a current lease over Council land and the activity is in line with the core function of your lease.

Note: These permits are different to food stallholders permits. Anyone selling food or edible goods (including drinks and ice) is required to have a stallholders permit regardless of what type of property you are selling goods on. To apply for this permit, please contact the Shire's Environmental Health Officer.

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DEFINITIONS

The following definitions may be useful in determining your application.

Local Government means the Shire of Shark Bay

Local Government Property means anything which belongs to the local government (Shire of Shark Bay).

Permit means a permit issued under the local law (most specifically the Shire of Shark Bay Local Government Property Local Law or the Shire of Shark Bay Activities in Thoroughfares and Public Places and Trading Local Law.

Permit Holder means the person who holds a valid permit.

APPLICATION PROCESS

The permit application will be assessed in accordance with the Shire's Local Laws and may be referred to the Shire of Shark Bay Council.

Please read the following information carefully to ensure you complete your application and submit with all the requirements.

1. Assessment of Permit Applications for activities on Council reserves

In determining an application the Shire may have regard for a number of matters:

- (a) the preservation of the amenity of the locality;
- (b) the preservation of public safety;
- (c) where the local government property is Crown land:
 - (i) the purpose, if any, for which the land is reserved under the Land Administration Act 1997; and
 - (ii) the purpose for which the land is designed, developed and used;
 - (iii) any Management Order.
- (d) the protection, management and control of the local government property and assets on the local government property;
- (e) the conservation, protection and proper management of flora and fauna on the local government property;
- (f) the impact of the proposed activity on the use of the local government property by existing users (permits holders and bookings), and by the public;
- (g) any other matter as determined by Council.

Once the application has been received with all the required information, the application will be assessed in consultation with the Chief Executive Officer.

All new applications will be referred to Council for determination.

2. Application Requirements – what must be included in your application?

All applications must provide the following information to the Shire before the assessment process can take place.

- Submission of the completed Permit Application Form (or Renewal Application Form)
- Site map of the proposed location to be submitted as part of the application.
- Public liability insurance cover for no less than 10 million that is current at the time of application. A new certificate is required to be forwarded to the Shire on expiry, or with any Renewal Application Form.

In addition to this information, additional specific information related to activities should be lodged to the Shire as specified below.

Personal Trainers

- Provide evidence that you are a qualified Exercise Professional (Personal Trainer specification). This may be through provision of your qualifications, or a copy of your Fitness Australia registration certificate.

Water Based Activities

- These activities include but are not limited to: kite surfers, wind surfers, paddle boarders, kayaks and canoes, wave ski's, powered watercrafts, sailing, yachting and inflatable amusements on the water). Permission is usually also required from Department of Transport or Department of Parks and Wildlife to conduct the activity on the water as the water is not the Shires jurisdiction. It is up to the applicant to contact these statutory bodies to determine if they need additional approval.
- Provide the Shire with a detailed risk management plan

Amusement Operators

- Provide the Shire with current Work Safe certificates to verify the equipment is compliant with Australian standards.
- Provide the Shire with current maintenance log books to ensure that the amusement structure is maintained in good order.
- Provision of a site plan, or photographic evidence of each amusement operation.

**Australian Standard 3533.2 provides a definition for amusement structure. It is advisable to check if your equipment for your activity is considered an amusement structure.

Other Activities

These may include; push bike or motor bike tours, dog obedience classes, the landing of sky diving or para-motoring etc. Additional information may be required for permit applications for these activities; however the same application process applies.

3. Conditions of Approval

Standard conditions relating to the conduct of permit holders are set out in the Shire of Shark Bay Activities in Thoroughfares and Public Places Local Law and Local Government Property Local Law. In addition to these standard conditions, in approving an application for a permit, the Shire may impose such conditions as it sees relevant to the application. Some of these conditions are detailed below.

- Approval to operate will be for a maximum period of twelve (12) months from the date of issue.
- The permit holder is required to respond to any substantiated complaints received in relation to the activity (to the satisfaction of the Shire).

Additional Information

Access to reserve facilities

Access to Shire facilities on reserves such as floodlights, toilets and change rooms are not guaranteed for the permit holder's use. It is advisable to select a location that has public toilets available to the permit holder, and park or street lighting that is set to come on during darker hours.

Vehicles on reserves

Permission to use any vehicle must be sought in the application form and will be considered based on the potential risk to the reserve.

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APPLICATION FOR PERMIT

This form is for application of a new permit under the Shire of Shark Bay Activities in Thoroughfares & Public Places & Trading Local Law and Local Government Property Local Law.

1. What category best describes your activity in this permit?

- A non-food stall (including face painting, massage, glow sticks, all non-edible goods).
- Personal Trainer/Yoga Instructor
- Water based activity (kite surfing, kayak hire, paddle boarding)
- Other activity (please detail) _____

2. Which of the following best describes your application for a permit?

- Renewal – I had an existing Permit in the last 12 months for the same activity
- New Application

3. Applicant Details

Name of Applicant:	
Registered Business Name:	
ABN Number:	
Residential Address:	
Postal Address:	
Telephone:	Email Address:

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Details of assistants or employees to be included on this permit:

1. Name _____	Contact Phone Number: _____
2. Name _____	Contact Phone Number: _____
3. Name _____	Contact Phone Number: _____
4. Name _____	Contact Phone Number: _____

4. Details of Proposed Activity

Name and location of Reserve for the Proposed Activity (list all that apply) for example: Reserve 39569 Denham foreshore, or the name of the park.

****Please attach a detailed site plan and photographs of the location where the proposed activity will take place**

5. Details of type of activity for this permit (detail what services you will deliver/products you will sell on the reserve:

****You may attach a detailed letter or report if there is insufficient space on this form.**

6. Checklist for Submission

Will these activities include taking money (making a financial transaction) on the reserve?

Yes No

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7. What equipment will you use on the reserve? (Include marquees, tables, chairs, list of personal training equipment, list any equipment to be hired out for public use – eg small boats, kayaks, sail boats, bikes, quad bikes).

**** Please attach photographs of any equipment to be hired with advice on numbers/quantity.**

8. Details of days and hours of operation

9. Fees and Charges

Not for profit group/organisation (exempt from fees and charges)

Commercial Operator (payment charges below – liaise with Shire to determine fee)

Application Fee (12 months)

1. Low risk impact -Readily assessable - No advertising	\$506.00
2. Medium risk impact/moderate time assessable/With advertising/No objections received	\$1269.00
3. High risk impact/Difficult assessment/Community objection With advertising/Monitoring Required	\$2538.00

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10. Declaration

I, _____ (name of applicant) declare that the information contained in this application is true and correct in every particular.

Signature of Applicant: _____ Date: _____

Do you consent to giving your business contact details out to the public for advertising?
Yes

Office Use Only

Date Received Application: _____

Application Approved _____ Application Refused Date: _____

Total Fees: _____ Date Debtors Invoice Raised: _____

MINUTES OF THE ORDINARY COUNCIL MEETING

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Moved Cr Capewell
Seconded Cr Prior

Council Resolution

That Council bring forward Item 20.6 Chief Executive Officer Contract and Remuneration.

7/0 CARRIED

Moved Cr Capewell
Seconded Cr Ridgley

Council Resolution

That the meeting be closed to the 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.

7/0 CARRIED

The Chief Executive Officer, visitor and staff left Council Chambers at 4.38pm

20.6 **CHIEF EXECUTIVE OFFICER CONTRACT AND REMUNERATION**
PE00007

Author

Shire President

Disclosure of Any Interest

Nil

Moved Cr Capewell
Seconded Cr Ridgley

Cr Capewell left Council Chambers at 4.55pm

Councillor Recommendation

The Chief Executive Officer's total reward package and benefits as a component of the contract of employment, be discussed and agreed to with the Chief Executive Officer within the parameters of the Salaries and Allowances tribunal determination.

Mr Anderson returned to Council Chambers at 4.55pm

Mr Anderson left Council Chambers at 5.04pm

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AMENDMENT TO COUNCILLORS RECOMMENATION

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution

That the President be authorised to negotiate the Chief Executive Officer's total remuneration package, as a component of the new contract of employment, within Band 4 of the Salaries and Allowances Tribunal determination and Council agreed parameters.

6/0 CARRIED

Moved Cr Wake
Seconded Cr Laundry

Council Resolution

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

6/0 CARRIED

All staff and visitor returned to Council Chambers at 5.21pm

At 5.15pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public (as per Standing Orders – Local Laws Section 12.7 (3)).

13.4 Hire Business – Little Lagoon (Reserve 30899 – Lot 362)
RES 30899

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Bellottie

Nature of Interest: Impartiality Interest as related to applicant

Officer Recommendation

That Council:

1. Authorise the Chief Executive Officer to sign a planning application form for private recreation (water based hire activities) in Reserve 30899 in accordance with the Plan included as Attachment 1.
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 formal planning application for private recreation (water based hire activities) in Reserve 30899. The approval shall be to the Shire of Shark Bay so that use of

MINUTES OF THE ORDINARY COUNCIL MEETING

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the reserve can be controlled through the separate permit process in accordance with relevant Local Laws.

3. Advise proponent, Mr Darren Capewell (Walu Guda Nyinda Eco Adventures) that:
 - (i) The Shire has issued planning approval for Little Lagoon (Reserve 30899) to be used for your hire business. Allowance has been made for other businesses to also apply for Permits.
 - (ii) You will need to proceed with lodgement of a formal Permit to operate the hire business as the reserve is Local Government property. The Shire supports the proposed hire business however a formal Permit is required under the Shire of Shark Bay Local Government Local Property Local Law.
 - (iv) The Permit application needs to include:
 - An application fee of \$2,538.00.
 - A copy of current public liability insurance for 2015/2016 for no less than 1 million dollars.
 - a risk management plan.
 - (v) As the business is proposed to alternate between Denham foreshore and Little Lagoon you may include both locations in one Permit application (with one payable fee).
4. Note that an information sheet and application form has been compiled for general administrative use, and authorise the Chief Executive Officer to provide this information to Mr Capewell.
5. Note that all Permit Applications will be referred to Council for determination.

Note: Council should indicate if they require Permit applications to be advertised for public comment.

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: The Council considered that only two areas of 25 square metres should be made available for private enterprise in the Little Lagoon area and amended the recommendation to suit.

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Authorise the Chief Executive Officer to sign a planning application form for private recreation (water based hire activities) in Reserve 30899 in two areas located in the Little Lagoon carpark of an area of 25 square metres each at locations 2 and 3 as indicated on the Plan included as attachment 1 to the report.**
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 formal planning application for private recreation (water**

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based hire activities) in Reserve 30899. The approval shall be to the Shire of Shark Bay so that use of the reserve can be controlled through the separate permit process in accordance with relevant Local Laws.

3. Advise proponent, Mr Darren Capewell (Walu Guda Nyinda Eco Adventures) that:
 - (i) The Shire has issued planning approval for Little Lagoon (Reserve 30899) to be used for your hire business. Allowance has been made for other businesses to also apply for Permits.
 - (ii) You will need to proceed with lodgement of a formal Permit to operate the hire business as the reserve is Local Government property. The Shire supports the proposed hire business however a formal Permit is required under the Shire of Shark Bay Local Government Local Property Local Law.
 - (iv) The Permit application needs to include:
 - An application fee of \$2,538.00.
 - A copy of current public liability insurance for 2015/2016 for no less than 1 million dollars.
 - a risk management plan.
 - (v) As the business is proposed to alternate between Denham foreshore and Little Lagoon you may include both locations in one Permit application (with one payable fee).
4. Note that an information sheet and application form has been compiled for general administrative use, and authorise the Chief Executive Officer to provide this information to Mr Capewell.
5. Note that all Permit Applications will be referred to Council for determination.

Note: Council should indicate if they require Permit applications to be advertised for public comment.

6/0 CARRIED

BACKGROUND

The Shire has received three proposals from parties interested in establishing hire businesses along the Denham foreshore, and these are discussed separately in report Item 13.3.

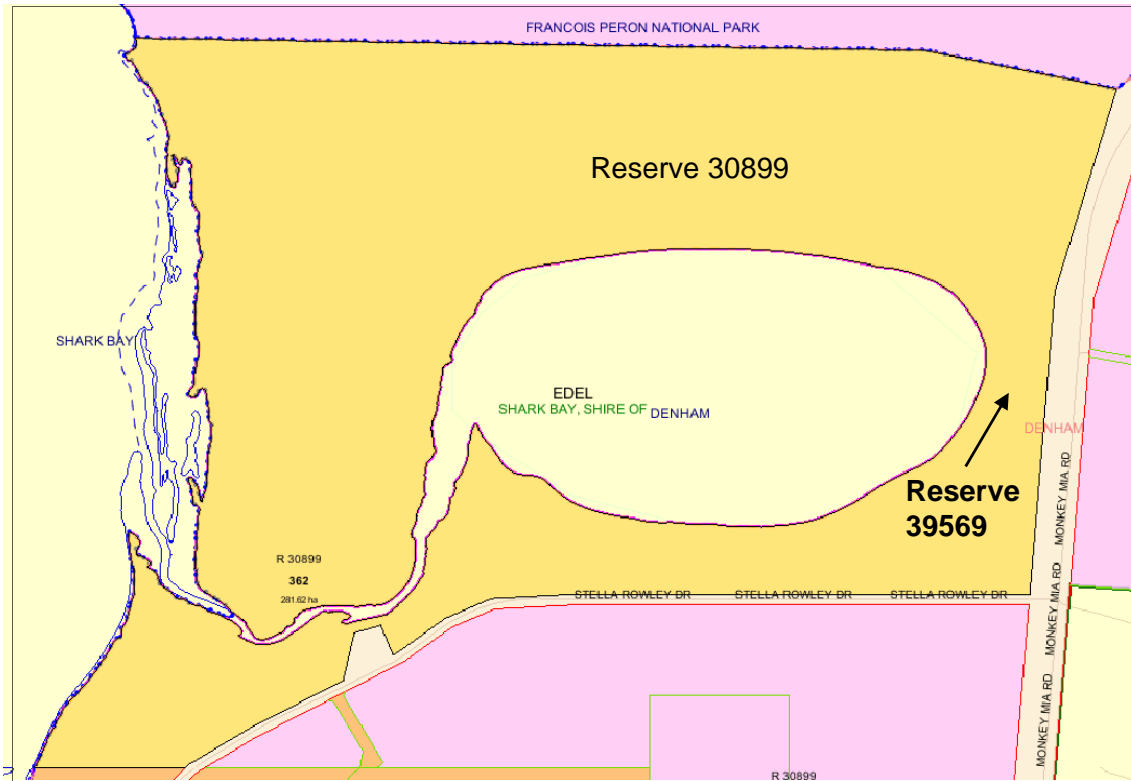
One of the proponents (Mr Darren Capewell) proposes to alternate a hire business between the Denham foreshore and Little Lagoon. The proponent is currently the only commercial kayak tour operator in the region.

The proposal to utilise Little Lagoon has not yet been processed as a formal planning application as Council needs to consider the matter as the owner of the land, as well as a decision making authority.

Reserve 30899 is comprised of several lots. This proposal relates to Lot 362 (Plan 221182) which is a 281.62 hectare area that surrounds Little Lagoon. Little Lagoon itself is a water body that falls under the Shark Bay Marine Park.

MINUTES OF THE ORDINARY COUNCIL MEETING

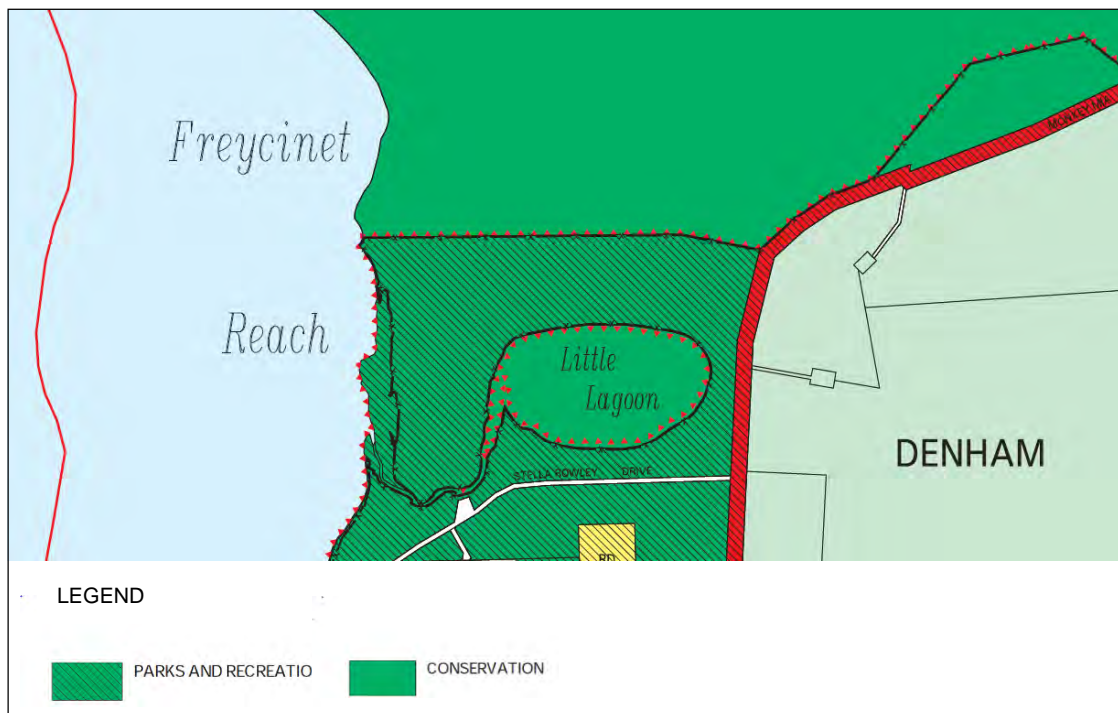
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COMMENT

- **Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme')**

Little Lagoon is reserved 'Conservation' under the Scheme. Lot 362, Reserve 30899 is reserved 'Parks and Recreation' under the Scheme.



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The Scheme map includes Little Lagoon in the Shark Bay World Heritage Property Special Control Area (delineated by the red triangular line).

- **Proposal**

The proposal lodged by Mr Capewell on behalf of the Walu Guda Nyinda Eco Adventures is for the hire of kayak and paddle boards adjacent to Little Lagoon.

The applicant indicates that they will bring kayaks & paddleboards in on a trailer (example below).



The trailer can be parked in the existing carpark east of Little Lagoon – refer plan below (provided by proponent).



It is considered that there is still sufficient parking for general public use.

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- **Consultation**

The proposal relating to Little Lagoon was referred to the Shark Bay World Heritage Advisory Committee and Department of Parks and Wildlife.

No objections or concerns were raised by the Shark Bay World Heritage Advisory Committee members or the Department of Parks and Wildlife. The Department of Parks and Wildlife has confirmed that the proposed activity does not require a licence, and they have formed the view that this is a compatible and worthwhile tourist venture which is likely to have negligible impacts.

The applicant has provided written email confirmation from the Department of Transport that surf skis, paddle boards and kayaks are not considered vessels and do not require survey or certificate of operation .

- **Officer Comment**

The proposed hire business has potential to provide increased activities for local residents, tourists and visitors to the area. The proposed business may attract more visitors to Little Lagoon, and there is potential local economic benefits.

From a planning perspective Gray & Lewis supports the proposal. To be consistent with the approach taken for Denham foreshore, it is recommended that any planning approval be granted directly to the Shire of Shark Bay for the landuse.

This will enable the proponent to simply lodge a separate permit application for approval.

The Shire's Chief Executive Officer recommends that a strategic approach be taken in regards to Permit areas for Little Lagoon, as has been recommended for Permit areas along Denham foreshore.

There is potential for other business opportunities within Little Lagoon and they need not be limited to water based activities. For example, there may be opportunity for a mobile coffee van, sale of merchandise, kite hire, hire of remote control boat and cars (for families) etc

It is therefore recommended that the Shire consider allocation of permit areas, and how many permit areas are supported within the reserve.

A plan with three recommended designated areas is included as Attachment 1 for Council consideration.

Council also needs to consider how many permit holders to cater for.

The Attachment 1 plan can be modified to suit any decision of Council and is included to generate discussion.

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LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 - Under Clause 3.2.1 of the Scheme a person may not use a reserve or carry out development in a reserve without first having obtained planning approval.

In determine any application, Council is to have regard for general planning matters (set out under Clause 10.2) and the ultimate purpose intended for the reserve.

There is no specific landuse definition in the Scheme for water based hire activities. The closest definition is 'private recreation' defined as '*means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge*'.

Council has broad discretion to consider any landuse in a local reserve.

Local Government Act 1995 – Section 5.42 allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decision.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice. The Shire will receive annual permit application fees for any Permit Application.

STRATEGIC IMPLICATIONS

The proposed landuses have potential to increase interest and activity adjacent to Little Lagoon, and may have local economic benefits. There is opportunity to plan for other permit areas within the reserve.

RISK MANAGEMENT

The Shire may require lodgement of a risk management plan to ensure there are adequate procedures in place for dealing with safety and emergencies.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

17 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

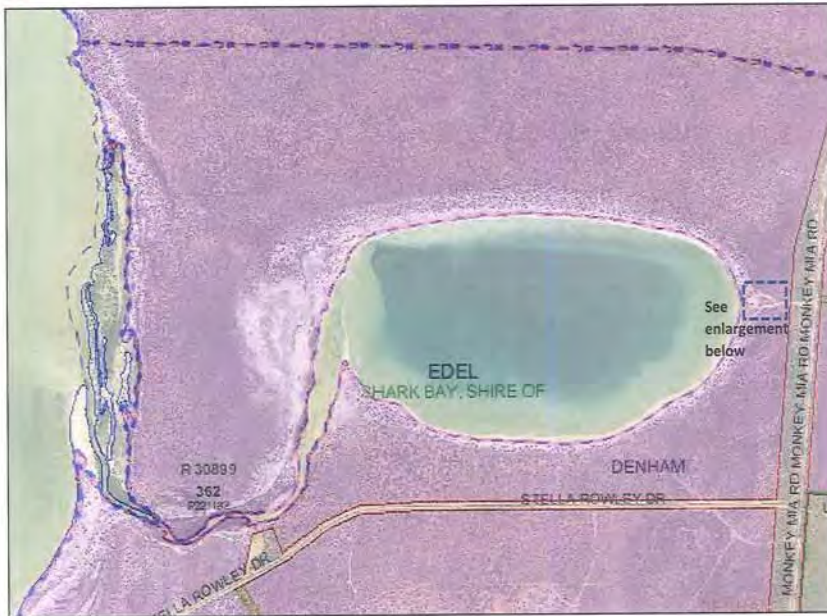
29 JULY 2015



SHIRE OF SHARK BAY PERMIT AREAS – LITTLE LAGOON



PERMIT AREAS – RESERVE 30899



Shire of Shark Bay

17 July 2015

Prepared by Gray & Lewis Landuse Planners

29 JULY 2015

13.5 PROPOSED OUTLINE DEVELOPMENT PLAN – LOT 350-351 HAMELIN POOL ROAD, HAMELIN POOL
P2002

Author

Liz Bushby, Gray & Lewis

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire, – Section 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Wake

Nature of Interest: Impartiality Interest as a near neighbour.

Cr Wake left Council Chambers at 5.52pm

Moved Cr Ridgley

Seconded Cr Laundry

Council Resolution

That Council:

1. **Adopt the Outline Development Plan for the purpose of conducting formal advertising. Ultimately any Outline Development Plan has to be endorsed by the Western Australian Planning Commission.**
2. **Authorise the Chief Executive Officer to write to the proponent (Geraldton Independent Planners) and the owner (Ms Patricia Cox) and advise of the Council decision.**
2. **Note that the information included in the Outline Development Plan Report which states that the requirement for an Outline Development Plan for Hamelin Station will be removed Under Draft Local Planning Scheme No 4 is incorrect. The Draft Scheme will still require a Structure Plan to guide future development at Hamelin Pool (consistent with other key coastal / tourist sites adjacent to world heritage areas) however proposes increased flexibility for small scale development and amenity buildings.**

5/0 CARRIED

Cr Wake returned to Council Chambers at 5.59pm

Background

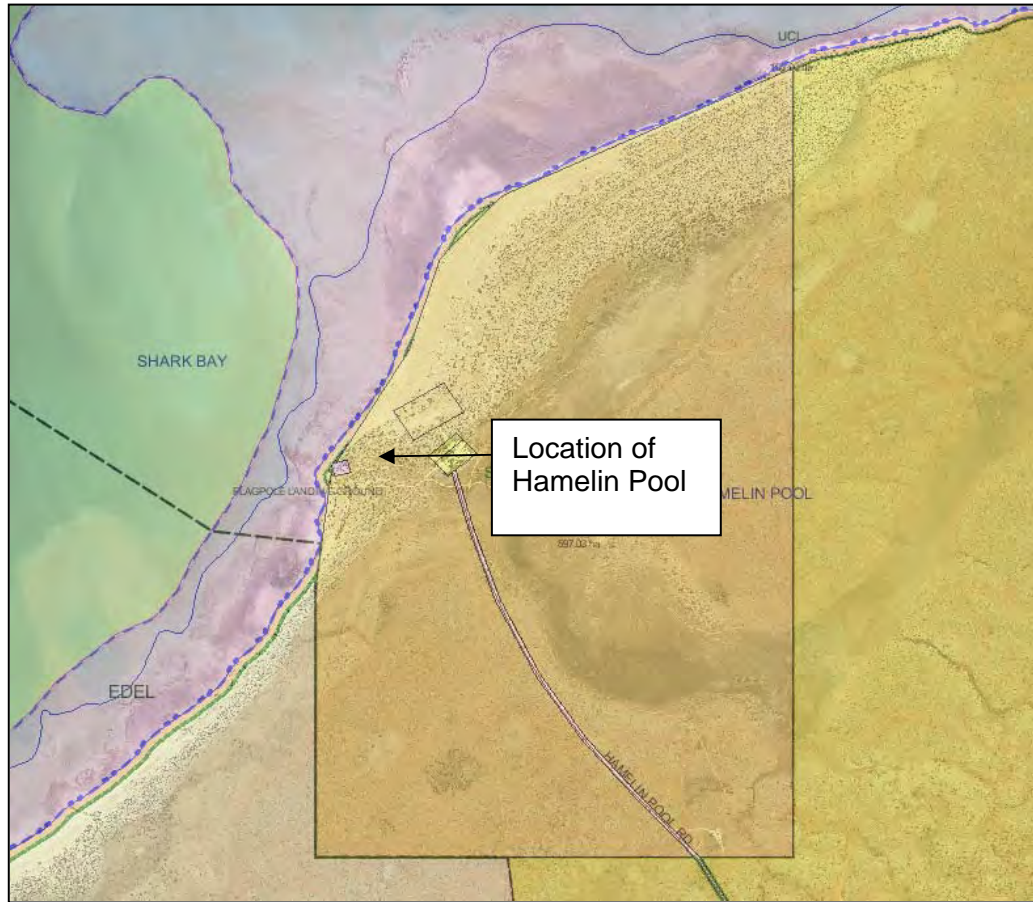
Council is to consider an Outline Development Plan lodged for Hamelin Pool. A copy of the Outline Development Plan and associated report is included as Attachment 1.

• ***Existing Development***

Lots 350 and 351 ('the subject lots') have been developed with a shop, sheds, a museum, tea rooms and camping grounds, including ablution amenities. It also contains a historic Telegraph Station.

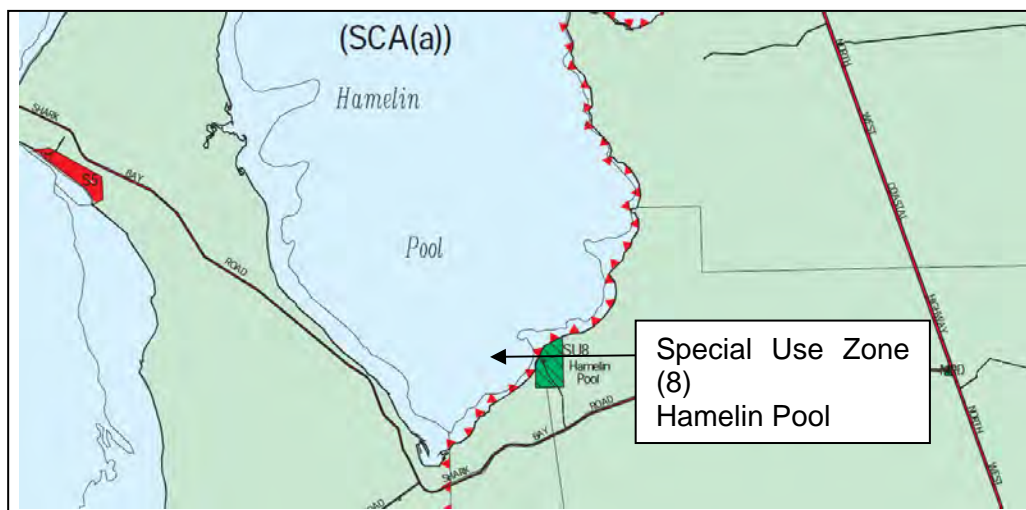
29 JULY 2015

The subject lots are surrounded by Reserve 658 which is vested to the Shire as 'common'.



- **Zoning and relevant Scheme Requirements**

Lots 350 & 351 are zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') and are notated as 'SU8' on the Scheme map.



Clause 4.7.2 of the Scheme states that:

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'a person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land'.

Schedule 4 in the Scheme outlines permissible uses for 'Special Use 8' including 'short term accommodation' however it is subject to a specific condition also listed in Schedule 4 as follows:

"Development of the site shall be in accordance with an approved Outline Development Plan, which has generally been prepared in accordance with the requirements of Clause 5.9 and endorsed by the Western Australian Planning Commission.

The Outline Development Plan should demonstrate that:

- the proposed development is sympathetic to the location, taking into account the topography and landscape character of the surrounding area; and*
- the interface with the foreshore is generally in accordance with Statement of Planning Policy 2.6 - State Coastal Planning Policy. This includes clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line'.*

- Relevant Council decisions**

Council refused a development application for short term accommodation and associated facilities on Lots 350-351 Hamelin Pool at the Ordinary Council meeting held on the 24 September 2014. The application was refused as Council has no discretion to approve any development in the absence of an Outline Development Plan (Item 13.4 Ordinary Council meeting 24.9.2014).

Council also resolved to adopt the applicant's site plan as an Interim Outline Development Plan at the September 2014 meeting for the purpose of advertising. The Interim Outline Development Plan was for the laundry and toilet block only.

In the September Report Gray & Lewis advised the Shire that:

'An Outline Development Plan would have to be more comprehensive than the information provided by the applicant. It would need to address matters such as coastal setbacks, waste management, colours and materials sympathetic to the landscape, parking, and include clear physical demarcation between the lot boundaries and adjacent foreshore areas.'

Council approved an Interim Development Plan for Hamelin Pool to facilitate amenity buildings in November 2014 (Item 13.3 Ordinary Council meeting 24.11.2014).

The Interim Outline Development Plan was endorsed by the Western Australian Planning Commission on the 16 March 2015 - refer Attachment 2.

The Western Australian Planning Commission advised that the Shire that *'this endorsement is only for the proposed toilet block and proposed utility room, and any*

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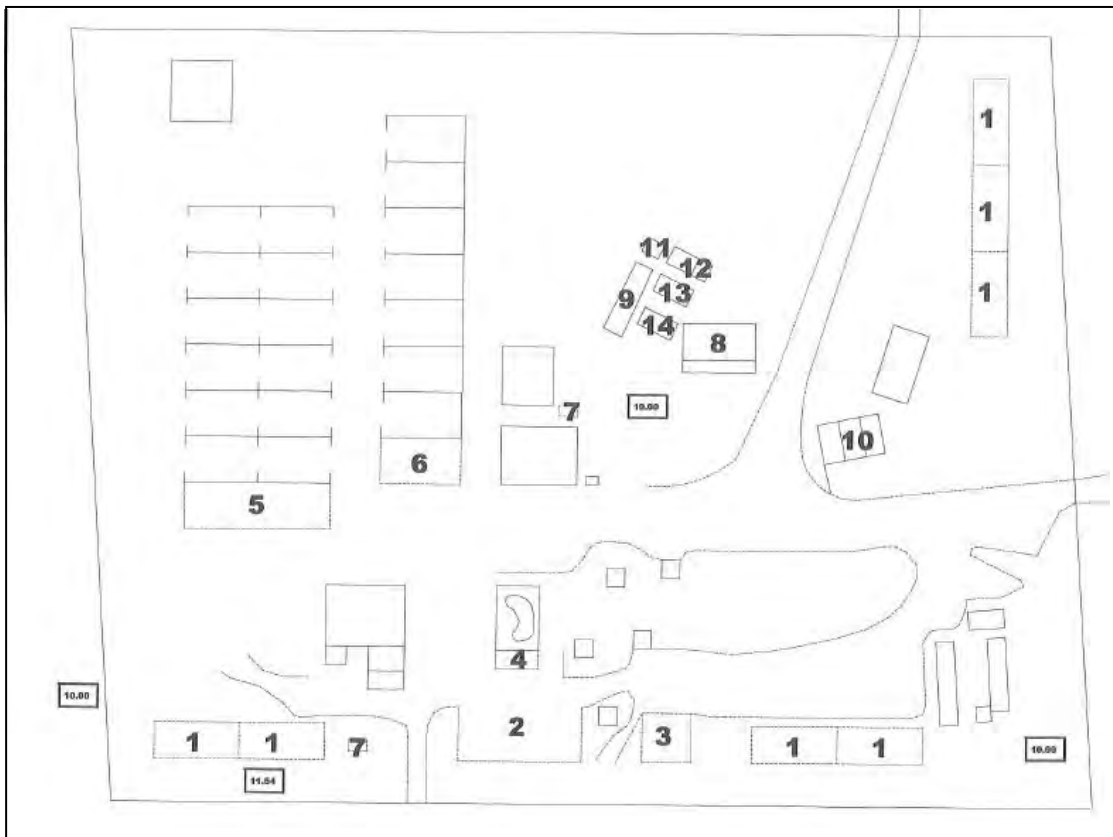
additional development will be considered in accordance with a comprehensive Outline Development Plan as provided or under the Shire of Shark Bay Local Planning Scheme No 3'.

Comment

- *Proposed Development*

The applicant has lodged a site plan and numbered proposed development within the context of existing development. Neither the Outline Development Plan or supporting planning report provides any detailed explanation supporting future development.

The level of detail in the Outline Development Plan is not substantially more than what was provided for the Interim Outline Development Plan – refer Outline Development Plan, plan extract below



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The landuses proposed in the Outline Development Plan are summarised in the table below.

Building numbered on Site Plan	Description	Officer comment
1	7 new units sites	Presumably short stay accommodation however no details of maximum occupancy, whether they are individual units or type of unit (eg transportable)
2	Camper trailer parking	Unclear on maximum number of campers / trailers to be accommodated
3 and 5	Dwellings	<p>A new residence (No 5) and 'replacement' of previous house (no information on any existing house). It is not clear why two dwellings are proposed on the lot, or whether one is proposed as a caretakers dwelling or staff accommodation.</p> <p>The Special Use 8 zone does not specifically allow for any caretakers dwelling, second dwelling or staff accommodation.</p>
4	Playground and equipment storage	No explanation.
6	Ships display	No explanation
7	Desalination plant	<p>No information / explanation provided.</p> <p>It is understood from discussions with the Shire Building Surveyor and Chief Executive Officer that there is an existing desalination plant (attached to a bore) which is servicing Hamelin Pool.</p> <p>The Outline Development Plan report should provide some explanation of any existing bore licences/ approvals, and clarify if the new desalination plant is simply an upgrade or replacement.</p> <p>It is recommended the proponent also undertake preliminary</p>

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		discussions with the Department of Water.
8	Existing toilet block / future units	Presumably short stay accommodation however no details of maximum occupancy, whether they are individual units or type of unit (eg transportable)
9	Backpacker accommodation	No details on number of rooms, maximum occupancy, whether it is a singular building proposed.
10	Camp kitchen / future unit	Uncertainty over landuse proposed & whether it is proposed as a camp kitchen and future accommodation unit.
11	Old shed	The site plan states that only new development has been numbered, however reference to an 'old shed' indicates it is existing development. It is unclear why the old shed has been numbered on the site plan, and what it is used for.
12.	Generator shed	No details on maximum size, colours or materials.
13.	Toilet	Will require separate written approval.
14.	Utility shed	No details on maximum size, colours or materials.

Although not outlined in the application, it is assumed the buildings will be transported buildings. No details have been provided as to whether second hand or new buildings are proposed, or colours and materials.

- *Minimum Floor Levels & Coastal Setbacks*

Clause 5.8.2 of the Scheme requires a floor level not less than RL 3.2 metres AHD for any land 'subject to inundation'. The Scheme does not define the extent of the inundation area.

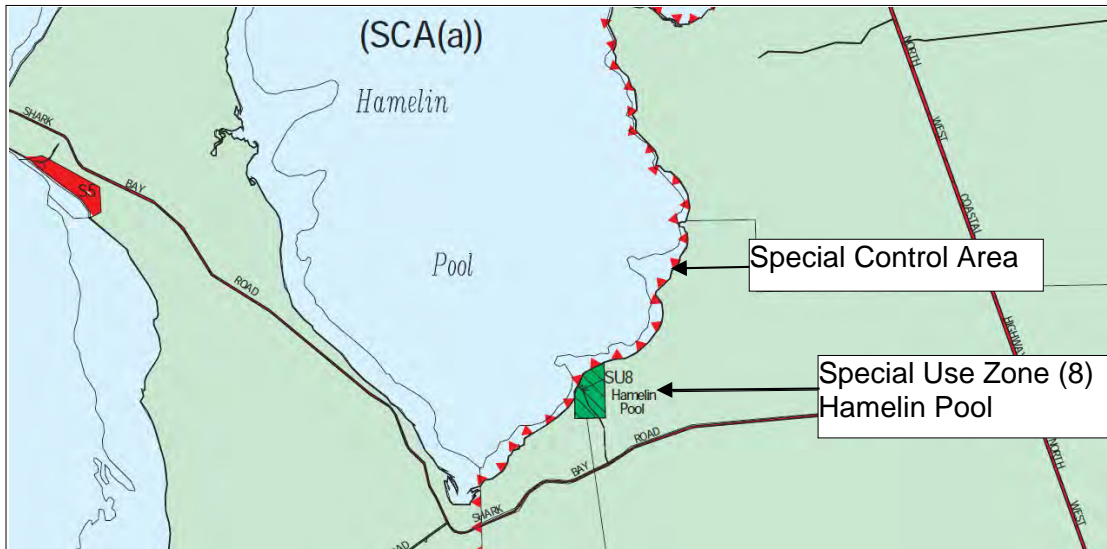
Ordinarily, minimum floor levels and setbacks for coastal development would be recommended by a coastal engineer as part of a coastal setback report provided by the applicant.

No written information has been lodged on coastal setbacks other to advise that the existing levels are not proposed to altered, and the existing levels range between 10.00 to 11.54. It is not clear if the levels are provided as Australian Height Datum (AHD).

- *World Heritage*

Lots 350 and 351 are located outside of the Special Control Area boundary for Shark Bay World Heritage Property under the Scheme.

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The Outline Development Plan report makes no mention of the proximity of the subject lots to the Special Control Area.

- *Options available to Council*

Option 1 – Request additional information from the applicant to address the Scheme provisions and provide more detailed information on future development.

Option 2 – Adopt the Outline Development Plan for the purpose of conducting formal advertising. Ultimately any Outline Development Plan has to be endorsed by the Western Australian Planning Commission.

Whilst Gray & Lewis would like to assist the applicant to facilitate future development and expansion of tourist facilities at Hamelin Pool, it is not considered that the Outline Development Plan provides sufficient detail for informed advertising to occur. Gray & Lewis is of the view that it is unlikely the Outline Development Plan would be accepted by the Western Australian Planning Commission.

Gray & Lewis has had informal preliminary discussion with the Department of Planning who indicated that they would expect some form of setback assessment by a coastal engineer, and they recommend there be discussion with the Department of Planning regarding the State Planning Coastal Policy requirements (as it is required to be addressed under the Scheme).

Support for the Outline Development Plan in its current form would set a precedent for other Outline Development Plans for areas such as Monkey Mia and Nanga.

It is open to Council to simply advertise the Outline Development Plan and allow for future determination by the Western Australian Planning Commission, however Gray & Lewis is of the view that pursuit of Option 2 would unlikely assist the owner in the medium term.

Gray & Lewis is of the view that it would be more helpful to provide detailed advice to the applicant on what needs to be addressed as part of the Outline Development Plan. A list of additional information is included as Attachment 3.

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A meeting or teleconference with the Department of Planning can be facilitated by Gray & Lewis with the owner or their representative if it would assist.

The final decision is to be made by Council however Gray & Lewis recommends Option 1.

NOTE: The Shire can obtain aerial photography from Landgate as dwg files at a cheaper price than the general public under the Shared Land Information Platform. Landgate only charge the Shire for the time taken to provide the files. The Shire may offer to obtain aerial photography for the use of the owners representative or draftsperson subject to the costs being paid for by the owner.

Legal Implications

The Scheme provisions are similar to those that apply to other special use zones such as Monkey Mia and Nanga.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

The Shire pays planning fees to Gray & Lewis.

Strategic Implications

An Outline Development Plan needs to be developed for Hamelin Pool to guide future development as outlined in the current Shire of Shark Bay Local Planning Scheme No 2, the Shire's Local Planning Strategy and Draft Local Planning Scheme No 4.

Increased flexibility for limited small scale development to occur within Special Use zones is being examined as part of the Scheme review, however is subject to assessment by the Western Australian Planning Commission. Currently the Scheme is awaiting Western Australian Planning Commission assessment and consent to advertise.

Voting Requirements

Simple Majority Required

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	21 July 2015

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Attachment # 7

OVERALL DEVELOPMENT PLAN
HAMELIN POOL CARAVAN PARK

FOR
TRISHA COX

RECEIVED

3 JUN 2015
SHIRE OF SHARK BAY

PLANNING REPORT



Prepared by
Geraldton Independent Planners
P.O. Box 7177
GERALDTON
W.A. 6531
May 2015

29 JULY 2015

INTRODUCTION

Following recent proposed additions to the toilet facilities on the existing caravan park located at the Hamelin Pool Caravan Park it was discovered that the provisions of the Shire of Shark Bay's Local Planning Scheme has a requirement that an Overall Development Plan needs to be prepared and endorsed by both the Shire and the WA Planning Commission prior to any further development being permitted on the land.

The requirement for details contained within that plan are taken from Clause 5.9 of the Shire's Local Planning Scheme which are specifically designed to deal with residential areas and the potential for them to be further subdivided and developed. Hence many of the requirements do not apply to this specific application in this instance however the relevant requirements have been adhered to in this attached plan.

The shire has dealt with an interim Overall Development Plan to seek some approval by the owners to develop a toilet block and laundry on this site. This has been given a recent approval thus allowing that development to take place. However it has been pointed out that despite a future review of the Shire's Scheme which may remove the need for such an overall development plan to be prepared the current Scheme contains a requirement that such an Overall Development Plan is required prior to any further development being undertaken onsite.

This report supports the attached overall development plan and is submitted to the Shire for its approval and the subsequent approval of the W.A. Planning Commission for this plan to allow the owners to undertake some future expansion and upgrades in order to continue to provide a valuable tourist facility within the Shire.

PLANNING CONSIDERATIONS

As mentioned above the requirement and information that is to be provided within an overall development plan is taken from Clause 5.9 of the Shire of Shark Bay's Local Planning Scheme. It is intended to compare the requirements of that Clause as they apply to this particular application as follows:

Clause 5.9.2 The Outline Development Plan shall show:

- (a) the topography of the area, soil type, vegetation, heritage values and landscape values;*
- (b) any potential contamination and amenity issues;*
- (c) the existing road system;*
- (d) location and standards of any future roads;*
- (e) location of shopping, community amenities and recreation areas;*
- (f) proposed residential densities;*
- (g) potential environmental impacts;*
- (h) existing and proposed services (including management of services to protect environmental values);*
- (i) staging of development; and*
- (j) any other information as shall be required by the local government.*

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Comments in relation to these subclauses are submitted for consideration as follows:

- (a) The existing site is relatively flat throughout the area that has been developed for many years and there is no intention in altering the levels on the land in any substantial way. The plan attached indicates the existing RL levels across the site and as can be seen the land to the north west corner of the land is the high point being 1.54metres higher than the remainder of the site.
- (b) The existing site is presently served successfully with septic tanks and leach drains as approved by the Health Department and whilst this system has been used for many years and some expansion of that system would be required if the total development as shown on this plan was undertaken there is no potential contamination and amenity issues in this location from this system.
- (c) The existing roads are shown on the attached plan and no alteration is envisaged to these roads. The roads shown on the plan are the main entrance off the Hamelin Pool Road and through to the Stromatolites at the waters edge.
- (d) No future roads are envisaged within or through this site.
- (e) Existing shop facilities that presently service tenants of this site will remain and it is not envisaged to expand this facility as it is adequate for the temporary tenants of the site.
- (f) This section is not relevant as it is not a residential development. However additional units as indicated upon the attached plan will be introduced onsite in the locations as indicated.
- (g) As the development is proposed to be contained within the already developed area of the site there will be minimal earthworks required to achieve the additional facilities as shown on the plan. Hence there is considered to be no environmental impacts as a result of the additional facilities and developments as shown on the attached plan.
- (h) The site is self contained with its own water and power and it is envisaged that this will still be the case with the additional developments on site. There are proposals to include one or possibly two desalination plants on site if they are required to cater for the water requirements of the tenants.
- (i) There is no specific staging of the additional developments on site but they are envisaged to be required as the demand for additional accommodation options arise in the future.

CONCLUSION

It is important to the economic viability of the Shire to allow the future expansion of tourist facilities within the Shire as the demand dictates. This attached overall development plan is the possible future requirements for expansion as perceived by the current owner of this facility in order to attract tourists to stay at this location for an extended period and encourage them to explore the attractions in this location viz the stromatolites before being encouraged to other facilities within the Shire.

Whilst the requirement of an overall development plan is considered somewhat onerous in this location it is understood that the requirement may in fact be removed

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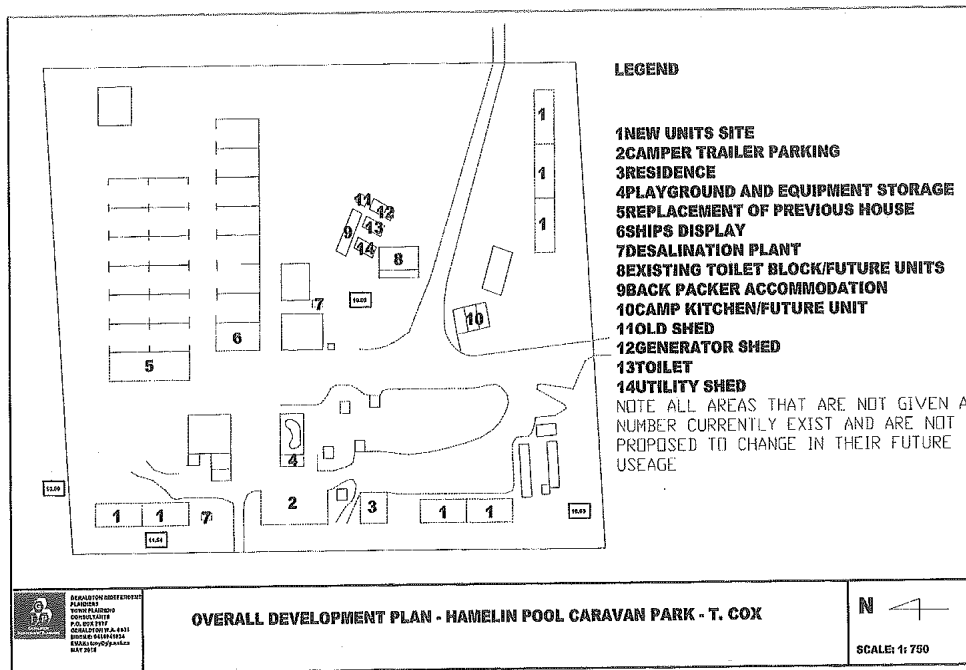
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from any future scheme review that is to be undertaken of the local governments existing scheme. However in the meantime it is a requirement of the Scheme and this is recognised hence the attached plan has been prepared to facilitate the Scheme requirements and allow future expansions of the facility to be undertaken in a more expedient manner for the owners as the need arises..

Therefore in conclusion it is requested that this overall development plan be allowed to proceed through the required advertising process as outlined within the Scheme and be supported to allow future developments as shown on the plan to proceed as the need arises to either improve or increase the means of accommodating tourists to this region.

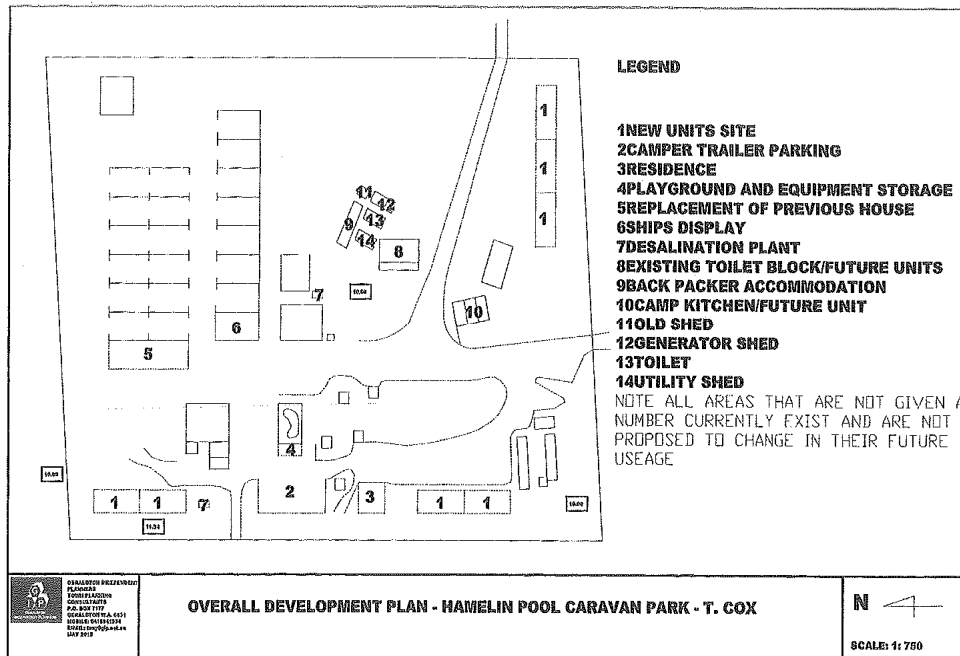
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ATTACHMENT # 2

ADDITIONAL INFORMATION – HAMELIN POOL OUTLINE DEVELOPMENT PLAN

Outline Development Plan Report:

1. Explanation of existing zoning to include a zoning map and reference to proximity to the Special Control Area for the Shark Bay World Heritage Property boundary.
2. Photographs and detailed description of existing development and site attributes. Clear explanation of existing development to be replaced or upgraded. (eg house and desalination plant).
3. More detailed information on existing servicing (can be obtained by the One Call system), existing desalination plant, and existing bore (with any Department of Water licence).
4. Reference to the Shire of Shark Bay Local Planning Strategy recommendations specific to Hamelin Pool.
5. Address coastal setback requirement (in consultation with a coastal engineer) and the requirements of State Planning Policy 2.6. Recommend discussions occur with the Department of Planning.
6. Provide more information on the proposed landuses and development as detailed in the Council agenda report.
7. Address how proposed development will be sympathetic to the location and landscape character (eg colours, materials, height). Note: There is opportunity to utilise colour palettes developed by the Shark Bay World Heritage Advisory Committee.
8. Recommend conditions to be included on the Outline Development Plan to be examined or addressed at the more detailed development stage (eg may address visual impact by stipulating a maximum of single storey development).
9. Delete any reference to no Outline Development Plan being required under the Draft Shire of Shark Bay Local Planning Scheme No 4 as it is incorrect.

Outline Development Plan:

- A. Include levels in Australian Height Datum and address the minimum level outlined for land subject to inundation under the existing Scheme.
- B. Include an aerial photograph underlay and clearly denote all existing development, setbacks between existing development and lot boundaries, and setbacks between new development and lot boundaries. Aerial photography is available through Landgate.
- C. Provide more information on the proposed landuses and development as detailed in the Council agenda report.
- D. Identify coastal setback lines and vegetation lines as appropriate.
- E. Ensure the Outline Development Plan is to scale, includes a north point, a signing panel, lot dimensions and ensure the plan delineates the common boundary between Lot 350 and 351.

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Your Ref: P2002 / O-AP-14324
Our Ref: SPN/0740/1
Enquiries: Caroline Hatherly (Ph 6551 9337)

Attachment # 3

Chief Executive Officer
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Dear Sir

**ENDORSEMENT OF OUTLINE DEVELOPMENT PLAN FOR LOTS 350 AND 351
HAMELIN POOL ROAD, HAMELIN POOL**

I refer to your letter dated 29 January 2015 regarding the abovementioned matter.

The Western Australian Planning Commission (WAPC) has resolved to endorse the Outline Development Plan for Hamelin Pool Caravan Park, Lots 350 and 351 Hamelin Pool Road, Hamelin Pool.

Three endorsed copies of the Outline Development Plan are attached. Please return one copy to the WAPC when the Shire has signed these documents.

The Shire is advised that this endorsement is only for the proposed toilet block and proposed utility room, and any additional development will be considered in accordance with a comprehensive Outline Development Plan as provided for in the Shire of Shark Bay Local Planning Scheme No. 3.

Should you wish to discuss this matter further, please contact the assigned planning officer listed above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T. Hillyard'.

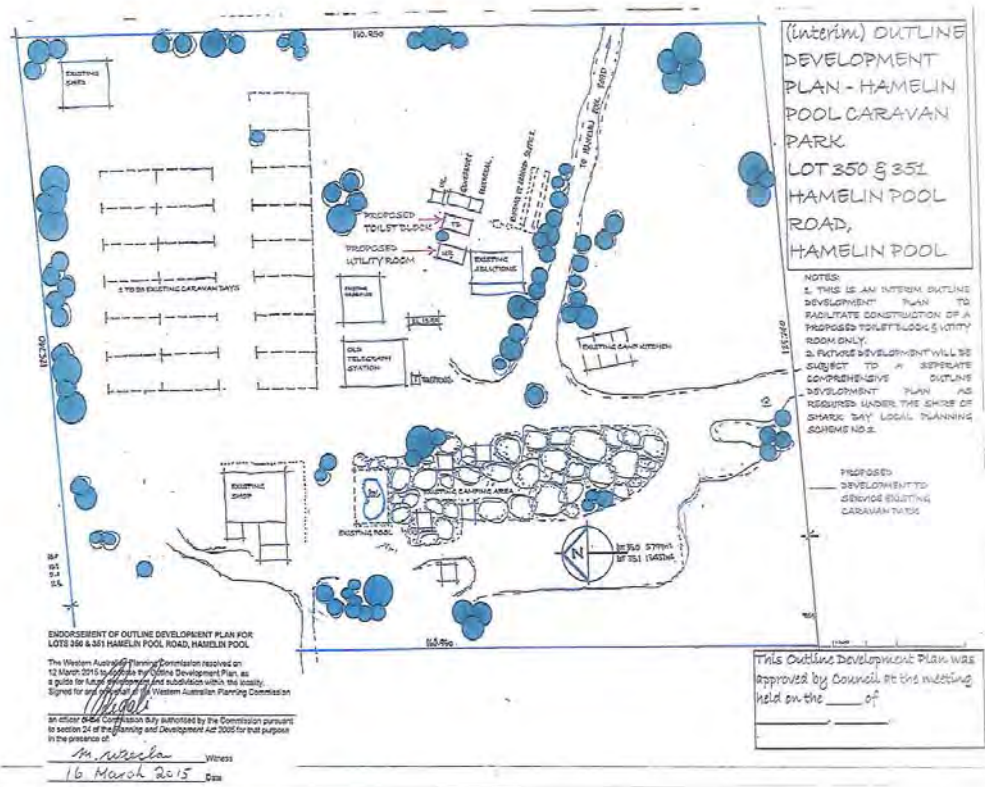
Tim Hillyard
Secretary
Western Australian Planning Commission
16 March 2015

Enclosures: 3 copies of Outline Development Plan

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493

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The President adjourned the Ordinary Council meeting at 5.59pm

The President reconvened the Ordinary Council meeting at 6.22pm

13.6 PLANNING APPLICATION FOR EIGHT (8) SHORT TERM ACCOMMODATION UNITS (4 DUPLEXES) AND STAFF ACCOMMODATION LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND
P4281

Author

Liz Bushby, Gray & Lewis

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire, – Section 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of Department of Parks and Wildlife and World Heritage Project Officer.

Moved Cr Ridgley

Seconded Cr Prior

Council Resolution

That Council:

1. Note that:

- (a) Amended plans have been lodged by Hypermarket Pty Ltd for short term accommodation and staff accommodation (7 building envelopes) on Lot 304 Sunday Island Bay, Dirk Hartog Island with additional written advice dated 2 June 2015.**
- (b) The floor plans on the amended site plan (received 15 June 2015) do not correlate with the written advice by the applicant and therefore Gray & Lewis has notated a plan included as Attachment B.**

2. Determine that workers accommodation landuse may be consistent with the objectives of the Rural / Pastoral zone and note that the advertising procedures of Clause 9.4 of the Shire of Shark Bay have already been followed as the application has been extensively advertised for public comment.

3. Note that the application has been advertised for public comment and acknowledge all submissions as summarised in Attachment C.

4. Note the application was formally referred to the Environmental Protection Authority who confirmed no environmental assessment is required.

5. Approve the application lodged by Hypermarket Pty Ltd for 8 short term accommodation units (4 building envelopes / duplex designs) and 3

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workers accommodation units (3 building envelopes) on Lot 304 Dirk Hartog Island subject to the following conditions:

- (i) The elevation and floor plans lodged with this application shall form part of this planning approval.**
- (ii) Lodgement of a corrected amended site within 3 months of the date of this approval that includes the following as stated in correspondence lodged as part of the application dated 2 June 2015:**
 - Envelope 1A (Design 1 – single building)
 - Envelope 1B (Design 3)
 - Envelope 3, 6 and 17 (Design 1 duplex)
 - Envelope 23A (Design 2 duplex)
 - Envelope 23B (Design 1 – single building)
 - Internal access driveways and parking areas.
- (iii) All development shall be in accordance with the approved plans.**
- (iv) Lodgement of a detailed colour and material schedule prior to the issue of a building licence for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall incorporate colours for external walls and the roof of all accommodation units that are sympathetic and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shire Chief Executive Officer.**
- (v) The units within Building Envelopes 1B, 1A, and 23B are approved as workers accommodation only and shall only be occupied by a person who is:**
 - a) engaged in active employment on the subject land;**
 - b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis; or**
 - c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).**
- (vi) The units within Building Envelopes 3, 6, 17 and 23A are approved as short term accommodation for let for holiday purposes, and none of these units shall be occupied by the same tenant for a continuous period of four months or more.**
- (vii) Lodgement of detailed servicing site plan for separate written approval by the Chief Executive Officer that stipulates the size and location of all solar infrastructure, rainwater tanks, generator outbuildings and shelters. The colours and materials of any outbuildings and / or equipment shelters shall be sympathetic to and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.**

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- (viii) **Lodgement of detailed site plan and information on any desalination plant for separate written approval by the Shire of Shark Bay Council that stipulates the size, capacity, water source, and location of all associated infrastructure.**
- (ix) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land, foreshore areas or national park.**
- (x) **The owner to provide a suitable reliable potable water supply prior to occupation of any development to the satisfaction of the Shire of Shark Bay.**
- (xi) **No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.**
- (xii) **A non-trafficable area for effluent disposal shall be provided prior to occupation or use of any short stay accommodation unit or workers accommodation unit.**
- (xiii) **The owner / applicant to implement the Waste Management Plan dated December 2014 to the satisfaction of the Chief Executive Officer.**
- (xiv) **The owner/ applicant to lodge a Fire Emergency and Coastal Risk Management Plan for separate written approval of the Shire Chief Executive Officer within 6 months from the date of this approval (or alternative time period agreed to by the Shire). The Management Plan shall address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, provision of fire extinguishers, water supply for fire emergency, cyclone procedures, and planned or managed retreat for assets which may be impacted on by long term coastal hazards.**
- (xv) **The owner / applicant to be responsible for implementation of a Fire Emergency and Coastal Risk Management Plan approved by the Shires Chief Executive Officer.**
- (xvi) **The owner/ applicant to lodge a revised Foreshore Management Plan that addresses any future proposed permanent or temporary works in the foreshore.**
- (xvii) **All development shall be contained within the lot boundaries unless otherwise approved as part of a Foreshore Management Plan (endorsed by the Department of Parks and Wildlife). This planning approval is not consent for any works outside of the lot boundaries.**
- (xix) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

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6. Include the following advice to the applicant as footnotes on the planning approval:
- (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.
 - (b) In regards to Condition (iv), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog island which can be used as a guide.
 - (c) In regards to Condition (vii), this approval excludes the use of wind turbines.
 - (d) In regards to Condition (xi) you need to lodge a separate application for approval of any on site effluent disposal system. The Shire's Principal Environmental Health Officer / Building Surveyor has recommended that you examine a system to cater for all seven units rather than have separate effluent disposal for each unit, and use of aerobic treatment units. The Health Department of WA recommends use of Aerobic Treatment Units.
 - (e) The Management Plan cited in Condition (xiv) can utilise some of the information already included in the Damara report, and is not required to be as comprehensive as a Coastal Hazard Risk and Adaption Plan as there are limited options available to mitigate long term coastal risks.
 - (f) In regards to Condition (xvi) it is noted that no works are proposed in the foreshore at this stage. A Foreshore Management Plan is only required if works are proposed in the foreshore and it will need to be endorsed by the Department of Parks and Wildlife.
 - (g) The owner has a responsibility under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to gain separate approval from the Australian Government Minister for the Environment (the Minister) for any actions that have, or are likely to have, a significant impact on a matter of national environmental significance. The nine matters of national environmental significance protected under the Environment Protection and Biodiversity Conservation Act include world heritage properties.

6/0 CARRIED

Background

Council is to consider a planning application for short stay accommodation and associated development on Lot 304.

- *2013 Application*

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An application for 33 short stay accommodation units was lodged with the Shire of Shark Bay in 2013. The original documents also referred to staff accommodation, gym and a lodge.

The original application was referred to relevant authorities and key stakeholders for public comment in November 2013.

Subsequent to commencement of consultation Gray & Lewis liaised with the applicant and raised concern over:

- (i) The need for detailed plans and images that would clearly show what the development would look like. There was some uncertainty about the final development outcome.
- (ii) Coastal setbacks as raised by the Department of Planning.

Gray & Lewis had discussions with the applicant (Geoff Wardle) in late 2013 whereby he indicated an intention to lodge amended detailed plans for 7 units.

The application was placed on hold pending more detailed plans and additional information from the applicant.

- *2014/ 2015 Application*

The applicant has submitted additional information and revised plans on the 26 November 2014 for Stage 1 of development consisting of 7 short stay accommodation units.

Following advertising the applicant has submitted final floor plans (3 June 2015) and an amended site plan (16 June 2015).

- *Lot History*

Gray & Lewis is of the understanding that the State Government exchanged freehold parcels of land with the lessee of Dirk Hartog Island. Now there are expectations by owners that the lots can be developed.

There is a restrictive covenant on the Certificate of Title of Lot 304 which allows the land to be used for the purpose of low impact eco tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The covenant include restrictions on the number of visitor accommodation units as a ratio to the lot area, limits the floor area of visitor units and staff accommodation; limits occupation of visitor units to short stay, and requires accommodation units and buildings to comply with all relevant Local, State and Commonwealth Government statutory approvals.

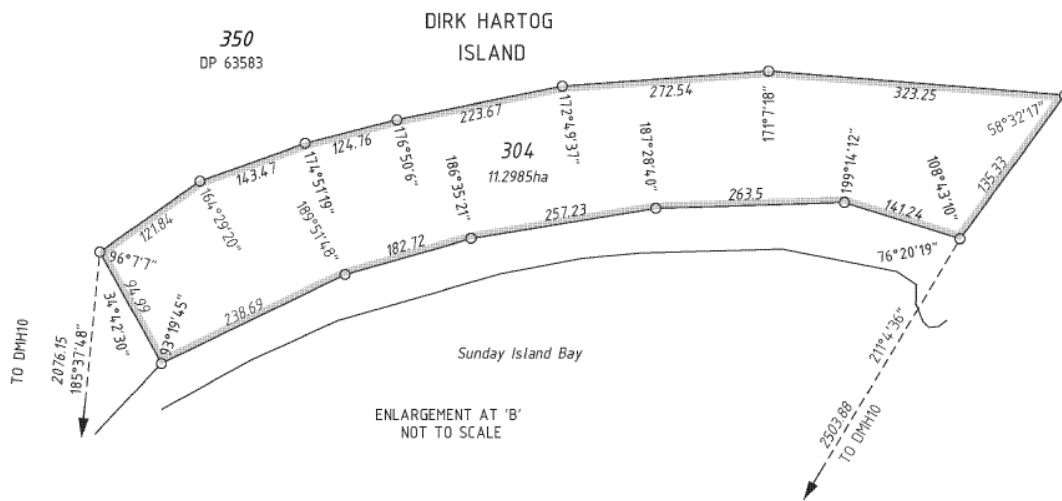
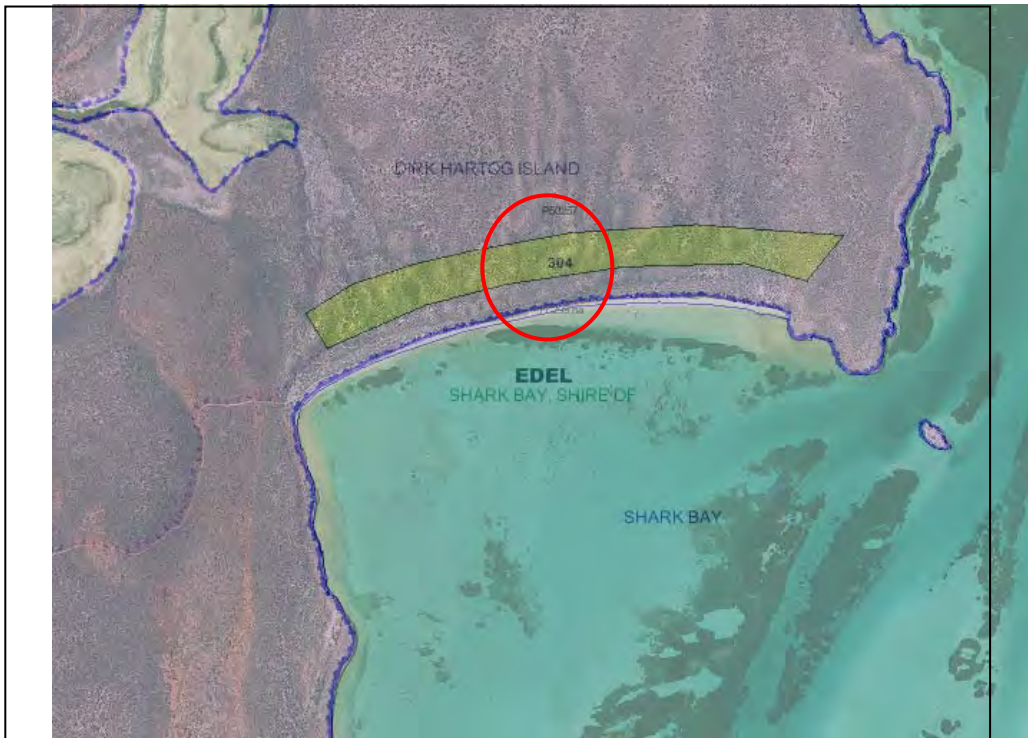
The covenant is to the benefit of the Minister for Lands under the Land Administration Act 1997.

- *Location*

A location plan and survey diagram is included for ease of reference.

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Comment

- *Zoning*

Lot 304 is zoned 'Rural / Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), and is also contained within a Special Control Area (SCA) applicable to the Shark Bay World Heritage Property.

- *Additional information and revised plans*

The applicant has lodged additional information in a letter dated 2 June 2015 which includes comments on matters raised during public advertising – Attachment A.

- *Proposed landuses and landuse classifications*

Initially the applicant confirmed by email (dated 3 December 2013) that they were seeking approval for 7 units and that '*all of these units are for short stay as we propose initially managing it with staff accommodated on Lot 62*'.

The 7 units were considered as 'short term accommodation' defined in the Shire of Shark Bay Local Planning Scheme No 3 as '*means two or more detached dwellings, chalets or similar, on one lot for let for holiday purposes, none of which is occupied by the same tenant for continuous period of four months or more*'.

The applicants' most recent correspondence advises that some units will be used for staff accommodation, a caretakers dwelling and a managers house.

There are anomalies between the applicants written advice dated 2 June 2015, and the revised site plan lodged on the 15 June 2015. Gray & Lewis has therefore notated a site plan (in blue text) which follows the written advice of the applicant – refer Attachment B.

The revised proposal is summarised below:

- Eight units are proposed as short stay accommodation (envelopes 3, 6, 17 and 23A) on the site plan. The 8 units are comprised of 4 'duplex' designs which means they share a central common wall.
- One unit is proposed as staff accommodation and for guest orientation (envelope 1B);
- One caretakers dwelling is proposed (four bedroom unit in envelope 1A).
- One managers house is proposed (four bedroom unit in envelope 23B).

Council needs to consider the most appropriate landuse classifications to apply to the proposed staff accommodation, caretakers dwelling and 'managers' house.

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The most applicable definitions are summarised in the table below:

Landuse	Definition under the Scheme	Landuse Permissibility
Caretakers dwelling	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.	A 'D' use in the Rural / pastoral zone under 'Table 1: Zoning Table' of the Scheme which means that 'the use is not permitted unless the local government has exercised it's discretion by granting planning approval'.
Workers Accommodation	means a dwelling or residential building occupied by a person who is: a) engaged in active employment on the subject land; b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis in Shark Bay; or c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).	The landuse of 'workers accommodation' is defined in the Scheme however is not listed under 'Table 1: Zoning Table'. Any 'workers accommodation' is therefore a 'Use Not Listed' under the Scheme.

The 'caretakers dwelling' is considered unsuitable as it specifically refers to supervising a building, operation or plant.

Gray & Lewis recommends that the caretakers dwelling, staff accommodation and managers house be construed as 'workers accommodation' as they are all for employees.

The Shire has 3 options on dealing with the 'workers accommodation' which is a 'use not listed':

- Option 1 – Determine that the workers accommodation landuse is consistent with the objectives of the Rural / Pastoral zone and is therefore permitted.
- Option 2 - Determine that workers accommodation landuse may be consistent with the objectives of the Rural / Pastoral zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval.
- Option 3 - Determine that the use is not consistent with the objectives of the Rural / Pastoral zone and is therefore not permitted.

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Option 1 is not recommended as it will set a precedent for all 'workers accommodation' landuses to be dealt with as 'permitted' in the Rural / Pastoral zone.

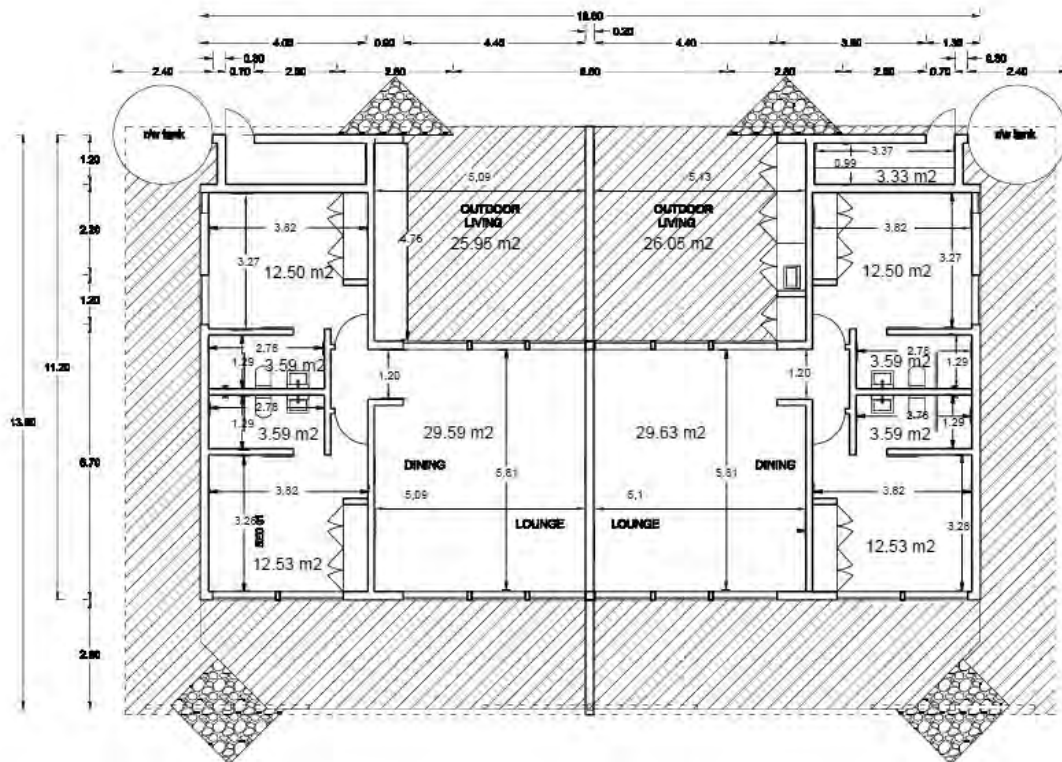
Gray & Lewis recommends Council pursue Option 2. Although the land is zoned 'Rural/Pastoral' and technically the landuse has to be assessed in accordance with the zone objectives, it is recognised that the land is unsuitable for rural / pastoral use.

The 'workers accommodation' can be considered to be consistent with the objective of the Rural / Pastoral zone 'to provide for low key tourist uses that are compatible with the operations of pastoral leases and the World Heritage Values'.

- **Building Design**

There are four building designs referred to as Building Design 1 (duplex), Building Design 1 (single), Building Design 2 and 3.

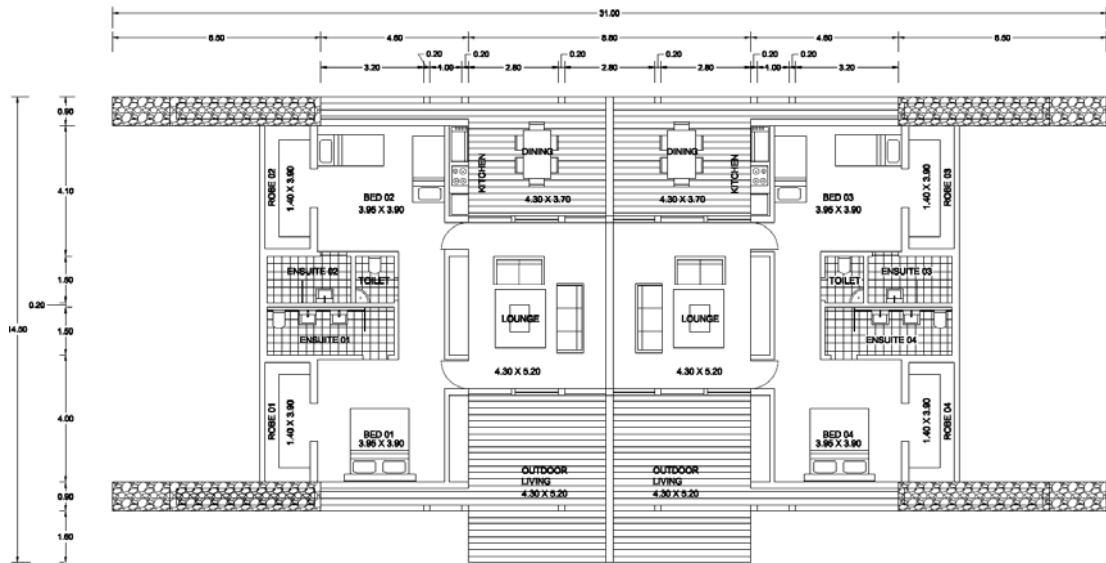
1. Building Design 1 (duplex): Proposed as short term accommodation for building envelopes marked 3, 6, and 17 on the site plan.



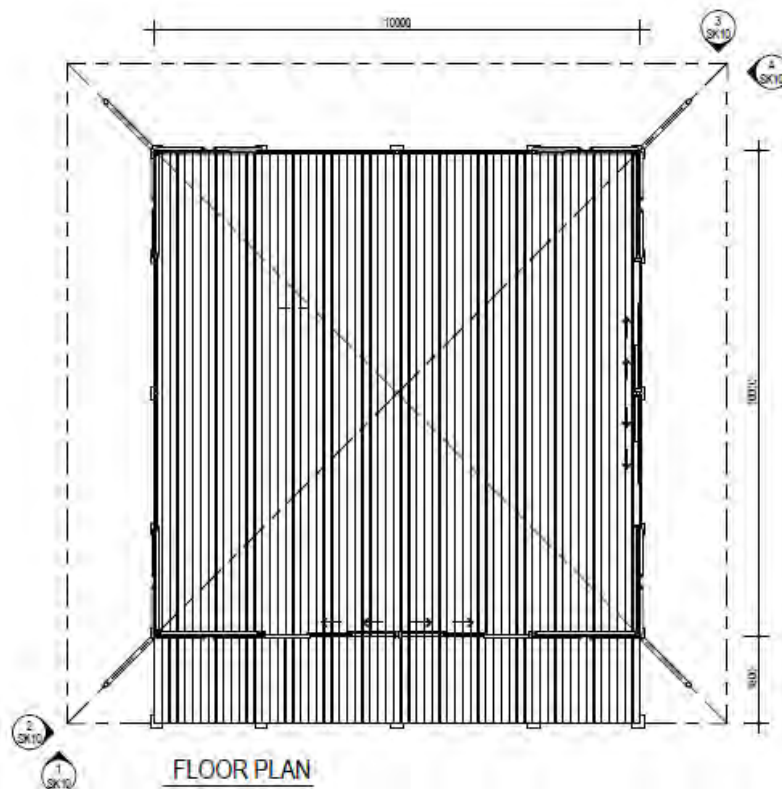
The single Building Design 1 is the same as the duplex without the internal dividing wall.

2. Building Design 2 (duplex): Proposed as short term accommodation for building envelope marked 23A on the site plan.

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3. Building Design 3 (100m²) proposed as staff accommodation / guest orientation in envelope 1B.



The plans show floor areas for each room measured from the internal walls.

The Scheme defines 'gross floor area' as '*means the aggregate of the total floor area of each level of a building including the thickness of the external walls but excluding the space set aside for the parking of wheeled vehicles and for the accommodation of service vehicles where such space is included in the building*'.

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Based on the Scheme it could be argued that the semi enclosed 'outdoor living area' should be included in the Floor Area. This is consistent with the approach of the Residential Design Codes which only allows roofed areas to be included as open space where they are open on at least two sides.

There are no floor limitations or site coverage limitations under the Scheme.

- *World Heritage and Environmental Matters*

In accordance with Clause 6.2.4 of the Scheme, the local government is to have regard for the Environmental Protection Authority 'Guidance statement for assessment of development proposals in the Shark Bay World Heritage Property' area. The Guidelines specifically address the need for consultations with regards to referring development applications within and adjacent to the Shark Bay World Heritage Property.

The World Heritage listing does not prevent development however there is an expectation that developments be carefully evaluated from an environmental perspective.

The application was referred to the Environmental Protection Authority who determined not to assess the proposal. The Environmental Protection Authority advised that *'the overall environmental impact of the proposal is not so significant as to require assessment by Environmental Protection Authority'*.

The Environmental Protection Authority made a number of recommendations on conditions that could be placed on any planning approval. The Environmental Protection Authority advice is available to Councillors on request.

- *Coastal Considerations*

State Planning Policy 2.6 (SPP 2.6) provides for land use and development decision-making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values.

The Policy aims to provide a relatively low risk of development being adversely impacted by coastal inundation over a 100 year planning horizon. Coastal setbacks are calculated having regard for a 500 year average recurrence interval (ARI) event, plus an allowance for sea level rise.

The applicant has lodged a report by Damara WA PTY Ltd on 'Coastal Setback Allowances'. Damara WA indicates that all the building envelopes are setback beyond the erosion hazard line except site 4 which requires confirmation that levels are greater than 4.7m AHD. Site 4 is not included in this application.

The application was referred to the Department of Planning who recommended that:

- A. The identified 170 setback in the applicants Damara report covers the entire land area of Lot 304. Ideally the lot should have been created behind this setback however the reality of the lots existence is acknowledged.
- B. If increased development is to be approved it should only be done so on the basis of measures to reduce risk.

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- C. The proponent should be required to undertake and Implement Coastal Hazard Risk and Adaption Planning as per the State Planning Policy requirements.

Whilst the Department of Planning has recommended that a Coastal Hazard Risk and Adaption Plan be undertaken in accordance with current State Policy requirements, it is recognised that the existing situation exists as the freehold lot was created by the government without any regard for coastal setbacks.

A Coastal Hazard Risk and Adaption Plan aims at reducing coastal risks down to acceptable or tolerable levels, however the lot has already been created within the coastal setback area.

Gray & Lewis recommends that a less onerous condition be imposed to require lodgement of a Fire Emergency and Coastal Risk Management Plan which can address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, provision of fire extinguishers, water supply for fire emergency, cyclone procedures, and planned or managed retreat for assets which may be impacted on by long term coastal hazards.

The Management Plan can utilise some of the information already included in the Damara report, and is not required to be as comprehensive as a Coastal Hazard Risk and Adaption Plan as there are limited options available to mitigate long term coastal risks.

- *Visual Impact / aesthetics*

The Shire can require the applicant to undertake and lodge a Visual Impact Assessment that follows the principles of a publication 'Visual Landscape Planning in Western Australia' published by the Western Australian Planning Commission. This was recommended by the Department of Parks and Wildlife and the Environmental Protection Authority.

Building design is a subjective issue and visual impact is most relevant in terms of protecting the World Heritage values of the area.

The proposed building designs are of a low building scale, are not bulky in appearance and do not protrude into the skyline.

Gray & Lewis is of the view that the low scale development will not have a negative impact on visual amenity in this remote location.

The applicant has provided a photomontage of the entire (ultimate) proposed development, photographs of scale models and provided a scale model to the Shire.



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The applicant confirms all colours will be as per the World Heritage colour palette. Building materials will include a combination of limestone blocks, light weight panels and fully insulated colorbond roofing.

Building materials will generally be manufactured to kit level and transported in knock down form for easy assembly. The applicant has indicated they will be imported from overseas.

- *Servicing*

The 'Environmental Report' states that each accommodation unit and its infrastructure will operate independently for the provision of power, water and sewerage under the direction of a project manager.

There is limited information on proposed services at this stage, however the applicant has confirmed that:

- The application is amended so wind turbines are not included.
- There is legal access to water from the west well registered on the Certificate of Title.
- Any desalination plant will be a combination of solar and mobile on the freehold lot, and no development is proposed beyond the lot boundaries.

The Department of Parks and Wildlife has confirmed that there are existing water easements which connect the well to Lot 304.

The Shire can impose conditions on development for the submission of more detailed plans for ancillary development such as water tanks, generators, solar equipment and a desalination plant.

The Shire's Principal Environmental Health Officer / Building Surveyor has recommended that they examine a system to cater for all of the units rather than have separate effluent disposal for each units.

The Department of Health WA recommended the use of aerobic treatment units.

It is recommended the above be included as an advice note on any approval. The applicant has raised concern over aerobic treatment units due to difficulty of servicing, and unreliability if problems arise.

Ultimately the applicant will have to lodge a separate application to install any new effluent system which will be assessed by the Shire's Environmental Health Officer.

- *Access*

The applicant has lodged an amended site plan showing an existing access track connecting to the south west corner of the lot which was approved by the Conservation Commission of Western Australia.

- *Management Plans*

The applicant has prepared a waste management plan and foreshore management plan which has been referred to the Department of Parks and Wildlife (DPaW) for advice.

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Department of Parks and Wildlife's advice is summarised as Submission 1 in the Table of Submissions – Attachment C.

Gray & Lewis sought clarification on whether the Department of Parks and Wildlife supports the Waste Management Plan and they confirmed by email dated 10 April 2015 that *'the cycloburn waste disposal system and proponents operational conditions in the event of a fire ban appear appropriate'*.

- *Development outside of Lot 304*

The planning application only relates to Lot 304 so any structures outside of the lot boundaries do not form part of this application.

- *Restrictive Covenant and Local Planning Scheme*

A restrictive covenant is a private agreement between two parties that restricts the use or enjoyment of land owned by one of those parties, for the benefit of another party – in this case the benefit is to the Minister for Lands. A restrictive covenant is recorded on a Certificate of Title for Lot 304 and outlines limitations for future development.

There are some conflicts between the provisions of the restrictive covenant and the provisions of the Shires Scheme. For example, the covenant limits short stay accommodation to a maximum of 3 months in a calendar year whereas the Scheme allows occupation of short term accommodation for up to 4 months.

Another example is the restrictive covenant limits the floor area of short term accommodation to 90m² (excluding unenclosed verandahs) whereas the Scheme has no floor size limitation.

Restrictive covenants and planning controls provide for different forms of restriction. A restrictive covenant is a restriction on title however planning controls arise from legislation.

Gray & Lewis is of the view that the restrictive covenant does not limit the Shire's decision making ability, as it is the owner who is responsible for complying with the restrictive covenant and the Minister for Land is responsible for enforcing the covenant.

However it is not clear cut and the Shire may obtain independent legal advice on this matter.

The Minister for Land has the ability to require forfeiture of the freehold title for any breach of the restrictive covenant under Section 35 of the Land Administration Act 1997.

The Department of Lands has been consulted regarding the revised plans, however advised in an email dated 6 July 2015 that *'Department of Lands is not an approving authority. If there is a suspected breach of a restrictive covenant, Department of Lands would as a matter of course address the matter. The suggestion has been made that the Shire of Shark Bay might require preparation of a Visitor and Accommodation Plan to assist in the management of the impact on the environment of the facility'*.

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Legal Implications

Shire of Shark Bay Local Planning Scheme No 2 – The majority of the Scheme requirements are explained in the body of this report.

Environmental Protection Act 1986 – Part IV of the *Environmental Protection Act 1986* (the Act) makes provision for the Environmental Protection Authority to undertake environmental impact assessment of significant proposals, strategic proposals and schemes.

Environment Protection and Biodiversity Conservation Act 1999 - Under the *Environment Protection and Biodiversity Conservation Act 1999*, actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment (the Minister). The Minister will decide whether assessment and approval is required under the *Environment Protection and Biodiversity Conservation Act*.

The nine matters of national environmental significance protected under the *Environment Protection and Biodiversity Conservation Act* include world heritage properties.

Policy Implications

The Western Australian Planning Commission 'Statement of Planning Policy No. 2.6 – State Coastal Planning Policy' is discussed in the body of this report.

Financial Implications

There are no financial implications associated with the development.

Strategic Implications

A Tourism Strategy is being finalised for the Shire of Shark Bay. Tourism development on Dirk Hartog Island may widen the available tourist experiences available in the locality.

Voting Requirements

Simple Majority Required

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	22 July 2015

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Attachment A

Mr Paul Anderson
Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
Denham 6537

Dear Paul,

Proposed Short Term Accommodation Units-Additional Information Request

Thank you for your letters dated 26 March, 2015 and April 8, 2015 and your invitation to make comments there on.

In response to the direct requests included in those letters and the EPA response we advise as follows

Shire letter dated 26 March 2015

1 Floor Areas

Floor areas are as designated on the drawings already supplied and those revised (Design 1 Full and Duplex) and attached hereto .

2 Outdoor Areas

An amended plan removing the cyclone shutters at the rear verandah is attached

3 Restrictive Covenant

Whilst I am not sure what these have to do with Council decisions in regard to our application we advise as follows:

All plans provided conform with the restrictive covenants included upon the title as detailed below:

Design 1- full ...included on envelope 1A provided for the on site caretakers and their family and as such is covered under

Clause 2 (i)(i) of the covenants **accommodation for the caretaker of the low impact**

ecotourism business and his or her family

Design 3- included on envelope 1B is a staff accommodation and **orientation building** for guests to be signed in and briefed on the operations of the low impact eco accommodation resort and to provide accommodation for staff and is covered under:-

Clause 2(g) of the covenants **“other buildings means any other building on the land(not comprising an accommodation unit) used to provide facilities or services for tourists visiting the land for the purpose of ecotourism and:-**

Clause 2(h) of the covenants staff accommodation **“means accommodation for the housing of staff personnel required in the operation of the low impact ecotourism business conducted on the land” and**

Clause 1(e) (i)+(ii) **a maximum guest to staff ratio of 1:1 and a max floor area of no more than 35m2 per staff personnel being housed**

It is anticipated that in the initial phase staff numbers of up to 8 – (280m2 of staff accommodation would be possible as per the covenants) may be required. This

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application is for a structure with an area of 100m² to meet both staff accommodation and guest orientation.

Design 1 Duplex included on envelopes 3,6,17 has individual areas less than 90 sq meters and are covered under;

clause 2 (i) of the covenants Visitor Accommodation unit means an accommodation unit(**whether as a stand alone structure or a structure containing more than one such unit**)

Design 1 full – included on envelope 23B is for the location of the manager of the eco tourist destination and as such is covered under

Clause2 (i)(i) of the covenants **accommodation for the manager and his or her family**

Design 2 Duplex included on envelope 23A has individual areas less than 90 sq meters and is covered under

Clause2(i) of the covenants Visitor Accommodation unit means an accommodation unit(**whether as a stand alone structure or a structure containing more than one such unit**)

Our application fully complies with the restrictive covenants included.

4 **Servicing – power**

Denham is known to be one of the windiest locations on the West Coast of Australia and the use of wind power to power the accommodations would be one of the most cost effective and economical uses of the natural elements available.

Although it is our belief that the size and location of wind turbines would not impinge on any world heritage values - in line with concerns raised in regard to the establishment of wind turbines we advise that they have now been excluded them from this application and all power will be a combination of solar with generator back up.

Servicing – water

Legal rights of access to west well water are registered on the titles and contained within” **L120937- Easement Benefit For To Draw and Convey Water Purposes**”. See Deposited Plan 50258 registered 29/10/2009. **To draw and convey water for the operation of the homestead and accommodation facilities on lot 62 and lots 303-305.**

Water from West wells has been tested on a regular basis over the past years and will continue to be so.

No development is proposed beyond the boundaries of the freehold land and desalination will be a combination of mobile and solar desalination on the freehold land.

5 **Effluent Disposal**

Whilst Aerobic Treatment Units have been considered - as with the Clough application- they have been assessed as unreliable in the case of a problems arising and expensive and difficult to be serviced on the regular basis required due to the remote location of the site.

In line with Council requests they are however again being examined.

At this point of the application it is proposed that “incinolet” that conforms and meets with EPA ‘ best practice and continuous improvement’ will be used.

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6 Waste Management Implementation

As included within our letter dated December 18...the appointed manager to implement the waste management program as detailed in the Waste Management Plan is Dirk Hartog Island Pty Ltd a company controlled by Kieran Wardle who is resident on the island and already operating on Dirk Hartog Island.

7 Implementation of the Environment Report

Kieran Wardle, resident and operating a tourist accommodation business on Dirk Hartog Island, together with Geoff Wardle will be responsible for implementing and managing all environmental aspects of the Sunday Island Bay proposal

8 Access

Access has already been formally approved by the Conservation Commission along the access shown upon the plans provided in the earlier application and again attached to this letter.

9 Table of Submissions

We have attached our response to the table of submissions included within the March 26 letter.

Department of Parks and Wildlife

1a.1b.1c. Noted

1d. Best environmental building refers to “ 5 star insulation rating for proposed

Building.”

Best operational practices refers to “ management in line with practices recommended by the Ecotourism Association of Australia.”

Complementing the landscape refers to “ the main design of curved roofs to complement the landscape”

Blending in seamlessly refers “ to the adoption of the world heritage colour chart”.

1c. This application is for seven units and at no time refers to 33+20 units. The area of land exceeds 110,000sq mts and the total building area is less than 1500sqmt.

1d. Noted however the location of the structures have been carefully assessed and as shown on enlargements presented at Council each one has been located to blend into the background .In line with early visual assessments undertaken on site there is in some locations no view and at other locations - from the beach frontage - only minimum visuals of the accommodation due to the amount of existing scrub on the foreshore and the slope and level of the actual beach compared to the freehold land. From the ocean the accommodation units are only visual from a passing boat for approximately 40 degrees at a distance of three to four kilometers from the main channel and 1.2 to 1.6 kilometers from the closer channel used mainly by smaller vessels. If the vessel moved directly into the bay in front of the site - then at a distance of .24 kilometers from the site .

1e Noted. Contrary to this suggestion - the initial planning and consultation has always included an assessment of the completed project and the possible impacts. There is however no certainty that the next stage will proceed and this application is only for seven accommodations.

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- 1f Noted. Contrary to this statement each structure complies with the covenants as demonstrated earlier in this letter
- 1g Noted. Due to the now limited access to stone on Dirk Hartog Island it is proposed that design 2 will only use stone in a decorative manner and if sufficient is not available from within the freehold sites it will be sourced elsewhere or replaced and or supplanted with reconstituted limestone or some other suitable material. There is only one 'Design two' structure proposed in this application that includes stone. We do believe that the stone would have added a local flavor to the accommodation!
- 1h Noted. As advised in the response earlier wind turbines have now been excluded from this application
- 1i Noted. The publications referred to have been thoroughly reviewed and included in on site visuals undertaken prior to the application being presented to Council. In line with the minimal number of accommodation proposed in this application(7), their small footprint, the designs proposed, their locations and their minimal likely exposure to external viewing - visual impact has been assessed to meet the criteria.
- 1j Noted. The environmental report was prepared and provided to DEC in 2011. Following the receipt of comments and input from DEC Denham in 2012 the report was amended to include all matters raised. The Landscape guidelines are represented by the proposed building designs however we will liaise with DPaW to further amend this report and include any specific areas identified by DPaW.
- 1k. Noted. We will liaise with DPaW to include any specific areas identified by DPaW. Having been party to wide consultation with DEC in regard to their Biosecurity Plan for Dirk Hartog Island and having acknowledged that report we are fully supportive with regard to the implementation of this plan.
- 1l. Noted and report amended
- 1m. Noted
- 1n. Noted. Water easement is referred to in initial response and details provided. Wind turbines have been excluded and solar panels will be used. Temporary and permanent access track plans have been provided earlier.
- 1o Noted. We will liaise with DPaW to amend and include any additional risks not included within the DHI plan
- 1p Noted.
- 1q Noted and responded to earlier. ATU's are being reviewed but 'incinolet' is the option included in this proposal if septic is specifically excluded by Council.
- 1r. Noted. As approved by DEC with the Clough development it is proposed to seek approval to draw salt water for desalination and fire fighting within Lot 304. It is proposed that bitterns will be returned to the ocean.
- 1s Noted
- 1t Noted
- 1u Noted

Shark Bay World Heritage Advisory Committee

- 2a. Noted. Coastal setback has been addressed in the Damara Coastal Setback Allowances report November 2014 submitted with the application . There is no intention to remove vegetation for any building since all structures are stumped. The Damara report meets the conclusions reached in the MP Rogers

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- December 2014 report to Council and exceeds the recommendations of this "Denham Inundation Levels – Storm Surge Modelling Report.
- 2b. Noted. All structures will comply with cyclone rating. The Damara report demonstrates that hazard mitigation and storm surge has been addressed and that all buildings are above the 4.2mAHD level proposed for Denham and included within the December 2014 M P Rogers report to the Shire of Shark Bay.
 - 2c. Noted. This application however is only for seven accommodation units and there is no guarantee that a second stage will be proposed at this point of time.
 - 2d. Noted.
 - 2e. Noted. However we do not regard this as a large development(application for 7 accommodation units) when the area of Dirk Hartog Island is 61000ha compared with the following examples;
 - a. Couran Cove on Stradbroke South(total island area 5250ha) has 351 accommodations
 - b. Eco Beach located out of Broome has 55 accommodations
 - c. Lady Elliot Island (total island area 42ha) has 41 accommodations and located at the southern tip of the World Heritage listed Great Barrier Reef
 - d. Heron Island (total island area 28ha) has 109 accommodations and is part of the Capricornia National Park providing water via desalination and power via solar and back up generator
 - e. Lizard Island(total island area 1003ha) has 40 accommodations and is a National Park
 - f. Fraser Island (total island area 184,000ha) has more than 350 accommodation units and two major resort hotels and is World Heritage listed island
 - 2f. Noted. However all information has been provided to the Water Department
 - 2g. Noted. Each of the Shark Bay World Heritage values has been overlaid on the site of lot 304 and assessed as directly, indirectly or not at all relevant to this site. We will discuss this with the SBWHC and amend the report where applicable.
 - 2h. Noted. This is an application for seven accommodation units occupying an area of less than 1500sq mts in a freehold site of some 113,000sqmts in an overall landscape of some 610,000,000 sq mts.
 - 2i. Noted but not agreed with
 - 2j. Noted. This application is for seven accommodation units only and there is no guarantee or undertaking that subsequent stages will be undertaken.
 - 2k. Noted. There is already a biosecurity plan in place for DHI and we have been part of the wide consultation that has taken place in establishing it.
 - 2l. Noted; As addressed in the waste management plan and Environmental report
 - 2m. Noted. All avenues of waste management have been considered and addressed within the waste management plan
 - 2n. Noted. As above
 - 2o. Noted. Adequate power is provided within the 5kva power system and remnants will be addressed through the waste management plan
 - 2p. Noted. See response to Shire earlier in this letter

Department of Planning

- 3a. Noted. At the request of the Shire Of Shark Bay to provide an assessment of coastal inundation the company commissioned Damara Pty Ltd to prepare a report on the Coastal Setback Allowances based upon the terms of State

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Coastal Planning Policy SPP 2.6 (WAPC 2013) and in line with the Coastal hazard risk management and adaption planning(CHRMAP) guidelines. This was included with the original submission.

Damara Pty Ltd are one of the most experienced and foremost Coastal Planning Consultants located in Western Australia who have produced numerous substantial reports for the Western Australian Planning Commission including the December 2012 Technical Report on ' **The Coast of the Shires of Shark Bay to Exmouth, Gascoyne, Western Australia: Geology, Geomorphology and Vulnerability.**'

They are fully conversant with the Sunday Island Bay location and have substantial experience and expertise in assessing coastal hazard risk and formulating plans for its management.

3b.3c.3d.3e.3f.3g.3h.3i.-

Noted- however the report has been prepared with all of the available data factored to a more believable time line without the even broader assumptions required for a longer time line. The consultant is experienced in the area and has presented a report capable of addressing the possibilities of Coastal inundation within the time frame with trigger references to ensure compliance . This report meets and exceeds the conclusions of the M P Rogers December 2014 report to Council –“ Denham Inundation Levels – Storm Modelling Report”.

The MP Rogers Report specifically addressed the challenge associated with Planning Policy SPP2.6 in that accurate and statistically relevant predictions of the 500 year ARI event which is part of this policy cannot be made using available historical water measurements along the west coast due to the relatively short durations of those records.

In the case of Dirk Hartog Island the main statistical data in terms of rising water levels lays at freehold lot 62 where we can personally attest that in the 46 years of our occupation of this site the two forward pegs of the freehold site(which are set at high water mark) have never been the subject of water inundation. The land was surveyed in the late 1800's and the pegs were re checked in 1976 and more recently in 2006 and were still in their original positions on the foreshore of the lot.

The 'Planning' response acknowledges in 3e.' that the proposed modified layout provides a better outcome with regard to reducing the adverse impacts of coastal hazards'

The modified plan meets the conclusions already established in the M P Rogers December 2014 report submitted to the Shire of Shark Bay in regard to Denham inundation Levels and Storm Surge Modelling Report. Five of the seven accommodations at Sunday Island Bay(3,6,17,23A, 23B) exceed the +6m AHD contour and two of the seven accommodations(1A and 1B) span the +6m AHD contour and are located above the +5m AHD contours. The M P Rogers report concludes that all new freehold development in Denham would need to be located at or above an elevation of 4.2m AHD which is the predicted level of the 500 year ARI event plus a 0.9 allowance for sea level rise.

Whilst 3g recommends the preparation of a CHRMAP it is pointed out that the Damara report has already professionally addressed this with recommendations within the confines of 55 years and comments in regard to 100 years and set trigger points for Avoid- Retreat-Accommodate and Protect. It does however meet the conclusions of the M P Rogers report referred above in reference including the 500y ARI.

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A further detailed CHRMAP will include substantial assumptions similar to the report submitted with the original application and also the M P Rogers report to Council and will also provide a similar set of recommendations.

The site is freehold with no option to relocate within the National Park

The Shire of Shark Bay has already declared that it takes no responsibility for the site or to provide services to the site. The Shire has no liability in place unlike the township of Denham.

The risk lies entirely with the freehold owners of the site who have commissioned and accepted the Damara report to address the coastal hazard as described within the report. The report complies and exceeds the recommendations of the M P Rogers report to Council

3j.3k.3l.3m.3n. Noted. At the request of the Shire of Shark Bay the FMP Plan was prepared and amended in consultation with DEC Denham and is submitted as adjunctive to the SBTRPRA plan referred to below which provides the management principles for the entire island including foreshore locations.

The foreshore area is part of the Dirk Hartog Island National Park and as is managed by DPaW under the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan 2012(SBTRPRA) and as such has the full support and authority to ensure ongoing coastal foreshore management, public access, recreation and conservation.

There are no amenities or foreshore works planned for the foreshore unless and until agreement and approval is received from DPaW.

There are no foreshore works planned and as such no management is required

Timing of the proposal is determined by approvals and investor confidence

Agreement for access to the foreshore has already been established and documented with DEC(DPaW)

Maintenance and monitoring of the agreed access paths will be undertaken as proposed in the plan and in accordance with DPaW requirements.

Conservation Commission

4a.4b.4c.	Noted
5a.5b.5c.	Noted
6a.6b.	Noted
7a.7b.	Noted

Environmental Protection Authority letter dated 30 March 2015

The EPA response to the Shires submission of our proposal considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012* and concluded that there were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act

The EPA considered that the mitigation of any potential effects on the environment could be regulated by other statutory decision making processes and through the implementation of this public advice and other best practice measures.

The EPA identified a number of preliminary environmental factors that were relevant to the proposal and provided advice and recommendations in this regard.

a. Flora and Vegetation and Terrestrial Fauna

We have noted the recommendations in this regard and will comply with the suggestions in consultation and cooperation with DPaW in Denham and John Asher the Manager of the Dirk Hartog Island Ecological Restoration Project

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b. Inland Waters Environmental Quality

We have noted the EPA comments in regard to the EPA's principles of *best practice and continuous improvement* in regard to sewage disposal and confirm that incinoleet will be used in this regard. ATU's however will be re investigated and reviewed

We note the EPA comments in regard to water supply and advise that we have already reached agreement with the State in regard to access to ground water and that figures have already been supplied to the State Water Department in regard to usage etc and we will maintain contact and provide ongoing information to this department when required.

c. Coastal Processes

We have noted the EPA comments in regard to coastal processes and confirm our earlier advice in this regard: the report prepared by Damara Pty Ltd contains all of the principles required for the owners of the freehold lot to make informed decisions on the management of the site. This report meets and exceeds the conclusions of the MP Rogers 2014 report – Denham Inundtion Levels – Storm Surge Modelling Report - to Council in regard to land in Denham

The Shire has the discretion to accept our undertaking to manage the site as recommended within the Damara report. The Shire has already advised that it takes no responsibility for the site, will provide no formal road access to the site and will not provide any services to the site.

d. Amenity

We have noted the EPA's comments in regard to amenity and confirm that we have conducted an internal visual impact assessment based upon the DEC visual impact assessment prepared for the proposed Peron eco camp on the mainland. We believe that we have more than adequately addressed this factor . We will discuss this with DPaW in Denham.

Whilst we are prepared to accept the colour palette established for the SBWHA we advise that in our opinion it is not appropriate to meet the visual aspects of the site.

Thank you again for the opportunity of responding to comments on the proposal placed before you.

Yours Sincerely

G J Wardle
2 June 2015
Hypermarket Pty Ltd
P O Box 107
North Fremantle 6159

MINUTES OF THE ORDINARY COUNCIL MEETING

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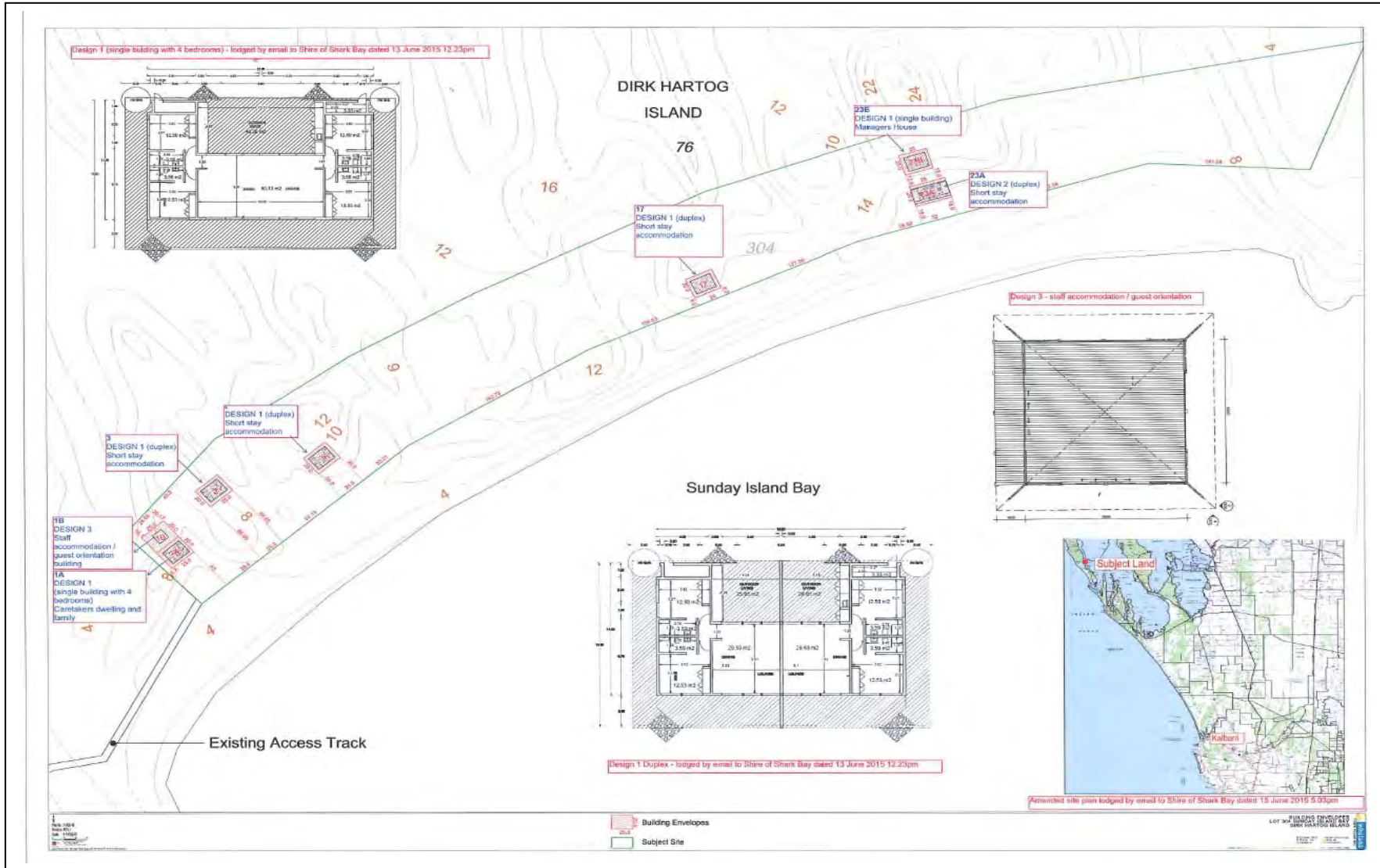


DEC Access map to Foreshore and Lot 304 road access

MINUTES OF THE ORDINARY COUNCIL MEETING

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Attachment B



Confirmed at the Ordinary Council meeting held on the 215 26 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
Submission 1 Department of Parks and Wildlife	<p>1a. Thank you for your letter of 22 December 2014 requesting comments on the current Development Application for Lot 304 Sunday Island Bay. The following comments are provided for your consideration.</p> <p>1b. The Shark Bay World Heritage Area is listed on the basis of its outstanding natural values and Dirk Hartog Island is a unique location within the world heritage property. The island presents a rare and significant opportunity to restore ecological values, reintroduce threatened fauna and develop sustainable tourism. Likewise Lot 304 presents this same opportunity to develop a ecotourism operation that complements the island's natural and cultural values.</p>	<p>1a. Noted.</p> <p>1b. Noted. The land is currently zoned 'Rural / Pastoral' so there is currently limited landuse controls under the Shire of Shark bay Local Planning Scheme No 3. More stringent landuse controls are proposed under the Draft Local Planning Scheme No 4, which is subject to separate WAPC approval and advertising.</p>		That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.
1 Department of Parks and Wildlife	<p>1c. A well-designed development would foster and promote an awareness and appreciation of the value and importance of the island and of the area.</p>	<p>1c. Noted.</p> <p>1d. Noted. The application was referred to the EPA who advised the environmental impacts are not so significant that it requires formal assessment. It is therefore considered that impacts can be controlled through adequate planning conditions.</p>		
	<p>1d. The Development Application refers to the development being "<i>based on best environmental building and operational practises</i>" and "<i>best eco standards currently</i></p>	<p>1c. The application is for 8 short stay units (4</p>		

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
1 Department of Parks and Wildlife	<p><i>available</i>" however this is not clear in the application. Statements that development "<i>will complement the landscape rather than impinge on the landscape</i>" and "<i>is designed to blend in seamlessly with the existing landscape</i>" are subjective and not supported by any formal landscape assessment.</p> <p>1c. With regard to ultimate development of 33 accommodation units plus 20 units for duplexes, staff accommodation and other infrastructure, there is concern that the high density of development and very close proximity between buildings may be at odds with the intent to create a nature-based experience.</p> <p>1d. Better utilisation of landform could be achieved if the development was designed to nestle into the landform, perhaps with a smaller 'pocket' of high density and low density elsewhere.</p> <p>1e. Whilst this Development Application is only for seven units, it is not clear at what stage the cumulative impacts of the much larger proposed development will be considered.</p> <p>1f. As stated in the Shire planner's report in the</p>	<p>duplexes) and staff accommodation. There is no guarantee that future stages will proceed. The Shire has to assess the application as lodged.</p> <p>1d. This is a subjective issue and Gray & Lewis does not necessarily concur that high density development would be visually compatible with the islands natural setting. The development is low scale.</p> <p>1e. The Shire can only consider applications as lodged.</p> <p>1f. Noted. The application was referred to Department of Lands for advice on the covenants. DoL has advised that they will deal with any suspected breach.</p> <p>1g. Sourcing materials is an issue for the applicant.</p> <p>1i. Noted. The applicant has confirmed in a letter dated 2 June 2015 that they have excluded the wind turbines from the application.</p>		
1 Department of Parks and Wildlife				

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
1 Department of Parks and Wildlife	<p>December Council Meeting Minutes, the floor area for accommodation units exceeds the 90 sqm stipulated in the restrictive covenant with the Minister for Lands.</p> <p>1g. As some buildings are to be constructed from "stone from site", assessment may be required to determine that an adequate source of stone is available on Lot 304.</p> <p>1h. The Development Application proposes that each accommodation unit would operate independently with regards to the provision of power, water and sewage, with power provided through a combination of solar, wind and generator. This indicates that there may be multiple wind turbines constructed in a relatively small area and that potential impacts on environmental values including visual amenity may need to be considered.</p> <p>1i. Given that visual quality is a World Heritage value, the application should demonstrate through formal assessment that the proposed design has the least possible negative impact on visual quality. Parks and Wildlife has previously referred the proponent to the publication "Visual Landscape Planning in Western Australia" published by the Western Australian Planning</p>	<p>1i Noted. The Shire has the ability to require a visual impact assessment however Gray & Lewis is of the view that the low scale development will not have a negative impact on visual amenity in this remote location.</p> <p>1j. Wind turbines are excluded from the application. Conditions can be placed on any approval requiring more detailed plans for proposed services such as solar panels etc</p> <p>1k. Noted. As per 1d.</p> <p>1l.</p>		

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND			
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	(Consultant) Officer Comment	Recommendation
1 Department of Parks and Wildlife	<p>Commission". Visual Impact Assessment may be required by the Environmental Protection Authority (EPA) and preparation of any Visual Impact Assessment should consider the Shark Bay Landscape Study.</p> <p>1j. Page 15 of the Environmental Report relates to "Impact of Development on Natural Environment" but not all potential impacts are considered. The report refers to the establishment of landscape guidelines to limit the visual impact of infrastructure but these guidelines are not included in the report. The report refers to the use of solar power systems but does not address the use of wind power which is also mentioned as a source of power.</p>	<p>Noted. The Shire can require the Environmental Report to be revised however ultimately it is simply a supporting document for the planning application, and these changes will not significantly impact on assessment of the development.</p> <p>1m. Noted. DPaW approval is required for any pedestrian access on the foreshore. This is controlled through a recommendation condition requiring a revised foreshore management plan for any works.</p>	
1 Department of Parks and Wildlife	<p>1k. Page 18 of the Environmental Report relates to "Threats and Responses to Threats". Some threats to national park values have not been addressed including the threat of introduced pests. Page 34 of the Environment Report states that "There is no practical likelihood that operations on the site are likely to significantly affect threatened species ..." however not all potential impacts have been considered.</p>	<p>1n. More details plans for serviced can be required as a condition of approval. The turbines are no longer included. DPaW approval will be required for any development outside the lot boundaries.</p> <p>1o. Noted. The Shire can impose a condition requiring an amended Environmental Plan, however it would not achieve any great benefit. This is an issue with any people accessing the island by boat or other means.</p>	
	1l.	1p.	

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND			
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer Recommendation
1 Department of Parks and Wildlife	<p>Page 47 of the Environmental Report states that "The island supports ... a small number of marsupials". This is incorrect and should be changed to mammals. Likewise on page 50 there is a statement that "DPaW propose to reintroduce marsupials". This should also be changed to mammals.</p> <p>1m. Pedestrian access from multiple units to the beach may have significant environmental and visual impact. Vehicle access tracks should where possible meander around landform, be low in elevation and avoid dune ridge crossings to minimise erosion potential and visual impact.</p> <p>1n. Amended site plans should include: <ul style="list-style-type: none"> - water easement from West Well to Lot 304; - location of any wind, solar or other utilities; and - indicative locations for any temporary construction access tracks </p> <p>1o. With increased visitation to the island there may be serious risks to the Dirk Hartog Island National Park Ecological Restoration Project. The plan acknowledges some but not all risks, which include the</p>	<p>Noted. The proponent will require separate approval for installation of effluent disposal.</p> <p>1q. Noted. As per 1p.</p> <p>1r. Noted. The applicant advises that all development is within the lot boundaries and any planning approval will not include any extraction of sea water.</p> <p>1s. Noted.</p> <p>1t. Noted. Advice can be included on any planning approval.</p> <p>1u. Noted.</p>	

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SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>introduction of pests via packaging.</p> <p>1p. In relation to effluent disposal, there may be concerns regarding the large number of individual septic and leach drain systems required in this development. Microbial and chemical water sampling could be considered at Dirk Hartog Island Lodge to confirm the proponent's assumptions regarding water quality resulting from the septic tank and leach system in a similar setting.</p> <p>1q. Other effluent treatment systems could be considered such as Aerated Treatment Units given proximity to High Water Mark. Compliance will be required with the Health Act 1911 and Australian Standards (AS3500-2003).</p> <p>1r. In relation to the proposed seawater storage and desalinations, approval will be required for water extraction from the marine park. The proponent makes no reference about the method for disposal of bitterns.</p> <p>1s. The proposal to discourage guests from travelling to the island by private vehicle is supported. Department of Transport advice on the use</p>			

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	<p>of Polaris vehicles is pending.</p> <p>1t. Page 13 of the Foreshore Management Plan refers to gaining Parks and Wildlife approval for "permanent" structures and access. Approval is also required for temporary structures and access.</p> <p>1u. In relation to the preliminary report prepared by the Shire's planners, Parks and Wildlife supports the request for further information from the proponent. The referral to EPA and Shark Bay World Heritage Advisory Committee is also supported.</p>			
<p>Submission 2</p> <p>Shark Bay World Heritage Advisory Committee (SBWHAC)</p> <p>Comments from SBWHAC members</p>	<p>2a. There is no mention of coastal setback (i.e. SPP 2.6), and contours show 100 metre line, but has permission been received to remove vegetation?</p> <p>2b. The proponent will need to address issues such as building standards, cyclonic conditions, hazard mitigation plans, storm surge, etc.</p>	<p>2a. Coastal setbacks are discussed in the agenda report to Council, as the applicant lodged a coastal report which was referred to the Department of Planning.</p> <p>2b. Building and cyclone standards are dealt with under the Building Code, and the proponent will need to lodge full construction drawings as part of a separate Building Application which needs a separate Permit (approval).</p> <p>Gray & Lewis is recommending Council</p>		<p>That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.</p>

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SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
2 Shark Bay World Heritage Advisory Committee	<p>2c. Experience with this type of Development Proposal is that it starts small and incrementally becomes a major development. It must be determined whether the Planned Development (33 units) is environmentally sustainable.</p> <p>2d. It is expected that a response from Coastal Branch re the applicable policies should be forthcoming prior to any decision on this proposal for 7 units.</p> <p>2e. The proposed development is large and planning does not seem to include aspects that would see a visit to the accommodation defined as an eco-experience.</p>	<p>impose a condition to require a Fire Emergency and Coastal Risk Management Plan.</p> <p>2c. The Shire can only consider the application currently lodged.</p>		
2 Shark Bay World Heritage Advisory Committee	<p>2f. The document provides no hard figures on the use/availability of water, production of waste/sewage or use of power.</p>	<p>2d. Noted. The Department of Planning has lodged a submission relating to coastal planning.</p> <p>2e. The application is for short term accommodation (and staff accommodation). There is no requirement for the development to provide an eco-experience.</p> <p>2f. Noted.</p>		
	<p>2g. The application is limited in its understanding of the sensitivities involved in locating in a World Heritage area. To simply state that each of the values are not represented in this Lot 304 location is unsatisfactory.</p>	<p>2g. Noted.</p> <p>2h. Gray & Lewis has endeavoured to obtain as much information as possible as part of the planning process. The proponent met with the Shire CEO and provided</p>		

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Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
2 Shark Bay World Heritage Advisory Committee	<p>2h Given the location, its visual quality and the State Government's vision for Dirk Hartog Island, a professional approach with much more detail is needed in all areas of the proposal.</p> <p>2i. The document is focused more on the economic outcome of the development, rather than the environment impacts. Heading K - <i>the accommodation to be provided will be part of a coordinated development aimed specifically at promoting the economic sustainability of the site.</i></p>	<p>additional information prior to the proposal being advertised. The proponent has also lodged revised plans and additional written advice following advertising.</p> <p>2i. Noted.</p>		
2 Shark Bay World Heritage Advisory Committee	<p>2j. The cumulative impacts as the site is progressively developed are not considered. Guest numbers of 132 when all units are completed and operational would have an impact under the proposal, particularly in the area of water use and waste management.</p> <p>2k.</p>	<p>2j. Noted. This is an issue for all planning applications.</p> <p>There is no planning legislation which prevents an owner applying for development in stages, and the application has to be assessed as lodged.</p> <p>2k. Noted. This issue is beyond Lot 304 and relates to management of visitors in general to Dirk Hartog Island.</p> <p>2l. DPaW has not raised any significant objections to the method of waste disposal.</p>		

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Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>There should probably be some form of quarantine policy put in place - what types of material would be problematic and look at the threat of introduced pests. A biosecurity plan should be developed.</p> <p>2l. Given the unsatisfactory history of waste management on the island, this is an important part of the proposal but it shows little thought. The waste management plan is unsatisfactory, as it focuses on minimising the environmental impact of waste generation and disposal rather than preventing waste.</p> <p>2m. The plan to deal with 'organic waste', generally about 50% of waste produced, is not adequate. It needs to be shown that other alternatives e.g. composting, have at least been considered before burning what could be large quantities of waste in a Cyclonic Incinerator, as this will have its own environmental impacts.</p> <p>2n. It appears that each accommodation unit will have an incinerator, as a Cyclo burn unit seems to be placed close to each unit and will be used 'daily to burn, reducing the waste to ash'. The advertising for Cyclonic</p>	<p>2m. Noted.</p> <p>2n. Gray & Lewis sought clarification on whether DPaW supports the Waste Management Plan and they confirmed by email dated 10 April 2015 that '<i>the cycloburn waste disposal system and proponents operational conditions in the event of a fire ban appear appropriate</i>'.</p> <p>2o. Noted. The onus will be on the applicant to adequately service development.</p> <p>2p. Water supply will be a combination of rainwater tanks and water from the west well. There are easements to the well.</p>		

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	<p>states 'Easy to use. Simply fill an open top 205 litre drum with rubbish, close the specially designed Cyclonic lid, plug in the power cable and light the waste. There is initially a little smoke as the rubbish sets alight, but once the Cyclonic turbo starts generating high force air into the unit, this creates a powerful cyclone within the unit, thus generating very high temperatures and eliminating 99% of any smoke'.</p> <p>2o. How much electricity will be needed? All these units will produce ash - a toxic product - what will happen to it? The units might not produce much smoke, as per the advertising, but any emission from incineration such as this is not healthy, and should not be part of an eco-development.</p> <p>2p. Water is critical – and this part of the proposal lacks detail. There are plans to use a combination of rainwater (the annual rainfall for DHI is limited and what are the predictions for the impact of global warming?), desalinated ocean water and groundwater from existing wells at West Wells and Two Wells. The proposal gives no indication of how groundwater supplies will be impacted, whether this is feasible, what easements will be required to pipe water from these wells and how much water would be needed.</p>			

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SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
Submission 3 Department of Planning	3a. The Department's Policy Development and Review team has provided the comments based on the requirements of State Planning Policy No. 2.6 State Coastal Planning Policy (SPP2.6) and the SPP2.6 State Coastal Planning Policy Guidelines (Guidelines).	3a. Noted.		That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.
	3b. The Damara report appears to be a desk top study, structured in two parts.	3b. Noted.		
3. Department of Planning	3c. Firstly it addresses the coastal processes of the locality through an assessment of what is stated to be "default or assumed values in Schedule One of SPP2.6" based on existing data. Based on this, the Damara report for S1 – S3 plus 0.2m per year allowance for uncertainty recommends a setback of 170m from +2.5m AHD (HSD) for the 100 year planning timeframe. The S4 value is +4m AHD.	3c. Noted.		
3. Department of Planning	3d. Secondly the Damara report provides an assessment for what is stated to be "revised from default allowances" to provide a more locally relevant assessment. Several key assumptions were required to compensate for data limitations. In this case the Damara report for S1 – S3 plus 0.2m per year allowance for uncertainty	3d. Noted.		
		3e. Noted.		

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SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
3. Department of Planning	<p>recommends a setback between 55-70m from +2m AHD for a planning timeframe to 2070, and between 105-120m from the +2m AHD contour to 2110. The S4 value is +4.7m AHD.</p> <p>3e. Based on the second assessment the Damara report recommends modifying the layout of the development proposed to allow for the landform erosion setback allowance to 2070, with building envelopes located at AHD greater than 4.7m to avoid inundation hazard. Notwithstanding the following discussion, the proposed modified layout provides a better outcome with regard to reducing the adverse impacts from coastal hazards.</p> <p>3f. Use of the second "revised from default allowances" assessment is not supported as the basis of deciding on this DA. Given the uncertainty associated with the data and assumptions made, a reduced planning timeframe and variation from the methodology of Schedule One (SPP2.6), amongst other things. Hence, it is appropriate for the purposes of decision making to apply the first assessment (as outlined above).</p>	<p>3f. Noted.</p> <p>3g. Noted. This situation has been created by the government when the freehold lots were created. Now there is reasonable expectation the lots can be developed in accordance with the restrictive covenants imposed by the Minister for Lands.</p> <p>3h. Noted. The Damara Report recommends a 'retreat or removal' approach by 2070. As there are limited options in dealing with coastal risk for the existing lot, Gray & Lewis recommends a more practical approach and the 'remove or retreat'</p>		

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Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
3. Department of Planning	<p>3g. The identified 170m setback covers the entire land area of Lot 304. Ideally the lot should have been created behind this setback. However given the reality of its existence, if increased development is to be approved, it should only be done so on the basis of measures to reduce risk, such as the modified layout. Therefore the proponent should be required to undertake and implement Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) as per the policy requirements of SPP2.6 section 5.5.</p> <p>3h. Where coastal hazard risk is identified appropriate CHRMAP should be put in place to reduce those risks down to acceptable or tolerable levels. The CHRMAP framework is detailed in section 5.5 of SPP2.6 with detailed guidance provided in the SPP2.6 Guidelines (2013) and CHRMAP guidelines (2014).</p>	<p>proposal can be incorporated into an overall Management Plan that also covers emergency procedures.</p> <p>3i. As per 3h.</p> <p>3j. Noted. These matters will require separate approval by DPaW.</p>		
3. Department of Planning	<p>3i. As the proposed development is likely to be vulnerable to the adverse impacts of coastal hazards within the 100 year planning time, any approval issued by the Shire of Shark Bay should require the proponent to</p>	<p>3k. Noted.</p> <p>3l. The foreshore is managed by DPaW as part of the Dirk Hartog Island National Park. The owner will be</p>		

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SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>undertake and implement CHRMAP.</p> <p>3j. The DA and FMP indicate that future short stay accommodation will result in increased visitor numbers to the area and adjacent foreshore. The FMP outlines amongst other things that the access issues and paths associated with it are to be determined and agreed with the Department of Parks and Wildlife. However the FMP overall lacks detail (in particular technical detail) as to the provision of amenity, timing, funding, maintenance, monitoring and management of foreshore works. SPP2.6 section 5.10 and the Guidelines section 9.1 set out the policy and requirements for an appropriate FMP.</p> <p>3k. Appropriate management of the foreshore area adjacent to the proposed development should be implemented to ensure the ongoing coastal foreshore management, public access, recreation and conservation.</p> <p>3l. The proponent should be responsible for developing and implementing a foreshore management plan. This includes the funding, maintenance, monitoring and management of foreshore works for a period not less</p>	<p>responsible for any costs associated with establishing controlled pedestrian paths or any foreshore works and all works require separate DPaW approval.</p> <p>3m. Noted and a condition is recommended to require a revised foreshore management plan if any works in the foreshore are proposed in the future.</p> <p>3n. Noted.</p>		

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>than five years commencing from completion of all foreshore works.</p> <p>3m. To ensure that the FMP is formulated to an appropriate standard that can be implemented, it should include as a minimum, the matters set out in the Guidelines section 9.1 Coastal Plan Requirements. Hence, the FMP should be required to be updated/completed accordingly.</p> <p>3n. In the event developmental approval is granted the Department recommends that conditions and advice notes should be imposed.</p>			
<p>Submission 4</p> <p>Conservation Commission of WA</p> <p>Block 11, 17 Dick Perry Drive Kensington WA</p>	<p>4a. In consultation with the Planning consultant Liz Bushby, the Conservation Commission understands that the project has been referred to the WA Environmental Protection Authority and that a decision whether to assess the referred proposal is yet to be made under the Environmental Protection Act 1986.</p> <p>4b. In the meantime, I draw your attention to the issues raised in the enclosed letter by Department of Parks and Wildlife (Parks and Wildlife) dated 3 February 2015.</p> <p>4c. Your attention is also drawn to the following from the</p>	<p>4a. Noted. The EPA has since advised no formal assessment is required.</p> <p>4b. Noted. DPaW's submission is included in this table as submission 1.</p> <p>4c. Noted. The government created the freehold lots without ensuring that appropriate zoning and landuse controls were first established under the Shire's Scheme.</p>		<p>That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
4. Conservation Commission of WA	<p><i>Shark Bay Terrestrial Reserves and Proposed Reserve Additions</i> prepared by the Conservation Commission through Parks and Wildlife under the <i>Conservation and Land Management Act 1984</i>.</p> <ul style="list-style-type: none"> As part of the Government's agreement to establish Dirk Hartog Island National Park, three freehold titled areas have been created and are to be developed for ecotourism purposes, two at Sunday Island Bay and one adjoining the homestead block. The impact of any increases in available built accommodation on the natural values of the island, the proposed ecological restoration project, management settings and the cultural environment is difficult to determine and will need to be carefully monitored and evaluated when any development proposals are prepared (Page 150). Any development of the freehold lots on Dirk Hartog Island as eco-tourism 	There is therefore no requirement for any development to be eco-tourism.		
4. Conservation Commission of WA				

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
<p>Submission 5</p> <p>Department of Environment Regulation The Atrium 168 St Georges Terrace Perth</p>	<p>accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island (Page 147).</p> <ul style="list-style-type: none"> Private tourism development exist and others are likely to be proposed for the planning area. It is important that such tourism developments do not adversely impact on World Heritage and other key values and that this is monitored through the approvals process. All the existing and proposed developments have implications for the whole Shark Bay area (Page 111). Development of ecotourism accommodation on the freehold lots at the homestead and Sunday Island Bay has implication for visitor management, the ecological restoration project and the natural environment of the rest of the island. The intent of the management plan is 	<p>5a. Noted. Referral has occurred to DPaW.</p> <p>5b. Noted.</p> <p>5c. Noted.</p>		<p>That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>to retain the character of the island as a remote destination in a largely natural, unmodified environment (Page 146).</p> <p>5a. DER commenced operation on 1 July 2013, following the separation of the Department of Environment Conservation (DEC) into DER and the Department of Parks and Wildlife (Parks and Wildlife). DER is a regulatory agency and land management responsibilities previously held by DEC were allocated to Parks and Wildlife. DER does not own land in the vicinity of the planning application and recommends that this application is referred to Parks and Wildlife if that has not already occurred.</p> <p>5b. DER is reviewing its roles and responsibilities and its involvement in statutory and</p>			

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
	<p>strategic land use planning processes. This review is occurring to ensure that the Department's resources are efficiently and effectively targeted to core statutory roles and functions. As a component of this review, the Department has released a Draft Guidance Statement on Land Use Planning which can be accessed at http://www.der.wa.gov.au/our-work/consultation and is open for comment until 02 March 2015.</p> <p>5c.DER is not currently resourced to respond to the volume of planning referrals received and is consequently unable to provide other advice in this instance.</p>			
<p>Submission 6</p> <p>Department of Transport Coastal Infrastructure Business Unit</p> <p>1 Essex Street Fremantle</p>	<p>6a. As recommended in our previous letter dated 09 Dec 2013, I would recommend the Shire to check if this DA will satisfy the coastal setback requirement stated by the State Coastal Planning Policy 2.6. One of the underlying themes of this recently revised policy is that development should follow a risk management process and consider a full range of adaptation options where protection is only used as a last resort. In some instances it may be considered appropriate to have one management option over a shorter timeframe, while more strategic adaptation options are considered over a broader area and longer timeframe.</p>	<p>6a. Noted. Consultation has occurred with the Department of Planning.</p> <p>6b. Noted.</p>		<p>That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
6. Department of Transport	6b. The Department of Transport endeavours to provide technical advice when and where time and resources permit. However, coastal hazard risk assessment for each DA case needs significant expertise and time to investigate and provide advice. At the moment our higher priority workloads prevent us from providing assessment for individual DAs.			
Submission 7 Department of Health Email submission	7a. Mindful of the sensitivity of the environment at the site, the Department of Health recommends the use of Aerobic Treatment Unit (ATU) wastewater systems for the treatment and disposal of wastewater. Not only better quality effluent is produced but can also be beneficially used to irrigate the site. 7b. Individual or commonly shared ATU systems are acceptable. While effluent disposal is achievable for the current seven accommodation units proposed, the proponent will need to demonstrate that effluent disposal is achievable on the lot for the future development.	7a. Noted. 7b. Noted.		That the submission be noted however the matters raised can be addressed through appropriate conditions and advice to the applicant.
Submission 8	8a.	8a. Noted.		That the submission be noted however the

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT C LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND				
SHIRE OF SHARK BAY - SCHEDULE OF SUBMISSIONS				
Name/Address of Submitter	Summary of Submission	(Consultant) Comment	Officer	Recommendation
Department of Lands Email submission	DoL is not an approving authority. If there is a suspected breach of a restrictive covenant, DoL would as a matter of course address the matter. The suggestion has been made that the Shire of Shark Bay might require preparation of a Visitor and Accommodation Plan to assist in the management of the impact on the environment of the facility. Note: Comments in response to revised plans.			matters raised can be addressed through appropriate conditions and advice to the applicant.

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13.7 PROPOSED SINGLE HOUSE – LOT 303 DIRK HARTOG ISLAND
P4280

IT SHOULD BE NOTED THAT THERE IS A SEPARATE PLANNING APPLICATION FOR A SINGLE HOUSE ON LOT 304 DIRK HARTOG ISLAND CONTAINED IN THIS AGENDA – REFER ITEM 13.8. THE OWNERS PROPOSE TO UTILISE AN IDENTICAL HOUSE DESIGN ON LOTS 303 AND 304.

PLANNING APPROVAL FOR IDENTICAL PROPOSALS WERE APPROVED IN 2013, HOWEVER THEY HAVE EXPIRED.

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of Department of Parks and Wildlife and a World heritage Project Officer.

Moved Cr Wake

Seconded Cr Prior

Council Resolution

That Council:

1. **Approve the application lodged by Hypermarket Pty Ltd for a single dwelling on Lot 303 Dirk Hartog Island subject to the following conditions:**
 - (i) **Lodgement of a detailed colour and material schedule for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall require separate written approval prior to the issue of a building licence, and shall incorporate colours for rainwater tanks, external walls and the roof of the dwelling that are sympathetic and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.**
 - (ii) **All vehicle parking, driveways, manoeuvring and circulation areas to service the proposed dwelling to be in accordance with the site plan lodged as part of this application, or a plan approved separately in writing by the Shire Chief Executive Officer. The areas must be constructed out of crushed limestone or an alternative trafficable material within 12 months of the issue of a building licence, unless otherwise agreed to in writing by the Chief Executive Officer.**
 - (iii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soak wells shall be maintained in a clean and clear condition free of obstruction from anything. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.**

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- (iv) All driveway and parking areas shall be maintained to a trafficable standard at all times.
 - (v) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.
 - (vi) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of the single dwelling building. Approved on site effluent disposal must be installed and in operation prior to occupation of the dwelling.
 - (vii) Water tank(s) with a minimum capacity of 25,000 litres must be installed and in operation prior to occupation of dwelling.
 - (viii) The owners / applicant to lodge a detailed waste management plan addressing how waste disposal will be managed to service the proposed residential use. The waste management plan to be implemented prior to occupation of the single dwelling.
 - (ix) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shires Chief Executive Officer.
 - (x) This approval is for the building to be used as a single house only and is not an approval for any short stay accommodation, residential building, or holiday/ tourist accommodation.
 - (xi) The owner / applicant to lodge a Foreshore Management Plan to the Shire for separate written approval by the Chief Executive Officer prior to occupation or use of the development, or an alternative time period agreed to in writing by the Chief Executive Officer.
2. Advise the applicant / owners via footnotes on the planning consent as follows:
- (a) In regards to Condition (i), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog Island which can be used as a guide.
 - (b) In regards to Condition (ii), the applicant is advised that approval for a driveway and parking on Lot 304 is not an approval to utilise the adjacent foreshore or national park. Any permanent access or temporary access into the lot using adjacent land is required to be in accordance with separate approvals by the Department of Parks and Wildlife.
 - (c) In regards to Condition (vi), the owners are advised that a separate application needs to be lodged to the Shire for approval for installation of any on site effluent disposal.
 - (d) The owners are advised that the Shire will not issue a Certificate of occupancy for the proposed residential dwelling until all servicing

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requirements have been met including water supply, effluent disposal, waste management and waste disposal.

- (e) To comply with Condition (viii) the owners should submit either a waste management plan approved in writing by the Department of Parks and Wildlife, or written confirmation from the Department of Parks and Wildlife that waste management has been addressed.
- (f) In regards to Condition (xi), the owner / applicant is advised that a foreshore management plan is required to demonstrate how the owners / occupiers intend to utilise the foreshore. The Shire will refer any foreshore management plan to Department of Environment and Conservation, and will not approve a foreshore management plan until it has been endorsed by Department of Environment and Conservation. If pedestrian access is proposed within the foreshore, then there needs to be an approved pathway and appropriate structures, such as boardwalks to maximise foreshore protection. The foreshore management plan needs to clearly state that there will be no permanent access in the foreshore and no vehicular access. Department of Environment and Conservation can offer assistance if you have any queries regarding Condition (xi).
- (g) Please be advised that that planning approval has been granted for the plans as submitted with your application. The Shire Chief Executive officer may approve minor changes to the internal layout in consultation with the Shires Building Surveyor however any plans lodged as part of a building licence application shall generally be in accordance with the plans already processed with this planning application.
- (h) A planning consent is not an approval to commence any site works or clearing. A building permit must be obtained for all works. It is recommended that you liaise directly with Department of Environmental Regulations prior to undertaking any clearing of the lot. A separate or amended clearing permit may be required.
- (i) The landowners are advised that due to the remote location and lack of road frontage, the Shire will not provide a rubbish collection service to the development.
- (j) The owners are advised that there are restrictive covenants on the Certificate of Title which place restrictions on development and use of the land. The owners are responsible in ensuring compliance with the covenants.
- (k) The original application was referred to the then Department of Environment and Conservation in 2013 who advised that any basic raw material required for building construction or loading associated with this development will need to be sourced from within the freehold Lot 303 or brought to the site from an approved quarry location. Basic raw materials supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of basic raw materials from within the National Park for purposes not

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associated with protection and management of the park. Any quarry activity on Lot 303 or other freehold areas would be subject to separate assessment.

3. **Authorise the Chief Executive Officer to write to the Minister for Lands and notify him of the new planning approval granted by the Shire for Lot 303.**
4. **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 deal with all aspects of the conditions of planning approval, minor plan variations as part of the building licence process and issue any separate approvals required as outlined in the conditions.**

6/0 CARRIED

BACKGROUND

An application has been lodged by Hypermarket Pty Ltd for a single house on Lot 303 Dirk Hartog Island.

- *Existing Planning Approval*

Council approved an application for a single house on Lot 303 at the Ordinary Council Meeting held on the 27 February 2013. The approval was valid for 2 years and expired in early 2015.

COMMENT

- *Proposed Development*

The applicant has lodged a new application to seek planning approval for plans identical to those approved for a single house in February 2013. The purpose of this application is simply to obtain a new planning approval as the previous one has expired.

The proposed dwelling will be located approximately 60 metres from the 'front' boundary facing the ocean, and approximately 140 metres from the north boundary.

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The applicant advises that building materials will be a combination of limestone blocks and lightweight panels with a colorbond roof – refer Attachment 1 (elevations).

The dwellings will be serviced with a remote power system with backup gas generator, rainwater tanks and on site effluent disposal.

- *Access and carparking*

Vehicles can only access the Island by the existing single barge, and there are a number of tracks that provide access around the island.

Consultation regarding access was conducted with the then Department of Environment and Conservation in 2013, who advised that Lot 303 is accessed by roads within Dirk Hartog Island national park and it is expected that this allows sufficient access.

- *World Heritage and Environmental Matters*

The original 2013 application was referred to both the Shark Bay World Heritage Advisory Committee and the then Department of Environment and Conservation (now Department of Parks and Wildlife and Department of Environment Regulation).

A summary of the 2013 consultation comments are included as Attachment 1.

As the plans are the same as those already commented on in 2013, no new consultation has been undertaken.

- *Coastal Setbacks*

The application was referred to the Department of Planning Coastal Branch for advice on coastal setbacks in 2013.

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The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 (SPP2.6) – State Coastal Planning Policy'. Council is required to consider any state planning policy in accordance with Clause 10.2(e) of its Scheme.

In 2013, the Department of Planning recommended that additional information on storm surge inundation be provided, and that they do not consider that *'it is not possible to determine whether the proposed development is located at an acceptable elevation to withstand coastal hazards'*.

Gray & Lewis is of the view that a more detailed coastal processes assessment is difficult to justify given the relatively small scale of the development, and this proposal is simply seeking renewal of a previous 2013 approval.

- *Visual Impact / aesthetics*

As no site visit can be undertaken it is difficult for Gray & Lewis to undertake a full assessment of visual impact. Building design is a subjective issue and visual impact is most relevant in terms of protecting the World Heritage values of the area.

Notwithstanding the above, it is noted that the proposed building is single storey, is of a low building scale and is not bulky in appearance.

Having regard for the comments provided by the Shark Bay World Heritage Advisory Committee, it is not considered that the building will have a high visual impact.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 2 – Zoning and Landuse

Lot 303 is zoned 'Rural / Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), and is also contained within a Special Control Area (SCA) applicable to the Shark Bay World Heritage Property.

The applicant has applied for a 'single house' which is a discretionary use in the 'Rural / Pastoral' zone therefore is not permitted unless Council has exercised discretion by granting planning approval.

A 'Single Dwelling' is defined in the Residential Design Codes as *"a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services but excludes dwellings on titles with areas held in common property"*.

Environmental Protection Act 1986 - In accordance with the Scheme, the Shire is also to have regard to the Environmental Protection Authority 'Guidance Statement for Assessment of Development Proposals in Shark Bay World Heritage Property 49' or any succeeding document.

The Environment Protection Authority guidelines outline a process involving referral of applications to the World Heritage Advisory Committee and Department of Environment and Conservation.

Council can refer applications that *'are likely to have a significant environmental impact on the Shark Bay World Heritage Property'* to the Environmental Protection Authority

MINUTES OF THE ORDINARY COUNCIL MEETING

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and in that case the Environmental Protection Authority would determine whether any formal environmental assessment is required.

POLICY IMPLICATIONS

The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 – State Coastal Planning Policy' which is discussed in the body of this report.

FINANCIAL IMPLICATIONS

The Shire pays planning fees to Gray & Lewis for planning advice.

STRATEGIC IMPLICATIONS

The Shire has a Local Planning Strategy, which recommends that the Dirk Hartog Island lots be re-zoned to 'Special Use' with specific development requirements and conditions.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

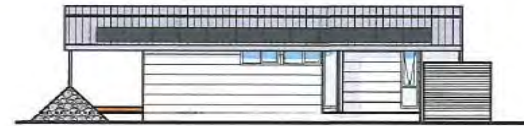
22 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT # 1

RECEIVED
14 JUL 2015
Shire of Swan



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

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architect

PRELIMINARY

Proposed new
HOUSE
for
WARDLE

Dirk Heitog Island,
Gosportya
6537 WA

AUGUST 2012
310 - 0 - 01

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 2

TABLE OF SUBMISSIONS (2013)

Extract Ordinary Council meeting report 27.2.2013

Submitter		Summary	Officer Comment
Shark Bay World Heritage Advisory Committee	1a.	Thank you for the opportunity to provide comments relating to the construction of single residential dwellings on Lot 304 Sunday Island Bay and Lot 303 Homestead Bay, Dirk Hartog Island.	Noted.
	1b.	Although the proposed dwellings are smaller than the one considered previously by SBWHAC on Lot 305 Sunday Island Bay, many of the key concerns are similar and include potential visual impacts, effluent and waste management and building materials.	Noted.
	1c.	<i>Visual Impacts</i> A value of World Heritage listing for Shark Bay includes the aesthetic landscape and adverse visual impacts from infrastructure and development should therefore be avoided. In order that buildings blend in, colours and materials used should be sympathetic to the surrounding environment.	Noted.
	1d.	Given the aspect and prominence of both dwellings, mitigating adverse visual impacts is an important issue and whilst the designer appears to have taken this into account and the building has a low profile, the adoption of colour choices from within the Dirk Hartog Island colour palette range (attached) is requested.	Noted. A condition can be imposed requiring a colour schedule.
	1e.	<i>Waste Disposal</i> Little detail has been provided in regard to waste management and there appears to have been no consideration of waste avoidance, reduction or recycling initiatives. It is assumed that there will be a considerable amount of construction waste – what will this consist of and how will it be dealt with?	Noted. A condition can be imposed requiring a waste management plan.
	1f.	It is not considered sufficient to simply state 'rubbish will be managed within Lot 62' which is also owned and operated by Hypermarket, as there are no details provided of the rubbish disposal processes on the homestead block, no analysis of the waste produced or the amount and no plan provided to reduce, recycle or avoid.	Noted. A condition can be imposed requiring a waste management plan.

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	<p>1g.</p> <p>1h.</p> <p>1i.</p>	<p><i>Effluent Disposal</i> A septic tank and leach drain system operating on Lot 62 for many years which is 'thought to be appropriate' does not provide evidence that this is the most acceptable current system suited to a sensitive and significant site in a World Heritage area.</p> <p>In their application for a residential dwelling, the owners of Lot 305 included information on a bio-cycle effluent management system. Have other forms of effluent management been explored for these lots?</p> <p><i>Summary</i> In conclusion, although the committee considers that these proposals do not represent a significant impact to the World Heritage values based on the information provided to date, there are issues which require investigation and further details relating to these would be appreciated to ensure that these matters are adequately addressed.</p>	<p>Noted. The owners will need separate approval to install any on site effluent disposal and these applications are processed by an environmental health officer. They will need to lodge an 'Application to construct or install an apparatus for the treatment of sewage' under the Health Act 1911.</p> <p>Noted. As per 1g.</p> <p>Noted.</p>
<p>DEC (Department of Environment and Conservation)</p>	<p>2a.</p>	<p>Referral to the Environmental Protection Authority: EPA Guidance Statement No. 40 sets out the principles of assessing development proposals in the Shark Bay World Heritage Property. The World Heritage values most at risk with this proposal are the visual landscape values of the area and the marine environment which could be at risk from effluent. As long as the proposal adequately addresses visual landscape impacts, the risk to these values should be mitigated. Effluent risk can be managed with appropriate development approval conditions. In this context, DEC does not consider that the proposal requires referral to the EPA at this stage.</p>	<p>Noted. Gray & Lewis has recommended that a condition be imposed on any approval requiring lodgement of a detailed colour schedule.</p>

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		Servicing requirements:	
	2b.	<u>Effluent</u> The proximity of the proposed development to the Shark Bay Marine park requires that there is no discharge from the marine park.	Noted.
		<u>Road Access</u> Lot 303 is accessed by roads within Dirk Hartog Island national park and it is expected that this allows sufficient access	Noted.
	2c.	Basic Raw Material (BRM): Any BRM required for building construction or roading associated with this development will need to be sourced from within the freehold Lot 303 or brought to the site from an approved quarry location. BRM supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of BRM from within the National Park for purposes not associated with protection and management of the park. Any quarry activity on Lot 303 or other freehold areas would be subject to separate assessment.	Noted.
	2d.	Restrictive covenants: A series of restrictive covenants are attached to Lot 303. A footnote advice drawing the developer's attention to the existing covenants would be appropriate.	Noted. The owners are aware of the restrictive covenants.
	2e.	Visual impact: The Shark Bay Landscape Study (1999) identified Lot 303 as being adjacent to Level 1 boat travel route and Zone B (Public sensitivity zoning). Visual impacts of the proposed construction at Lot 303 should be carefully considered with particular regard to colours and design to minimise visual impact. A development condition should be considered that the colours of the roof and external walls are determined in consultation with DEC.	Noted. A colour schedule is recommended as a condition.
	2f.	Foreshore Management Plan: Given the proximity of Lot 303 to a section of foreshore gazetted as National Park, the preparation of a foreshore management plan in consultation with and to the satisfaction of DEC should be prepared.	Noted.

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13.8 Proposed Single House – Lot 304 Dirk Hartog Island
P4281

IT SHOULD BE NOTED THAT THERE IS A SEPARATE PLANNING APPLICATION FOR A SINGLE HOUSE ON LOT 303 DIRK HARTOG ISLAND CONTAINED IN THIS AGENDA – REFER ITEM 13.7. THE OWNERS PROPOSE TO UTILISE AN IDENTICAL HOUSE DESIGN ON LOTS 303 AND 304.

PLANNING APPROVAL FOR IDENTICAL PROPOSALS WERE APPROVED IN 2013, HOWEVER THEY HAVE EXPIRED.

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of Department of Parks and Wildlife and World Heritage Project Officer.

Moved Cr Wake
Seconded Cr Prior

Council Resolution

That Council:

1. **Approve the application lodged by Hypermarket Pty Ltd for a single dwelling on Lot 304 Dirk Hartog Island subject to the following conditions:**
 - (i) **Lodgement of a detailed colour and material schedule for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall require separate written approval prior to the issue of a building licence, and shall incorporate colours for rainwater tanks, external walls and the roof of the dwelling that are sympathetic and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shire Chief Executive Officer.**
 - (ii) **All vehicle parking, driveways, manoeuvring and circulation areas to service the proposed dwelling to be in accordance with the site plan lodged as part of this application, or a plan approved separately in writing by the Shire Chief Executive Officer. The areas must be constructed out of crushed limestone or an alternative trafficable material within 12 months of the issue of a building licence, unless otherwise agreed to in writing by the Chief Executive Officer.**
 - (iii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soak wells shall be maintained in a clean and clear condition free of**

29 JULY 2015

obstruction from anything. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.

- (iv) All driveway and parking areas shall be maintained to a trafficable standard at all times.**
 - (v) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.**
 - (vi) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of the single dwelling building. Approved on site effluent disposal must be installed and in operation prior to occupation of the dwelling.**
 - (vii) Water tank(s) with a minimum capacity of 25,000 litres must be installed and in operation prior to occupation of dwelling.**
 - (viii) The owners / applicant to lodge a detailed waste management plan addressing how waste disposal will be managed to service the proposed residential use. The waste management plan to be implemented prior to occupation of the single dwelling.**
 - (ix) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**
 - (x) This approval is for the building to be used as a single house only and is not an approval for any short stay accommodation, residential building, or holiday/ tourist accommodation.**
 - (xi) The owner / applicant to lodge a Foreshore Management Plan to the Shire for separate written approval by the Chief Executive Officer prior to occupation or use of the development, or an alternative time period agreed to in writing by the Chief Executive Officer.**
- 2. Advise the applicant / owners via footnotes on the planning consent as follows:**
- (a) In regards to Condition (i), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog Island which can be used as a guide.**
 - (b) In regards to Condition (ii), the applicant is advised that approval for a driveway and parking on Lot 304 is not an approval to utilise the adjacent foreshore or national park. Any permanent access or temporary access into the lot using adjacent land is required to be in accordance with separate approvals by the Department of Parks and Wildlife.**
 - (c) In regards to Condition (vi), the owners are advised that a separate application needs to be lodged to the Shire for approval for installation of any on site effluent disposal.**

29 JULY 2015

- (d) The owners are advised that the Shire will not issue a Certificate of occupancy for the proposed residential dwelling until all servicing requirements have been met including water supply, effluent disposal, waste management and waste disposal.
- (e) To comply with Condition (viii) the owners should submit either a waste management plan approved in writing by (Department of Parks and Wildlife), or written confirmation from the (Department of Parks and Wildlife) that waste management has been addressed.
- (f) In regards to Condition (xi), the owner / applicant is advised that a foreshore management plan is required to demonstrate how the owners / occupiers intend to utilise the foreshore. If pedestrian access is proposed within the foreshore, then there needs to be an approved pathway and appropriate structures, such as boardwalks to maximise foreshore protection. The foreshore management plan needs to clearly state that there will be no permanent access in the foreshore and no vehicular access. Department of Parks and Wildlife can offer assistance if you have any queries regarding Condition (xi).
- (g) Please be advised that that planning approval has been granted for the plans as submitted with your application. The Shire Chief Executive officer may approve minor changes to the internal layout in consultation with the Shires Building Surveyor however any plans lodged as part of a building licence application shall generally be in accordance with the plans already processed with this planning application.
- (h) A planning consent is not an approval to commence any site works or clearing. A building licence must be obtained for all works. It is recommended that you liaise directly with Department of Environment and Conservation prior to undertaking any clearing of the lot. A separate or amended clearing permit may be required.
- (i) The landowners are advised that due to the remote location and lack of road frontage, the Shire will not provide a rubbish collection service to the development.
- (j) The owners are advised that there are restrictive covenants on the Certificate of Title which place restrictions on development and use of the land. The owners are responsible in ensuring compliance with the covenants.
- (k) The original application was referred to the then Department of Environment and Conservation in 2013 who advised that any basic raw material required for building construction or loading associated with this development will need to be sourced from within the freehold Lot 304 or brought to the site from an approved quarry location. Basic raw materials supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of basic raw materials from within the National Park for purposes not associated with protection and management of the park. Any quarry

MINUTES OF THE ORDINARY COUNCIL MEETING

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activity on Lot 304 or other freehold areas would be subject to separate assessment.

3. Authorise the Chief Executive Officer to write to the Minister for Lands and notify him of the new planning approval granted by the Shire for Lot 304.
4. 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 deal with all aspects of the conditions of planning approval, minor plan variations as part of the building licence process and issue any separate approvals required as outlined in the conditions.

6/0 CARRIED

BACKGROUND

An application has been lodged by Hypermarket Pty Ltd for a single house on Lot 304 Dirk Hartog Island.

- *Existing Planning Approval*

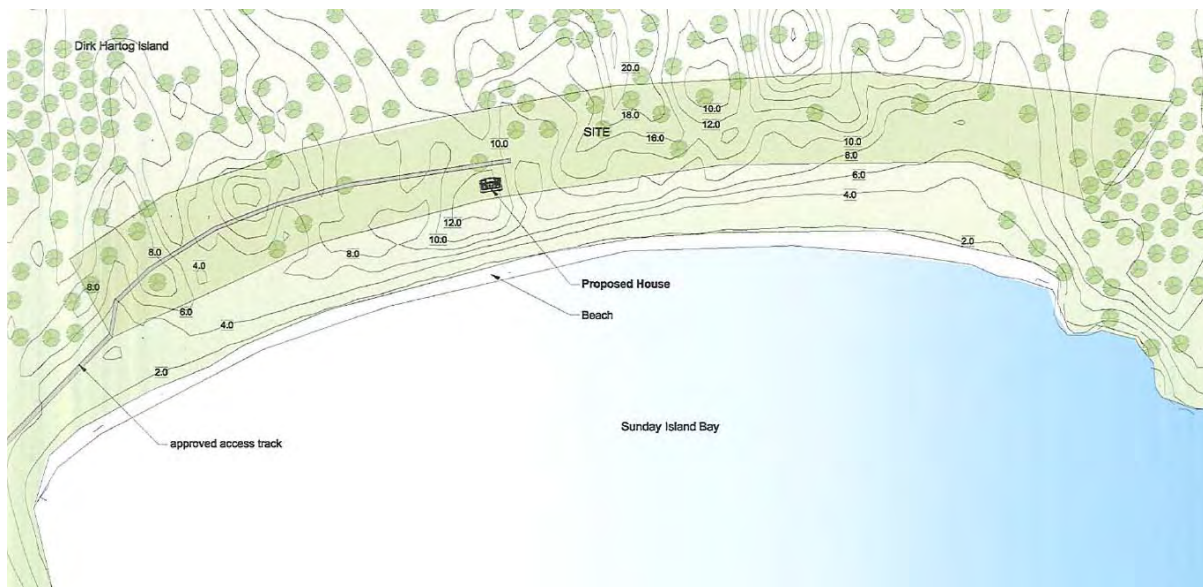
Council approved an application for a single house on Lot 304 at the Ordinary Council Meeting held on the 27 February 2013. The approval was valid for 2 years and expired in early 2015.

COMMENT

- *Proposed Development*

The applicant has lodged a new application to seek planning approval for plans identical to those approved for a single house in February 2013. The purpose of this application is simply to obtain a new planning approval as the previous one has expired.

The proposed dwelling will be located approximately 120 metres from the shoreline.



MINUTES OF THE ORDINARY COUNCIL MEETING

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The applicant advises that building materials will be a combination of limestone blocks and lightweight panels with a colorbond roof – refer Attachment 1 (elevations).

The dwellings will be serviced with a remote power system with backup gas generator, rainwater tanks and on site effluent disposal.

- *Access and carparking*

Vehicles can only access the Island by the existing single barge, and there are a number of tracks that provide access around the island.

The applicant has lodged correspondence by the Department of Environment and Conservation confirming they have approval from the Conservation Commission of Western Australia to utilise road access within Dirk Hartog Island national park to the south western corner of Lot 304.

- *World Heritage and Environmental Matters*

The original 2013 application was referred to both the Shark Bay World Heritage Advisory Committee and the then Department of Environment and Conservation (now Department of Parks and Wildlife and Department of Environment Regulation).

A summary of the 2013 consultation comments are included as Attachment 1.

As the plans are the same as those already commented on in 2013, no new consultation has been undertaken.

- *Coastal Setbacks*

The application was referred to the Department of Planning Coastal Branch for advice on coastal setbacks in 2013.

The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 (SPP2.6) – State Coastal Planning Policy'. Council is required to consider any state planning policy in accordance with Clause 10.2(e) of its Scheme.

In 2013, the Department of Planning noted that the development is setback 120 metres and confirms that the Department of Transport has previously advised that given its location, the risk of storm erosion is relatively low. Advice from Department of Transport also states that an elevation of 20m AHD is likely to be sufficient to withstand coastal hazards however the development appears to have an elevation of approximately 12m AHD.

The Department of Planning recommends that additional information on storm surge inundation be provided, and that they do not consider that *'it is not possible to determine whether the proposed development is located at an acceptable elevation to withstand coastal hazards'*.

Gray & Lewis is of the view that a more detailed coastal processes assessment is difficult to justify given the relatively small scale of the development, and this proposal is simply seeking renewal of a previous 2013 approval.

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- *Visual Impact / aesthetics*

As no site visit can be undertaken it is difficult for Gray & Lewis to undertake a full assessment of visual impact. Building design is a subjective issue and visual impact is most relevant in terms of protecting the World Heritage values of the area.

Notwithstanding the above, it is noted that the proposed building is single storey, is of a low building scale and is not bulky in appearance.

Having regard for the comments provided by the Shark Bay World Heritage Advisory Committee, it is not considered that the building will have a high visual impact.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 2 – Zoning and Landuse

Lot 304 is zoned 'Rural / Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), and is also contained within a Special Control Area applicable to the Shark Bay World Heritage Property.

The applicant has applied for a 'single house' which is a discretionary use in the 'Rural / Pastoral' zone therefore is not permitted unless Council has exercised discretion by granting planning approval.

A 'Single Dwelling' is defined in the Residential Design Codes as "*a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services but excludes dwellings on titles with areas held in common property*".

Environmental Protection Act 1986 - In accordance with the Scheme, the Shire is also to have regard to the Environmental Protection Authority 'Guidance Statement for Assessment of Development Proposals in Shark Bay World Heritage Property 49' or any succeeding document.

The Environmental Protection Authority guidelines outline a process involving referral of applications to the World Heritage Advisory Committee and Department of Environment and Conservation.

Council can refer applications that '*are likely to have a significant environmental impact on the Shark Bay World Heritage Property*' to the Environmental Protection Authority, and in that case the Environmental Protection Authority would determine whether any formal environmental assessment is required.

POLICY IMPLICATIONS

The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 – State Coastal Planning Policy' which is discussed in the body of this report.

FINANCIAL IMPLICATIONS

The Shire pays planning fees to Gray & Lewis for planning advice.

MINUTES OF THE ORDINARY COUNCIL MEETING

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STRATEGIC IMPLICATIONS

The Shire has a Local Planning Strategy, which recommends that the Dirk Hartog Island lots be re-zoned to 'Special Use' with specific development requirements and conditions.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

21 July 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

RECEIVED

12 JUL 2015

Shire of



PLAN



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

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max pritchard
architects

PRELIMINARY

Proposed new
HOUSE
for
WARDLE
Dirk Hartog Island
Gascoyne
6537 WA

AUGUST 2012
218-1-04

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT # 1 TABLE OF SUBMISSIONS (2013)
Extract Ordinary Council meeting report 27.2.2013

Submitter		Summary	Officer Comment
Shark Bay World Heritage Advisory Committee	1a.	Thank you for the opportunity to provide comments relating to the construction of single residential dwellings on Lot 303 and Lot 304, Dirk Hartog Island.	Noted.
	1b.	Although the proposed dwellings are smaller than the one considered previously by SBWHAC on Lot 305 Sunday Island Bay, many of the key concerns are similar and include potential visual impacts, effluent and waste management and building materials.	Noted.
	1c.	<i>Visual Impacts</i> A value of World Heritage listing for Shark Bay includes the aesthetic landscape and adverse visual impacts from infrastructure and development should therefore be avoided. In order that buildings blend in, colours and materials used should be sympathetic to the surrounding environment.	Noted.
	1d.	Given the aspect and prominence of both dwellings, mitigating adverse visual impacts is an important issue and whilst the designer appears to have taken this into account and the building has a low profile, the adoption of colour choices from within the Dirk Hartog Island colour palette range (attached) is requested.	Noted. A condition can be imposed requiring a colour schedule.
	1e.	<i>Waste Disposal</i> Little detail has been provided in regard to waste management and there appears to have been no consideration of waste avoidance, reduction or recycling initiatives. It is assumed that there will be a considerable amount of construction waste – what will this consist of and how will it be dealt with?	Noted. A condition can be imposed requiring a waste management plan.
	1f.	It is not considered sufficient to simply state 'rubbish will be managed within Lot 62' which is also owned and operated by Hypermarket, as there are no details provided of the rubbish disposal processes on the homestead block, no analysis of the waste produced or the amount and no plan provided to reduce, recycle or avoid.	Noted. A condition can be imposed requiring a waste management plan.

MINUTES OF THE ORDINARY COUNCIL MEETING

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	1g.	<p><i>Effluent Disposal</i></p> <p>A septic tank and leach drain system operating on Lot 62 for many years which is 'thought to be appropriate' does not provide evidence that this is the most acceptable current system suited to a sensitive and significant site in a World Heritage area.</p>	<p>Noted. The owners will need separate approval to install any on site effluent disposal and these applications are processed by an environmental health officer. They will need to lodge an 'Application to construct or install an apparatus for the treatment of sewage' under the Health Act 1911.</p>
	1h.	<p>In their application for a residential dwelling, the owners of Lot 305 included information on a bio-cycle effluent management system. Have other forms of effluent management been explored for these lots?</p>	<p>Noted. As per 1g.</p>
	1i.	<p><i>Summary</i></p> <p>In conclusion, although the committee considers that these proposals do not represent a significant impact to the World Heritage values based on the information provided to date, there are issues which require investigation and further details relating to these would be appreciated to ensure that these matters are adequately addressed.</p>	<p>Noted.</p>
DEC (Department of Environment and Conservation)	2a.	<p>Referral to the Environmental Protection Authority: EPA Guidance Statement No. 40 sets out the principles of assessing development proposals in the Shark Bay World Heritage Property. The World Heritage values most at risk with this proposal are the visual landscape values of the area and the marine environment which could be at risk from effluent. As long as the proposal adequately addresses visual landscape impacts, the risk to these values should be mitigated. Effluent risk can be managed with appropriate development approval conditions. In this context, DEC does not consider that the proposal requires referral to the EPA at this stage.</p>	<p>Noted. Gray & Lewis has recommended that a condition be imposed on any approval requiring lodgement of a detailed colour schedule.</p>

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	<p>2b.</p> <p>2c.</p> <p>2d.</p> <p>2e.</p> <p>2f.</p> <p>2g.</p> <p>2h.</p>	<p>Servicing requirements:</p> <p><u>Effluent</u> The proximity of the proposed development to the Shark Bay Marine park requires that there is no discharge from the marine park.</p> <p><u>Road Access</u> Lot 304 is accessed by roads within Dirk Hartog Island national park and access has been approved by the Conservation Commission.</p> <p><u>Temporary access</u> Any temporary access requires DEC approval on the alignment, vegetation protection and the type of bridging structures.</p> <p><u>Pedestrian access</u> Any pedestrian access requires DEC approval</p> <p>Basic Raw Material (BRM): Any BRM required for building construction or roading associated with this development will need to be sourced from within the freehold Lot 304 or brought to the site from an approved quarry location. .</p> <p>Visual impact: The Shark Bay Landscape Study (1999) identified Lot 304 as being adjacent to Level 1 boat travel route and Zone B (Public sensitivity zoning).</p> <p>A development condition should be considered that the colours of the roof and external walls are determined in consultation with DEC.</p> <p>Foreshore Management Plan: Given the proximity of Lot 304 to a section of foreshore gazetted as National Park, the preparation of a foreshore management plan in consultation with and to the satisfaction of DEC should be prepared.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. A colour schedule is recommended as a condition.</p> <p>Noted.</p>
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MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

14. **BUILDING REPORT**
There is no Building Report for July 2015.
15. **HEALTH REPORT**
There is no Health Report for July 2015.
16. **WORKS REPORT**
Refer item 20.3 in this agenda

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17. TOURISM, RECREATION AND CULTURE REPORT

17.1 WINTER FESTIVAL 2015
RC00001

AUTHOR
COMMUNITY DEVELOPMENT OFFICER

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Cowell
Nature of Interest: Impartiality Interest as related to author of report.

Moved Cr Prior
Seconded Cr Laundry

Council Resolution

- 1. The 2015 July Winter Markets report be received by Council**
- 2. \$15 000 be included in the draft 2016/2017 Budget Deliberations to assist with the expansion of the event including entertainment, coordination and promotion.**

6/0 CARRIED

BACKGROUND

The Winter Markets are held on the middle weekend of the July School holidays each year, this weekend also coincides with the Far Western Speedway Championships. 2015 is the second year the Speedway event and the Market event have joined to create the Shark Bay Winter Festival – a weekend long festival for the community and visitors to enjoy.

COMMENT

The Shark Bay Winter Festival began on Friday 10 July 2015 with a street parade along Knight Terrace, the parade included all speedway cars, local emergency services vehicles and approval and participation from the local police. This event attracted many locals and visitors to line the street and cheer on the procession. This element of the event creates atmosphere and encourages attendance at the following day's speedway event. The parade was followed by a film festival presentation from Leon Deschamps from Shark Ark, a series of short films were shown in the Shark Bay Discovery and Information Centre.

The Far Western Speedway championships were held all day Saturday 11 July, they experienced a record number of spectators and an increased number of participants at the event. This can be attributed to increased advertising of the event being part of the Winter Festival. Saturday evening at the speedway track included the trophy presentations, live music and a fireworks show that could be seen across Denham.

Sunday 12 July, the Winter Markets hosted 30 stalls (five more than in 2014) selling a variety of items including: jewellery, fruit, wood products, food, plants and art. The entertainment included a Junior Football match with children from Useless Loop and Denham, the SciTech Roadshow held workshops and a display in the Recreation Centre, the Frozen themed bouncy castle was a big hit with all children as was the

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

frozen snow party. The main attraction at the 2015 Winter Markets was the Action Sports Professionals – Extreme Motorbike Demonstration. The motorbike riders showed off their skills and tricks, jumping over a five meter ramp to land safely on the other side. Approximately 800 people attended this year's Market event. To conclude the weekend the Shark Bay Discovery and Information Centre hosted a Sunday evening screening of the movie Frozen.

Combining the Far Western Championships with the Winter Markets into the Shark Bay Winter Festival has proved to be very successful, the Shark Bay Speedway are very happy with this partnership and it will enable further promotion and development of the event. The Community Development team will continue to explore further opportunities for funding and increased development in 2016.

LEGAL IMPLICATIONS

There are no legal implications relating to this report

POLICY IMPLICATIONS

There are no policy implications relating to this report

FINANCIAL IMPLICATIONS

The event came in at budget being \$15,000.

It is recommended that \$15,000 be included in the budget for the Winter Festival to be held in 2016, to assist with the entertainment, coordination, promotion expansion of the event.

STRATEGIC IMPLICATIONS

3.3.2 Promote the assets and lifestyle to the local community

RISK MANAGEMENT

This event has its own risk management plan, the plan is reviewed each year.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Authorised By:

G McBride

Chief Executive Officer

P Anderson

Date of Report

15 July 2015

29 JULY 2015

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no Motions of which previous notice has been given.

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

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That Council accept the tabling of urgent business items as follows:

19.1 Application for Leave of Absence – Councillor Ridgley

20.4 Tender TE 2015/2016-01 Dirk Hartog Commemorative Festival Creative and Production Management

20.5 Purchase of New It Loader.

20.6 Chief Executive Officer Contract and Remuneration

6/0 CARRIED

19.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR RIDGLEY
GV00008

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Laundry
Seconded Cr Prior

Council Resolution

Councillor Ridgley 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 26 August 2015.

6/0 CARRIED

Background

Councillor Ridgley has applied for leave of absence from the ordinary meeting of Council scheduled for 26 August 2015. 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 Ridgley has advised the Chief Executive Officer due to work commitments he will be unable to attend the Ordinary meeting of Council scheduled to be held on 26 August 2015 and has requested leave of absence be granted by Council for this meeting.

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

MINUTES OF THE ORDINARY COUNCIL MEETING

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The Council may consider not granting Councillor Ridgley 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

- (6) A council may, by resolution grant leave of absence to a member.
- (7) 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.
- (8) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.

- (9) 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.
- (10) 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 –
 - a. 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)
 - b. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
 - c. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no Policy implications associated with this report

Financial Implications

There are no financial implications associated with this report

Strategic Implications

There are no Strategic implications associated with this report

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer *P Anderson*

Date of Report 28 July 2015

29 JULY 2015

20. MATTERS BEHIND CLOSED DOORS

Moved Cr Prior
Seconded Cr Ridgley

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.

6/0 CARRIED

20.1 UNAUTHORISED DEVELOPMENT LOT 190 (19) SPAVEN WAY, DENHAM
P 1257

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 5.60A and Section 5.70 of the *Local Government Act 1995*

Officer Recommendation

That Council authorise the Shire Chief Executive Officer to write to the owner of Lot 190 (19) Spaven Way Denham to:

- A. Provide an explanation of the Residential Design Code requirements.
- B. Advise that they can lodge a planning application for a front fence, however the Shire would likely refuse any solid fencing as it does not comply with the Residential Design Codes. They would have the right to lodge an application to the State Administrative Tribunal for a decision review, within 21 days of any formal refusal.
- C. Request removal of the fence within 28 days or an alternative reasonable time period to be agreed to by Council.
- D. Request a written response and advice on the owners' intentions within 28 days of the date of the letter.

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AMENDMENT TO OFFICERS RECOMMENDATION

Reason: The Council considered that there appeared to be a number of fences of similar height in the Townsite and amended the recommendation to request the administration to further investigate if they were approved or compliant.

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution

That Council authorise the Shire Chief Executive Officer to write to the owner of Lot 190 (19) Spaven Way Denham to:

- A. Provide an explanation of the Residential Design Code requirements.**
- B. Advise that they can lodge a planning application for a front fence, however the Shire would likely refuse any solid fencing as it does not comply with the Residential Design Codes. They would have the right to lodge an application to the State Administrative Tribunal for a decision review, within 21 days of any formal refusal.**
- C. Request removal of the fence within 28 days or an alternative reasonable time period to be agreed to by Council.**
- D. Request a written response and advice on the owners' intentions within 28 days of the date of the letter.**
- E. The administration be requested to conduct an investigation into the incidence of overheight fences in the Townsite and report back to council.**

6/0 CARRIED

20.2 PLANNING APPLICATION AND UNAUTHORISED WORKS – PROPOSED OUTBUILDING, CARPORT AND SOLID FRONT FENCING – LOT 173 (16) MEAD STREET, DENHAM P1299

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 5.60A and Section 5.70 of *the Local Government Act 1995*

Disclosure of Interest: Cr Laundry

Nature of Interest: Financial Interest as he is the Draftsman

Cr laundry left Council Chambers at 7.01pm

29 JULY 2015

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That Council:

1. **Defer determination of the planning application lodged by Bradley and Rosalee McVinish for a retaining wall, outbuilding, carport and front fencing on Lot 173 (16) Mead Street, Denham and request the applicant provide the following information:**
 - (i) **Certification of the footings and proposed retaining wall by a suitable qualified structural engineer that includes a site inspection, detailed report on the existing footings, photographs of the existing footings and any recommended changes to rectify the works already undertaken (without any approval of the Shire of Shark Bay).**
 - (ii) **Written advice and intentions of the applicant for resolution of the valid concerns raised by the owner of Lot 172 Mead Street in relation to unauthorised works damaging the existing dividing fence. Whilst Dividing Fencing is a civil matter the Shire seeks resolution as the fencing should not have been incorporated into the form work for the footings of the proposed retaining wall.**
 - (iii) **Confirmation of the maximum retaining wall height of 1.2 metres along the western boundary.**

2. **Advise the applicant that the Shire has become aware that works on site have proceeded in contravention of the Shire of Shark Bay Local Planning Scheme No 3. The lodgement of a planning application for the proposed retaining wall does not prevent the Shire from issuing a Written Direction under Section 214 of the *Planning and Development Act 2005* (in future) should the current situation remain unresolved. A Written Direction can require removal of unauthorised development. The Shire therefore encourages the applicant to resolve the existing situation in consultation with the owner of adjacent Lot 172 Mead Street Denham.**

5/0 CARRIED

Cr Laundry returned Council Chambers at 7.09pm

29 JULY 2015

20.3 NEW SKID STEER LOADER

Author

Works Manager

Disclosure of Any Interest

Nil

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of a new 3 to 4 tonne Skid Steer Loader as per the conditions of quote be considered.

6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council appoint Hitachi Construction Machinery Australia, based on the assessment of the Capability, Warranty and pricing considerations offered under RFQ 2015/2016-01 – Supply and Delivery of a New 3 to 4 Tonne Skid Steer Loader.

6/0 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

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20.4 DIRK HARTOG COMMEMORATIVE FESTIVAL - CREATIVE AND PRODUCTION MANAGEMENT
CM00057

Author

Executive Manager Community Development

Disclosure of Any Interest

Nil

Moved Cr Cowell
Seconded Cr Laundry

Council Resolution

That the recommendation submitted by the Executive Manager Community Development in the confidential evaluation report for Supply and Delivery of Creative and Production Management of the Dirk Hartog Commemorative Festival as per the conditions of tender be considered.

6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Wake

Council Resolution

That the matter be deferred for discussion at a Special Council meeting to be held at 2.30pm on Friday 31 August 2015.

6/0 CARRIED

29 JULY 2015

20.5 NEW INTEGRATED TOOL CARRIER

AUTHOR

Works Manager

DISCLOSURE OF ANY INTEREST

NIL

Moved Cr Prior
Seconded Cr Ridgley

Council Resolution

That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of One New Integrated Tool Carrier 7.5 to 10.5 Tonne as per the conditions of quote be considered.

6/0 CARRIED

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That Council appoint Komatsu Australia PTY LTD, based on the assessment of the Capability, Warranty and pricing considerations offered under RFQ 2015/2016-02 – Supply and Delivery of One New Integrated Tool Carrier 7.5 to 10.5 Tonne

6/0 CARRIED

20.6 CHIEF EXECUTIVE OFFICER CONTRACT AND REMUNERATION
PE00007

Dealt with after Item 13.3 on page 165.

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

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 26 August 2015 at Useless Loop commencing at 9.30 am.

22. **CLOSURE OF MEETING**

As there was no further business the President will close the Ordinary Council meeting at 7.28pm.