

# Shire of Shark Bay

## Minutes of the Ordinary Council meeting held on the 16 December 2015



*Courtesy of Tourism WA*

Stromatolites – Shark Bay





## 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.

The minutes of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 16 December 2015 commencing at 3.03 pm.

## TABLE OF CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING</b>	<b>4</b>
<b>2.</b>	<b>RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED</b>	<b>4</b>
<b>3.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE</b>	<b>4</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME</b>	<b>5</b>
<b>5.</b>	<b>APPLICATIONS FOR LEAVE</b>	<b>5</b>
5.1	APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR LAUNDRY	5
<b>6.</b>	<b>PETITIONS</b>	<b>7</b>
<b>7.</b>	<b>CONFIRMATION OF MINUTES</b>	<b>7</b>
7.1	CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2015	7
7.2	CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 9 DECEMBER 2015	7
<b>8.</b>	<b>ANNOUNCEMENTS BY THE CHAIR</b>	<b>7</b>
13.4	APPLICATION FOR A PERMIT – HIRE BUSINESS IN RESERVE 39565 DENHAM FORESHORE AND RESERVE 30899 LITTLE LAGOON	8
<b>9.</b>	<b>PRESIDENT’S REPORT</b>	<b>28</b>
<b>10.</b>	<b>COUNCILLORS’ REPORTS</b>	<b>29</b>
<b>11.</b>	<b>ADMINISTRATION REPORT</b>	<b>32</b>
11.1	PROPOSED LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2015	32
13.1	PROPOSED OUTLINE DEVELOPMENT PLAN – LOT 3.50 – 351 HAMELIN POOL ROAD, HAMELIN POOL	88
11.2	SHARK BAY ARTS COUNCIL REPRESENTATIVE	95
11.3	CODE OF CONDUCT	97
11.4	AGED PENSIONS UNITS BUSINESS CASE	99
<b>12.</b>	<b>FINANCE REPORT</b>	<b>102</b>
12.1	SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED	102
12.2	FINANCIAL REPORTS TO 30 NOVEMBER 2015	112
12.3	RISK MANAGEMENT PLAN	142
12.4	RISK MANAGEMENT POLICY	144
12.5	DEPRECIATION PERIODS FOR ASSETS	148
<b>13.</b>	<b>TOWN PLANNING REPORT</b>	<b>151</b>
13.1	PROPOSED OUTLINE DEVELOPMENT PLAN – LOT 350 – 351 HAMELIN POOL ROAD, HAMELIN POOL	151
13.2	APPLICATION FOR ALTERATIONS / ADDITIONS TO EXISTING HOLIDAY HOME – LOT 69 (28) HARTOG CRESCENT, DENHAM	151
13.3	PROPOSED OUTBUILDING – LOT 154 (7) SUNTER PLACE DENHAM	157
13.4	APPLICATION FOR A PERMIT – HIRE BUSINESS IN RESERVE 39565 DENHAM FORESHORE AND RESERVE 30899 LITTLE LAGOON	162
13.5	PROPOSED TRANSPORTED BUILDINGS – ABLUTION BLOCKS FOR DENHAM SEASIDE TOURIST VILLAGE ON LOT 309 STELLA ROWLEY DRIVE, DENHAM	162
<b>14.</b>	<b>BUILDING REPORT</b>	<b>166</b>
<b>15.</b>	<b>HEALTH REPORT</b>	<b>166</b>
<b>16.</b>	<b>WORKS REPORT</b>	<b>166</b>
<b>17.</b>	<b>TOURISM, RECREATION AND CULTURE REPORT</b>	<b>166</b>

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

---

<b>18.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>166</b>
<b>19.</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION</b>	<b>166</b>
19.1	PETITION – EVICTION NOTICE MR V BELLOTTI	166
<b>20.</b>	<b>MATTERS BEHIND CLOSED DOORS</b>	<b>167</b>
20.1	BUILDING ORDER FOR RETAINING WALLS – LOT 150 (55) DURLACHER STREET, DENHAM	167
20.2	CURRENT MINING LEASE APPLICATION WITHIN RESERVE 41076 (SHELL BEACH)	168
20.3	PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS 2016	169
<b>21.</b>	<b>DATE AND TIME OF NEXT MEETING</b>	<b>170</b>
<b>22.</b>	<b>CLOSURE OF MEETING</b>	<b>170</b>

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

**1. DECLARATION OF OPENING**

The President declared the Ordinary Council meeting open at 3.03 pm

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

**ATTENDANCES**

Cr C Cowell President

Cr K Capewell Deputy President

Cr L Bellottie

Cr M Prior

Cr G Ridgley

Cr B Wake

Mr P Anderson Chief Executive Officer

Ms C Wood Executive Manager Finance and Administration

Mr B Galvin Works Manager

Mrs R Mettam Executive Assistant

**APOLOGIES**

Cr K Laundry Leave of Absence item 5.1

**VISITORS**

Sergeant Glen South and Constable Kirk Hobson

8 Visitors in the gallery

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

There are no public questions on notice.

Moved Cr Ridgley

Seconded Cr Wake

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3.03 pm for open discussion on presentation by Sergeant Glen South from the Shark Bay Police.**

**6/0 CARRIED**

Moved Cr Prior

Seconded Cr Bellottie

**Council Resolution**

**That Council reinstate standing orders at 3.26 pm.**

**6/0 CARRIED**

Sergeant Glen South and Constable Kirk Hobson left Council Chamber at 3.26pm.

16 DECEMBER 2015

4. **PUBLIC QUESTION TIME**

The President opened Public Question Time at 3.27 pm.

Mr R Morgan asked that the one hour on the Monkey Mia Jetty be 2 hrs and that point 7.15 Section 2 scrapped completely. Commercial vessels be allowed on jetty for night after a certain time with the permission of the Shire. That Council consider the adjustments.

Mrs Standen-Ridgley asked questions in relation to part 7.15 of the local laws with regard to hours allowed on the jetty and also in relation to sales on the jetty.

Ms Vankova asked if item 13.4 could be bought forward and asked that Council the fee structure for medium risk business for a time trial.

Mr Q Raven asked that operators be allowed to place their own fenders on the jetty. The Chief Executive Officer answered with reference to the Council resolution and in local laws that 7.13 states no fixtures allowed on the jetty and Council will discuss this issue in item 11.1 local laws item.

Ms Amanda Dobbin advised that the 1hr time limit on the jetty was not long enough and requested Council to reconsider section 7.15 to assist business operators.

With no further questions the President closed Public Question Time at 3.45 pm

5. **APPLICATIONS FOR LEAVE**

5.1 **APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR LAUNDRY**  
GV00013

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Wake

Seconded       Cr Prior

**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 16 December 2015.**

**6/0 CARRIED**

Background

Councillor Laundry has applied for leave of absence from the ordinary meeting of Council scheduled for 16 December 2015. The Council in accordance with Section



16 DECEMBER 2015

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/illness he will be unable to attend the Ordinary meeting of Council scheduled to be held on the 16 December 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

- (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 –

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)  
while proceedings in connection with the disqualification of the member have been commenced or are pending; or  
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.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

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

16 December 2015

**6. PETITIONS**

There were no petitions presented to Council.

**7. CONFIRMATION OF MINUTES**

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2015

Moved Cr Ridgley

Seconded Cr Cowell

**Council Resolution**

**That the minutes of the ordinary council meeting held on 25 November 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 HELD ON 9 DECEMBER 2015

Moved Cr Bellottie

Seconded Cr Cowell

**Council Resolution**

**That the minutes of the special council meeting held on 9 December 2015, as circulated to all councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**8. ANNOUNCEMENTS BY THE CHAIR**

Cr Prior has invited Sergeant Glen South to the December 2015 Ordinary Council meeting.



16 DECEMBER 2015

Moved Cr Wake  
Seconded Cr Prior

**Council Resolution**

**That Council bring forward item 13.4 Application for a Permit – Hire Business in Reserve 39565 Denham Foreshore and Reserve 30899 Little Lagoon.**

**6/0 CARRIED**

- 13.4 Application For a Permit – Hire Business in Reserve 39565 Denham Foreshore and Reserve 30899 Little Lagoon  
RES 39565 & 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 Capewell

Nature of Interest: Impartiality Interest as brother's application.

Disclosure of Interest: Cr Bellottie

Nature of Interest: Impartiality Interest as a relation.

Cr Bellottie and Cr Capewell left Council Chamber at 3.49pm.

Moved Cr Ridgley  
Seconded Cr Prior

**Council Resolution**

**That Council:**

1. **Note that there is an existing planning approval for designated hire areas within Reserves 30899 and 39565.**
2. **Determine to charge a \$1,269.00 permit fee for a twelve month period for both sites.**
3. **Approve the Permit Application for hire activities within Reserve 30899 Little Lagoon and Reserve 38565 Denham foreshore for Wula Guda Nyinda Eco Adventures subject to the following conditions:**
  - (i) **This Permit is specifically issued to Darren Capewell and Mira Vankova as operators of the Wula Guda Nyinda Eco Adventures.**

16 DECEMBER 2015

- (ii) **This permit is valid for 12 months from the date of the permit approval letter.**
  - (iii) **This Permit is for the areas marked on the plan(s) attached to the Permit approval letter.**
  - (iv) **The operator shall maintain Public Liability insurance for \$20 million dollars for the life of this Permit, and shall provide written confirmation from the insurer to the Shire of Shark Bay that:
    - (a) **the insurance indemnifies the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer, and**
    - (b) **the provision of an indemnity from the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer.****To the satisfaction of the Chief Executive Officer.****
  - (v) **This Permit is not transferrable to any other person / operator without separate written approval by the local government.**
  - (vi) **Payment of a Permit fee to the local government for the amount of \$1,269.00.**
4. **Authorise the Chief Executive Officer to attach plans to the Permit approval highlighting the Permit approval areas.**
5. **Request Administration to record and monitor the expiry and subsequent need for Renewal of the Permit under the Shire's Local Laws.**

**4/0 CARRIED**

Cr Bellottie & Cr Capewell returned to the Council Chamber at 4.07pm

BACKGROUND

- *Hire activities – Denham Foreshore*

In July 2015, the Shire received three proposals from parties interested in establishing water based hire businesses along the Denham foreshore (Reserve 39565). On the 29 July 2015 Council resolved to support three permit areas on Denham foreshore which are reflected as Areas A, B and C.

Council also approved an additional Area D in August 2015 for an existing quad bike operator – Attachment 1 at end of this report.

- *Hire Activities – Little Lagoon*

16 DECEMBER 2015

Council approved several hire locations within Reserve 30899 on the 29 July 2015 – Attachment 2 at the end of this report.

Planning approval has been issued for hire businesses along the Denham foreshore and at Little Lagoon, however individual operators have to apply for a specific Permit under the Shires Local Laws.

COMMENT

An application has been lodged by Darren Capewell for a Permit to operate a hire business at the Denham foreshore (Reserve 39565) and Little Lagoon (Reserve 30899) – Attachment 3 at the end of this report.

In support of the application the proponent has provided the following information:

- The business will operate as 'Wula Guda Nyinda Aboriginal Eco Tour Adventures' which has liability insurance up to \$20,000,000 (Policy BU146801613).
- A Risk Management Plan (dated October 2015)
- Equipment to hire includes 6 kyaks, 6 stand up paddle boards, personal flotation devices, dry bags, back rest for kyaks, 4 beach chairs and umbrellas, 10 masks and snorkels, bike hire and helmets.
- Cold drinks, suntan lotion and hats will be available for sale.
- It will operate 3-4 days per week from 10.00am to 4.00pm.
- A trailer will be used to transport equipment.
- A rescue vehicle will be available at all times.

The hire activities are specifically proposed in the most north location at Little Lagoon, and the most eastern site at Denham Foreshore (Area A).

Location plans are included overpage for ease of reference.

16 DECEMBER 2015



The application is generally supported however Council needs to consider the applicants request for a pro rata fee – discussed in the Financial Implications section of this report.

16 DECEMBER 2015

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.

Local Government Act 1995 – the Shire has adopted fees and charges in accordance with the Act.

Local Government Property Local Law – discussed in the body of this report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

- **Planning Fees**

The Shire pays fees to Gray & Lewis for planning advice. The Shire receives annual application fees for renewal of the existing Permit.

- **Permit Application Fees**

Under the Shires Local Government Property Local Law, the Shire can require payment of an application fee for any Permit application.

Council has adopted the following fees for Permits in accordance with Sections 6.16 to 6.19 of the Local Government Act:

- \$500.00 : Low Risk impact – readily assessable- no advertising
- \$1,269.00 : Medium Risk impact/ moderate time assessable/ with advertising/ no objections received
- \$2,538.00: High risk impact/difficult assessment/community objection with advertising/ monitoring required

The applicant seeks approval to pay a \$1,269.00 fee and has advised the fee should be pro rata as they are doing a 6 month trial and will not be operating 7 days per week.

This Permit application has not been advertised, however nearby landowners along Knight Terrace were consulted with as part of the planning application process, and no objections were received.

Council has discretion to classify the application as low, medium or high risk. A high risk classification would be consistent with the fees charged for the existing quad bike operator in Denham.

Gray & Lewis supports a one off application fee to be consistent and fair to existing operators. A pro rata payment system is not supported as it may be difficult to administer, however this issue is to be determined by Council.



16 DECEMBER 2015

- ***Existing Permit Holders Fees***

Quad bike tours have been operating in Denham since 2007. The operator obtains an annual permit from the Shire, pay annual fees and provides liability insurance (in accordance with relevant local laws). The last annual fee payment required was \$2,538.00 for 2015/2016.

STRATEGIC IMPLICATIONS

The business may have local economic benefits as it provides activities for tourists.

RISK MANAGEMENT

As part of the separate Permit process, applicants have to provide public liability insurance.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*



Date of Report

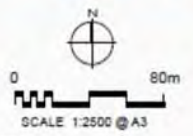
8 December 2015

16 DECEMBER 2015



SHIRE OF SHARK BAY  
DENHAM FORESHORE  
APPROVED PERMIT AREAS

-  DESIGNATED PERMIT AREA FOR WATER BASED HIRE ACTIVITIES  
3 AREAS (20 METRES LONG)
-  DESIGNATED PERMIT AREA FOR QUAD BIKE HIRE



Suite 5, 2 Hardy Street  
South Perth, WA 6151  
T (08) 9474 1722  
F (08) 9474 1172  
perth@graylewis.com.au

JOB REFERENCE: 100840 DATE: 18th AUGUST 2015  
THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

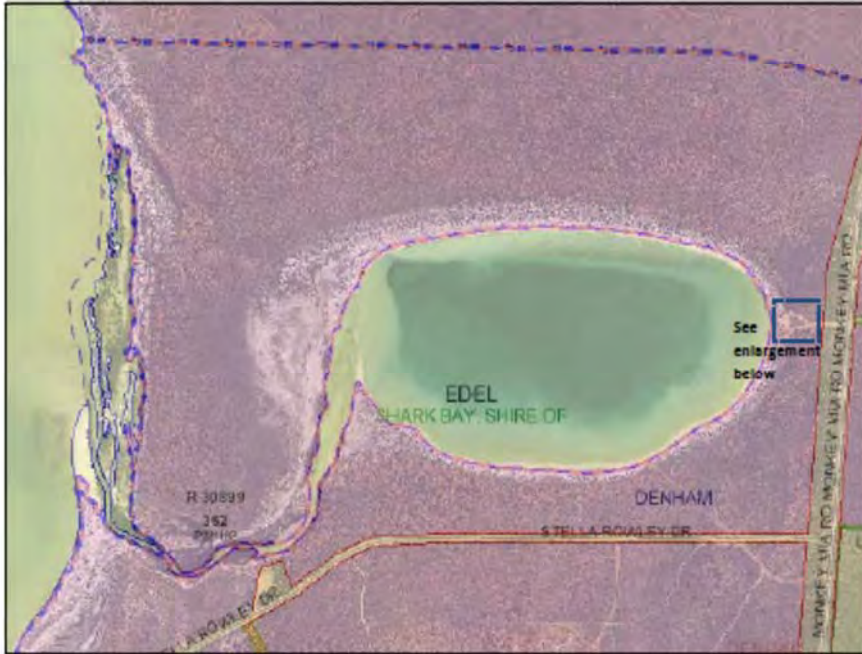


MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015



SHIRE OF SHARK BAY PERMIT AREAS – LITTLE LAGOON

PERMIT AREAS – RESERVE 30899





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

2 December 2015

Dear Paul,

**SUBJECT: APPLICATION FOR A FORMAL PERMIT TO OPERATE WATER BASED ACTIVITY AT LITTLE LAGOON (RESERVE 30899) AND DENHAM FORESHORE (RESERVE 39565)**

Following on resolution from ordinary meeting of the Shark Bay Shire Council held on 29 July 2015 we would like to apply for a formal permit to operate water based activities at Little Lagoon (Reserve 30899) and Denham foreshore (Reserve 39565).

**APPLICATION FEE**

We would like to ask the Shire for pro rata application fee as we won't operate the business for the whole year or seven days a week. We are planning to concentrate mainly on school holiday seasons and operate two or three days a week, depending on weather conditions and demand.

As this a new "dry hire" product, we would like to apply for six months probation period which we feel will assist us to learn more about the product. As a result, we hope to establish a pro-rata payment system. This would then represent a \$1,269 fee.

A Log Book with records indicating each day of dry hire operation including hours of operation will be keep. This Log Book will be available for a review if requested by the Shire.

**PUBLIC LIABILITY INSURANCE & LICENCES**

Wula Guda Ninda Eco Adventures holds following insurance and licences. Documents are enclosed with application in Attachment #1.

- Public Liability Insurance for up to \$20 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

**RISK MANAGEMENT PLAN**

This Risk Management Plan has been developed to assist Wula Guda Nyinda Eco Adventures to identify, assess and provide treatment of issues should they arise during water sport activity.

The purpose of the Risk Management Plan is to identify the human, site specific, equipment and environmental risks for the safe conduct of the activity. By identifying, and

evaluating these risks, appropriate strategies have been developed to reduce / manage these risks.

Please find enclosed document in Attachment #2.

**LOCATIONS**

We ask for a permit to operate water sport equipment hire at:

- Little Lagoon (Reserve 30899) – Location 2 and
- East Denham foreshore (Reserve 39565) as shown on Attachment #3.

**PARKING**

Kayaking equipment will be transported on purpose built trailer. We will park our trailer at Little Lagoon in designated area for "Commercial Operators Use" and at Denham foreshore on the side of the road allocated for parking. Please refer to Attachment #3.

We are also including our application for permit to park vehicle and trailer on a verge at our residence.

We hope that Council can consider our application in our favour as this is a very exciting tourism opportunity and in return we will make our best effort to enhance experience to visitors in Shark Bay.

Kind regards,



Darren Capewell & Mira Vankova  
Wula Guda Nyinda Eco Adventures

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

ATTACHEMENT #1



Dear Sir / Madam,

**Confirmation of Insurance**

MGIB is the appointed broker to Wula Guda Nyinda-Aboriginal Eco Tour Adventures in respect of the following policy.

We confirm this policy is current, as at the date stated below.

This Certificate provides a summary of the policy cover and is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document.

**CLASS:** BROADFORM LIABILITY INSURANCE

**INSURED:** Wula Guda Nyinda-Aboriginal Eco-Tour Adventures

**PERIOD OF INSURANCE:** (a) From 4.00pm on 22<sup>nd</sup> December 2014  
To 4.00pm on 30<sup>th</sup> December 2015

(b) Any subsequent period, for which the Insured shall pay or agree to pay and the Insurer(s) shall agree to accept a renewal premium.

**BUSINESS:** Eco Tours around Dethason, Francois Paxon National Park & Shark Bay Marine Park, including Kayak, Snorkling, 4WD and Canoeing Tours

**INSURED INTEREST:** Legal Liability to the general public for bodily injury and/or death and/or property damage.

**LIMIT OF LIABILITY:** \$20,000,000

**INSURER:** CERTAIN UNDERWRITERS AT LLOYDS  
W.R. BERKLEY INSURANCE (EUROPE) LIMITED

**POLICY No.:** BU146801613

This Certificate is issued as a matter of information only and confers no rights upon the Certificate holder.

James Humphreys

ACCOUNT BROKER PRODUCTIONS GARDINER INSURANCE BROKERS PTY LTD  
21<sup>st</sup> October 2015

PO Box 110, The Grange, SA 5084  
T: 8834 0712 F: 8834 0711

PO Box 110, The Grange, SA 5084  
T: 8834 0712 F: 8834 0711

PO Box 102, Busby, SA 5083  
T: 8834 0712 F: 8834 0711



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](http://www.wulaguda.com.au)

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
CONSERVATION AND LAND MANAGEMENT REGULATIONS 2002 (PART 7)

## COMMERCIAL OPERATIONS LICENCE

The Director General of the Department of Environment and Conservation hereby grants a commercial operations licence to:

Licencee: **Darren Capewell**  
Trading Name: **Wula Guda Nyinda - Aboriginal Eco Adventures**  
Licence Number: **HQ60612**

Commencing on the date of execution of this licence and expiring on **30 June 2016**.

to enter upon and use the land within parks/reserves in order to conduct activities as contained in the schedule attached to this Commercial Operations Licence.

### CONDITIONS

1. This Commercial Operations Licence is subject to the provisions of the Conservation and Land Management Act 1984 and all subsidiary legislation made under it.
2. The Licencee must comply with and not contravene the conditions and restrictions set out in the Commercial Operator Handbook - Terrestrial and the Commercial Operator Handbook - Marine as varied from time to time by the Director General or his delegate.
3. The Licencee must comply with the conditions contained in any schedule of conditions attached to this Commercial Operations Licence.

Batch	PA17113
Minister for Environment or Delegate	12 June 2015
Licence Charge	\$1060



Tracy Shea  
Assistant Director Policy and Planning  
As Delegate of CEO  
Under Section 133(2) of the CALM Act 1984

14/6/15

CEO

This licence is not valid without the signature of the Director General or his delegate

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](http://www.wulaguda.com.au)





**Wula Guda Nyinda Eco Adventures**

# Kayak, SUP & Bike Hire Risk Management Plan

October, 2015

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

**CONTENTS**

CONTENTS.....	2
PURPOSE.....	3
LOCATION.....	3
INSURANCE & LICENCES.....	3
RENTAL INCLUSIONS.....	3
RISK MANAGEMNET PLAN.....	4
Instructions to Participants.....	5
Pre hire check.....	5
Drugs & Alcohol.....	5
Rescue vessel.....	6
ENVIRONMENT PROTECTION.....	6
ADMINISTREATION AND RECORD KEEPING.....	6
Incident Report.....	6



## PURPOSE

The purpose of the Risk Management Plan is to identify the human, site specific, equipment and environmental risks for the safe conduct of the activity. By identifying, analysing and evaluating these risks, appropriate strategies to reduce / manage the risk can be developed and implemented. This Risk Management Plan has been developed to assist Wula Guda Nyinda Eco Adventures to identify, assess and provide treatment of issues should they arise during the paddling activity.

## LOCATION

Wula Guda Nyinda Kayak & Stand up Paddle Board (SUP) hire is located at Little Lagoon (Reserve 30899) and on East Denham Foreshore (Reserve 39565). Both locations have an adequate and safe access to beach and water.

## INSURANCE & LICENCES

The business currently holds the following insurance:

- Tour Liability Insurance Policy No. BU146801613 -Public & Products Liability Insurance up to \$ 20,000,000.  
Legal liability to the general public for bodily injury and/or death and damage to property
- Commercial Tour Operator License issued by the Department of Parks & Wildlife – HQ69612  
Diving/Snorkeling, Swimming and Kayaking in Shark Bay Marine Parks
- Sit on Top Kayak Tour Guide Certificate issued by the Canoeing Australia
- Working with Children Certificate
- Senior First Aid Certificate

## RENTAL INCLUSIONS

The following is provided per person:

- Double kayak
- Stand up Paddle board (SUP)
- Paddle
- Personal floatation device (PFD)

Additional Equipment available to hire:

- Dry bags
- Back rests for kayak
- Beach hire – beach chair and umbrella
- Mask and Snorkels
- Bike Hire & Helmets

**RISK MANAGEMNET PLAN**

Potential Risk	Likelihood	Mitigation Strategy
<b>PEOPLE</b>		
Inadequate Swimming Ability	Likely	Safety brief provided to all participants prior to hire Ensure participants are fit for the task Non or poor swimmers to stay in shallow water only PFD supplied to each participant Rescue craft readily available at all times Ensure dry hire staff member has first aid training.
Sunburnt	Very Likely	Safety brief provided to all participants prior to hire Participants advised to wear appropriate sun protection eg: hat, shirt, and sunscreen PFD supplied to each participant Ensure dry hire staff member has first aid training.
Exposure to cold water	Likely	Safety brief provided to all participants prior to hire Participants advised to wear adequate warm clothing and have a towel and dry clothing available at conclusion of activity PFD supplied to each participant Ensure dry hire staff member has first aid training.
Dehydration	Likely	Safety brief provided to all participants prior to hire Each participant is advised to bring water Additional water will also available on beach Ensure dry hire staff member has first aid training.
Exhaustion	Unlikely	Safety brief provided to all participants prior to hire Brief participants on the signs of exhaustion and the need to return and rest at the first signs. Advise all participants how to signal for urgent assistance. PFD supplied to each participant Ensure dry hire staff member has first aid training.
Attack by wildlife	Unlikely	Safety brief provided to all participants prior to hire PFD supplied to each participant Keep first aid kit and a mobile communication device with the trailer at all times. Ensure dry hire staff member has first aid training.
Paddlers suffer from Foot injury	Unlikely	Safety brief provided to all participants prior to hire It is recommended that footwear is worn by participants Explain safety risks to each participant Pre Activity information reminder General site inspection with concentration around exit and entry points Ensure dry hire staff member has first aid training.
Kayak capsize	Very Likely	Safety brief provided to all participants prior to hire PFD supplied to each participant Equipment checked for damage after every trip Rescue craft readily available at all times
Stepping on Stonefish	Likely	Safety brief provided to all participants prior to hire All participants are informed about occurrence of stonefish at Little Lagoon Participants are advised to wear appropriate footwear Valid Senior Aid Certificate
<b>EQUIPMENT</b>		
Poor maintenance	Unlikely	Kayaks, SUP boards and safety equipment is checked prior to and after activity All equipment cleaned and stored in safe and protected location

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

ENVIRONMENT		
Adverse weather conditions (Storm, wind, rain)	Very Likely	Daily weather reports provided Dry hire will be cancelled in the event of dangerous weather In the event of sudden weather change participants are advised to exit the water immediately and await further instruction. Safety brief provided to all participants prior to hire
Strong wind	Very Likely	Activities are cancelled if very strong winds are experienced or forecast and notifications are issued of the cancellation Safety brief provided to all participants prior to hire
Strong current	Very Likely	Close supervision by instructor at all times. Adequate briefing of participants on safety procedures and boundaries PFD supplied to all participants Safety brief provided to all participants prior to hire

**Participants in our Dry Hire program are required:**

- To demonstrate an understanding of sea conditions and the risks involved in the activity
- To wear a Personal Flotation Device (PFD) at all times while kayaking or paddle boarding
- To demonstrate an understanding of a kayak and basic kayaking manoeuvre techniques
- To be able to swim and rescue themselves in deep water
- To have previous paddling experience (preferred)
- To not stand up in the kayak
- To protect environment by not leaving litter on beaches
- To pay close attention to avoid collisions with other users of the water i.e. other kayaks, swimmers and other watercraft
- To pay close attention to other dangerous situations such as strong currents, tide, poor weather, waves
- To make sure all children have appropriate adult supervision at all times
- To place all equipment in a safe place when stopping and/or getting out of the kayak
- Not to be deemed to be under the influence of alcohol or drugs before or during kayak and/or SUP rental

**Instructions to Participants**

Wula Guda Nyinda will provide each participant with verbal briefing on key safety and operational features of kayaking and SUP activities.

In addition, a safety briefing will be given to all participants about the area and preferred places to conduct water activities. We will not encourage our clients to kayak or paddle on an open ocean further than 50m from the shore. They will be encouraged to paddle in shallow waters close to the beach.

**Pre hire check**

Wula Guda Nyinda will conduct regular checks on all hire equipment and safety equipment prior to hiring to confirm they are seaworthy and in safety working order.

A standard checklist of items will be inspected.

**Drugs & Alcohol**

Wula Guda Nyinda will not hire any water sport equipment or other hire equipment to any person deemed to be under the influence drugs or alcohol.

#### Rescue vessel

Wula Guda Nyinda will have a rescue vessel available at all times.

This vessel is a power driven vessel capable of rescuing those onboard a hired vessel and/or towing a hired vessel.

#### ENVIRONMENT PROTECTION

Kayaking, paddle boarding and cycling 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.

Sea Kayaking and SUP activities are a fantastic way to explore the coastline – it is the ultimate in minimal impact; silent and pollution free. The peace and tranquillity experienced in a sea kayak or a SUP enables you to feel at one with your surroundings.

Cycling also allows hirers to engage in an activity which is silent and pollution free.

All waste will be disposed into rubbish bag which will be placed near kayak trailer.

#### ADMINISTRATION AND RECORD KEEPING

Records of all hirings will be retained for a minimum of 5 years. They should include:

- Name and address of Primary Hirer including contact details
- Name or number of vessel;
- Date and time of departure;
- Date and time of return;

#### Incident Report

Wula Guda Nyinda will maintain a register of incidents, accidents and hazards.

The register will be reviewed regularly and corrective actions taken to reduce the likelihood and severity of incidents and accidents.

Example of Incident Report is attached at the end of this document in Appendix 1.

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015



**ACCIDENT / INCIDENT REPORT FORM**

Record No.: \_\_\_\_\_

**Personal details**

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_ Date reported: \_\_\_\_\_

**Accident/incident details**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Date reported: \_\_\_\_\_

Location: \_\_\_\_\_ Witness: \_\_\_\_\_

Reported to whom: \_\_\_\_\_

**Full accident/incident details** – what happened, or in the case of a near miss, what could have happened

\_\_\_\_\_  
\_\_\_\_\_

**Injury – Nature of Injury**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Contusion/crush | <input type="checkbox"/> Burn                  | <input type="checkbox"/> Dislocation        |
| <input type="checkbox"/> Amputation      | <input type="checkbox"/> Laceration/open wound | <input type="checkbox"/> Superficial injury |
| <input type="checkbox"/> Foreign body    | <input type="checkbox"/> Internal injury       | <input type="checkbox"/> Concussion         |
| <input type="checkbox"/> Sprain/strain   | <input type="checkbox"/> Fracture              | <input type="checkbox"/> Dermatitis         |

**Location of Injury**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Head/face     | <input type="checkbox"/> Eye           | <input type="checkbox"/> Internal organs         |
| <input type="checkbox"/> Hand/fingers  | <input type="checkbox"/> Shoulder/arms | <input type="checkbox"/> Trunk (other than back) |
| <input type="checkbox"/> Hip/leg       | <input type="checkbox"/> Foot/toes     | <input type="checkbox"/> Back                    |
| <input type="checkbox"/> Other (state) |  |  |

**Results of accident**

Lost time injury Y / N No. of days: \_\_\_\_ days

Workers' compensation Y / N

Treatment received:  First aid  Doctor  Hospital

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

**Damage to equipment/buildings/vehicles etc**

What was damaged? \_\_\_\_\_

Extent of damage: \_\_\_\_\_

**Contributing factors**

What were the contributing factors (if any)? \_\_\_\_\_

**Corrective actions**

Immediate actions

What controls can be put in place to prevent this from happening again? \_\_\_\_\_

\_\_\_\_\_

Recommendations for action \_\_\_\_\_

Who is to implement these controls/corrective actions? \_\_\_\_\_

Date by which action is to be taken: \_\_\_\_\_

**Signatures**

Manager: \_\_\_\_\_

Director: \_\_\_\_\_ Investigating officer: \_\_\_\_\_

Actions completed: \_\_\_\_\_ Date: \_\_\_\_\_

Manager: \_\_\_\_\_

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

9. **PRESIDENT'S REPORT**

GV00002

Council Committee Membership

Member	Audit Committee
Member	Gascoyne Development Commission Board
Member (Chair)	Gascoyne Zone of Western Australian Local Government Association
Member	Development Assessment Panel
Member (Chair)	Shark Bay 2016 Commemoration Advisory Committee
Deputy Delegate	1 <sup>st</sup> Deputy for Works Committee
Deputy Delegate	The Aviation Community Consultation Group
Deputy Delegate	Gascoyne Regional Collaboration Group

Other Committee Membership

Member	Gascoyne Zone Member – Western Australian Local Government Association State Council
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

24 November 2015	Workshop with Foreshore sculptors
25	November Council Meeting
2 Dec	Western Australian Local Government Association State Council meeting - Perth
4	Department of Transport - Denham Foreshore Steering Group meeting – Fremantle
5	Thank a Volunteer appreciation awards
9	Special Council meeting
11	Seniors Christmas Luncheon
14	School Concert and presentations
16	December Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	7 December 2015

Moved Cr Ridgley  
Seconded Cr Prior

**Council Resolution**

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

**6/0 CARRIED**



MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

**10. COUNCILLORS' REPORTS**

10.1 Cr Prior  
GV00006

Committee Membership

Member	Audit Committee
Member	Shark Bay Commerce and Tourism Committee
Member	The Aviation Community Consultation Group
Deputy Member	2 <sup>nd</sup> Deputy for Works Committee

Meeting Attendance

1 December 2015                      Shark Bay Commerce & Tourism Committee meeting

Signatures

Councillor	<i>Councillor Prior</i>
Date of Report	4 December 2015

Moved              Cr Ridgely  
Seconded        Cr Bellottie

**Council Resolution**

**That Councillor Prior's December 2015 report on activities as Council representative be received.**

**6/0 CARRIED**

10.2 Cr Bellottie  
GV00010

Committee Membership

Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee
Deputy Delegate	3 <sup>rd</sup> Deputy for Works Committee
Proxy Member	For Cr Wake on the Development Assessment Panel
Nil Report	

10.3 Cr Capewell  
GV00005

Committee Membership

Member	Works Committee
Member	Audit Committee
Deputy Delegate	Shark Bay Marine Facilities Management Committee
Deputy Delegate	Regional Road Group
Deputy Delegate	Gascoyne Zone of Western Australian Local Government Association
Nil Report	

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

10.4 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 Community Resource Centre Committee

Meeting Attendance

2 December 2015	Shark Bay Community Resource Centre Committee meeting
7	Shark Bay Arts Council Annual General meeting
9	Special Council meeting

Signatures

Councillor	<i>Councillor Ridgley</i>
Date of Report	7 December 2015

Moved	Cr Prior
Seconded	Cr Cowell

Council Resolution

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

**6/0 CARRIED**

10.5 Cr Laundry

GV00013

Committee Membership

Member	Audit Committee
Member	Works Committee
Member	Shark Bay Arts Council
Proxy Member	For Cr Cowell on the Development Assessment Panel

Nil Report

10.6 Cr Wake

GV00007

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Gascoyne Regional Road Group
Member	Development Assessment Panel

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

---

Meeting Attendance

13 November 2015      Foreshore planning workshop for 2016 celebrations  
20 Nov                      Regional Road Group workshop, Exmouth  
                                    Western Australian Local Government Association Gascoyne  
                                    Country Zone meeting, Exmouth  
9 December                Special Council Meeting

General Matters

The end of November and beginning of December has seen several fires caused by lightning strikes in the pastoral area of the Shire. There are also quite large and dangerous fires in neighbouring shires.

Signatures

Councillor                                      *Councillor Wake*  
Date of Report                                3 December 2015

Moved                      Cr Prior  
Seconded                Cr Bellottie

Council Resolution

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

**6/0 CARRIED**

**11. ADMINISTRATION REPORT**

**11.1 PROPOSED LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2015  
LE00011**

AUTHOR

NIEL MITCHELL, CONSULTANT

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgely

Nature of Interest: Financial Interest as works from the jetty

Cr Ridgely left the Council Chamber at 4.19pm and asked if he can return for the discussion.

Moved Cr Capewell

Seconded Cr Wake

**Council Resolution**

**That Cr Ridgely be allowed to return to the Council Chamber for the discussion.**

**5/0 CARRIED**

Cr Ridgely returned to Council Chamber at 4.21 pm.

Moved Cr Capewell

Seconded Cr Wake

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.21 pm for open discussion on Item 11.1 Proposed Local Government Property Amendment Local Law 2015.**

**6/0 CARRIED**

Cr Ridgely left the Council Chamber at 5.46 pm

Moved Cr Bellottie

Seconded Cr Prior

**Council Resolution**

**That Council reinstate Standing Orders at 5.47 pm.**

Moved Cr Capewell

Seconded Cr Prior

**Council Resolution**

**That Council:**

- 1. notes the submissions from the Department of Local Government and members of the public in relation to the proposed Shire of Shark Bay Local Government Property Amendment Local Law 2015;**

2. resolves to make the Shire of Shark Bay Local Government Property Amendment Local Law 2015, as per the Attachment # 5, incorporating the amendments outlined by the Department of Local Government, and those as determined by Council in response to the public submissions and as amended by Council at the December Ordinary Council meeting;
3. Authorise the affixing of the Common Seal of the Shire of Shark Bay Local Government Property Amendment Local Law 2015.
4. Publish the local law, as per (2) above, in the *Government Gazette* and provide a copy to the Minister for Local Government;
5. Give local public notice of the adoption of the local law; and
6. Forward a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.

**6/0 CARRIED**

Cr Ridgley returned to the Council Chamber at 5.49pm.

#### BACKGROUND

The purpose of this report is to:

- 1) consider the submissions (if any) received on the proposed Shire of Shark Bay Local Government Property Amendment Local Law 2015;
- 2) determine if any drafting amendment(s) are required to the Amendment local law as a result of the submissions received;
- 3) give notice of the purpose and effect of the local law;
- 4) to resolve the Shire of Shark Bay Local Government Property Amendment Local Law 2015, incorporating all changes as determined by Council;
- 5) authorise the local law's publication in the *Government Gazette*;
- 6) give local public notice, (after Gazetta), of the date the local law will come into effect; and
- 7) authorise the affixing of the Common Seal to the local law.

At the Ordinary Council meeting held on 26 August 2015, it was resolved to commence the process to amend the Shire of Shark Bay Local Government Property Local Law. The amendment is to repeal the whole of Part 7 – Monkey Mia Jetty, replace Part 7 with new provisions and update Schedule 1 Prescribed Offences.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

#### COMMENT

The proposed Local Government Property Amendment Local Law 2015 was advertised both state-wide and locally for public comment with advertisement –

- in the West Australian on 8 September 2015
- in the Northern Guardian on 9 September 2015, and

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

- Office and Library Notice Boards and Councils website from 8 September to 28 October 2015

At the close of the comment period, public submissions had been received from –

- Glen Hout
- Group submission signed by 14 residents
- G & A Dobney
- Harvey Raven (Monkey Mia Wildsights)

Comment was also received from the Department of Local Government and Communities on 27 November 2015.

Legal advice from McLeod’s Solicitors was sought on the amendment, particularly proposed clause 7.8 and received on 23 November 2015

Full copies of the public submissions and the Department of Local Government and Communities comments are attached as # 3.

Overview of submissions – Attachment # 2

From	Clause	Comment summary
Glen Hout	7.5	Proposal does not fully utilise jetty space and reduces number of berths
Group submission (14)	7.3 (1)(c)(iii)	Delete – 30 minute mooring limit and return to 2 hours as at present
	7.3 (1)(d)(iii)	Delete – fishing vessels not being permitted to moor between 6.00pm and 6.00am next day
	7.7 (1)(b)(i)	Delete – vessels discharging cargo not being permitted to moor between 6.00pm to 6.00am
G & A Dobney	Time limits generally	Concern at the impact of a 30 minute restriction on their business, as the vessels themselves are an attraction
Raven Multihulls	General	Touting to be prohibited
	7.1	Include “fare paying passengers” in cargo definition
	7.3 (1)(b)	Recreational vessels should be required to move off if requested to by a commercial operator
	7.3 (1)(c)	Include provision for “berthing to embark/disembark passengers”
	7.3 (2)	Perceived conflict with 7.3 (1)(c)(iii), and possible to join the 1 hour provision with the 30 minutes provision, allowing a total time moored of 1.5 hours
	7.5 (1)	Suggest rewording to emphasise that an overhanging vessel is required to move on request of another commercial vessel

It is interesting to note that no public submission opposes some of the provisions expected to engender a response. No opposing comment was received in relation to proposed clauses –

- 7.8 – Suspension of use of the jetty

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

- The provisions are unusual, although there is ample evidence of similar provisions in State legislation
- 7.9 – Vessel moored is to be attended
  - Cannot be left
- 7.14 – No private fixtures
- 7.16 – Obstruction to jetties
  - Includes beach access, signs advertising a business, and people acting to impede
  - Would include activities promoting a business or a person approaching another in order to obtain their business
- 7.22 – Fishing from jetty
- 7.23 – Swimming from a jetty
- Sch.1 – Prescribed Offences
  - Substantial increase in prescribed offences relating to Part 7 are recommended

*(Note – clause numbers amended following review of submissions)*

Detailed comment on the submissions is given in the attached Summary of Submissions.

In relation to proposed clause 7.8, McLeod's Solicitor noted –

*I refer to my email below and our subsequent telephone conversation in relation to this matter.*

*I confirm my verbal advice that the proposed clause 7.8 should not be included in the Local Law as drafted as the issuing of an infringement does not necessarily mean a person has committed the offence alleged. In my view, it would be inappropriate to suspend a person from using the jetty on the basis of unproved allegations. It could also lead to a person having a claim against the Shire if person suffered financial loss as a result of the Shire suspending their permission to use the jetty and they then successfully defended the allegations in the infringements which lead to the suspension.*

*Despite the above, clause 7.8 could be redrafted to apply where a person has been convicted or has paid 2 or more infringements. For example, clause 7.8 could read:*

- (1) The local government may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted, or has paid the modified penalty, within the last 12 months in respect of 2 or more offences under Part 7 of this local law.*
- (2) The local government may by notice in writing cancel the suspension referred to in subclause (1) once a person has been convicted, or has paid the modified penalty, for only one offence under Part 7 of the local law within the last 12 months.*

*The effect of the above is that operators would know they can receive (and pay) one infringement in any 12 month period without being suspended.*



*However, once they receive and pay an infringement, they will have to ensure they do not receive (and pay) any further infringements within a 12 month period or they will be suspended. Effectively, it is a 2 strikes policy.*

In discussion with the Chief Executive Officer, it was considered that the revised wording of McLeod's was unduly restrictive. Given that the remainder of provisions in the proposed amendment provide a high level of enforcement ability, it was agreed to suggest that Council remove this clause from the draft amendment local law.

### Conclusion

Despite the number of corrections and amendments, it is considered that the proposed Amendment Local Law does not require re-advertising since –

- the majority of amendments are not of a significant nature, or
- they have the effect of either relaxing the proposed limits as advertised in the draft local law, or moving back towards existing provisions.

Once formally adopted by Council, the Local Law –

- is to be published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication,
- signed copy is sent to Minister for Local Government,
- local public notice given of adoption (Statewide notice is not required).

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- does not take effect until 14 days after Gazettal.

### Attachments –

- Proposed Shire of Shark Bay Local Government Property Amendments Local Law 2015 as advertised – attachment # 1
- Summary of submissions received – attachment # 2
- Public submissions received in full – attachment # 3
- Proposed Shire of Shark Bay Local Government Property Amendments Local Law 2015 as amended in response to the submissions received – as attachment # 4

### LEGAL IMPLICATIONS

Amendment to the Shire of Shark Bay Local Government Property Local Law – Part 7 and Schedule of penalties

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

Cost of giving local public notice of final adoption and publication of amendment in the Government Gazette

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

---

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

Addresses a number of risks identified in the use of the jetties and the area.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Author



Chief Executive Officer

*P Anderson*

Date of Report

3 December 2015

**Attachment # 1**

**SHIRE OF SHARK BAY**

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537



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

Your Ref  
Our Ref  
Enquiries

*LOCAL GOVERNMENT ACT 1995*

SHIRE OF SHARK BAY

**LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Shark Bay resolved on \_\_\_\_\_ to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Shark Bay Local Government Property Amendment Local Law 2015*.

**2. Commencement**

This local law will come into operation 14 days after publication in the *Government Gazette*.

**3. Principal Local Law**

In this local law, the *Shire of Shark Bay Local Government Property Local Law* published in the *Government Gazette* on 24 July 2002, is referred to as the principal local law. The principal local law is amended.

**4. Part 7 amended**

Delete Part 7 and insert –

**PART 7 – JETTIES AND BOAT RAMP**

**Division 1 - Preliminary**

**7.1 Interpretation**

In this Part –

**boat ramp** means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

**cargo** means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged, and includes the catch of a fishing vessel;

**commercial jetty** means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

**commercial vessel** means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

**fish** means an aquatic organism of any species (whether alive or dead);

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

**fishing or fishing activity** means any of the following –

- (a) searching for fish;
- (b) attempting to take fish;
- (c) taking fish;
- (d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

**fishing vessel** means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

**moor** means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

**pleasure vessel** a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

**recreational jetty** means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

**sign** includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

**vessel** means any kind of vessel used or capable of being used in navigation by water.

## 7.2 Application of this Part

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1686.

### Division 2 - Commercial jetty

## 7.3 When vessels may be moored

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (a) the vessel is in distress, and then only –
    - (i) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
    - (ii) the vessel is moored to the side of the jetty; and
    - (iii) is not deemed to be obstructing in accordance with clause 7.5;
  - (b) the vessel is not a commercial vessel, and –
    - (i) the embarking or disembarking of passengers is in progress;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for no longer than 30 minutes; and
    - (iv) a period of more than one hour has passed since the vessel last departed the jetty;
  - (c) the vessel is a commercial vessel other than a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for not more than 30 minutes; and
    - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
  - (d) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) not between the hours of 6.00 pm to 6.00 am on the next day;
    - (iv) for not more than two hours; and
    - (v) a period of more than one hour has passed since the boat last cast off from the jetty.

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

(e) the vessel is not subject to suspension in accordance with clause 7.8.

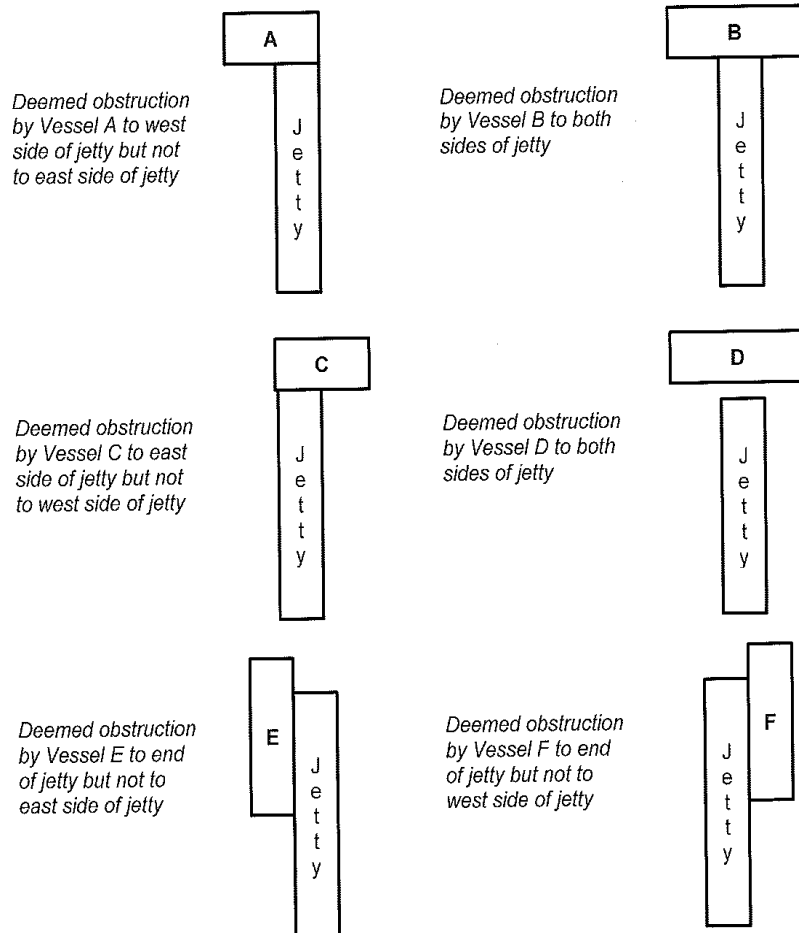
- (2) Without the prior written authorisation of the local government, and subject to compliance with all other requirements of subclause (1)(c) or (d), a person in control of a commercial vessel may moor the vessel to the jetty for routine provisioning or maintenance between the hours of 6.00 am to 6.00 pm for a period not more than one hour.
- (3) Any person reprovisioning or carrying out routine maintenance shall complete the task in as soon as practicable, and no other activity on the vessel is permitted during this time.

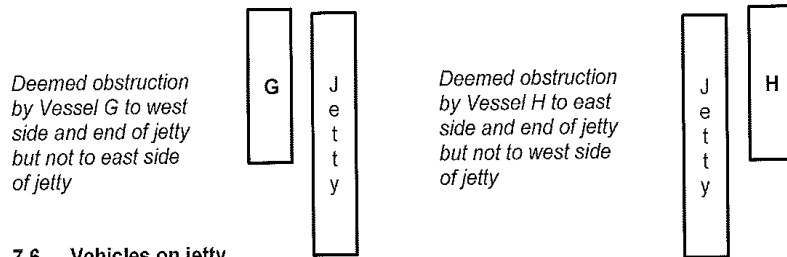
## 7.4 Berthing fees

The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose fees for mooring at the commercial jetty.

## 7.5 Deemed obstruction by vessels

- (1) A vessel shall not be moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.
- (2) A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –
- (a) when moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty; or
  - (b) when moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty .





**7.6 Vehicles on jetty**

- (1) A person shall not drive a vehicle of a gross vehicle mass exceeding five tonnes on to the commercial jetty or allow it to remain on the jetty.
- (2) Vehicles shall be prohibited from being on the commercial jetty within fifteen minutes of scheduled arrivals or departures of licensed charters other than vehicles of professional fishermen while loading or unloading.
- (3) Vehicles shall be removed from the commercial jetty immediately after completing loading or unloading of the vehicle.

**7.7 Cargo**

- (1) A person in control of a vessel shall not allow the boat to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
  - (a) until the cargo or other goods are ready to be loaded or discharged; and
  - (b) without the written authorisation of the Local Government –
    - (i) between the hours of 6.00 pm to 6.00 am on the next day;
    - (ii) for longer than two hours; and
    - (iii) unless a period of more than one hour has passed since the boat last cast off from the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat shall –
  - (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
  - (b) load the cargo onto the boat as soon as practicable after the boat is moored to the jetty.
- (3) Any person unloading cargo or other goods from a boat on to the jetty shall remove the cargo, or cause it to be removed from the jetty as soon as practicable.

**7.8 Suspension of use of jetty**

- (1) Permission for the vessel to use the commercial jetty is automatically suspended should an accumulation of more than \$2,000 in infringement notices be issued in the 12 month period prior to the day notice is given of suspension.
- (2) Permission for the vessel to use the commercial jetty is automatically reinstated when the accumulation is less than \$2,000 in the 12 month period prior to the day notice is given lifting suspension.

**7.9 Vessel moored is to be attended**

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.



**Division 3 - Recreational jetty**

**7.10 Use of recreational jetty**

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

**7.11 Vehicles on recreational jetty**

A person shall not drive a vehicle on the recreational jetty.

**Division 4 - Boat Ramp**

**7.12 Obstruction**

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the prompt launching or retrieval of a vessel.

**Division 5 - General**

**7.13 Method of mooring vessel**

A person in control of a vessel shall not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

**7.14 No private fixtures**

- (1) A person shall not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.
- (3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

**7.15 Jetty may be closed**

Unless the prior written authorisation of the Local Government has been obtained, a person shall not moor, use or go on to any part of a jetty which is –

- (a) under construction or repair; or
- (b) closed.

**7.16 Obstruction on jetties or beach access to jetties**

- (1) A person shall not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –
  - (a) on a jetty; or
  - (b) within 5 metres of the approach to the built infrastructure of a jetty.
- (2) A vehicle shall not be parked with in a manner that obstructs access to or from the jetty.

**7.17 Authorised person may order removal of a vessel**

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

**7.18 Authorised person may direct removal of obstruction**

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

**7.19 Bicycles on jetties**

A person shall not ride or have a bicycle on a jetty.

**7.20 Rubbish from jetty**

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

**7.21 Liquor on boats**

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

**7.22 Fishing from jetty**

Fishing from a jetty is prohibited.

**7.23 Swimming from a jetty**

Swimming, including diving, jumping and the like, from a jetty is prohibited.

**7.24 Explosives on jetties**

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

**5. Schedule 1 amended**

Delete Schedule 1 and insert –

Schedule 1  
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain a permit to camp outside a facility	100
3.15(1)	Failure to obtain a permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on Local Government property	100

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
5.3	Failure to comply with sign or direction on beach	100
5.4	Unauthorised entry to fenced or closed Local Government property	100
5.5	Gender not specified using entry of toilet block or change room	100
5.6(1)	Unauthorised presence of animal on airport	300
5.6(2)	Animal wandering at large on airport - person in charge	300
5.6(3)	Animal wandering at large on airport - owner	300
5.7(1)	Unlawful entry of Reserve No 1686	100
6.1(1)	Unauthorised entry to function on Local Government property	100
7.3(1)	Unauthorised mooring of vessel	500
7.3(2)	Failure to comply with requirements for mooring for reprovisioning or routine maintenance	500
7.3(3)	Unauthorised activities on a vessel during reprovisioning or routine maintenance	500
7.4	Failure to pay berthing fees	500
7.5	Obstruction by a vessel	500
7.6(1)	Overweight vehicle on commercial jetty	300
7.6(2) & 7.6(3)	Vehicle on jetty during time prohibited	300
7.7(1)	Mooring when not ready to load or discharge cargo, at times not permitted on or for longer than permitted	500
7.7(2)	Cargo on jetty when not ready to load	500
7.7(3)	Failure to remove cargo as soon as practical	300
7.7(4)	Unauthorised storing of cargo on jetty	500
7.9	Moored vessel not attended by a licenced and authorised representative of owner	500
7.10	Unauthorised use of recreational jetty	500
7.11	Unauthorised vehicle on recreational jetty	500
7.12	Obstruction of boat ramp	300
7.13	Improper mooring of vessel to a jetty	300
7.14(1)	Unauthorised fixtures to a jetty	500
7.15	Unauthorised use of any part of Jetty which is closed or under repair or construction	500
7.16	Causing obstruction or impeding free passage on or to a jetty	300
7.17	Failure to comply with direction of authorised person to remove vessel	500
7.18	Failure to comply with direction of authorised person to remove obstruction	300
7.19	Use of bicycle on a jetty	100
7.20(1)	Polluting area surrounding a jetty	300
7.20(2)	Unlawful deposit of rubbish into bin on a jetty	300
7.21	Selling alcohol from a vessel	500
7.22	Fishing from a jetty	100
7.23	Swimming from a jetty	100
7.24	Unauthorised presence of explosives on a jetty	500

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
9.1	Failure to comply with direction of an authorised person or hindering an authorised person	500
10.1	Failure to comply with notice	200

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

The Common Seal of the Shire of Shark Bay was affixed by authority of a resolution of Council in the presence of –

CHERYL COWELL, President.

PAUL ANDERSON, Chief Executive Officer.

---

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Proposed Shire of Shark Bay Local Government Property Amendment Local Law 2015 – Summary of submissions received

Submissions received –

- Department of Local Government and Communities
- Glen Hoult
- Group with 14 signatories
- G & A Dobney
- Raven Multihulls

**Attachment # 2**

Department of Local Government and Communities –

Item	Clause	Comment	Review Comment
1	n/a	The enactment clause currently refers to 26 August 2015. This date appears to be incorrect.	No reference is made in the draft to the date
		<b>Recommendation –</b>	<b>No amendment required</b>
2	n/a	<p>Potential district boundary issue.</p> <p>Most coastal local governments have a district boundary which ends along the water mark of the coastline.</p> <p>If the Shire has not done so already, it should check to ensure that all ramps and jetties affected by this local law are inside the Shire’s district.</p> <p>If the jetties and ramps go beyond the district boundary, this can create a jurisdictional issue. This is because local laws do not generally apply beyond the district boundary unless the Governor’s approval is obtained prior to making the local law.</p> <p>If the Shire believes that the ramps and jetties lie outside the district boundary, the Shire should contact the Department immediately to determine if the Governor’s approval is required before making the local law. If the Governor’s approval is required but not obtained, it may result in the local law being unenforceable or disallowed by Parliament.</p>	<p>Boundary description in Gov Gazette 5 Dec 1919 – “shores”, including “inlets”</p> <p>Boundary redescription in Gov Gaz 27 Oct 1972 – portion of sea-bed as marked in red on Lands &amp; Surveys Misc Plan 580 annexed to West Ward</p> <p>Approval of the Governor for the Local Government Property Local Law to extend 200 metres seaward from the western boundary of the Shire was published in the Government Gazette of 25 February 2003.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

		<b>Recommendation –</b>	<b>No action required.</b>
3	7.1	It is suggested that the definition for fish be replaced with: <i>fish</i> has the meaning given by the <i>Fish Resources Management Act 1994</i> ;	<p>The definitions used do not refer to any other legislation, so to be consistent the suggested definition was developed from the Fish Resources Management Act 1994 which defines –</p> <p><b><i>fish</i></b> means an aquatic organism of any species (whether alive or dead) and includes –</p> <ul style="list-style-type: none"> <li>(a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and</li> <li>(b) a part only of an aquatic organism (including the shell or tail); and</li> <li>(c) live rock and live sand,</li> </ul> <p>but does not include aquatic mammals, aquatic reptiles, aquatic birds, amphibians or (except in relation to Part 3 and Division 1 of Part 11) pearl oysters;</p> <p>The definition proposed is broader and more inclusive than that in the FRM Act, but could be amended to be more so, by including (a), (b) and (c), omitting the exclusions.</p>
		<b>Recommendation –</b>	<b>Amend to include (a), (b) and (c) only</b>
	7.5	<p>Clause 7.5 provides that a commercial or fishing boat must not be moored in a way which causes an obstruction to an approaching vessel.</p> <p>The Shire may wish to clarify whether an offence occurs if one side of the jetty is obstructed, but the approaching vessel can use the other side of the jetty without obstruction.</p>	<p>Consider additional subclause –</p> <p>(3) <i>Where a vessel is moored in compliance with sub-clause 7.3(1) and subclause 7.5(2), no obstruction is deemed to exist.</i></p>
		<b>Recommendation –</b>	<b>Amend as noted</b>
	7.6	It is suggested that the term ‘licenced charters’ be defined, since this term is critical to identifying whether the presence of a vehicle on the jetty will constitute an offence	Removal of the words “of licenced charters” resolves the potential issue, as it then applies to all vehicles, other than those of professional fishermen
		<b>Recommendation –</b>	<b>Amend as noted</b>
	7.8	This clause refers to the local government’s permission. It is suggested the term be replaced with ‘authorisation’ to match the terminology in other clauses.	Clause 7.8 recommended to be deleted



MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

		<b>Recommendation –</b>	<b>Delete clause 7.8, refer comments of McLeod’s Solicitors</b>
7.12	The term “prompt” is vague and subject to interpretation. It is suggested that the clause clarify how long a vessel may be permitted on a boat ramp before it qualifies as an offence. The Shire may wish to use a terms like “as quickly as practicable” to match the language of other clauses.		Now clause 7.11 Amended as suggested
		<b>Recommendation –</b>	<b>Amend as noted</b>
7.15	Clause 7.15 may lead to situations where a person moors at a jetty but is unaware that the jetty has been closed. The Shire may wish to include a subclause stating that where a jetty is closed or under repair, the Shire must indicate this with appropriate signage on the jetty.		Now clause 7.14 Amended to require the area closed to have warning signs, and barricaded or otherwise identified as being closed.
		<b>Recommendation –</b>	<b>Amend as noted</b>
7.23	The Shire may consider whether it wishes to prohibit swimming under and around the jetty when no diving or jumping from the actual jetty has occurred.		Now clause 7.22 Amended, with a specified distance of 5 m, and including vessels moored to a jetty due to risk of entanglement with ropes etc.
		<b>Recommendation –</b>	<b>Amend as noted</b>
7.24	The <i>Explosives and Dangerous Goods Act 1961</i> has been repealed. It is suggested that the reference be replaced to some other reference that fits the Shire’s requirements. For example, the clause may refer to “regulation 8 of the <i>Dangerous Goods Safety (Explosives) Regulations 2007</i> ”.		Now clause 7.23 Amended as suggested
		<b>Recommendation –</b>	<b>Amend as noted</b>
Sch.1	The following suggestions are made: - The modified penalty for clause 7.4 can be removed. This clause only provides that fees can be established by the local government. The legal requirement to pay the fee is imposed by other clauses.		- Amended as suggested

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

		<ul style="list-style-type: none"> <li>- A modified penalty is prescribed for “clause 7.7(4)”. This penalty should be reviewed, as clause 7.7 does not currently have a subclause (4).</li> <li>- In the modified penalty for clause 7.20(1) the description should read “throwing a prohibited item from a jetty”.</li> </ul>	<ul style="list-style-type: none"> <li>- Modified penalty for clause 7.7(4) deleted</li> </ul> <p>Now clause 7.19(1)</p> <ul style="list-style-type: none"> <li>- Amended as suggested</li> </ul>
		<b>Recommendation –</b>	<b>Amendments as noted</b>

Mr Glen Hoult

Item	Clause	Comment	Review Comment
1	7.5	In regards the Proposed Local Government Property Amendment Local Law 2015 section 7.5. The proposed amendment is not fully utilising the space and I believe it will reduce the number of berths on the Jetty.	<p>The physical size of the jetty is not altered, nor is the length of the sections available for mooring.</p> <p>However, where two vessels may have been able to moor previously with one extending beyond the end of the jetty, there would be the risk of an infringement for deemed obstruction under the proposed amendment.</p>
		<b>Recommendation –</b>	<b>That no change be made to clause 7.5.</b>

Group (14 signatories)

Item	Clause	Comment	Review Comment
1	7.3 (1)(c)(iii)	<p>Delete – “the vessel is moored no longer than 30 minutes; and”</p> <p>Substitute – “the boat is moored for no longer than two hours”</p> <p>Arguments for retaining the two hour limit –</p> <ul style="list-style-type: none"> <li>- Number of passengers, up to 49</li> <li>- Some needing special consideration – elderly, wheelchair, strollers, young children</li> <li>- Delays in arrival of passengers</li> <li>- Need to maintain a welcoming impression</li> </ul>	<p>There appears to be justification to significantly reduce the duration that commercial vessels other than fishing vessels may remain moored, given the constant dispute and tension between operators.</p> <p>The request to reinstate the two hour limit retains existing provisions which are apparently not working. However, a reduction to 30 minutes is clearly an issue for a number of people as evidence by the signatories, and is consistent with the submission of G &amp; A Dobney.</p> <p>However, it should also be noted that fishing vessels are a sub-group of commercial vessels, and are exempted from the 30 minute requirement, being permitted a two hour limit as provided in 7.3(1)(d).</p> <p>Vessels requiring to load or discharge cargo as defined, also have a two hour limit as provided for in 7.7(1).</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

		<ul style="list-style-type: none"> <li>- Refuelling and fresh water requirements</li> <li>- Other factors can influence the time taken such as tides and weather</li> <li>- Should be no discrimination between fishing vessels or other types of commercial vessel</li> </ul>	<p>Passengers, whether fare-paying or not, are not considered “cargo” and these vessels cannot access the two hour limit for fishing vessels or for cargo load/discharge.</p> <p>The substitution of “boat” to replace vessel is not considered useful, as an additional definition in the local law would be required. The term “vessel” has a broader implication, and is also consistent with use in State legislation.</p>
		<b>Recommendations –</b>	<p><b>That Council consider –</b></p> <ul style="list-style-type: none"> <li>- <b>7.3(1)(c)(iii) – amend to extending the period of mooring to 1 hour for commercial vessels not being fishing vessels</b></li> <li>- <b>7.3(1)(c)(iii) – the term “boat” not be used</b></li> <li>- <b>7.3(2) – delete as now superfluous</b></li> <li>- <b>7.3(3) – renumber to 7.3(2)</b></li> </ul>
2	7.3 (1)(d)(iii)	In relation to fishing vessels mooring at the commercial jetty, delete – not between the hours of 6.00pm to 6.00am next day	<p>No reason provided, however the final dot point in relation to 7.3(1)(c)(iii) is implied – no discrimination between fishing vessels or other types of commercial vessel.</p> <p>This provision is <u>not</u> within the current local law, however, discharge of cargo between 6.00pm and 6.00am is not permitted currently by existing clause 7.5(b)(i).</p> <p>What is different, is that the proposed amendment includes an expanded definition of cargo to include the catch of a fishing vessel.</p> <p>Unless there is a specific need to exclude these hours between 6.00pm and 6.00am, it is suggested that this provision be removed.</p>
		<b>Recommendations –</b>	<p><b>That Council consider –</b></p> <ul style="list-style-type: none"> <li>- <b>7.3(1)(d)(iii) – delete</b></li> <li>- <b>7.3(1)(d)(iv) and (v) – renumber as (iii) and (iv)</b></li> </ul>
3	7.7 (1)(b)(i)	In relation to vessels loading or discharging cargo mooring at the commercial jetty, delete – between the hours of 6.00pm to 6.00am next day	<p>No reason provided, however the final dot point in relation to 7.3(1)(c)(iii) is implied – no discrimination between fishing vessels or other types of commercial vessel.</p> <p>This provision is <u>is</u> within the current local law, as discharge of cargo between 6.00pm and 6.00am is not permitted currently by existing clause 7.5(b)(i).</p> <p>Unless there is a specific need to exclude these hours, it is suggested that this provision be removed.</p> <p>Note – consistency between 7.3(1)(d) and 7.7(1)(b) needs to be maintained, as the proposed amendment includes an expanded definition of “cargo” to include the catch of a fishing vessel.</p>
		<b>Recommendations –</b>	<p><b>That Council consider –</b></p> <ul style="list-style-type: none"> <li>- <b>7.7(1)(b)(i) – delete</b></li> <li>- <b>7.7(1)(b)(ii) and (iii) – renumber as (i) and (ii)</b></li> </ul>

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

G & A Dobney

Item	Clause	Comment	Review Comment
1	7.3(1) 7.3(2)	<p>Their business has been a critical service not just for tourism, but scientists and Government agencies visiting Monkey Mia. They consider that more than 30 minutes is required for embarking/disembarking.</p> <p>They note that when moored the vessels themselves serve as an attraction, creating interest, and discussion with tourists, leading to hire and tours.</p> <p>They consider the larger jetty to provide ample room for all operators.</p>	<p>Their objection to the 30 minute limit is consistent with the submission of the Group, however, no comment was made in relation to the 1 hour time limit for re-provisioning.</p>
		<b>Recommendations –</b>	<b>Refer Group Submission above, item 1</b>

Raven Multihulls

Item	Clause	Comment	Review Comment
1	n/a	<p>Touting for business not addressed and should be prohibited as per 1998 Local Law. If prohibited, the two hour limit would never have been an issue.</p>	<p>While not specifically addressed, touting would be severely curtailed in the current proposed amendment through a time limit of 30 minutes, and the prohibition on obstruction by signs or behaviour.</p> <p>Should Council agree to extend the time limit to 1 hour or retain the two hour limit it is suggested that a strong prohibition on any form of selling or promotional activity on the jetty be included.</p> <p>Even if clause 7.3(1)(c)(iii) time limit remains at 30 minutes, there is nothing to prevent Council prohibiting sales or promotional activity on the jetty.</p> <p>Note – the definitions of jetty include the area within 5m of built infrastructure.</p>
		<b>Recommendations –</b>	<b>That if the time limit permitted by clause 7.3(1)(c)(iii) is amended to be more than 30 minutes, then proposed clause 7.16 be extended to prohibit any form of sales or promotional activity on the jetty.</b>
2	7.1	<p>Include 'fare-paying passengers' in the definition of "cargo"</p>	<p>To include fare paying passengers as cargo would be counterproductive, as these vessels would then have an exemption under 7.7(1) permitting them two hours, but also not permitted use of the jetty between 6.00pm and 6.00am. This excluded period does not apply to non-fishing vessels, nor is intended to.</p>
		<b>Recommendation –</b>	<b>That the definition of "cargo" not be amended.</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

3	7.3(1)(b)	<p>The by-laws have previously not contained provision for use by recreational vessels. If provision is to be made for recreational vessels to use the commercial jetty then it should provide first priority access to commercial vessels to load/unload cargo (including passengers) and include the requirement that recreational vessels move off if requested by the operator of a commercial vessel.</p>	<p>Previous local laws have been silent on the type of vessel, without differentiation between pleasure vessels, commercial vessels or fishing vessels, and providing specific provisions only for loading or discharge of cargo.</p> <p>By virtue of the definitions –</p> <ul style="list-style-type: none"> <li>- all vessels are either pleasure vessels or commercial vessels,</li> <li>- fishing vessels are a defined sub-group of commercial vessels, and have a number of specific provisions and exemptions</li> <li>- a vessel that has any form of commercial transaction is a commercial vessel,</li> <li>- vessels charging a fare for passenger, charter or any sort of hire, are commercial vessels</li> </ul> <p>Pleasure vessels are specifically limited to a 30 minute period.</p> <p>Rather than require pleasure vessels to move off at the request of a commercial vessel, it is suggested that the time limit be reduced to 15 minutes moored.</p> <p>Further, it is suggested that as pleasure vessels are more likely to frequently change passengers, that the time limit of 7.3(1)(b)(iv) be reduced from 1 hour to 30 minutes.</p> <p>Without prohibiting access to the jetty, or requiring them to move off if requested by a commercial vessel, it is considered that these two time limits will act to strongly encourage use of the recreational jetty in preference to the commercial jetty.</p>
		<p><b>Recommendations –</b></p>	<p><b>That Council consider –</b></p> <ul style="list-style-type: none"> <li>- <b>7.3(1)(b)(iii) – amending time permitted to be moored from 30 minutes to 15 minutes</b></li> <li>- <b>7.3(1)(b)(iv) – amend period required to be away from mooring from 1 hour to 30 minutes</b></li> </ul>
4	7.3 (2)	<p>This allows for a one hour berthing and conflicts with 7.3 (1)(c)(iii) which allows for only 30 minute berthing. It is also conceivable to run these time slots consecutively and thereby be alongside touting for 1½ hours.</p>	<p>Mooring for repairs or re-provisions under 7.3(2) still requires compliance with 7.3(1)(c)(iv), that is, the vessel is to move off for a minimum of one hour before coming in to moor once again.</p>
		<p><b>Recommendations –</b></p>	<p><b>Subject to Group Submission above, item 1</b></p>
5	7.5(1)	<p>My understanding of the intention is that the northern face of the jetty may still be used and vessels may still overhang the jetty provided the overhanging vessel moves when requested in order to allow another vessel unimpeded access/egress to another part of the jetty.</p> <p>This should be stated clearly and could be achieved by –</p>	<p>Mr Raven’s comments add to and clarify the intention of the proposed clause. Several slight variations are suggested to avoid consequential amendments.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

		<ul style="list-style-type: none"> <li>- deleting at the beginning “A vessel shall not be”, and</li> <li>- inserting at the beginning “When requested to provide unimpeded access/egress by the operator of another commercial vessel or vessel in distress a vessel shall not remain”</li> </ul>	
		<b>Recommendation –</b>	<b>That Council amend clause 7.5(1) to read –</b> <b>(1) When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.</b>
6		<p>Mr Raven also provided extensive comment in support of the above submission.</p> <p>Specific points raised –</p> <ul style="list-style-type: none"> <li>- leave everything as is, except – <ul style="list-style-type: none"> <li>o remove (i.e. reduce) the 2 hour time limit</li> <li>o prohibit touting</li> <li>o use of end of the jetty to be load/unload with 30 minute time limit</li> </ul> </li> <li>- 30 minutes is all that is required to board or unload passengers</li> </ul>	



16 DECEMBER 2015

**Attachment # 3**

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

RECEIVED

20 OCT 2015

SHIRE SHARK BAY

22 October 2015

Dear Paul

In regards the Proposed Local Government Property Amendment Local Law 2015 section 7.5. The proposed amendment is not fully utilising the space and I believe it will reduce the number of berths on the Jetty.

Regards  
Glen Hoult  
Professional Fisherman



MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

RECEIVED

26 OCT 2015

SHIRE OF SHARK BAY

Date of Submission: 23/10/15

Submission - Proposed amendments to Monkey Mia Jetty By-laws

7.3 (1) (c) (i) (ii) remains the same

(iii) delete the vessel is moored no longer than 30 minutes; and

Substitute:

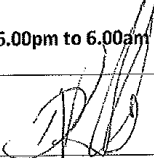
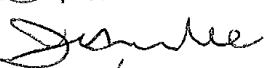
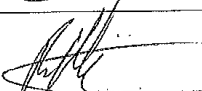
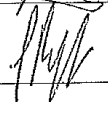
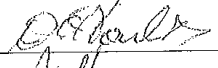
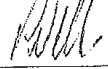
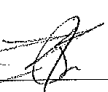
(ii) the boat is moored for no longer than two hours

The justification for this change is that commercial users of the Monkey Mia Jetty require longer than 30 minutes to load and unload passengers. This jetty is a commercial jetty and commercial users will not have enough to unload and load their goods. We operate cruises from the jetty aboard 'Aristocat 2'. At times we can be embarking and disembarking 49 passengers. Our passengers can include people with special needs, wheelchairs, people with special access requirements, elderly people, parents with strollers, families with children of all ages from babies, toddlers and upwards. Tourists are on holidays and they don't want to be rushed aboard the boat especially if they have special access requirements, are elderly or families with children. There are times when passengers have phoned ahead and said they will be slightly delayed due to unforeseen circumstances, and as a courtesy we will wait for them to board our boat. As we are all involved in the Shark Bay tourism industry it is important for us to create the best impression. We also refuel our boat and fill the boat with fresh water. Jetty users have been able to use the jetty for up to two hours (Refer current by-law 7.5(b)(ii)) for the last 20 years and this time frame needs to remain the same.

A fishing vessel and a commercial vessel both have business which takes time to complete, at the jetty. The time taken is dependent on various factors including tides, weather, people and business not directly in control of the fishing or commercial companies. There should not be discrimination between the time a fishing vessel spends at the jetty and the time a commercial vessel spends at the jetty.

7.3 (1)(d) (iii) delete "not between the hours of 6.00pm to 6.00am on the next day;

7.7(1)(b)(i) delete "between the hours of 6.00pm to 6.00am on the next day;

NICK PRODOCCHIO		BROCKMAN ST DENHAM
JOHN HANSCOMB		69 RUSSELL ST DENHAM 6537
RAY McMillan		5 CAPEWELL DR DENHAM 6537
Greg Ridgley		9 LEEDS CRT.
DENNIS HEWITT		DURLACHER ST DENHAM
PETER MORROW		DENHAM
FRANK BARRETT - 1000		DENHAM

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Date of Submission: 23/10/15

Submission - Proposed amendments to Monkey Mia Jetty By-laws

7.3 (1) (c) (i) (ii) remains the same

(iii) delete the vessel is moored no longer than 30 minutes; and

Substitute:


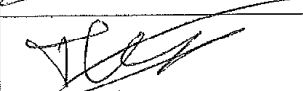
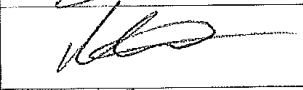
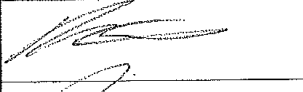

(iii) the boat is moored for no longer than two hours

The justification for this change is that commercial users of the Monkey Mia jetty require longer than 30 minutes to load and unload passengers. This jetty is a commercial jetty and commercial users will not have enough to unload and load their goods. We operate cruises from the jetty aboard 'Aristocat 2'. At times we can be embarking and disembarking 49 passengers. Our passengers can include people with special needs, wheelchairs, people with special access requirements, elderly people, parents with strollers, families with children of all ages from babies, toddlers and upwards. Tourists are on holidays and they don't want to be rushed aboard the boat especially if they have special access requirements, are elderly or families with children. There are times when passengers have phoned ahead and said they will be slightly delayed due to unforeseen circumstances, and as a courtesy we will wait for them to board our boat. As we are all involved in the Shark Bay tourism industry it is important for us to create the best impression. We also refuel our boat and fill the boat with fresh water. Jetty users have been able to use the jetty for up to two hours (Refer current by-law 7.5(b)(ii)) for the last 20 years and this time frame needs to remain the same.

A fishing vessel and a commercial vessel both have business which takes time to complete, at the jetty. The time taken is dependent on various factors including tides, weather, people and business not directly in control of the fishing or commercial companies. There should not be discrimination between the time a fishing vessel spends at the jetty and the time a commercial vessel spends at the jetty.

7.3 (1)(d) (iii) delete "not between the hours of 6.00pm to 6.00am on the next day;

7.7(1)(b)(i) delete "between the hours of 6.00pm to 6.00am on the next day;

Wolfgang Jeter	Wolfgang Jeter	DENHAM
K. B. BACKHOUSE	K. B. Backhouse	DENHAM
C. P. Niese		Denham
Oreana Side		Denham
Brian Child		Denham.
Brad Lyons		Denham.
Robert Morgan		Denham

RECEIVED

26 OCT 2015

SHIRE OF SHARK BAY

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

Niel Mitchell

Page 1 of 2

**Subject:** FW: Monkey Mia Jetty  
**From:** "Rhonda Mettam" <[Rhonda@sharkbay.wa.gov.au](mailto:Rhonda@sharkbay.wa.gov.au)>  
**Sent:** 27/10/2015 11:15:06 AM  
**To:** "Niel Mitchell" <[niel@conwayhighbury.com.au](mailto:niel@conwayhighbury.com.au)>


As per email below for submission

Regards,

**Rhonda Mettam**  
Executive Assistant  
Shire of Shark Bay

Address: 65 Knight Terrace, Denham WA 6537  
Address: PO Box 126, Denham WA 6537  
Phone: 08 9948 1218  
Council Website: <http://www.sharkbay.wa.gov.au/>



 Please consider the environment before printing this e-mail  
This message (including attachments) is confidential and may be privileged.  
If you received it in error you may not disclose or use it - please notify us then delete it.

**From:** Paul Anderson  
**Sent:** Tuesday, 27 October 2015 11:07 AM  
**To:** Amanda Dobney <[amandadobney@gmail.com](mailto:amandadobney@gmail.com)>  
**Cc:** Rhonda Mettam <[Rhonda@sharkbay.wa.gov.au](mailto:Rhonda@sharkbay.wa.gov.au)>  
**Subject:** RE: Monkey Mia Jetty

Dear Amanda

The shire is considering an amendment to the property local laws and has been advertising the draft for community consultation

I will organise a copy of the draft to be email to you for your information and comment.

I will also ensure your comments below are included in the submissions

Regards

**Paul Anderson**  
Chief Executive Officer  
Shire of Shark Bay

[msg://51783b09-bbf4-4d30-870e-6f6059f6ffd4/viewable](mailto://51783b09-bbf4-4d30-870e-6f6059f6ffd4/viewable)

27/10/2015

MINUTES OF THE ORDINARY COUNCIL MEETING


16 DECEMBER 2015

Niel Mitchell

Page 2 of 2



**a:** PO Box 126, Denham WA 6537  
**ph:**08 9948 1218 | **fax:**08 9948 1237 | **mob:**0427 948 925  
**w:** <http://www.sharkbay.wa.gov.au/>

 Please consider the environment before printing this e-mail  
*This message (including attachments) is confidential and may be privileged. If you received it in error you may not disclose or use it - please notify us then delete it.*

**From:** Amanda Dobney [<mailto:amandadobney@gmail.com>]  
**Sent:** Tuesday, 27 October 2015 10:45 AM  
**To:** Paul Anderson <[CEO@sharkbay.wa.gov.au](mailto:CEO@sharkbay.wa.gov.au)>  
**Subject:** Monkey Mia Jetty

To : Shire of Shark Bay

It has come to our attention that there may be a push to set time limits for embarking and disembarking passengers at the new jetty Monkey Mia.  
It has been suggested that 30 minutes for both be sufficient and an hour for refuelling.

Firstly we would ask that confirmation be forwarded that this is in fact on the drawing board.

Whilst we in no way wish to enter into the on going dispute between two of the commercial operators utilising the jetty along side ourselves at Monkey Mia, we would like to register our interest in any potential changes with regard to any such changes.

Our operation has always sustained and has been an integral service to the tourists, scientists, and departments that frequent Monkey Mia and we believe a crucial aspect of this sustainability and service relies upon the commercial operators being able to be along side the jetty as they have always been for longer durations than 30 minutes. The vessels being along side provide a point of interest for the tourists to inspect, converse over and to support financially the service we provide. We are of the opinion that this is crucial to the sustainability of our operation at least. The newer larger jetty has provided us all ample room and considering the benefits to all having the commercial operators being along side we would ask that you give consideration to any such changes.

Kind Regards

Garth and Amanda Dobney  
Trading as Shark Bay Marine Tours & Accommodation  
ABN: 94 310 299 647

Mac Attack Fishing Charters  
Shark Bay Cottages

0409 205 900 0428 777 109

\* This message has been scanned by the Professional Pc Support IronPort virtual appliance.

[msg://51783b09-bbf4-4d30-870e-6f6059f6ffd4/viewable](mailto:msg://51783b09-bbf4-4d30-870e-6f6059f6ffd4/viewable)

27/10/2015

**Submission from Raven Multihulls Pty Ltd**  
**1 Monkey Mia Rd**  
**Monkey Mia WA 6537**  
**PO Box 22,**  
**Denham WA 6537**  
**Ph 99 481 481**

**Re: the Proposed Local Government Property Amendment Local Laws 2015**

**Part 7 - Monkey Mia Jetty**

**1.**

Touting has not been addressed and should be prohibited as per the the 1998 By-Laws. Had this been the case from the outset the 2 hour time limit would never have been an issue. It is unacceptable that guests compare the touting on the Monkey Mia jetty to touting on the streets in Bali.

**2.**

**7.1 Interpretation**

Include 'fare-paying passengers' in the definition of "Cargo"

**7.3 (1) (b)**

The by-laws have previously not contained provision for use by recreational vessels. If provision is to be made for recreational vessels to use the commercial jetty then it should provide first priority access to commercial vessels to load/unload cargo (including passengers) and include the requirement that recreational vessels move off if requested by the operator of a commercial vessel.

**7.3 (1) (c)**

Insert as (i) "berthing for the purpose of embarking/d disembarking passengers

**7.3 (2)**

This allows for a one hour berthing and conflicts with 7.3 (1)(c)(iii) which allows for only 30 minute berthing. It is also conceivable to run these time slots consecutively and thereby be alongside touting for 1 1/2 hours.



**7.5(1)**

My understanding of the intention is that the northern face of the jetty may still be used and vessels may still overhang the jetty provided the overhanging vessel moves when requested in order to allow another vessel unimpeded access/egress to another part of the jetty.

This should be stated clearly and could be achieved by:

deleting at the beginning "A vessel shall not be",

and inserting at the beginning

"When requested to provide unimpeded access/egress by the operator of another commercial vessel or vessel in distress a vessel shall not remain"

**A very simple, practical, equitable solution. Leave everything as it is except remove the permitted 2 hour time limit. Introduce no-touting on the jetty. Change end of jetty to load/unload zone with ½ hr time limit.**

There is simply no reason for boats to be on the jetty for 2 hours in the morning. It is inappropriate to use this time for touting on the jetty. **Touting ought to be prohibited in the By-laws**, as it was until removed in 2002. A By-law to allow vessels to come and loiter on the jetty for 2 hours was introduced in 2002.

The most seamanlike, simplest, practical solution to totally resolving the issues that have remained unresolved for 18 years is by amending the by-laws whereby vessels are only permitted to come alongside in order to load/unload cargo/passengers rather than to garner custom and trade.

Vessels picking up passengers require 15 minutes to prepare for boarding (tie up, take dinghy ashore, retrieve ramp from the beach and secure them to the vessel) and require 15 minutes to board passengers and return ramp to beach.

A limit of half-hour before scheduled departure and then, upon disembarking passengers, moving off again. Is a tried and tested solution which also eliminates the potential for touting.

We have been doing so since 1998 until about 18 months ago we became aware that the by-laws permitted a 2 hour stay. We then started come alongside to promote our business with our presence, as our competitor had been doing since 2002.

With present schedules there would then only be one catamaran at a time on the jetty. The best side of the jetty could be used at all times. All potential for conflicts would be eliminated.

The end of the jetty should be a designated loading/unloading point with a time limit of half-an-hour.

Fishing vessels will need time to load ice and unload catch. I don't know if it would be practical to specify periods alongside for professional fishing vessels but it is certainly simple to do so for the passenger vessels.

Permission could be applied for to stay longer providing the dolphin feeding had finished for the day and no other boat had need of the end of the jetty to load/unload.

**A bit of history.**

Following our commencing operations at Monkey Mia DPW licensed another large cat to operate off the same jetty. It became apparent that the by-laws needed changing and this was effected in 1998 together with a by-law that prohibited touting on the jetty.

An agreement was also reached that passenger vessels be permitted to only come alongside in preparation for their cruise half-an-hour before the scheduled departure time.

I have always maintained that the morning is not an appropriate time for disturbances on the jetty. If at all possible the ambience of the dolphin interaction shouldn't be compromised by servicing vessels, loading fuel and water, backing trailers up and down, hosing decks, running generators and pumps - these activities are best carried out in the afternoon when there is far less likelihood of the presence of people and dolphins and less risk of contaminating the dolphins through fuel spillage.

We therefore negotiated permission to remain alongside in the afternoon after our wildlife cruise until departure time for our sunset cruise to attend to routine servicing and maintenance. Permission was granted primarily because the jetty was pretty much unused at that time.

Unbeknownst to me, in 2002, the by-laws were changed, all vessels were then permitted to be on the jetty for 2 hours before having to move off and the by-law prohibiting touting was removed.

Up until the new jetty had been built Aristocat2 used the eastern side of the jetty or the beach between the eastern side of the jetty and the finger jetty. Shotover could easily be swung off the end of the jetty to facilitate Aristocat's coming and going.

Upon the opening of the new jetty Aristocat2 changed sides and began using the western side apparently with the intent of better exposure of their advertising material.

A letter from Mr Clinton Doak, who is employed by MP Rogers & Assocs who assisted in the design and construction of the jetty, says:

"The differences in width of the old jetty made it necessary in certain circumstances to berth across the old jetty."

That is incorrect. Our vessel has been berthing across the head of the jetty, daily, for 22 years.

**Why would we do that?**

Because it is the easiest place to berth.

**Why is it the easiest place to berth?**

It is easier and quicker to berth into the wind/tide rather than across it.

The Monkey Mia tide flows to or from east or west. The prevailing southerly breeze usually has an easterly or westerly component. The jetty is aligned north/south, across both wind and tide.

The northern end of the jetty therefore provides the best opportunity for berthing into wind and tide.

**Why is quicker berthing important?**

We could have up to 49 passengers getting on or off the boat six times per day. A delay in each would have us running quite late at the end of the day.

**Does anyone else have the same issues.**

No. Of its four scheduled cruises, our nearest competitor usually conducts one cruise a day. We usually conduct all three of our scheduled cruises daily.

**How does our using the end of the jetty affect other users?**

- Our boat is 18m long. By our using the end we only take up only 5m of jetty space, leaving 18m of jetty on both sides available for use by others.
- Our boat started life as an ocean racer. She is lightweight and very strong but constructed for banging into waves, rather than jetties, and therefore requires soft fendering to prevent damage to the hull.

We have at our own expense provided inflatable fenders to the chafers on the jetty face which is now the only properly fendered part of the jetty. Since we only need to provide fendering for 5m of

boat rather than 18m, it's the most cost effective solution for us, especially when other boats damage our fenders.

- All other jetty users have historically used our fenders since 1993 and we have borne the cost of maintaining and replacing fenders damaged by others.
- We berth as far away from the interaction action as possible

**If the head of the jetty were to be closed:**

We'd then have to use 18m of jetty space along the side of the jetty that we've never used before.

There would be 23m of space lost for use by others (18m we'd occupy down the side + 5m closed at the head).

We'd protrude 9m out from the side of the jetty for a length of 18m, instead of the former 6m protrusion when berthed at the end.

Mr Doak's letter also claims:

"...Firstly berthing at the end of the jetty will provide an impediment to other vessels trying to approach the jetty. This is simply due to the fact that the vessel is longer than the jetty is wide, so other vessels would have to manoeuvre around the berthed vessel in order to berth along the side of the jetty..."

Mr Doak doesn't take into account that if the boats currently using the jetty have to park down the side of the jetty and, as increasingly the case these days, the major users are catamarans, which are up to 9m wide. So the "impediment" Mr Doak refers to would change from being 6m wide to 9m wide.

**Do you obstruct other boats from using the jetty by berthing across the jetty?**

A jetty is intended to have boats tied to it. No matter where the boat is tied it will protrude somewhat.

When berthed across the end of the jetty our vessel protrudes about 6m either side of the jetty and occupies only 5m of jetty.

If we berthed alongside the jetty we'd protrude the 9m width of our vessel and take up 18m of jetty space.

Taking up 5m of jetty and protruding 6m is more efficient use of jetty than taking up 18m of jetty and protruding 9m.

In 22 years, of our daily use of the end of the jetty, the only complaint of obstruction we received was when the new jetty opened and an operator changed from using the eastern side of the jetty for 17 years to the western side.

This change was made in order to obtain better exposure to the public on the beach at dolphin feeding time, of the billboard style advertising carried on his vessel's cabin sides.

The operator maintained he could not access the western jetty side in adverse weather with our vessel berthed at the end. Curiously his vessel is equipped with twin engines totalling 500hp and he had been previously able to berth on the eastern side of the jetty.

If someone were to leave a dinghy tied to the jetty which prevented a larger boat from berthing at the jetty, that would be an obstruction.

If someone were to park their boat on the beach adjacent to the jetty and there was not enough space to berth a vessel at the jetty, that would be an obstruction.

Our vessel berthed at the end leaves clear space for the full length of the jetty on both sides.

**Surely there's enough space down the sides of the jetty for both commercial catamarans without having to use the end.**

Only if there are no other boats using the jetty.

There have been times when vessels have occupied both sides of the jetty and only the end was available.

Other users include a 15m commercial crabbing boat and its 9m "tender". Two local 15m commercial fishing boats. Add in 'Macattack', 'Aristocat 2', 'Shotover', 'Blue Lagoon Pearls' and there's not enough space for everyone.

Having co-operatively, with other users, used the head of the jetty daily for the last 22 years. I am not in favour of closing the end of the jetty because of a couple of recent complaints from one source

over obstruction of access. Especially when the complainant didn't bother to ask our co-operation in the first instances; continually placed the vessel on the wrong (weather) side of the jetty purely for commercial gain and then demanded we move off because he was incapable of extricating himself with twin engines and over 500hp.

Yet a recent relief skipper did a 6 week stint of operating 'Aristocat 2' and had no problems at all accessing the jetty with our vessel across the end. His capable, gentle handling of the vessel was in marked contrast to that of the vessel's owner.

Mr Doak's letter continues:

".. This can greatly increase the risk of damage and personal injury for both vessels, particularly in windy conditions or when strong currents are present..."

Mr Doak's letter continues:

"Secondly, berthing of larger vessels at the end of the jetty increases the risk for damage to the jetty and vessel given that the vessel is much longer than the face that it is berthing against. This makes it harder to appropriately secure the vessel, particularly during energetic conditions."

We berthed across the end of the old jetty, daily, for 22 years without causing any damage to the jetty for lack of security. I'm sure the brand new \$2M jetty could cope just fine.

Mr Doak's letter continues:

"Thirdly cleats for large vessels have not been provided at the end of the jetty, which would necessitate securing the vessel against the chafers, which have not been designed for this purpose"

There is a marked lack of cleats on the jetty, not just at the end. Perhaps we could have a few more.

Again, a rather strange thing to say about a brand new \$2M jetty when we tied to the chafers of the old jetty, daily, for 22 years without causing any damage to the chafers.

Mr Doak's colleagues with whom I met regarding jetty issues were happy for us to tie to the chafers. They also agreed that we needed cleats at the end of the jetty.



“In summary, the new jetty provides vastly improved berthing opportunities than the old jetty. Given these opportunities, there is no reason for large vessels to berth across the end of the jetty, which ultimately creates an obstacle and hazard for other jetty users.”

Without specifying what “vastly improved berthing opportunities” means or are, its a bit hard to accept them as a reason to prevent berthing across the end.

As with fendering, the jetty did not provide anything to which we could secure our boarding ramp so we have, in consultation with the Shire, affixed our own.

A comment is made that alluded to ownership of position on the jetty through our providing own equipment. We’ve never claimed ownership. We’re always prepared for others to use our equipment.

The only time we’ve made a claim of any sort is when someone else tied to the head and were not loading/unloading and we’ve needed to load/unload but couldn’t tie to the jetty because the other vessel was using our fenders. That should not be interpreted as claiming a right to a position, I was asking for courtesy, understanding and co-operation in an acknowledgement of the situation.

There is not enough length down the western side of the jetty to cater for two 18m catamarans alongside at the same time.

The eastern side may be capable of that but only in ideal conditions because with large cats having to pass alongside each other there would be risk of collision with the finger jetty or small recreational vessels using the boat ramp or finger jetty.

If both boats are to use the jetty at the same time then one of them will have to use the side that is disadvantaged with regard to wind and tide affecting ingress and egress.

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

Niel Mitchell

Page 1 of 4


**Subject:** FW: Attn: Mr Paul Anderson - Department of Local Government and Communities - Comments on proposed amendment local law  
**From:** "Rhonda Mettam" <Rhonda@sharkbay.wa.gov.au>  
**Sent:** 30/11/2015 8:12:31 AM  
**To:** "Paul Anderson" <CEO@sharkbay.wa.gov.au>; "Niel Mitchell" <niel@conwayhighbury.com.au>

Regards,

**Rhonda Mettam**  
Executive Assistant  
Shire of Shark Bay

Address: 66 Knight Terrace, Denham WA 6537  
Address: PO Box 126, Denham WA 6537  
Phone: 08 9948 1218  
Council Website: <http://www.sharkbay.wa.gov.au/>



 Please consider the environment before printing this e-mail  
This message (including attachments) is confidential and may be privileged.  
If you received it in error you may not disclose or use it - please notify us then delete it.

**From:** Steven Elliott [mailto:steven.elliott@dlgc.wa.gov.au]  
**Sent:** Friday, 27 November 2015 4:38 PM  
**To:** Rhonda Mettam <Rhonda@sharkbay.wa.gov.au>  
**Subject:** Attn: Mr Paul Anderson - Department of Local Government and Communities - Comments on proposed amendment local law

Dear Mr Anderson,

This email is regarding your letter to the Minister for Local Government concerning the Shire's proposed amendment local law. The Department's comments are provided below:

**Shire of Shark Bay Local Government Property Amendment Local Law 2015**

**1. Enacting provision**

The enactment clause currently refers to 26 August 2015. This date appears to be incorrect.

26 August 2015 appears to be the date when the Shire proposed to advertise the proposed local law under section 3.12(3) of the Act.

The date that should appear in the enactment clause will be a date after the public submission period, when the Council considers the final version of the proposed local law and resolves to make that local law under section 3.12(4) of the Act.

The Shire should ensure the correct date appears in the final copy of the local law when it is formally submitted to the Council.

msg://dec81a12-30ab-4262-9549-324d7684598c/viewable

30/11/2015

MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

Niel Mitchell

Page 2 of 4

**2. Potential district boundary issue**

Most coastal local governments have a district boundary which ends along the water mark of the coastline.

If the Shire has not done so already, it should check to ensure that all ramps and jetties affected by this local law are inside the Shire's district.

If the jetties and ramps go beyond the district boundary, this can create a jurisdictional issue. This is because local laws do not generally apply beyond the district boundary unless the Governor's approval is obtained prior to making the local law.

If the Shire believes that the ramps and jetties lie outside the district boundary, the Shire should contact the Department immediately to determine if the Governor's approval is required before making the local law. If the Governor's approval is required but not obtained, it may result in the local law being unenforceable or disallowed by Parliament.

**3. Clause 4 – Proposed Part 7**

The Department makes the following suggestions:

- Clause 7.1

It is suggested that the definition for fish be replaced with:

---

*fish* has the meaning given by the *Fish Resources Management Act 1994*;

---

- Clause 7.5 – application

Clause 7.5 provides that a commercial or fishing boat must not be moored in a way which causes an obstruction to an approaching vessel.

The Shire may wish to clarify whether an offence occurs if one side of the jetty is obstructed, but the approaching vessel can use the other side of the jetty without obstruction.

- Clause 7.6

It is suggested that the term 'licenced charters' be defined, since this term is critical to identifying whether the presence of a vehicle on the jetty will constitute an offence

-

- Clause 7.8

This clause refers to the local government's permission. It is suggested the term be replaced with 'authorisation', to match the terminology in other clauses.

- Clause 7.12

The term "prompt" is vague and subject to interpretation.

It is suggested that the clause clarify how long a vessel may be permitted on a boat ramp before it qualifies

msg://dec81a12-30ab-4262-9549-324d7684598c/viewable

30/11/2015

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Niel Mitchell

Page 3 of 4

as an offence. The Shire may wish to use a terms like "as quickly as practicable" to match the language of other clauses.

- Clause 7.15

Clause 7.15 may lead to situations where a person moors at a jetty but is unaware that the jetty has been closed.

The Shire may wish to include a subclause stating that where a jetty is closed or under repair, the Shire must indicate this with appropriate signage on the jetty.

- Clause 7.23

The Shire may consider whether it wishes to prohibit swimming under and around the jetty when no diving or jumping from the actual jetty has occurred.

- Clause 7.24

The *Explosives and Dangerous Goods Act 1961* has been repealed. It is suggested that the reference be replaced to some other reference that fits the Shire's requirements.

For example, the clause may refer to "regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*".

#### 4. **Clause 4 - Proposed Schedule 1**

The following suggestions are made:

- The modified penalty for clause 7.4 can be removed. This clause only provides that fees can be established by the local government. The legal requirement to pay the fee is imposed by other clauses.
- A modified penalty is prescribed for "clause 7.7(4)". This penalty should be reviewed, as clause 7.7 does not currently have a subclause (4).
- In the modified penalty for clause 7.20(1) the description should read "throwing a prohibited item from a jetty".

The Shire should ensure that all references and cross references are correct, particularly if any changes are made as a result of the Department's comments.

-

#### **Minister's Directions pursuant to section 3.12(7) of the *Local Government Act 1995***

Please note: Once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the *Minister's Local Laws Explanatory Memoranda Directions 2010*. The Shire

msg://dec81a12-30ab-4262-9549-324d7684598c/viewable

30/11/2015

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Niel Mitchell

Page 4 of 4

must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837  
Email: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)  
Tel: 9222 7404  
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.

Kind regards

**Steven Elliott**  
Senior Legislation Officer  
Local Government Legislation  
Department of Local Government and Communities  
Tel: +61 8 6552 1642  
Fax: +61 8 6552 1555  
Email: [steven.elliott@dlgc.wa.gov.au](mailto:steven.elliott@dlgc.wa.gov.au)  
Web: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

This email message and any attached files may contain information that is confidential and subject of legal privilege intended only for use by the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient be advised that you have received this message in error and that any use, copying, circulation, forwarding, printing or publication of this message or attached files is strictly forbidden, as is the disclosure of the information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your Inbox.

\* This message has been scanned by the Professional Pc Support IronPort virtual appliance.

[msg://dec81a12-30ab-4262-9549-324d7684598c/viewable](mailto://dec81a12-30ab-4262-9549-324d7684598c/viewable)

30/11/2015

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

## SHIRE OF SHARK BAY

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537



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

## Attachment # 4

Your Ref  
Our Ref  
Enquiries

LOCAL GOVERNMENT ACT 1995

SHIRE OF SHARK BAY

### LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Shark Bay resolved on \_\_\_\_\_ to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Shark Bay Local Government Property Amendment Local Law 2015*.

#### 2. Commencement

This local law will come into operation 14 days after publication in the *Government Gazette*.

#### 3. Principal Local Law

In this local law, the *Shire of Shark Bay Local Government Property Local Law* published in the *Government Gazette* on 24 July 2002, is referred to as the principal local law. The principal local law is amended.

#### 4. Clause 1.4 amended

Delete clause 1.4 and insert –

##### 1.4 Application

- (1) This Local Law applies throughout the district.
- (2) In accordance with the approval of the Governor published in the *Government Gazette* on 25 February 2003, the operation of this local law also extends for a distance of 200 metres seawards from the western district boundary, which is bounded by the Shores of the Indian Ocean and the inlets therefrom.
- (3) Notwithstanding anything to the contrary in this Local Law, the Local Government may –
  - (a) hire Local Government property to any person, or
  - (b) enter into an agreement with any person regarding the use of any Local Government property.

**5. Part 7 amended**

Delete Part 7 and insert –

**PART 7 – JETTIES AND BOAT RAMP**

**Division 1 - Preliminary**

**7.1 Interpretation**

In this Part –

**boat ramp** means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

**cargo** means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged, and includes the catch of a fishing vessel;

**commercial jetty** means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

**commercial vessel** means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

**fish** means an aquatic organism of any species (whether alive or dead) and includes –

- (a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and
- (b) a part only of an aquatic organism (including the shell or tail); and
- (c) live rock and live sand;

**fishing** or **fishing activity** means any of the following –

- (a) searching for fish;
- (b) attempting to take fish;
- (c) taking fish;
- (d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

**fishing vessel** means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

**moor** means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

**pleasure vessel** a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

**recreational jetty** means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

**sign** includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

**vessel** means any kind of vessel used or capable of being used in navigation by water.



**7.2 Application of this Part**

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1686.

**Division 2 - Commercial jetty**

**7.3 When vessels may be moored**

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (a) the vessel is in distress, and then only –
    - (i) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
    - (ii) the vessel is moored to the side of the jetty; and
    - (iii) is not deemed to be obstructing in accordance with clause 7.5;
  - (b) the vessel is not a commercial vessel, and –
    - (i) the embarking or disembarking of passengers is in progress;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for no longer than 15 minutes; and
    - (iv) a period of more than 30 minutes has passed since the vessel last departed the jetty;
  - (c) the vessel is a commercial vessel other than a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for not more than 1 hour; and
    - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
  - (d) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) for not more than two hours; and
    - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
- (2) Any person reprovisioning or carrying out routine maintenance shall complete the task in as soon as practicable, and no other activity on the vessel is permitted during this time.

**7.4 Berthing fees**

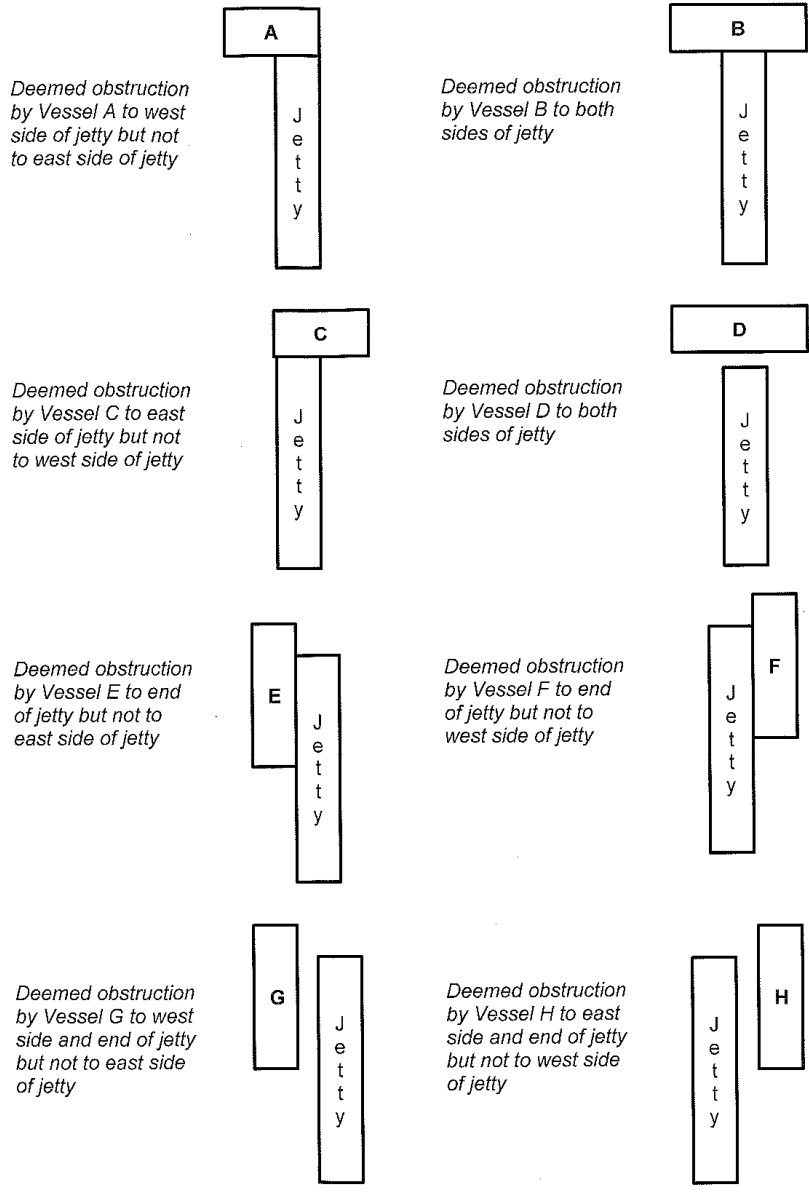
The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose fees for mooring at the commercial jetty.

**7.5 Deemed obstruction by vessels**

- (1) When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.
- (2) A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –
- (a) when moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty; or
  - (b) when moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty .

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015



(3) Where a vessel is moored in compliance sub-clause 7.3(1) and subclause 7.5(2), no obstruction is deemed to exist.

**7.6 Vehicles on jetty**

(1) A person shall not drive a vehicle of a gross vehicle mass exceeding five tonnes on to the commercial jetty or allow it to remain on the jetty.

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

- (2) Vehicles shall be prohibited from being on the commercial jetty within fifteen minutes of scheduled arrivals or departures other than vehicles of professional fishermen while loading or unloading.
- (3) Vehicles shall be removed from the commercial jetty immediately after completing loading or unloading of the vehicle.

## 7.7 Cargo

- (1) A person in control of a vessel shall not allow the boat to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
  - (a) until the cargo or other goods are ready to be loaded or discharged; and
  - (b) without the written authorisation of the Local Government –
    - (i) for longer than two hours; and
    - (ii) unless a period of more than one hour has passed since the boat last cast off from the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat shall –
  - (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
  - (b) load the cargo onto the boat as soon as practicable after the boat is moored to the jetty.
- (3) Any person unloading cargo or other goods from a boat on to the jetty shall remove the cargo, or cause it to be removed from the jetty as soon as practicable.

## 7.8 Vessel moored is to be attended

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.

### Division 3 - Recreational jetty

#### 7.9 Use of recreational jetty

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

#### 7.10 Vehicles on recreational jetty

A person shall not drive a vehicle on the recreational jetty.

### Division 4 - Boat Ramp

#### 7.11 Obstruction

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the launching or retrieval of a vessel as quickly as practicable.

### Division 5 - General

#### 7.12 Method of mooring vessel

A person in control of a vessel shall not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

**7.13 No private fixtures**

- (1) A person shall not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.
- (3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

**7.14 Jetty may be closed**

When indicated by placement of appropriate warnings and relevant signage, unless the prior written authorisation of the Local Government has been obtained, a person shall not moor, use or go on to any part of a jetty which is –

- (a) under construction or repair; or
- (b) closed.

**7.15 Nuisance on jetties or beach access to jetties**

- (1) A person shall not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –
  - (a) on a jetty; or
  - (b) within 5 metres of the approach to the built infrastructure of a jetty.
- (2) A person shall not authorise or participate in any form of sales or promotional activity –
  - (a) from a jetty;
  - (b) from a vessel moored to a jetty; or
  - (c) within 5 metres of the approach to the built infrastructure of a jetty.
- (3) A vehicle shall not be parked with in a manner that obstructs access to or from the jetty.

**7.16 Authorised person may order removal of a vessel**

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

**7.17 Authorised person may direct removal of obstruction**

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

**7.18 Bicycles on jetties**

A person shall not ride or have a bicycle on a jetty.

**7.19 Rubbish from jetty**

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

**7.20 Liquor on boats**

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

**7.21 Fishing from jetty**

Fishing from a jetty is prohibited.

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

**7.22 Swimming from a jetty**

Swimming, including diving, jumping and the like, from, under or within 5 metres of a jetty or vessel moored to the jetty, is prohibited.

**7.23 Explosives on jetties**

Except with the prior written authorisation of the Local Government, a person shall not land, place or handle on a jetty any explosives as defined in regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*.

**6. Schedule 1 amended**

Delete Schedule 1 and insert –

Schedule 1  
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain a permit to camp outside a facility	100
3.15(1)	Failure to obtain a permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on Local Government property	100
5.3	Failure to comply with sign or direction on beach	100
5.4	Unauthorised entry to fenced or closed Local Government property	100
5.5	Gender not specified using entry of toilet block or change room	100
5.6(1)	Unauthorised presence of animal on airport	300
5.6(2)	Animal wandering at large on airport - person in charge	300
5.6(3)	Animal wandering at large on airport - owner	300
5.7(1)	Unlawful entry of Reserve No 1686	100
6.1(1)	Unauthorised entry to function on Local Government property	100
7.3(1)	Unauthorised mooring of vessel	500
7.3(2)	Unauthorised activities on a vessel during reprovioning or routine maintenance	500
7.5	Obstruction by a vessel	500
7.6(1)	Overweight vehicle on commercial jetty	300
7.6(2) & 7.6(3)	Vehicle on jetty during time prohibited	300
7.7(1)	Mooring when not ready to load or discharge cargo, on or for longer than permitted	500
7.7(2)	Cargo on jetty when not ready to load	500
7.7(3)	Failure to remove cargo as soon as practical	300

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
7.8	Moored vessel not attended by a licenced and authorised representative of owner	500
7.9	Unauthorised use of recreational jetty	500
7.10	Unauthorised vehicle on recreational jetty	500
7.11	Obstruction of boat ramp	300
7.12	Improper mooring of vessel to a jetty	300
7.13(1)	Unauthorised fixtures to a jetty	500
7.14	Unauthorised use of any part of Jetty which is closed or under repair or construction	500
7.15	Causing obstruction, authorising or participating in sales or promotional activity, or impeding free passage on or to a jetty	300
7.16	Failure to comply with direction of authorised person to remove vessel	500
7.17	Failure to comply with direction of authorised person to remove obstruction	300
7.18	Use of bicycle on a jetty	100
7.19(1)	Throwing a prohibited item from a jetty	300
7.19(2)	Unlawful deposit of rubbish into bin on a jetty	300
7.20	Selling alcohol from a vessel	500
7.21	Fishing from a jetty	100
7.22	Swimming from a jetty	100
7.23	Unauthorised presence of explosives on a jetty	500
9.1	Failure to comply with direction of an authorised person or hindering an authorised person	500
10.1	Failure to comply with notice	200

Dated this sixteenth day of December 2015

The Common Seal of the Shire of Shark Bay was affixed by authority of a resolution of Council in the presence of –

CHERYL COWELL, President.

PAUL ANDERSON, Chief Executive Officer.

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

**SHIRE OF SHARK BAY**

65 Knight Terrace  
Denham WA 6537  
PO Box 126 Denham WA 6537



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

Your Ref  
Our Ref  
Enquiries

**Attachment # 5 –  
Local Law Being  
Adopted**

LOCAL GOVERNMENT ACT 1995

SHIRE OF SHARK BAY

**LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Shark Bay resolved on 16 December 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Shark Bay Local Government Property Amendment Local Law 2015*.

**2. Commencement**

This local law will come into operation 14 days after publication in the *Government Gazette*.

**3. Principal Local Law**

In this local law, the *Shire of Shark Bay Local Government Property Local Law* published in the *Government Gazette* on 24 July 2002, is referred to as the principal local law. The principal local law is amended.

**4. Clause 1.4 amended**

Delete clause 1.4 and insert –

**1.4 Application**

- (1) This Local Law applies throughout the district.
- (2) In accordance with the approval of the Governor published in the *Government Gazette* on 25 February 2003, the operation of this local law also extends for a distance of 200 metres seawards from the western district boundary, which is bounded by the Shores of the Indian Ocean and the inlets therefrom.
- (3) Notwithstanding anything to the contrary in this Local Law, the Local Government may –
  - (a) hire Local Government property to any person, or
  - (b) enter into an agreement with any person regarding the use of any Local Government property.



MINUTES OF THE ORDINARY COUNCIL MEETING  
16 DECEMBER 2015

---

5. Part 7 amended

Delete Part 7 and insert –

**PART 7 – JETTIES AND BOAT RAMP**

**Division 1 - Preliminary**

**7.1 Interpretation**

In this Part –

**boat ramp** means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

**cargo** means bulk produce, such as grain, coal, oil or mineral ore and includes the catch of a fishing vessel;

**commercial jetty** means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

**commercial vessel** means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

**fish** means an aquatic organism of any species (whether alive or dead) and includes –

- (a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and
- (b) a part only of an aquatic organism (including the shell or tail); and
- (c) live rock and live sand;

**fishing or fishing activity** means any of the following –

- (a) searching for fish;
- (b) attempting to take fish;
- (c) taking fish;
- (d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

**fishing vessel** means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

**moor** means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

**pleasure vessel** a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

**recreational jetty** means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

**sign** includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

**vessel** means any kind of vessel used or capable of being used in navigation by water.

**7.2 Application of this Part**

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1686.

**Division 2 - Commercial jetty**

**7.3 When vessels may be moored**

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (a) the vessel is in distress, and then only –
    - (i) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
    - (ii) the vessel is moored to the side of the jetty; and
    - (iii) is not deemed to be obstructing in accordance with clause 7.5;
  - (b) the vessel is not a commercial vessel, and –
    - (i) the embarking or disembarking of passengers is in progress;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for no longer than 30 minutes; and
    - (iv) a period of more than 30 minutes has passed since the vessel last departed the jetty;
  - (c) the vessel is a commercial vessel other than a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) the vessel is moored for not more than two hours; and
    - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
  - (d) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) is not deemed to be obstructing in accordance with clause 7.5;
    - (iii) for not more than two hours; and
    - (iv) a period of more than one hour has passed since the boat last cast off from the jetty.
- (2) Any person reprovisioning or carrying out routine maintenance shall complete the task in as soon as practicable, and no other activity on the vessel is permitted during this time.

**7.4 Berthing fees**

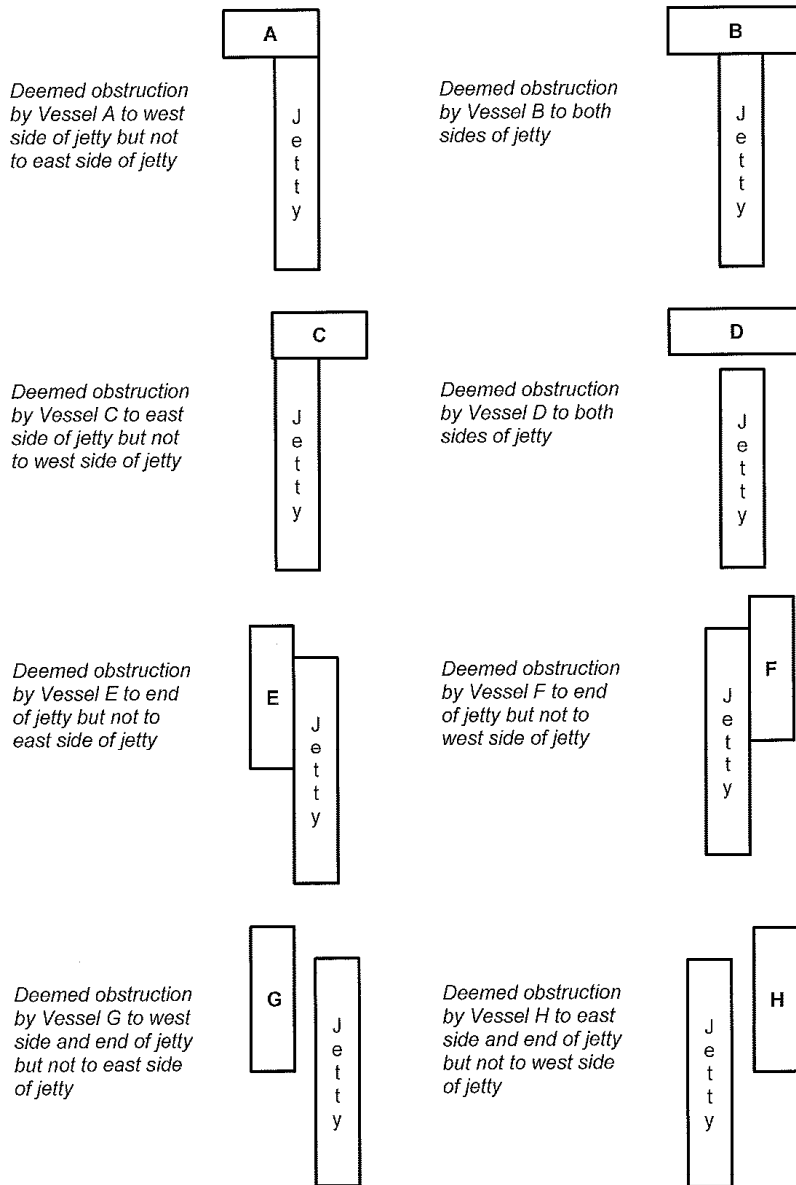
The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose fees for mooring at the commercial jetty.

**7.5 Deemed obstruction by vessels**

- (1) When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.
- (2) A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –
- (a) when moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty; or
  - (b) when moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty .

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015



(3) Where a vessel is moored in compliance sub-clause 7.3(1) and subclause 7.5(2), no obstruction is deemed to exist.

**7.6 Vehicles on jetty**

(1) A person shall not drive a vehicle of a gross vehicle mass exceeding ten tonnes on to the commercial jetty.

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

- (2) Only vehicles servicing vessels shall be permitted on the commercial jetty immediately prior to and until completion of unloading and loading of vehicle with a maximum time of 30 minutes other than professional fishermen while loading or unloading.

## 7.7 Cargo

- (1) A person in control of a vessel shall not allow the boat to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; and
  - (b) without the written authorisation of the Local Government –
    - (i) for longer than two hours; and
    - (ii) unless a period of more than one hour has passed since the boat last cast off from the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
  - (b) load the cargo onto the boat as soon as practicable after the boat is moored to the jetty.
- (3) Any person unloading cargo or other goods from a boat on to the jetty shall remove the cargo, or cause it to be removed from the jetty as soon as practicable.

## 7.8 Vessel moored is to be attended

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.

### Division 3 - Recreational jetty

#### 7.9 Use of recreational jetty

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

#### 7.10 Vehicles on recreational jetty

A person shall not drive a vehicle on the recreational jetty.

### Division 4 - Boat Ramp

#### 7.11 Obstruction

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the launching or retrieval of a vessel as quickly as practicable.

### Division 5 - General

#### 7.12 Method of mooring vessel

A person in control of a vessel shall not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

#### 7.13 No private fixtures

- (1) A person shall not affix any private fenders, structure or item to a jetty.

(2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.

(3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

**7.14 Jetty may be closed**

When indicated by placement of appropriate warnings and relevant signage, unless the prior written authorisation of the Local Government has been obtained, a person shall not moor, use or go on to any part of a jetty which is –

- (a) under construction or repair; or
- (b) closed.

**7.15 Nuisance on jetties or beach access to jetties**

(1) A person shall not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –

- (a) on a jetty; or
- (b) within 5 metres of the approach to the built infrastructure of a jetty.

(2) A vehicle shall not be parked in a manner that obstructs access to or from the jetty.

**7.16 Authorised person may order removal of a vessel**

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

**7.17 Authorised person may direct removal of obstruction**

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

**7.18 Bicycles on jetties**

A person shall not ride or have a bicycle on a jetty.

**7.19 Rubbish from jetty**

(1) A person shall not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from a jetty.

(2) A person shall not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on a jetty.

**7.20 Liquor on boats**

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

**7.21 Fishing from jetty**

Fishing from a jetty is prohibited.

**7.22 Swimming from a jetty**

Swimming, including diving, jumping and the like, from, under or within 5 metres of a jetty or vessel moored to the jetty, is prohibited.

# MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

## 7.23 Explosives on jetties

Except with the prior written authorisation of the Local Government, a person shall not land, place or handle on a jetty any explosives as defined in regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*.

## 7.24 Penalties

- (1) The local government may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted, or has paid the modified penalty, within the last 12 months in respect of 2 or more offences under Part 7 of this local law.
- (2) The local government may by notice in writing cancel the suspension referred to in subclause (1) once a person has been convicted, or has paid the modified penalty, for only one offence under Part 7 of the local law within the last 12 months

## 6. Schedule 1 amended

Delete Schedule 1 and insert –

### Schedule 1 PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain a permit to camp outside a facility	100
3.15(1)	Failure to obtain a permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on Local Government property	100
5.3	Failure to comply with sign or direction on beach	100
5.4	Unauthorised entry to fenced or closed Local Government property	100
5.5	Gender not specified using entry of toilet block or change room	100
5.6(1)	Unauthorised presence of animal on airport	300
5.6(2)	Animal wandering at large on airport - person in charge	300
5.6(3)	Animal wandering at large on airport - owner	300
5.7(1)	Unlawful entry of Reserve No 1686	100
6.1(1)	Unauthorised entry to function on Local Government property	100
7.3(1)	Unauthorised mooring of vessel	500
7.3(2)	Unauthorised activities on a vessel during reprovisioning or routine maintenance	500
7.5	Obstruction by a vessel	500
7.6(1)	Overweight vehicle on commercial jetty	300
7.6(2) & 7.6(3)	Vehicle on jetty during time prohibited	300

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
7.7(1)	Mooring when not ready to load or discharge cargo, on or for longer than permitted	500
7.7(2)	Cargo on jetty when not ready to load	500
7.7(3)	Failure to remove cargo as soon as practical	300
7.8	Moored vessel not attended by a licenced and authorised representative of owner	500
7.9	Unauthorised use of recreational jetty	500
7.10	Unauthorised vehicle on recreational jetty	500
7.11	Obstruction of boat ramp	300
7.12	Improper mooring of vessel to a jetty	300
7.13(1)	Unauthorised fixtures to a jetty	500
7.14	Unauthorised use of any part of Jetty which is closed or under repair or construction	500
7.15	Causing obstruction, authorising or participating in sales or promotional activity, or impeding free passage on or to a jetty	300
7.16	Failure to comply with direction of authorised person to remove vessel	500
7.17	Failure to comply with direction of authorised person to remove obstruction	300
7.18	Use of bicycle on a jetty	100
7.19(1)	Throwing a prohibited item from a jetty	300
7.19(2)	Unlawful deposit of rubbish into bin on a jetty	300
7.20	Selling alcohol from a vessel	500
7.21	Fishing from a jetty	100
7.22	Swimming from a jetty	100
7.23	Unauthorised presence of explosives on a jetty	500
9.1	Failure to comply with direction of an authorised person or hindering an authorised person	500
10.1	Failure to comply with notice	200

Dated this sixteenth day of December 2015

The Common Seal of the Shire of Shark Bay was affixed by authority of a resolution of Council in the presence of –



*Cowell*

CHERYL COWELL, President.

*Anderson*

PAUL ANDERSON, Chief Executive Officer.



The President with the consent of the Council bought forward item 13.1 Proposed Outline Development Plan – Lot 350 – 351 Hamelin Pool Road Hamelin Pool.

13.1 Proposed Outline Development Plan – Lot 3.50 – 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 near neighbour.

Cr Wake left the Council Chamber at 5.50 pm

Moved Cr Capewell

Seconded Cr Ridgley

**Council Resolution**

**That Council:**

1. **Note the advice of the Western Australian Planning Commission that the Outline Development Plan for Hamelin Pool has not been accepted for processing as:**
  - (a) **The documentation does not align with the manner and form in which a Structure Plan is to be prepared pursuant to Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
  - (b) **No written information has been lodged that demonstrates the proposals compliance with State Planning Policy No 2.6 State Coastal Policy. This normally takes the form of a coastal setback report recommended by a coastal engineer as part of the Structure Plan.**
2. **Authorise the Chief Executive Officer to write to the owner (Ms Patricia Cox) to inform her of the Western Australian Planning Commission correspondence and advise as follows:**
  - (a) **New Planning Regulations have become effective in October 2015 and the Western Australian Planning Commission has released new guidelines for Structure Plans and Structure Plan Reports.**

- (b) **The applicant is encouraged to engage a planning consultant to compile a structure plan report, and convert the Outline Development Plan into a more detailed and comprehensive Structure Plan.**

**5/0 CARRIED**

Cr Wake returned to the Council Chamber at 6.02pm

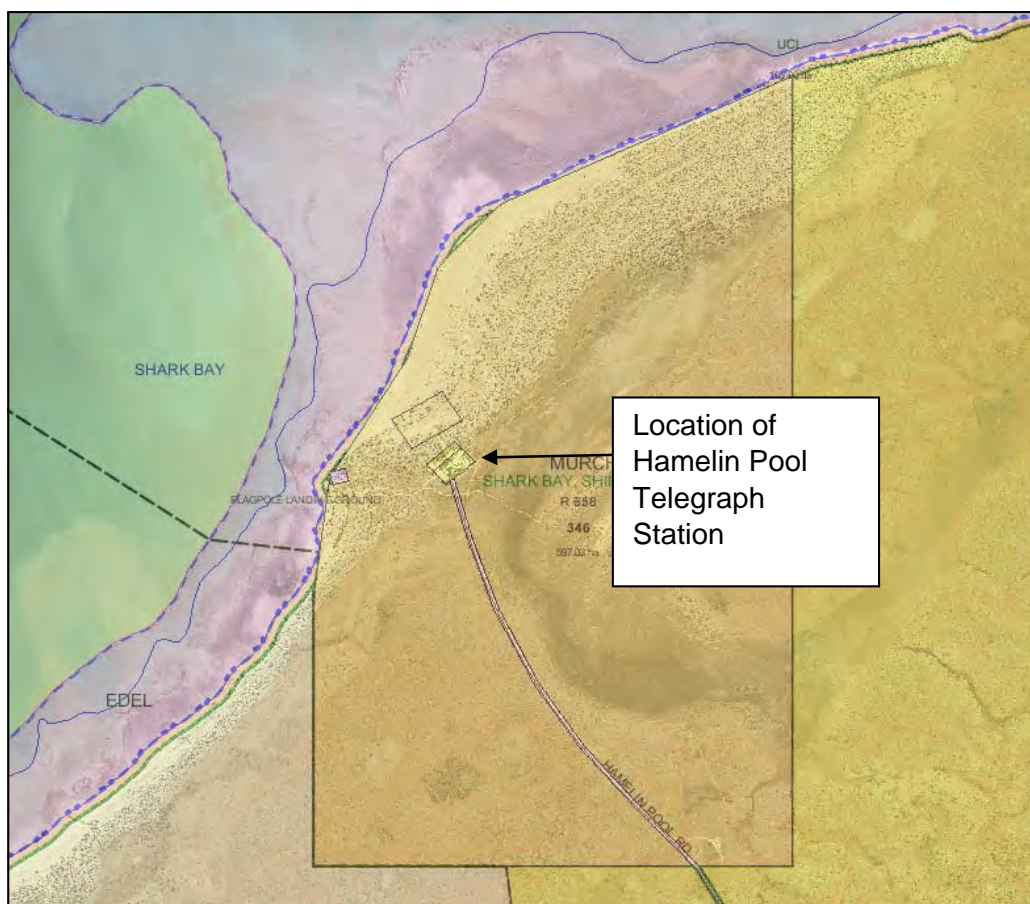
Background

The purpose of this report is to advise Council of the position of the Western Australian Planning Commission in regards to the Hamelin Pool Outline Development Plan.

• **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.

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:

*'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 decision (Interim Outline Development Plan)**

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 OCM 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 OCM 24.11.2014).

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

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 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'*.

- **Relevant Council decision (Outline Development Plan)**

Council adopted an Outline Development Plan for Hamelin Pool at the Ordinary Meeting held on the 30 September 2015 – Attached at the end of this report.

The Outline Development Plan was subsequently lodged with the Western Australian Planning Commission.

Comment

- **Western Australian Planning Commission advice**

The Western Australian Planning Commission has issued a Non-Conformance determination and advised that the Outline Development Plan has not been accepted for processing – Letter attached and the end of this report.

The Western Australian Planning Commission has neither approved or refused the Outline Development Plan. They have simply determined that insufficient information has been lodged for the Outline Development Plan to be processed.

It is recommended that the applicant be advised of the Western Australian Planning Commission decision, and be encouraged to engage a suitable qualified town planner to progress the Outline Development Plan as a Structure Plan as it will be an important strategic planning tool to guide future long term development at Hamelin Pool.

- **New Planning Regulations**

It is important for Council to be aware that there are new Planning and Development (Local Planning Schemes) Regulations 2015 which became effective in October 2015.

16 DECEMBER 2015

The Regulations outline specific requirements and information to be lodged as part of a Structure Plan. The terminology of 'Outline Development Plan' has been replaced by the term 'Structure Plan'.

Under the new Regulations a more flexible approach is taken to development occurring in the absence of a Structure Plan. Council has the ability to approve development in the absence of a structure plan where:

- (a) the proposed development does not conflict with the principles of orderly and proper planning.
- (b) the proposed development would not prejudice the overall development potential of the area.

This does not diminish the importance of structure plans however increases flexibility.

#### Legal Implications

*Shire of Shark Bay Local Planning Scheme No 3* - The Scheme provisions are similar to those that apply to other special use zones such as Monkey Mia and Nanga.

*Planning and Development (Local Planning Schemes) Regulations* – New Planning Regulations have been gazetted and became operative on the 19 October 2015. The Regulations have been explained in the body of this report.

#### Policy Implications

There are no policy implications relative to this report.

#### Financial Implications

The Shire pays planning fees to Gray & Lewis.

#### Strategic Implications

Development of a comprehensive Structure Plan and coastal report for Hamelin Pool would facilitate coordinated and well planned future development.

#### Risk Management

This item has a low risk to Council.

#### Voting Requirements

Simple Majority Required

#### Signatures

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

1 December 2015

MINUTES OF THE ORDINARY COUNCIL MEETING

16 DECEMBER 2015





16 DECEMBER 2015



Your Ref: P2002/O-CR-15259  
Our Ref: 2015-202659  
Enquiries: Johan Gildenhuis (65519562)

Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537

Dear Sir/Madam

**NON CONFORMANCE: 2015-202659 - Determination**

**RE: SUBJECT: P2002/O-CR-15259 Outline Development Plan - Lot 350/351 Hamelin Pool Telegraph Station Via Denham**

Please be advised that your lodgement received by the WAPC on 12/11/2015, with the Lodgement ID of **2015-202659**, did not meet all the conformance requirements to allow for further processing.

- The documentation does not align with the manner and form (Clause 16) in which a structure plan is to be prepared, pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- No written information has been lodged that demonstrates the proposal's compliance with State Planning Policy No. 2.6 *State Coastal Planning Policy*. This normally takes the form of a coastal setback report recommended by a coastal engineer as part of the Structure Plan.

Should you have any queries, please contact the assigned planning officer listed above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Hillyard'.

Tim Hillyard  
Secretary  
Western Australian Planning Commission

12/11/2015

16 DECEMBER 2015

11.2 SHARK BAY ARTS COUNCIL REPRESENTATIVE  
CM00022

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Prior  
Seconded Cr Capewell

**Council Resolution**

**That Council call for nominations for a member to the Shark Bay Arts Association Inc. as Council's representative.**

**6/0 CARRIED**

Nominations received from: Cr Cowell nominating Cr Prior

Moved Cr Prior  
Seconded Cr Capewell

**Council Resolution**

**That Cr Prior be appointed as Council's representative on the Shark Bay Arts Council Inc.**

**6/0 CARRIED**

Background

At the Special meeting of Council held on the 22 October 2015 Council resolved the following:

**That Cr Laundry be appointed as Council's representative on the Shark Bay Arts Council Inc.**

As attached correspondence below, Cr Laundry has now resigned his position on the Shark Bay Arts Council Inc.



## ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

Madam President and Councillors	Cr. Kevin Laundry
Shark Bay Shire Council	11 Edwards St.
Denham	
Denham,6537	6537
	4-12-2015

I wish to resign my position as Council representative to the Shark Bay Arts Council as from the next ordinary council meeting of the Shark Bay Shire on the 16 th December,2015.

This is not to show any disrespect to the Arts Council but I feel that the position conflicts with my current standing as Vice -President of the Shark Bay Entertainers Group and I feel that I can work more cordially with the Arts Council as a non-committed participant.

Yours Faithfully,

Cr. Kevin Laundry

### Comment

Council can now consider electing a new Council representative to the Shark Bay Arts Council Inc. committee if it feels there is a requirement or resolve not to have a representative on this committee.

### Legal Implications

There are no legal 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.

### Strategic Implications

There are no strategic implications relative to this report.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer

*P Anderson*

Date of Report

7 December 2015

16 DECEMBER 2015

11.3 CODE OF CONDUCT  
CM00037

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Capewell

Seconded Cr Bellottie

**Council Resolution**

**That Council adopt the updated Code of Conduct for Employees, Elected Members and Committee Members as attached to this report.**

**6/0 CARRIED**

BACKGROUND

In accordance with the Section 5.103 of the *Local Government Act 1995*, local governments are required to prepare a code of conduct to be observed by Elected Members, Committee Members and employees.

The Code of Conduct ensures that the roles and responsibilities of Elected Members, Committee Members and employees are understood and respected. This enables professional relationships to be established and maintained in the interests of providing good governance, overall integrity and good government for the community.

Council last reviewed the Code of Conduct in 2014 when adopting the Policy Manual.

COMMENT

The Code of Conduct has been reviewed and updated to reflect requirements of the Local Government Act and Regulations and also the recommendations of the Legislative Compliance Framework Review.

The updated Code sets out principles and standards of behaviour Elected Members, Committee Members and employees must observe when performing their duties and details explanatory matters around key areas of:

- Behaviour
- Professional conduct
- Communication and official information
- Use of Shire resources and information
- Conflicts of interest and gifts and benefits
- Reporting suspected breaches of the Code

The updated Code includes the same topics as the previous Code, however most areas have been expanded to provide more explanation and excerpts from the Local Government Act have been included for information purposes. For example the

## ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

Conflicts of Interests area provides some guiding principles and explanations on the types of interests while the Gifts and Benefits area explains the nature of gifts.

The format of the Code has also been updated for ease of use.

### LEGAL IMPLICATIONS

Section 5.103 (1) of the *Local Government Act 1995* states that every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

The *Local Government (Rules of Conduct) Regulations 2007* prescribes the rules of conduct for council members that council members are required to observe.

### POLICY IMPLICATIONS

This updated Code of Conduct replaces the existing Code adopted in 2014.

### FINANCIAL IMPLICATIONS

There are no financial implications with this item.

### STRATEGIC IMPLICATIONS

Outcome 4.2                      Shark Bay is efficient and effective in its operations, actively listens to the community and anticipates and responds to the community's needs.

### RISK MANAGEMENT

The adoption of this Code of Conduct is a low risk decision for Council and will reduce the Council's risk in relation to the professionalism of Elected Members, Committee Members and employees.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Executive Manager

Finance and Administration

*C Wood*

Chief Executive Officer

*P Anderson*

Date of Report

4 December 2015

16 DECEMBER 2015

11.4 AGED PENSIONS UNITS BUSINESS CASE  
CP00002

AUTHOR

CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

1A. That the Business case and design concept for the proposed Retirement Village extension and Seniors Community Hall be considered and endorsed by Council

Or

1B. That the Business case and design concept for the proposed Retirement Village extension and Seniors Community Hall be considered and the following amendments

- .....
- .....

Be incorporated into the Business case and Design concept.

Following the endorsement by Council the administration be requested to submit the Business Case and Design concept to relevant Government Departments and organisations for funding support to progress the implementation of the proposed Retirement Village extension and Seniors Community Hall.

Moved Cr Ridgley

Seconded Cr Cowell

**Council Resolution**

- 1. That the Business case and design concept for the proposed Retirement Village extension and Seniors Community Hall be considered and endorsed by Council be incorporated into the Business Case and Design Concept.**
- 2. Following the endorsement by Council the administration be requested to submit the Business Case and Design Concept to relevant Government Departments and organisations for funding support to progress the implementation of the proposed Retirement Village extension and Seniors Community Hall.**

**6/0 CARRIED**

BACKGROUND

The Council has previously resolved at the Ordinary Council meeting held on the 17 December 2014 the following:

16 DECEMBER 2015

**That a business case be developed for further consideration by Council for the construction of well-aged pensioner units and a community centre to be situated on Reserve 24426 and on part of Reserve 40498.**

The business case has now been developed and is attached under separate cover for Council's consideration.

COMMENT

The business case (attached) has been developed to comply with the Royalties for Regions current guidelines and can be utilised for funding applications to other funding government and private funding bodies or partners, if required.

The concept in the plan provides for six new two bedroom units and six one bedroom units. The one bedroom units are configured in a duplex style while the two bedroom units are stand alone.

This method has been utilised to provide for the best return on investment model, the Council may consider the mix of units not suitable and have the business case redrafted to provide for a different blend of accommodation.

The provision of only two bedroom units would allow for greater ability for visitation from relatives and family and provide for additional storage space if required.

This would not provide the best return of investment model but may contribute to better social outcomes. The provision of accommodation spaces may also be questioned by the current accommodation provider's, however visitation duration and impacts could be controlled by the lease agreement.

There is also provision in the business case for a new community hall on the site for the utilisation of the whole community. It would be proposed to seek funding from Lotteries West and other community funding bodies for this component of the proposal as the facility will be available for use by the wider community.

In the proposal the location of the old St Johns Ambulance building has been utilised to provide off street parking for residents, visitors and visitors to the Day Care Centre next door.

The new community hall in the concept is proposed to be situated where the storage garages are currently located. Currently there is 13 units with only 8 storage garages leaving a current shortfall of 5.

The Council may consider the retention of the storage garages and the construction of new facilities to match the number of units.

The proposed new units have a 4sqm storage facility built into the design and there is additional parking areas for the number of units.

LEGAL IMPLICATIONS

There are no policy implications relative to this report

## ORDINARY COUNCIL MEETING

16 DECEMBER 2015

---

### POLICY IMPLICATIONS

There are no policy implications relative to this report

### FINANCIAL IMPLICATIONS

The business case has indicated an anticipated project cost of \$3,948,919 including land value and project management, with an amount of \$3,089,809 being identified required to be sought from Royalties for Regions or other funding source.

The land component on Reserve 24426 is vested in the Shire for Aged Persons homes and has a value to the project. This will form part of the Council's contribution in a financial component. The project management component of \$299,414 can be drawn from Council infrastructure reserves for the project.

There may also be additional funding sources for the community hall project such as Lotteries West. This mix of funding was utilised for the construction of the Emergency Services Precinct and was very successful.

### STRATEGIC IMPLICATIONS

Address outcome 3.7 Community Infrastructure that meets the needs of families, youth and retirees.

### RISK MANAGEMENT

There are no strategic implications relative to this report

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

8 December 2015

Cr Wake left the Council Chamber at 6.23 pm.

The President adjourned the Ordinary Council meeting at 6.23 pm.

The President reconvened the Ordinary Council meeting at 6.53 pm.

16 DECEMBER 2015

**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 Ridgely

Seconded Cr Prior

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$703,935.49 be accepted.**

**5/0 CARRIED**

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers 26792 to 26795 totalling \$5,063.18

Municipal fund direct debits to Council for November 2015 totalling \$32,357.12

Municipal fund account electronic payment numbers MUNI EFT 18562 to 18670 totalling \$424,020.81

Municipal fund account for November 2015 payroll totalling \$187,621.58

Trust fund account cheques Nil

Trust fund account electronic payment numbers 18631 to 18727 totalling \$40,896.05 and

Trust fund Police Licensing for June 2014 cheque # 151605 totalling \$13,976.75

The schedule of accounts submitted to each member of Council on 11 December 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

*C Wood*

Chief Executive Officer

*P Anderson*

Date of Report

7 December 2015

16 DECEMBER 2015

## SHIRE OF SHARK BAY – MUNI CHEQUES NOVEMBER 2015

### CHEQUE # 26792 TO 26795

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26792	13/11/2015	HORIZON POWER-STREET LIGHTING	STREET LIGHTS OCT 15	-3377.47
26793	13/11/2015	HORIZON POWER-MAIN USAGE	ELECTRICITY BI MONTHLY ACCOUNT	-1083.22
26794	13/11/2015	WATER CORPORATION	KNIGHT TCE LOT 347 SERVICE CHGE	-54.71
26795	25/11/2015	HORIZON POWER-MAIN USAGE	ELECTRICITY – SES/ AMBULANCE SHEDS	-547.78
<b>TOTAL</b>				<b>5,063.18</b>

## SHIRE OF SHARK BAY – DIRECT DEBITS NOVEMBER 2015

D/D	DATE	NAME	DESCRIPTION	AMOUNT
DD12576.1	01/11/2015	WALGA	SUPERPAYROLL DEDUCTIONS	-4611.23
DD12576.2	01/11/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-264.87
DD12576.3	01/11/2015	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-378.34
DD12576.4	01/11/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12576.5	01/11/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12576.6	01/11/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-425.61
DD12576.7	01/11/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-198.90
DD12576.8	01/11/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-986.43
DD12576.9	01/11/2015	REST	SUPERANNUATION CONTRIBUTIONS	-607.97
DD12583.1	04/11/2015	BANKWEST MASTERCARD	MISCELLEANOUS PURCHASES	-3134.53
DD12587.1	21/11/2015	VIVA ENERGY AUSTRALIA	SHELL CARD OCTOBER 2015	-413.24



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

<b>D/D</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD12600.1	15/11/2015	WALGA	SUPER PAYROLL DEDUCTIONS	-4399.93
DD12600.2	15/11/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-230.62
DD12600.3	15/11/2015	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-378.34
DD12600.4	15/11/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12600.5	15/11/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-133.77
DD12600.6	15/11/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-442.66
DD12600.7	15/11/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-198.90
DD12600.8	15/11/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-994.99
DD12600.9	15/11/2015	REST	SUPERANNUATION CONTRIBUTIONS	-686.81
DD12620.1	29/11/2015	WALGA	SUPER PAYROLL DEDUCTIONS	-4512.55
DD12620.2	29/11/2015	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-186.46
DD12620.3	29/11/2015	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-378.34
DD12620.4	29/11/2015	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12620.5	29/11/2015	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-191.74
DD12620.6	29/11/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-422.30
DD12620.7	29/11/2015	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-198.90
DD12620.8	29/11/2015	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1035.98
DD12620.9	29/11/2015	REST	SUPERANNUATION CONTRIBUTIONS	-625.88
DD12632.1	30/11/2015	BANKWEST E MASTERCARD	MONTHLY ACCOUNT	-187.80
DD12576.10	01/11/2015	JOHN & GAYNA SUPER	SUPERANNUATION CONTRIBUTIONS	-529.88
DD12576.11	01/11/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-410.28
DD12576.12	01/11/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-163.59
DD12576.13	01/11/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-165.51
DD12576.14	01/11/2015	WESTPAC	SUPERANNUATION CONTRIBUTIONS	-193.21
DD12576.15	01/11/2015	MACQUARIE SUPER	SUPERANNUATION CONTRIBUTIONS	-186.46
DD12600.10	15/11/2015	JOHN & GAYNA SUPER	SUPERANNUATION CONTRIBUTIONS	-529.88
DD12600.11	15/11/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-410.28
DD12600.12	15/11/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-160.45
DD12600.13	15/11/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-184.97
DD12600.14	15/11/2015	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-193.21

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

<b>D/D</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD12600.15	15/11/2015	MACQUARIE SUPER	SUPERANNUATION CONTRIBUTIONS	-199.71
DD12620.10	29/11/2015	JOHN AND GAYNA SUPER	SUPERANNUATION CONTRIBUTIONS	-529.88
DD12620.11	29/11/2015	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-824.20
DD12620.12	29/11/2015	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-160.19
DD12620.13	29/11/2015	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-169.68
DD12620.14	29/11/2015	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-193.21
DD12620.15	29/11/2015	MACQUARIE SUPER	SUPERANNUATION CONTRIBUTIONS	-193.08
<b>TOTAL</b>				<b>\$32,357.12</b>

## SHIRE OF SHARK BAY – MUNI EFT NOVEMBER 2015 EFT 18562 TO 18670

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT18562	06/11/2015	ANTHONY COURT	REFUND FOR CARAVAN PURCHASED AT TIP	-300.00
EFT18563	06/11/2015	ALLELECTRIX PTY LTD	GENERAL PURPOSE OUTLET-NEW JETTY	-449.90
EFT18564	06/11/2015	ART ON THE MOVE	MEMBERSHIP TO JULY 2016	-220.00
EFT18565	06/11/2015	BLACKWOODS ATKINS	ANCHOR SYSTEM FOR FLOATING DECK	-72.23
EFT18566	06/11/2015	BUNNINGS BUILDING	DOOR FRAME FOR RECORDS ROOM	-290.59
EFT18567	06/11/2015	BATTERY MART	BATTERY REPLACEMENT	-141.90
EFT18568	06/11/2015	BOLTS R US	PARTS	-324.75
EFT18569	06/11/2015	CORAL COAST PLUMBING	MAINTENANCE – DUMP POINT	-212.14
EFT18570	06/11/2015	CLEAN CLOTH COTTON TRADERS	RAGS - DEPOT	-189.20
EFT18571	06/11/2015	COSSET INDUSTRIES AUSTRALIA	TABLE AND SEATS	-6990.50

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18572	06/11/2015	CDH ELECTRICAL	INSTALL PROJECTOR AND SET UP	-792.00
EFT18573	06/11/2015	DENHAM PAPER AND CHEMICAL	STAFF AMENITIES	-133.08
EFT18574	06/11/2015	FLEET HYDRAILICS	PARTS	-1322.91
EFT18575	06/11/2015	THINK WATER GERALDTON	PARTS	-834.40
EFT18576	06/11/2015	TOLL IPEC PTY LTD	FREIGHT FOR VARIOUS PROJECTS	-127.84
EFT18577	06/11/2015	JASON SIGNMAKERS	SIGNS AND MARKERS	-3357.20
EFT18578	06/11/2015	KOMATSU AUSTRALIA	LOADER PURCHASE	170482.40
EFT18579	06/11/2015	MITCHELL & BROWN,	TELSTRA PHONE -NEW TOWN SUPERVISOR	-240.00
EFT18580	06/11/2015	MCLEODS BARRISTERS	LEGAL COSTS – LEASE	-1079.26
EFT18581	06/11/2015	MARKETFORCE PTY LTD	EMCD ADVERT IN WA NEWSPAPERS	-1833.97
EFT18582	06/11/2015	NIK RYBAK MECHANICAL	AIR CON REPAIRS TO MULTI TYRED ROLLER	-561.42
EFT18583	06/11/2015	PURCHER INTERNATIONAL PTY LTD	PRIME MOVER ENGINE REPAIRS	-28773.79
EFT18584	06/11/2015	PLUMOVATION	MAINTENANCE TO LADIES PUBLIC TOILET	-231.00
EFT18585	06/11/2015	PAPER PLUS OFFICE NATIONAL	STATIONERY	-1386.61
EFT18586	06/11/2015	SKIPPERS AVIATION	FLIGHTS PROJECT MANAGEMENT FORESHORE	-793.00
EFT18587	06/11/2015	SHARK BAY COMMUNITY RESOURCE	SPORTS AND REC CENTRE MANAGEMENT	-4830.00
EFT18588	06/11/2015	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING ACCOUNT-OCT 15	-18290.41
EFT18589	06/11/2015	SHARK BAY FREIGHTLINES	FREIGHT – FOR VARIOUS PROJECTS	-1018.22
EFT18590	06/11/2015	MCKELL FAMILY TRUST	MONTHLY RUBBISH COLLECTION-OCT 15	-10963.76
EFT18591	06/11/2015	NORTHERN GLASS	PENSIONER UNITS MAINTENANCE	-98.91
EFT18592	06/11/2015	SHARK BAY CAR HIRE	CAR HIRE – FLYING DOCTOR	-495.00
EFT18593	06/11/2015	ST JOHN AMBULANCE - SHARK BAY	SENIOR FIRST AID TRAINING FOR 6 PERSONS	-1194.00
EFT18594	06/11/2015	SALTWATER CAFE	DHIAC MEETING - REFRESHMENTS	-456.79
EFT18595	06/11/2015	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE FOR SMS TO PUBLIC	-284.06
EFT18596	06/11/2015	THE DIVE SPOT	BOOKS	-239.25
EFT18597	06/11/2015	WELLARD CONTR & PLANT HIRE	WATER TANKER HIRE LOOP ROAD	-3960.00
EFT18598	11/11/2015	AUSTRALIA POST	LOCAL POST OCT 15	-330.67
EFT18599	11/11/2015	BAJA DATA & ELECTRICAL SERVICES	ELECTRICAL CONNECTIONS FOR OVAL PUMP	-1372.00
EFT18600	11/11/2015	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY COMMISSION	-872.88

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18601	11/11/2015	DENHAM IGA X-PRESS	MONTHLY ACCOUNT-OCT 15	-997.25
EFT18602	11/11/2015	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT-PCT 15	-985.11
EFT18603	11/11/2015	SHARK BAY FUEL & SERVICE CENTRE	MONTHLY FUEL ACCOUNT-OCT 15	-119.65
EFT18604	11/11/2015	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	-596.63
EFT18605	11/11/2015	GERALDTON FUEL COMPANY	FUEL BULK	-9770.29
EFT18606	11/11/2015	HTD SURVEYORS AND PLANNERS	BOUNDARY SURVEY PENSIONER UNITS	-2662.00
EFT18607	11/11/2015	IT VISION	CHANGES TO DOGS AND CATS RENEWAL	-706.20
EFT18608	11/11/2015	ITVISION	RATES AND PROPERTY TRAINING	-1100.00
EFT18609	11/11/2015	MITCHELL & BROWN,	2X KELVINATOR AIRCON. TAMALA STN CAMP	-850.00
EFT18610	11/11/2015	MCLEODS BARRISTERS	LEGAL COSTS - DURLACHER ST	-1219.11
EFT18611	11/11/2015	MITRE 10 SHARK BAY MARINE	MONTHLY ACCOUNT	-3795.10
EFT18612	11/11/2015	METEOR STONE	LIMESTONE CAPPINGS FOR SAPPIE PARK	-1366.28
EFT18613	11/11/2015	PARKER BLACK & FORREST	STAINLESS DOOR SLIDER	-346.50
EFT18614	11/11/2015	PURCHER INTERNATIONAL PTY LTD	PARTS	-55.81
EFT18615	11/11/2015	MP ROGERS & ASSOCIATES	MANAGEMENT FEES – MM JETTY	-1834.10
EFT18616	11/11/2015	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN OCT 15	-1452.00
EFT18617	11/11/2015	SHARK BAY FREIGHTLINES	FREIGHT FOR VARIOUS PROJECTS	-1409.05
EFT18618	13/11/2015	ALLELECTRIX PTY LTD	FIX CABLE- RELOCATE EXIT SIGN-OFFICE	-598.40
EFT18619	13/11/2015	AUSRECORD PTY LTD	BUILDING LICENCE FILES	-863.50
EFT18620	13/11/2015	BAJA DATA & ELECTRICAL SERVICES	INSTALL TV SAT BOX AND CABLE PENS UNITS	-610.00
EFT18621	13/11/2015	BRIAN JOHN GALVIN	REIMBURSEMENT - INSURANCE 15/16	-4707.92
EFT18622	13/11/2015	BURTON TILING MAINT & RENO	PENSIONER UNIT 10 UPGRADE	-4542.22
EFT18623	13/11/2015	CUTBACK PLUMBING & GAS PTY LTD	PENSIONER UNITS 10 AND 12 UPGRADE	-774.00
EFT18624	13/11/2015	GEARING BUTCHER'S	SENIORS LUNCH	-133.00
EFT18625	13/11/2015	JASON SIGNMAKERS	COMMERCIAL PARKING SIGNS	-947.10
EFT18626	13/11/2015	J TOTTERDELL -MARINE INFO	GUTHARRAGUDU DVDS-SBDC	-682.00
EFT18627	13/11/2015	RAY WHITE SHARK BAY	RENT ON 34 HUGHES ST DECEMBER 2015	-1127.00
EFT18628	13/11/2015	SHARK BAY AIR CHARTER	FLIGHTS - AVIATION GROUP MEETING	-612.00
EFT18629	17/11/2015	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-230.58

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18630	18/11/2015	ADRIAN A HIPPER	REFUND-PEN FEES FOR MAY AND JUNE 2015	-706.33
EFT18631	-18632	TRUST		
EFT18633	19/11/2015	CENTAMAN SYSTEMS PTY LTD	ANNUAL LICENCE 1/12/15 TO 31/11/16	-3800.50
EFT18634	19/11/2015	CUTBACK PLUMBING & GAS PTY LTD	80 DURLACHER-PLUMBING MAINTENANCE	-218.00
EFT18635	19/11/2015	EARTHCARE	DENHAM FORESHORE REVITALISATION	-32450.00
EFT18636	19/11/2015	HOLISTICS IN HOUSE	RED DOG MERCHANDISE SBDC	-548.00
EFT18637	19/11/2015	RHONDA JOY METTAM	REIM -MATTING ROLL FOR RECORDS ROOM	-93.75
EFT18638	19/11/2015	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-210.00
EFT18639	19/11/2015	REPLAS	BENCH – SEATING FORESHORE	-1013.36
EFT18640	19/11/2015	SKIPPERS AVIATION	FLIGHTS STAFF PRIVATE	-1256.00
EFT18641	20/11/2015	BAJA DATA & ELECTRICAL SERVICES	UNIT 11 ELECTRICAL MAINTENANCE	-99.00
EFT18642	20/11/2015	CUTBACK PLUMBING & GAS PTY LTD	RELOCATE WATER LINE - DEPOT	-370.89
EFT18643	20/11/2015	GREAT NORTHERN FENCING	HIRE OF EXCAVATOR-WOODLEIGH-BYRO	-275.00
EFT18644	20/11/2015	TOLL IPEC PTY LTD	FREIGHT ON VARIOUS PROJECTS	-562.85
EFT18645	20/11/2015	MITRE 10 SHARK BAY MARINE	RE-ROOF PENSIONER UNITS 1-4	-16192.00
EFT18646		TRUST		
EFT18647	25/11/2015	ALLTOOLS W.A	BATTERIES FOR CORDLESS TOOLS	-218.00
EFT18648	25/11/2015	BLACKWOODS ATKINS	ANCHOR SYSTEM FOR FLOATING DECK	-619.08
EFT18649	25/11/2015	BAJA DATA & ELECTRICAL SERVICES	REPAIR ANTENNA BROKEN IN CYCLONE OLWYN	-154.00
EFT18650	25/11/2015	BOC LIMITED	CONTAINER RENTAL	-33.70
EFT18651	25/11/2015	BRIAN JOHN GALVIN	WORKS MANAGERS ELECTRICITY ACCOUNT	-285.72
EFT18652	25/11/2015	KF & PD BURKETT	VERGE MOWING - MAIN ROADS	-24887.50
EFT18653	25/11/2015	CUMMINS ENGINE COMPANY PTY LTD	FILTERS FOR CAT-INTEGRATED TOOL CARRIER	-225.70
EFT18654	25/11/2015	CONPLANT AUSTRALIA	PARTS	-1070.30
EFT18655	25/11/2015	COOL THATCH	GAZEBO REPAIR	-4650.00
EFT18656	25/11/2015	EXMOUTH BUS CHARTER	TRANSFERS - EXMOUTH CONFERENCE	-255.00
EFT18657	25/11/2015	GERALDTON AGRICULTURAL	PARTS	-171.38
EFT18658	25/11/2015	ATOM-GERALDTON INDUSTRIAL	SMALL TOOL PURCHASES	-555.09
EFT18659	25/11/2015	GRAY & LEWIS LAND USE PLANNERS	PLANNING ADVICE – GENERAL	-8600.63

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18660	25/11/2015	HITS RADIO PTY LTD	PROMOTION OF SHARK BAY ON RADIO	-750.20
EFT18661	25/11/2015	HAMES SHARLEY PLANNING	ADDITIONAL SITE VISIT-FORESHORE	-8172.33
EFT18662	25/11/2015	WA OCEAN PARK PTY LTD	MORNING TEA - SENIORS WEEK 2016	-302.50
EFT18663	25/11/2015	PATHTECH PTY LTD	PARTS	-352.00
EFT18664	25/11/2015	REPLAS	SEATING FOR FORESHORE	-1344.90
EFT18665	25/11/2015	SHARK BAY CLEANING SERVICE	TOILET SUPPLIES	-162.80
EFT18666	25/11/2015	SHARK BAY AIR CHARTER	FLIGHTS TO EXMOUTH WALGA ZONE & RRG	-2237.00
EFT18667	25/11/2015	SHARK BAY RESOURCES PTY LTD	ANTI SLIP DECK	-40.00
EFT18668	25/11/2015	VISIMAX SAFETY PRODUCTS	SAFETY PRODUCTS	-423.70
EFT18669	25/11/2015	WESTRAC EQUIPMENT PTY LTD	AIR CON BELT	-29.78
EFT18670	25/11/2015	WURTH AUSTRALIA PTY LTD	PARTS	-44.98
EFT18680	-18703	CANCELLED		
EFT18704	-18727	TRUST		
<b>TOTAL</b>				<b>\$424,020.81</b>

## SHIRE OF SHARK BAY – TRUST EFT NOVEMBER 2015 EFT 18631 TO 18727

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT18631	18/11/2015	DEPARTMENT OF COMMERCE	BUILDING LEVY	-113.30
EFT18632	18/11/2015	SHIRE OF SHARK BAY	BUILDING LEVY COLLECTION FEE	-10.00
EFT18646	25/11/2015	SHIRE OF SHARK BAY	GYM CARD NOT RETURNED	-80.00
EFT18704	30/11/2015	MAC ATTACK FISHING	BOOEASY NOVEMBER 2015	-136.00
EFT18705	30/11/2015	BAY LODGE MIDWEST OASIS	BOOEASY NOVEMBER 2015	-408.00

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT18706	30/11/2015	BLUE LAGOON PEARLS	BOOKEASY NOVEMBER 2015	-323.50
EFT18707	30/11/2015	SHARK BAY COASTAL TOURS	BOOKEASY NOVEMBER 2015	-2050.20
EFT18708	30/11/2015	DENHAM SEASIDE CARAVAN PK	BOOKEASY NOVEMBER 2015	-114.75
EFT18709	30/11/2015	EMILY ELIZABETH WARD	BOOKEASY NOVEMBER 2015	-5.56
EFT18710	30/11/2015	HARTOG COTTAGES	BOOKEASY NOVEMBER 2015	-638.00
EFT18711	30/11/2015	INTEGRITY COACH LINES (	BOOKEASY NOVEMBER 2015	-270.60
EFT18712	30/11/2015	KALBARRI SEAFRONT VILLAS	BOOKEASY NOVEMBER 2015	-246.50
EFT18713	30/11/2015	MONKEY MIA YACHT CHARTERS	BOOKEASY NOVEMBER 2015	-4586.56
EFT18714	30/11/2015	MONKEYMIA WILDSIGHTS	BOOKEASY NOVEMBER 2015	-11736.06
EFT18715	30/11/2015	NINGALOO REEF RESORT	BOOKEASY NOVEMBER 2015	-367.20
EFT18716	30/11/2015	WA OCEAN PARK PTY LTD	BOOKEASY NOVEMBER 2015	-3454.40
EFT18717	30/11/2015	OCEANSIDE VILLAGE	BOOKEASY NOVEMBER 2015	-1460.80
EFT18718	30/11/2015	SHARK BAY QUAD BIKES	BOOKEASY NOVEMBER 2015	-765.00
EFT18719	30/11/2015	RAC MONKEY MIA DOLPHIN	BOOKEASY NOVEMBER 2015	-400.40
EFT18720	30/11/2015	SHARK BAY HOTEL MOTEL	BOOKEASY NOVEMBER 2015	-956.25
EFT18721	30/11/2015	SHARK BAY COACHES	BOOKEASY NOVEMBER 2015	-554.40
EFT18722	30/11/2015	SHARK BAY AIR CHARTER	BOOKEASY NOVEMBER 2015	-894.08
EFT18723	30/11/2015	SHARKBAY CARAVAN PARK	BOOKEASY NOVEMBER 2015	-136.00
EFT18724	30/11/2015	SHARK BAY FISHING	BOOKEASY NOVEMBER 2015	-1700.00
EFT18725	30/11/2015	SHIRE OF SHARK BAY	BOOKEASY COMMISSION NOV 15	-5788.39
EFT18726	30/11/2015	TRADEWINDS SEAFRONT	BOOKEASY NOVEMBER 2015	-699.60
EFT18727	30/11/2015	WULA GUDA NYINDA (CAPES)	BOOKEASY NOVEMBER 2015	-3000.50
<b>TOTAL</b>				<b>\$40,896.05</b>

16 DECEMBER 2015

---

**SHIRE OF SHARK BAY – TRUST CHEQUE NOVEMBER 2015**  
**TRUST CHEQUE # 151605**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
151605	30/11/2015	COMMISSIONER OF POLICE	POLICE LICENSING NOVEMBER 2015	-13976.75
<b>TOTAL</b>				<b>\$13,976.75</b>



---

16 DECEMBER 2015

12.2 FINANCIAL REPORTS TO 30 NOVEMBER 2015  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved           Cr Capewell  
Seconded       Cr Cowell

**Council Resolution**

**That the monthly financial report to 30 November 2015 as attached be received.  
5/0 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 November 2015** are attached.

Voting Requirements

Simple Majority Required

Signature

Author	<i>C Wood</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	7 December 2015

<b>SHIRE OF SHARK BAY</b>					
<b>MONTHLY FINANCIAL REPORT</b>					
<b>For the Period Ended 30 November 2015</b>					
<b>LOCAL GOVERNMENT ACT 1995</b>					
<b>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</b>					
<b><u>TABLE OF CONTENTS</u></b>					
Compilation Report					
Monthly Summary Information					
Statement of Financial Activity by Program					
Statement of Financial Activity By Nature or Type					
Statement of Capital Acquisitions and Capital Funding					
Statement of Budget Amendments					
Note 1	Significant Accounting Policies				
Note 2	Explanation of Material Variances				
Note 3	Net Current Funding Position				
Note 4	Cash and Investments				
Note 6	Receivables				
Note 7	Cash Backed Reserves				
Note 8	Capital Disposals				
Note 9	Rating Information				
Note 10	Information on Borrowings				
Note 11	Grants and Contributions				
Note 12	Trust				
Note 13	Capital Acquisitions				

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 November 2015							
	Note	Original Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Operating Revenues</b>							
Governance		12,605	1,500	37,348	35,848	0.00%	▲
General Purpose Funding - Rates	9	1,214,780	1,236,514	1,185,354	(51,160)	(4.1%)	▼
General Purpose Funding - Other		1,961,795	958,750	540,498	(418,252)	(43.6%)	▼
Law, Order and Public Safety		93,350	59,524	20,105	(39,419)	(66%)	▼
Health		750	750	751	1	0.13%	▲
Housing		88,660	35,340	39,494	4,154	11.8%	▲
Community Amenities		272,000	223,585	236,273	12,688	5.67%	▲
Recreation and Culture		307,900	90,590	128,682	38,092	42.0%	▲
Transport		454,556	126,072	404,849	278,777	221.1%	▲
Economic Services		730,107	346,017	361,051	15,034	4.3%	▲
Other Property and Services		25,000	6,250	19,402	13,152	210.4%	▲
<b>Total Operating Revenue</b>		<b>5,161,503</b>	<b>3,084,892</b>	<b>2,973,807</b>	<b>(111,085)</b>	<b>(3.60%)</b>	
<b>Operating Expense</b>							
Governance		(285,318)	(44,826)	(175,330)	(130,504)	291.1%	▼
General Purpose Funding		(122,096)	(52,080)	(58,329)	(6,249)	12.0%	▼
Law, Order and Public Safety		(334,324)	(177,506)	(210,497)	(32,991)	18.6%	▼
Health		(55,358)	(6,515)	(21,826)	(15,311)	235.0%	▼
Housing		(174,917)	(73,386)	(74,929)	(1,543)	2.1%	▼
Community Amenities		(639,881)	(284,176)	(239,210)	44,966	(15.8%)	▲
Recreation and Culture		(1,945,392)	(869,838)	(798,914)	70,924	(8.2%)	▲
Transport		(2,028,899)	(836,324)	(720,969)	115,355	(13.8%)	▲
Economic Services		(1,216,609)	(501,584)	(504,150)	(2,566)	0.5%	▼
Other Property and Services		(25,000)	(27,909)	(1,172)	26,737	(95.8%)	▲
<b>Total Operating Expenditure</b>		<b>(6,827,793)</b>	<b>(2,874,144)</b>	<b>(2,805,326)</b>	<b>68,818</b>	<b>(2.4%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		2,355,680	981,515	760,270	(221,245)		
Adjust (Profit)/Loss on Asset Disposal	8	(543)	(19,006)	62,093	81,099		
Adjust Provisions and Accruals		0	0	0			
<b>Net Cash from Operations</b>		<b>688,846</b>	<b>1,173,257</b>	<b>990,844</b>	<b>(182,413)</b>	<b>(15.55%)</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	7,582,260	0	161,884	161,884	0.0%	▲
Proceeds from Disposal of Assets	8	206,000	12,000	45,000	33,000	(275.0%)	▲
<b>Total Capital Revenues</b>		<b>7,788,260</b>	<b>12,000</b>	<b>206,884</b>	<b>194,884</b>	<b>1624.0%</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(102,675)	(40,218)	(99,861)	(59,643)	0.00%	▼
Infrastructure - Roads	13	(1,106,349)	(145,084)	(18,139)	126,945	87.5%	▲
Infrastructure - Public Facilities	13	(7,615,580)	(114,466)	(316,620)	(202,154)	(176.6%)	▼
Infrastructure - Streetscapes	13	(50,000)	(16,466)	(3,709)	12,757	77.5%	▲
Infrastructure - Footpaths	13	(50,000)	(11,112)	(2,161)	8,951	80.6%	▲
Infrastructure - Drainage	13	(40,000)	(26,002)	(16,598)	9,404	36.2%	▲
Heritage Assets	13	(10,000)	0	(6,756)	(6,756)	0.0%	▼
Plant and Equipment	13	(869,000)	(544,000)	(289,984)	254,016	46.7%	▲
Furniture and Equipment	13	(22,000)	(12,000)	(6,550)	5,450	45.4%	▲
<b>Total Capital Expenditure</b>		<b>(9,865,604)</b>	<b>(909,348)</b>	<b>(760,378)</b>	<b>148,970</b>	<b>16.4%</b>	
<b>Net Cash from Capital Activities</b>		<b>(2,077,344)</b>	<b>(897,348)</b>	<b>(553,494)</b>	<b>343,854</b>	<b>38.32%</b>	
<b>Financing</b>							
Proceeds from New Debentures		0	0	0	0		
Transfer from Reserves	7	1,361,289	0	0	0		
Repayment of Debentures	10	(111,745)	(48,391)	(55,043)	(6,652)	(13.7%)	▼
Transfer to Reserves	7	(519,027)	(29,713)	(29,713)	0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>730,517</b>	<b>(78,104)</b>	<b>(84,756)</b>	<b>(6,652)</b>	<b>(8.52%)</b>	
<b>Net Operations, Capital and Financing</b>		<b>(657,981)</b>	<b>197,805</b>	<b>352,595</b>	<b>154,790</b>	<b>(78.25%)</b>	▲
<b>Opening Funding Surplus(Deficit)</b>	3	<b>657,981</b>	<b>657,981</b>	<b>2,432,569</b>	<b>1,774,588</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>855,786</b>	<b>2,785,164</b>	<b>1,929,378</b>	<b>(225.45%)</b>	▲

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.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

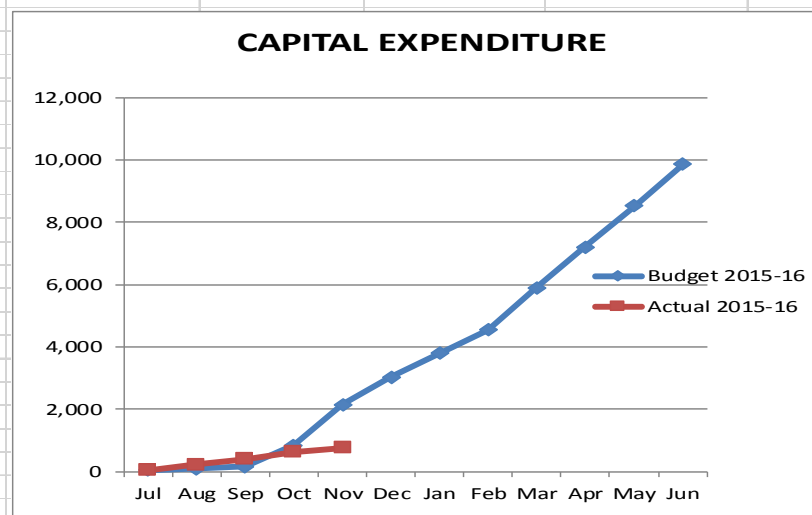
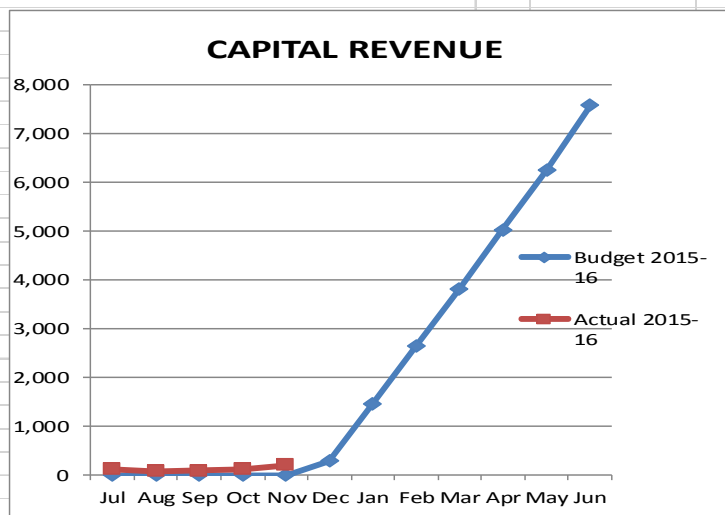
SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 30 November 2015				
			YTD Budget (a)	YTD Actual (b)
	Note	Original Budget		
<b>Operating Revenues</b>				
Rates	9	\$ 1,206,380	\$ 1,233,434	\$ 1,175,950
Operating Grants, Subsidies and Contributions	11	2,382,428	1,102,377	885,710
Fees and Charges		1,231,425	631,864	678,291
Interest Earnings		75,694	14,165	76,130
Other Revenue		237,175	84,046	111,140
Profit on Disposal of Assets	8	28,401	19,006	46,586
Total Operating Revenue		5,161,503	3,084,892	2,973,807
<b>Operating Expense</b>				
Employee Costs		(1,938,330)	(795,684)	(783,470)
Materials and Contracts		(2,026,612)	(842,590)	(894,291)
Utility Charges		(158,750)	(65,675)	(36,120)
Depreciation on Non-Current Assets		(2,355,680)	(981,515)	(760,270)
Interest Expenses		(20,432)	(4,855)	(4,418)
Insurance Expenses		(129,668)	(85,249)	(149,196)
Other Expenditure		(170,462)	(98,576)	(96,670)
Loss on Disposal of Assets	8	(27,858)	0	(80,891)
Total Operating Expenditure		(6,827,793)	(2,874,144)	(2,805,326)
<b>Funding Balance Adjustments</b>				
Add back Depreciation		2,355,680	981,515	760,270
Adjust (Profit)/Loss on Asset Disposal	8	(543)	(19,006)	62,093
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		688,846	1,173,257	990,844
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	7,582,260	0	161,884
Proceeds from Disposal of Assets	8	206,000	12,000	45,000
Total Capital Revenues		7,788,260	12,000	206,884
<b>Capital Expenses</b>				
Land Held for Resale		0	0	0
Land and Buildings	13	(102,675)	(40,218)	(99,861)
Infrastructure - Roads	13	(1,106,349)	(145,084)	(18,139)
Infrastructure - Public Facilities	13	(7,615,580)	(114,466)	(316,620)
Infrastructure - Streetscapes	13	(50,000)	(16,466)	(3,709)
Infrastructure - Footpaths	13	(50,000)	(11,112)	(2,161)
Infrastructure - Drainage	13	(40,000)	(26,002)	(16,598)
Heritage Assets	13	(10,000)	0	(6,756)
Plant and Equipment	13	(869,000)	(544,000)	(289,984)
Furniture and Equipment	13	(22,000)	(12,000)	(6,550)
Total Capital Expenditure		(9,865,604)	(909,348)	(760,378)
Net Cash from Capital Activities		(2,077,344)	(897,348)	(553,494)
<b>Financing</b>				
Proceeds from New Debentures		0	0	0
Transfer from Reserves	7	1,361,289	0	0
Repayment of Debentures	10	(111,745)	(48,391)	(55,043)
Transfer to Reserves	7	(519,027)	(29,713)	(29,713)
Net Cash from Financing Activities		730,517	(78,104)	(84,756)
Net Operations, Capital and Financing		(657,981)	197,805	352,595
Opening Funding Surplus(Deficit)	3	657,981	657,981	2,432,569
Closing Funding Surplus(Deficit)	3	0	855,786	2,785,164

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY  
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING  
For the Period Ended 30 November 2015

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Original Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	12,009	87,852	99,861	40,218	102,675	(59,643)
Infrastructure Assets - Roads	13	0	18,139	18,139	145,084	1,106,349	126,945
Infrastructure Assets - Public Facilities	13	48,048	268,572	316,620	114,466	7,615,580	(202,154)
Infrastructure Assets - Footpaths	13	2,161	0	2,161	11,112	50,000	8,951
Infrastructure Assets - Drainage	13	0	16,598	16,598	26,002	40,000	9,404
Infrastructure Assets - Streetscapes	13	3,709	0	3,709	16,466	50,000	12,757
Heritage Assets	13	0	6,756	6,756	0	10,000	(6,756)
Plant and Equipment	13	0	289,984	289,984	544,000	869,000	254,016
Furniture and Equipment	13	0	6,550	6,550	12,000	22,000	5,450
<b>Capital Expenditure Totals</b>		<b>65,927</b>	<b>694,451</b>	<b>760,378</b>	<b>909,348</b>	<b>9,865,604</b>	<b>148,970</b>



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 30 November 2015</b>	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES</b>
<b>(a)</b>	<b>Basis of Preparation</b>
	This report 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 report 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.
	<b>The Local Government Reporting Entity</b>
	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>(b)</b>	<b>Rounding Off Figures</b>
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.
<b>©</b>	<b>Rates, Grants, Donations and Other Contributions</b>
	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.
<b>(d)</b>	<b>Goods and Services Tax (GST)</b>
	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.
<b>€</b>	<b>Superannuation</b>
	The Council contributes to a number of Superannuation Funds on behalf of employees.
	All funds to which the Council contributes are defined contribution plans.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(f)</b>	<b>Cash and Cash Equivalents</b>				
	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.				
<b>(g)</b>	<b>Trade and Other Receivables</b>				
	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.				
<b>(h)</b>	<b>Inventories</b>				
	<b>General</b>				
	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.				
	<b>Land Held for Resale</b>				
	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.				
<b>(i)</b>	<b>Fixed Assets</b>				
	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.				
	<b>Mandatory Requirement to Revalue Non-Current Assets</b>				
	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.				

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY						
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY						
For the Period Ended 30 November 2015						
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
	<b>(j) Fixed Assets (Continued)</b>					
	<b><i>Land Under Control</i></b>					
	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.					
	<b><i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i></b>					
	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.					



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2015				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
<b>Revaluation</b>				
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.				
<b>Transitional Arrangement</b>				
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 <b>Initial Recognition</b> section as detailed above.				
Those assets carried at fair value will be carried in accordance with the <b>Revaluation Methodology</b> section as detailed above.				
<b>Land Under Roads</b>				
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.				
<b>Depreciation</b>				
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.				

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2015				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
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.				
<b>Capitalisation Threshold</b>				
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.				
<b>(k) Fair Value of Assets and Liabilities</b>				
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.				

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>					
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.					
<b>Fair Value Hierarchy</b>					
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:					
<b>Level 1</b>					
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.					
<b>Level 2</b>					
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.					
<b>Level 3</b>					
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.					
<b>Valuation techniques</b>					
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:					
<b>Market approach</b>					
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.					

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>					
<b>Income approach</b>					
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.					
<b>Cost approach</b>					
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.					
<b>(l) Financial Instruments</b>					
<b>Initial Recognition and Measurement</b>					
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.					
<b>Classification and Subsequent Measurement</b>					
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.					

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 30 November 2015	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>
	<b>(I) Financial Instruments (Continued)</b>
	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>(i) Financial assets at fair value through profit and loss</i>
	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.
	<i>(ii) Loans and receivables</i>
	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.
	<i>(iii) Held-to-maturity investments</i>
	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.
	<i>(iv) Available-for-sale financial assets</i>
	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.
	<i>(v) Financial liabilities</i>
	Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(l) Financial Instruments (Continued)</b>					
<b><i>Impairment</i></b>					
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.					
<b><i>Derecognition</i></b>					
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.					
<b>(m) Impairment of Assets</b>					
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.					

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(m) Impairment of Assets (Continued)</b>					
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.					
<b>(n) Trade and Other Payables</b>					
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.					
<b>(o) Employee Benefits</b>					
<b>Short-Term Employee Benefits</b>					
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.					
<b>Other Long-Term Employee Benefits</b>					
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.					

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 November 2015					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(p) Borrowing Costs</b>					
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.					
<b>(q) Provisions</b>					
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.					
<b>(r) Current and Non-Current Classification</b>					
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.					



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 November 2015					
<b>Note 2: EXPLANATION OF MATERIAL VARIANCES</b>					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Perman	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	35,848	0	▲	Permanent	Insurance reimbursements received.
General Purpose Funding - Rates	(51,160)	(4.14%)	▼	Permanent	Variance is due to Rates paid in advance being applied to this area.
General Purpose Funding - Other	(418,252)	(43.62%)	▼	Permanent	Variance is due to the prepayment of half of the 15-16 FAG being made in June and increase in interest revenue on the WATC investment.
Law, Order and Public Safety	(39,419)	(66.22%)	▼	Timing	Cyclone Olwyn reimbursement received in June. Further funding to come
Health	1	0.13%	▲	Permanent	No reportable variance
Housing	4,154	11.75%	▲	Timing	Pensioner Units rents invoiced in advance
Community Amenities	12,688	5.67%	▲	Permanent	Refuse site fees and domestic rubbish removal higher than expected.
Recreation and Culture	38,092	42.05%	▲	Permanent	Increase sales at Shark Bay Discovery Centre and annual Gym fees raised (Timing)
Transport	278,777	221.13%	▲	Timing	Receipt for Useless Loop maintenance received in advance
Economic Services	15,034	4.34%	▲	Permanent	Grant for 2016 Celebrations received - unbudgeted and Grant for Style Guide received in 14/15
Other Property and Services	13,152	210.4%	▲	Permanent	Diesel fuel rebate and refunds income higher than expected
<b>Operating Expense</b>					
Governance	(130,504)	291.13%	▼	Timing	YTD budget did not take into account annual charges which are paid in July.
General Purpose Funding	(6,249)	12.00%	▼	Permanent	Allocation of overheads greater than expected.
Law, Order and Public Safety	(32,991)	18.59%	▼	Permanent	Cyclone Olwyn expenses to be recovered
Health	(15,311)	235.01%	▼	Permanent	Health expenses allocation less than expected
Housing	(1,543)	2.10%	▼	Timing	No reportable variance
Community Amenities	44,966	(15.82%)	▲	Timing	Refuse Site operational expenses and Planning Scheme costs less than expected at this time
Recreation and Culture	70,924	(8.15%)	▲	Timing	Council Assistance Program not fully expended at the end of November and Cape Inscription maintenance not yet started.
Transport	115,355	(13.79%)	▲	Permanent	Depreciation expense lower than expected and road maintenance greater than expected at this time. (Timing)
Economic Services	(2,566)	0.51%	▼	Timing	No reportable variance
Other Property and Services	26,737	(95.80%)	▲	Timing	Timing issue with payment of payroll - will fix itself in December
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	161,884	0.00%	▲	Timing	Awaiting Capital Grants for Foreshore and R2R.
Proceeds from Disposal of Assets	33,000	(275.0%)	▲	Permanent	Increase in proceeds on sale of vehicles
<b>Capital Expenses</b>					
Land and Buildings	(59,643)	0.0%	▼	Timing	Project carried forward - no YTD budget
Infrastructure - Roads	126,945	87.50%	▲	Timing	Road projects yet to be commenced
Infrastructure - Public Facilities	(202,154)	(176.61%)	▼	Timing	Carried Forward Projects have no TYD budgets and Foreshore YTD budget too low
Infrastructure - Footpaths	8,951	80.6%	▲	Timing	Footpath project progressing
Infrastructure - Drainage	9,404	36.2%	▲	Timing	Project progressing
Heritage Assets	(6,756)	0.0%	▼	Timing	Carried Forward Project - Old Jail
Plant and Equipment	254,016	46.7%	▲	Timing	Plant Replacement program will be finished early in New Year
Furniture and Equipment	5,450	45.4%	▲	Permanent	Air Conditioners for Depot and Admin Centre
<b>Financing</b>					
Loan Principal	(6,652)	(13.75%)	▼	Timing	YTD budget incorrect - will fix itself in Dec

Note: YTD budgets are an estimation at the time of preparing the annual budget.

ORDINARY COUNCIL MEETING

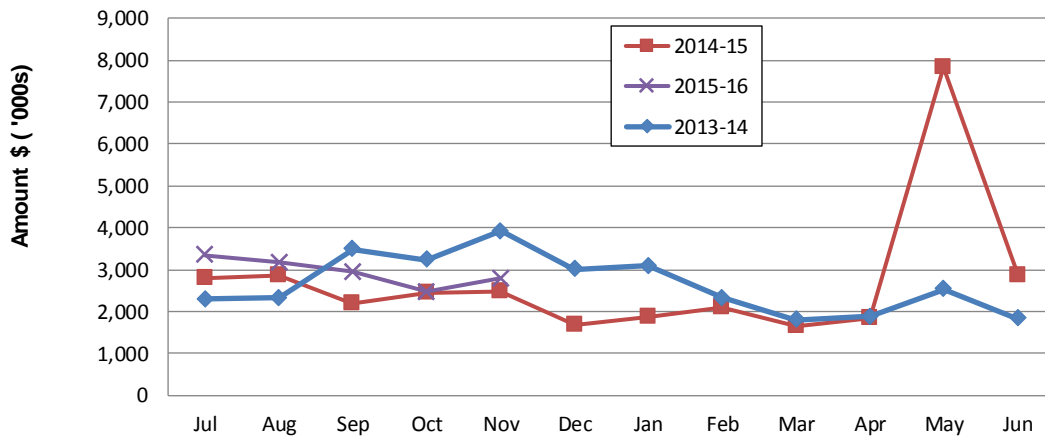
16 DECEMBER 2015

Shire of Shark Bay  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
 For the Period Ended 30 November 2015

**Note 3: NET CURRENT FUNDING POSITION**

	Note	Positive=Surplus (Negative=Deficit)		
		YTD 30 Nov 2015	30th June 2015	YTD 30 Nov 2014
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	8,073,193	2,225,145	2,853,756
Cash Restricted	4	2,065,217	7,744,335	1,994,965
Receivables - Rates	6	400,407	12,610	336,542
Receivables -Other	6	266,528	505,672	51,217
Interest / ATO Receivable/Trust		11,044	5,522	10,484
Inventories		110,379	110,379	146,545
		10,926,768	10,603,663	5,393,509
<b>Less: Current Liabilities</b>				
Payables		(149,442)	(208,647)	(688,063)
Provisions		(226,945)	(226,944)	(249,152)
		(5,700,000)	(5,700,000)	0
		(6,076,387)	(6,135,591)	(937,215)
Less: Cash Reserves	7	(2,065,217)	(2,035,504)	(1,994,965)
<b>Net Current Funding Position</b>		<b>2,785,164</b>	<b>2,432,569</b>	<b>2,461,329</b>

Note 3 - Liquidity Over the Year



**Comments - Net Current Funding Position**

Liquidity has increased due to funding received in advance for road projects.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 November 2015

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	68,611			68,611	Bankwest	At Call
Reserve Bank Account	0.00%		217		217	Bankwest	At Call
Telenet Saver	1.80%	757,344			757,344	Bankwest	At Call
Trust Bank Account	0.00%			6,494	6,494	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
WATC Grant Funding	1.95%	5,746,438			5,746,438	WATC	At Call
Muni Term Deposit No 2	2.60%	1,000,000			1,000,000	Bankwest	Feb 2016
Muni Term Deposit No 3	2.90%	500,000				Bankwest	Feb 2016
Trust	2.70%			94,071	94,071	Bankwest	Mar 2016
Reserve Investment Account No 3	2.70%		1,015,000		1,015,000	Bankwest	Dec 2015
Reserve Investment Account No 4	2.70%		1,050,000		1,050,000	Bankwest	May 2016
<b>Total</b>		<b>8,073,193</b>	<b>2,065,217</b>	<b>100,565</b>	<b>9,738,975</b>		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements							

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

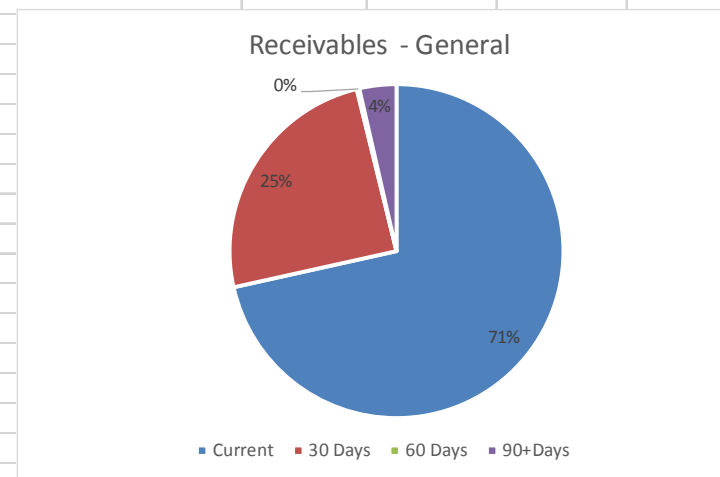
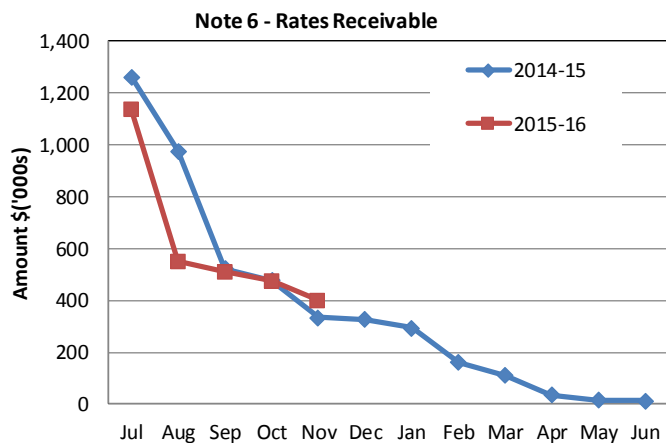
For the Period Ended 30 November 2015

**Note 6: RECEIVABLES**

Receivables - Rates Receivable	YTD 30 Nov 2015	30 June 2015
	\$	\$
Opening Arrears Previous Years	5,744	6,217
Levied this year	1,175,951	1,119,537
Less Collections to date	(781,514)	(1,120,010)
Equals Current Outstanding	400,181	5,744
<b>Net Rates Collectable</b>	<b>400,181</b>	<b>5,744</b>
% Collected	66.14%	99.49%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	190,184	65,543	681	9,521
<b>Total Receivables General Outstanding</b>				<b>265,929</b>

Amounts shown above include GST (where applicable)



**Comments/Notes - Receivables Rates**

Rates collection is slightly lower than last year

No major issues at this time - major debtors are Main Roads who have since paid and Dept Parks and Wildlife

ORDINARY COUNCIL MEETING

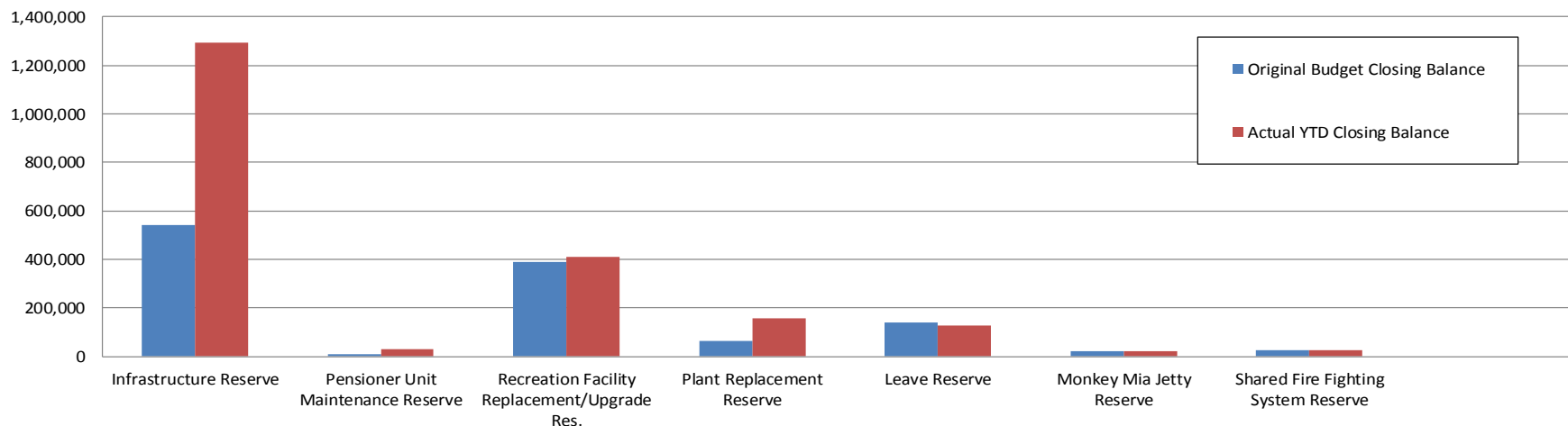
16 DECEMBER 2015

Shire of Shark Bay  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 30 November 2015

**Note 7: Cash Backed Reserve**

2015-16		Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Original Budget Closing Balance	Actual YTD Closing Balance
Name	Opening Balance									
	\$	\$	\$	\$	\$	\$	\$		\$	\$
Infrastructure Reserve	1,279,923	23,880	15,940	57,781	0	(819,614)	0		541,970	1,295,863
Pensioner Unit Maintenance Reserve	28,049	709	504	10,000	0	(28,675)	0		10,083	28,553
Recreation Facility Replacement/Upgrade Res.	401,657	8,505	7,232	0	0	(20,000)	0		390,162	408,889
Plant Replacement Reserve	152,853	3,824	2,927	400,000	0	(493,000)	0		63,677	155,780
Leave Reserve	126,569	3,163	2,275	10,000	0	0	0		139,732	128,844
Monkey Mia Jetty Reserve	19,866	498	357	0	0	0	0		20,364	20,223
Shared Fire Fighting System Reserve	26,587	667	478	0	0	0	0		27,254	27,065
	<b>2,035,504</b>	<b>41,246</b>	<b>29,713</b>	<b>477,781</b>	<b>0</b>	<b>(1,361,289)</b>	<b>0</b>		<b>1,193,242</b>	<b>2,065,217</b>

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



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 November 2015

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
\$	\$	\$	\$		\$	\$	\$
				<b>Plant and Equipment</b>			
				<b>Governance</b>			
			0	CEO Vehicle	974	0	(974)
			0	EMFA Vehicle	5,381	0	(5,381)
160,825	(90,345)	0	(70,480)	Furniture & Equipment	(3,904)	(70,480)	(66,576)
				<b>Recreation and Culture</b>			
1,921	(332)		(1,589)	SBDC Furniture & Equipment			
				<b>Transport</b>			
			0	Ute - Ranger	7,318	0	(7,318)
			0	Ute - Country Supervisor	(5,666)	0	5,666
			0	5 Tonne Tip Truck	(1,621)	0	1,621
			0	Truck - Gardeners	(16,843)	0	16,843
25,000	(11,260)	12,000	(1,740)	Case Tractor	(2,480)	(1,740)	740
2,500	(1,126)	0	(1,374)	Slasher	(1,248)	(1,374)	(126)
0	0	0	0	Road Broom	0	0	0
0	0	0	0	Auger	0	0	0
26,667	(12,464)	33,000	18,797	Front end Loader	11,688	18,797	7,109
8,589	(2,881)	0	(5,708)	Plant and Equipment			
				<b>Economic Services</b>			
				EMCD Vehicle	3,040		(3,040)
<b>225,501</b>	<b>(118,408)</b>	<b>45,000</b>	<b>(62,093)</b>		<b>(3,361)</b>	<b>(54,796)</b>	<b>(51,436)</b>

Comments - Capital Disposal/Replacements

Some disposals relate to the tidy up of the assets register, and relate to assets that are no longer held or are of a minor value. eg Furniture and Equipment  
These disposals result in a loss on sale.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 November 2015

NOTE 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Budget Rate Revenue \$	Budget Interim Rate \$	Budget Back Rate \$	Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Rateable Property	8.8769	276	3,270,517	273,135			273,135	290,321	1,000		291,321
GRV Vacant	8.8769	22	605,530	53,752			53,752	53,752			53,752
GRV - Commercial	8.8769	43	2,088,443	181,182			181,182	185,389			185,389
GRV - Industrial/Residential	8.8769	44	673,769	55,579			55,579	59,810			59,810
GRV Industrial /Residential Vacant	8.8769	1	12,150	1,079			1,079	1,079			1,079
GRV Rural Commercial	8.8769	5	316,160	28,065			28,065	28,065			28,065
GRV Resort	8.8769	2	1,220,800	108,369			108,369	108,369			108,369
UV General	19.5858	5	691,348	135,406			135,406	135,406	1,000		136,406
UV Mining	19.5858	1	21,362	4,185			4,185	4,184			4,184
UV Pastoral	12.5412	12	654,760	82,115			82,115	82,115			82,115
UV Exploration	19.5858	10	650,624	139,593			139,593	142,399			142,398
<b>Sub-Totals</b>		421	10,205,463	1,062,460	0	0	1,062,460	1,090,889	2,000	0	1,092,888
<b>Minimum Payment</b>											
GRV Rateable Property	800.00	91	709,717	72,800			72,800	72,800			72,800
GRV Vacant	800.00	82	308,670	64,800			64,800	65,600			65,600
GRV - Commercial	800.00	26	177,274	20,800			20,800	20,800			20,800
GRV - Industrial/Residential	800.00	4	31,263	3,200			3,200	3,200			3,200
GRV Industrial /Residential Vacant	800.00	1	7,850	800			800	800			800
Rural Commercial	800.00		0	0			0	0			0
GRV Resort	800.00		0	0			0	0			0
UV General	800.00	5	7,858	4,000			4,000	4,000			4,000
UV Mining	800.00	3	3,063	2,400			2,400	2,400			2,400
UV Pastoral	800.00		0	0			0	0			0
UV Exploration		0	0	800			800	0			0
<b>Sub-Totals</b>		212	1,245,695	7,200		0	169,600	169,600			169,600
Concessions							(94,577)				(94,577)
<b>Amount from General Rates</b>							<b>1,137,483</b>				<b>1,167,911</b>
Specified Area Rates							38,468				38,468
<b>Totals</b>							<b>1,175,951</b>				<b>1,206,379</b>
<b>Comments - Rating Information</b>											
The variance between the budget and the actual amounts is due to the transfer of rates paid in advance in 2014/15 being applied to 2014/15 and reversed in 2015/16. Should the same trend of excess payments continue in 2015/16 then the level of rates received should reach the budgeted amount.											

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 30 November 2015								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Original Budget \$	Actual \$	Original Budget \$	Actual \$	Original Budget \$
Loan 48 - McCleary Property	27,749	0	13,638	27,749	14,111	0	0	2,373
Loan 48 - Shire Office	23,638	0	11,618	23,638	12,020	0	0	2,021
Loan 53 - Staff Housing	81,389	0	9,075	18,444	72,314	62,945	86	5,559
Loan 56 - Staff Housing	94,377	0	7,371	14,962	87,006	79,415	2,105	6,292
Loan 57 - Monkey Mia Bore	249,239	0	13,341	26,952	235,898	222,287	2,227	10,788
	476,392	0	55,043	111,745	421,349	364,647	4,418	27,033

All debenture repayments are financed by general purpose revenue except Loan 57 which is funded through a Specified Area Rate.  
Loan 48 will finish this financial year.



ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 30 November 2015

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details	Grant Provider	Approval	2015-16 Original Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	1,456,000	0	1,456,000	0	360,476	1,095,524
Grants Commission - Roads	WALGGC	Y	418,501	0	418,501	0	96,363	322,138
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	7,000	0	7,000	0	2,033	4,968
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	35,000	0	35,000	0	9,463	25,537
FESA SES Capital Grants	Dept. of Fire & Emergency Serv.	Y	50,000	0		50,000	0	50,000
<b>RECREATION AND CULTURE</b>								
Foreshore Revitalisation	Royalties for Regions	Y	6,450,000	0	0	6,450,000	0	6,450,000
Community Bus	Lotterywest	N	120,000	0	0	120,000	0	120,000
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative	Y	91,900	0	91,900	0	91,900	0
Useless Loop Road - Mtce	Main Roads WA	Y	300,000	0	300,000	0	240,000	60,000
Contributions - Road Projects	Pipeline	N	8,500	0	8,500	0	0	8,500
Roads To Recovery Grant - Cap	Roads to Recovery	Y	599,630	0	0	599,630	0	599,630
RRG Grants - Capital Projects	Regional Road Group	Y	246,005	0	0	246,005	161,884	84,121
Denham Recreational Boat Ramp	Recreational Boating Facilities Scheme	Y	116,625	0	0	116,625	0	116,625
<b>ECONOMIC SERVICES</b>								
Contributions-Seniors Projects	Council of the Aged WA	N	800	0	800	0	0	800
Grants - Community Activities	Dept. of Communities	N	2,000	0	2,000	0	0	2,000
Contribution - Monkey Mia	Dept. of Parks and Wildlife	Y	50,000	0	50,000	0	50,475	(475)
Contribution - Signage	Gascoyne Development Commission	N	12,727	0	12,727	0	0	12,727
Grants - 2016 Celebrations	Dept Premier and Cabinet	Y	0	0	0	0	35,000	
<b>TOTALS</b>			<b>9,964,688</b>	<b>0</b>	<b>2,382,428</b>	<b>7,582,260</b>	<b>1,047,594</b>	<b>8,952,095</b>
		Operating			2,382,428		885,710	
		Non-operating			7,582,260		161,884	
					9,964,688		1,047,594	
<b>Comments - Operating and Non Operating Grants</b>								
The Shire received an advance payment of its total allocation (\$948,945) for 2015/16 at the end of 2014/15. Therefore the amount which will be reflected in this report for the year will be \$913,679 being the balance of the Shire's allocation. There was also a prepayment of the SES grant for 2015/16 received in 2014/15. This totalled \$10,657.50 and represents a quarter of the annual allocation.								

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 November 2015				
<b>Note 12: TRUST FUND</b>				
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 15	Amount Received	Amount Paid	Closing Balance 30-Nov-15
	\$	\$	\$	\$
BCITF Levy Income	0	347	(347)	0
Library Card Bond	200	300	(400)	100
Kerb/Footpath Deposit	4,200	1,000	(1,700)	3,500
Election	0	480	(480)	0
Bond Key	2,310	720	(1,320)	1,710
Police Licensing	2,386	128,542	(129,744)	1,184
Marquee Deposit	700	0	(700)	0
Building Licence Levy	41	623	(664)	0
Sunter Place - Recreation Reserve	92,320	1,751	0	94,071
Bookeasy Sales	0	250,157	(250,157)	0
	<b>102,157</b>	<b>383,920</b>	<b>(385,512)</b>	<b>100,565</b>

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

CAPITAL WORKS PROGRAM 2015/16								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Original Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Admin Office Carpark	3.7.1	WKM	(30,000)	(12,714)	(3,936)	(8,778)	3,936	Footpath to records room completed
<b>Governance Total</b>			<b>(30,000)</b>	<b>(12,714)</b>	<b>(3,936)</b>	<b>(8,778)</b>		
<b>Buildings</b>								
<b>Health</b>								
Demolition of Ambulance Building	3.7.1	WKM	(10,000)	(10,000)	(12,009)	2,009		Project complete
<b>Health Total</b>			<b>(10,000)</b>	<b>(10,000)</b>	<b>(12,009)</b>	<b>2,009</b>		
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(3,500)	0	0	0	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(3,500)	0	0	0	0	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(3,500)	0	(9,563)	9,563	9,563	Major work done on retaining walls damaged through Cyclone Olwyn
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(3,500)	(2,500)	(1,859)	(641)	1,859	Airconditioner upgrade
Pensioner Units Capital	3.7.1	EMCD	(28,675)	(9,558)	(26,906)	17,348	26,906	Upgrade of Units nearly complete
<b>Housing Total</b>			<b>(42,675)</b>	<b>(12,058)</b>	<b>(38,328)</b>	<b>26,270</b>		
<b>Recreation and Culture</b>								
Denham Town Hall - c/fwd	3.7.1	EMCD	0	0	(2,475)	2,475	2,475	\$10,000 carry forward from 14/15
Denham Town Hall	3.7.1	EMCD	(20,000)	(5,446)	0	(5,446)	0	
Overlander Hall - c/fwd		WKM	0	0	(355)	355	355	Carry forward from 14/15
Recreation Centre - Sound Proofing - c/fwd	3.7.1	EMCD	0	0	(40,802)	40,802	40,802	\$50,000 carry forward from 14/15 - Project complete
<b>Recreation and Culture Total</b>			<b>(20,000)</b>	<b>(5,446)</b>	<b>(43,632)</b>	<b>38,186</b>		
<b>Transport</b>								
Replacement of Depot Air Conditioners	3.7.1	WKM	0	0	(1,956)	1,956	1,956	
<b>Transport Total</b>			<b>0</b>	<b>0</b>	<b>(1,956)</b>	<b>1,956</b>		
<b>Land and Buildings Total</b>			<b>(102,675)</b>	<b>(40,218)</b>	<b>(99,861)</b>	<b>59,643</b>		
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	3.7.1	WKM	(40,000)	(26,002)	(16,598)	(9,404)	16,598	Project progressing
<b>Transport Total</b>			<b>(40,000)</b>	<b>(26,002)</b>	<b>(16,598)</b>	<b>(9,404)</b>		
<b>Drainage/Culverts Total</b>			<b>(40,000)</b>	<b>(26,002)</b>	<b>(16,598)</b>	<b>(9,404)</b>		
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction	3.7.1	WKM	(50,000)	(11,112)	(2,161)	(8,951)		Footpath replacement program progressing
<b>Transport Total</b>			<b>(50,000)</b>	<b>(11,112)</b>	<b>(2,161)</b>	<b>(8,951)</b>		
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>(11,112)</b>	<b>(2,161)</b>	<b>(8,951)</b>		

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
Office Furn & Equipment		EMFA	0	0	(2,475)	2,475		Airconditioner replacement required
Council Chambers - Speaker System	1.2.1	EMFA	(12,000)	(12,000)	0	(12,000)		
<b>Governance Total</b>			<b>(12,000)</b>	<b>(12,000)</b>	<b>(2,475)</b>	<b>(9,525)</b>		
<b>Recreation And Culture</b>								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	0	(4,075)	4,075	4,075	
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>0</b>	<b>(4,075)</b>	<b>4,075</b>		
<b>Furniture &amp; Office Equip. Total</b>								
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Shade over Velsheda	2.2.2	WKM	(10,000)	0	0	0	0	
Refurbishment of Old Jail and Stables - c/fwd	2.2.2	WKM	0	0	(6,756)	6,756	6,756	\$50,000 carry forward from 14/15. Work is progressing on this project.
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Heritage Assets Total</b>			<b>(10,000)</b>	<b>0</b>	<b>(6,756)</b>	<b>0</b>		
<b>Plant , Equipment and Vehicles</b>								
<b>Law, Order And Public Safety</b>								
SES Equipment	3.7.1	EMFA	(50,000)	0	0	0	0	
Vehicle - Ranger	3.7.1	WKM	(45,000)	0	0	0	0	
<b>Law, Order And Public Safety Total</b>			<b>(95,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
			<b>(189,999)</b>					
<b>Recreation and Culture</b>								
Community Bus	1.1.6	WKM	(120,000)	0	0	0	0	
<b>Recreation and Culture</b>			<b>(120,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Transport</b>								
CEO Vehicle	1.1.6	WKM	(71,000)	(71,000)	0	(71,000)	0	
EMFA Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	
EMCD Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	
5 Tonne Truck	1.1.6	WKM	(90,000)	(90,000)	0	(90,000)	0	
3 Tonne Truck	1.1.6	WKM	(45,000)	(45,000)	0	(45,000)	0	
Major Plant Items	1.1.6	WKM	(20,000)	0	0	0	0	
Bobcat and Trailer	1.1.6	WKM	(110,000)	(110,000)	(102,000)	(8,000)	102,000	Purchase complete
Refuse Site Loader	1.1.6	WKM	(180,000)	(180,000)	(187,984)	7,984	187,984	Purchase complete
Utility - Country	1.1.6	WKM	(48,000)	(48,000)	0	(48,000)	0	
<b>Transport Total</b>			<b>(654,000)</b>	<b>(544,000)</b>	<b>(289,984)</b>	<b>(254,016)</b>		
<b>Plant , Equipment and Vehicles Total</b>			<b>(869,000)</b>	<b>(544,000)</b>	<b>(289,984)</b>	<b>(254,016)</b>		

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Town Oval Bore - c/fwd	3.7.1	WKM	0	0	(16,179)	16,179	16,179	\$27,500 carried forward from 14/15
Town Oval Bore	3.7.1	WKM	(30,000)	(25,022)	0	(25,022)	0	
Refuse Tip and Recycling	2.4.2	WKM	(378,341)	0	0	0		Project manager appointed
<b>Community Amenities Total</b>			<b>(408,341)</b>	<b>(25,022)</b>	<b>(16,179)</b>	<b>(8,843)</b>		
<b>Recreation And Culture</b>								
Recreation Grounds	1.6.7	WKM	(55,000)	0	(2,715)	2,715	2,715	
Denham Recreational Boat Ramp	3.7.1	WKM	(145,781)	(15,000)	(14,589)	(411)	14,589	Preliminary planning started for this project
Foreshore Revitalisation	3.7.1	CEO	(6,966,458)	(44,444)	(181,824)	137,380	181,824	Planning and foreshore design costs
Western Foreshore Gazebo Reroofing	3.7.1	WKM	(10,000)	(10,000)	0	(10,000)	0	
Replacement Gazebo - Nettas c/fwd			0	0	(9,217)	9,217	9,217	Project complete - Carry forward from 14/15
Replace Shade shelters - Eastern Foreshore	3.7.1	WKM	(20,000)	(20,000)	(12,544)	(7,456)	12,544	Project progressing
Childcare Centre Softfall	3.7.1	WKM	(10,000)	0	0	0	0	
Charlie Sappie Park - c/fwd	3.7.1	WKM	0	0	(28,065)	28,065	28,065	\$10,000 carried forward from 14/15. Project completed.
<b>Recreation And Culture Total</b>			<b>(7,207,239)</b>	<b>(89,444)</b>	<b>(248,954)</b>	<b>159,510</b>		
<b>Transport</b>								
Monkey Mia Jetty - c/fwd	1.6.5	WKM	0	0	(48,048)	48,048	0	\$76,300 carried forward from 14/15.
Monkey Mia Boat Ramp Carpark - c/fwd	1.6.5	WKM	0	0	(3,439)	3,439	3,439	\$44,000 carried forward from 14/15.
<b>Transport Total</b>			<b>0</b>	<b>0</b>	<b>(51,487)</b>	<b>51,487</b>		
<b>Public Facilities Total</b>			<b>(7,615,580)</b>	<b>(114,466)</b>	<b>(316,620)</b>	<b>202,154</b>		

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
Woodleigh-Bryo Floodway RRG	1.1.6	WKM	(137,712)	(55,084)	(1,079)	(54,005)	1,079	
Useless Loop Road - RRG 14/15	1.1.6	WKM	0	0	(17,060)	17,060	17,060	\$75,800 carried forward from 14/15
Useless Loop Road - RRG 15/16	1.1.6	WKM	(279,007)	0	0	0	0	
Hamelin Pool - Repair seal, shoulders etc	1.1.6	WKM	(90,000)	(90,000)	0	(90,000)	0	
Road Projects R2R 14/15	1.1.6	WKM	(199,877)	0	0	0	0	
Road Projects R2R 15/16	1.1.6	WKM	(399,753)	0	0	0	0	
<b>Transport Total</b>			<b>(1,106,349)</b>	<b>(145,084)</b>	<b>(18,139)</b>	<b>(126,945)</b>		
<b>Roads (Non Town) Total</b>			<b>(1,106,349)</b>	<b>(145,084)</b>	<b>(18,139)</b>	<b>(126,945)</b>	<b>0</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Tourism and Information Bay Signage	2.1.3	EMCD	(50,000)	(16,466)	(3,709)	(12,757)		Decals for Overlander Information Bay
<b>Economic Services Total</b>			<b>(50,000)</b>	<b>(16,466)</b>	<b>(3,709)</b>	<b>(12,757)</b>		
<b>Streetscapes Total</b>			<b>(50,000)</b>	<b>(16,466)</b>	<b>(3,709)</b>	<b>(12,757)</b>		
<b>Capital Expenditure Total</b>			<b>(9,865,604)</b>	<b>(909,348)</b>	<b>(760,378)</b>	<b>(155,726)</b>		

16 DECEMBER 2015

---

12.3 RISK MANAGEMENT PLAN  
CM00037

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved           Cr Ridgley  
Seconded       Cr Prior

**Council Resolution**

**That Council endorses the Risk Management Plan as attached.**

**5/0 CARRIED**

BACKGROUND

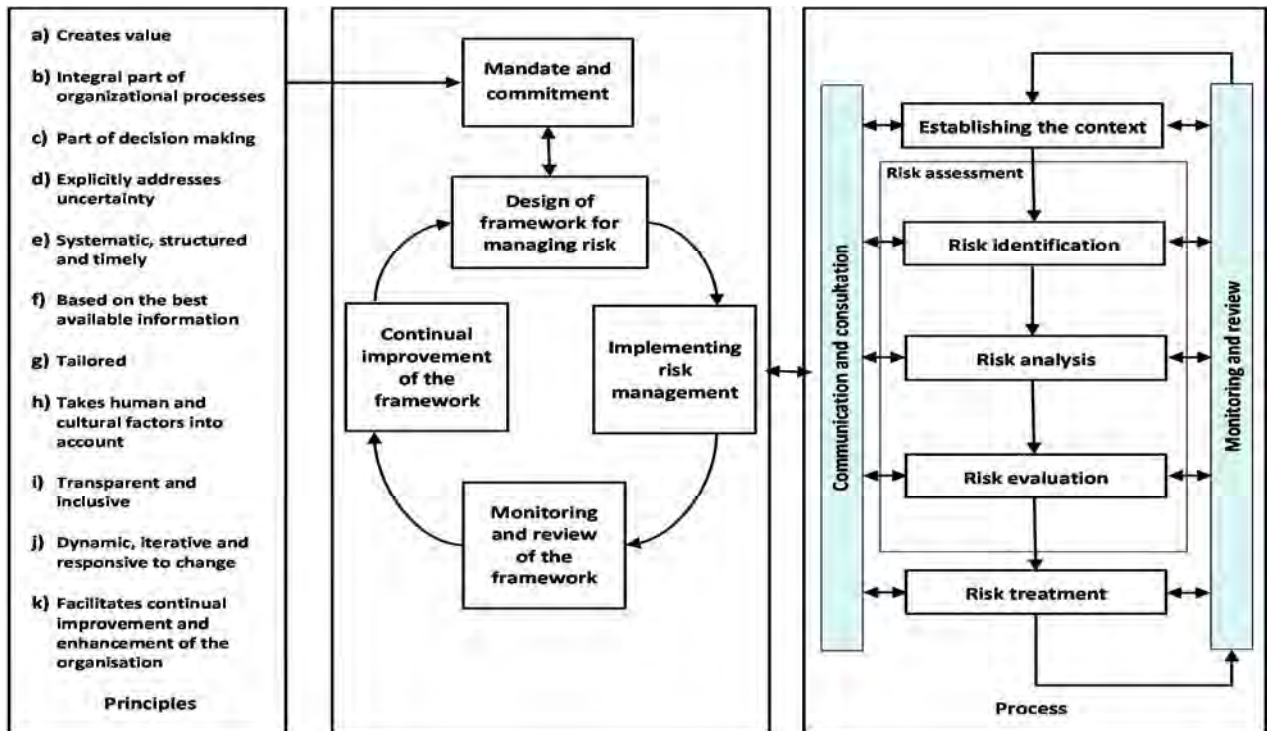
In accordance with the Action Plan for the Review of Risk Management, Legislative Compliance and Internal Controls which was presented to the Audit Committee meeting of 25 February 2015, work has been undertaken to improve the Shire's documented risk management practices. As per item RM 1.1 of the Action Plan, Council should develop a risk strategy and framework to guide and support the implementation of risk management at the Shire of Shark Bay.

COMMENT

The Shire has been working with Local Government Insurance Services to develop a framework for the introduction of structured risk management. Risk Management is generally carried out at all levels of the Shire – from operational staff to Councillors – however it is important to document and provide a context within which these risk decisions are made. The Risk Management Plan provides that framework and assists in raising awareness of the importance of risk management in all areas of work.

The following diagram from AS/NZ Standard 31000:2009 depicts the framework and its elements.

16 DECEMBER 2015



LEGAL IMPLICATIONS

The introduction of a Risk Management Plan will assist in reducing the Shire’s exposure to liability and create awareness of the importance of risk management in its operations.

POLICY IMPLICATIONS

The introduction of the Risk Management Plan supports Policy 12.1 Risk Management Policy.

FINANCIAL IMPLICATIONS

There are no financial implications for this item.

STRATEGIC IMPLICATIONS

Outcome 4.2                      Shark Bay is efficient and effective in its operations, actively listens to the community and anticipates and responds to the community’s needs.

RISK MANAGEMENT

The adoption of this policy will reduce the level of risk in Council’s activities.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager  
 Finance and Administration  
 Chief Executive Officer  
 Date of Report

*C Wood*  
*P Anderson*  
 27 November 2015



16 DECEMBER 2015

12.4 RISK MANAGEMENT POLICY  
CM00037

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved            Cr Prior  
Seconded       Cr Ridgely

**Council Resolution**

**That Council:**

- 1. Adopts the amended Policy 12.1 - Risk Management Policy; and**
- 2. Deletes Policy 12.2 - Risk Tolerance Policy**

**5/0 CARRIED**

BACKGROUND

In April 2015, Council adopted two policies regarding Risk Management, namely policy 12.1 Risk Management Policy and policy 12.2 Risk Tolerance Policy. Since that time, Council has been working with Local Government Insurance Services to develop a risk management plan and to assess its risk exposure in its operational activities. On discussion with Local Government Insurance Services, it appears that there is merit in adopting a generic risk management policy as attached and incorporating the Risk Tolerance Policy into the Risk Management Plan.

COMMENT

As a result of these discussions, an amended policy 12.1 Risk Management Policy is attached for Council's adoption. The policy is basically the same as previously issued however, it does elaborate on some areas more fully, such as the inclusion of Definitions and Risk Management Objectives.

As mentioned above, there is merit in incorporating the policy 12.2 Risk Tolerance Policy into the Risk Management Plan as part of the Risk Assessment and Acceptance Criteria. Therefore, it is recommended that this policy be deleted.

LEGAL IMPLICATIONS

The introduction of a formal Risk Management process will assist in reducing the Shire's exposure to liability and create awareness of the importance of risk management in its operations.

POLICY IMPLICATIONS

The amendments to Policy 12.1 Risk Management Policy will improve Council's risk management while the consolidation of Policy 12.2 Risk Tolerance Policy into the Risk Management Plan will make it a more comprehensive document.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

FINANCIAL IMPLICATIONS

There are no financial implications for this item.

STRATEGIC IMPLICATIONS

Outcome 4.2            Shark Bay is efficient and effective in its operations, actively listens to the community and anticipates and responds to the community's needs.

RISK MANAGEMENT

The adoption of this policy will reduce the level of risk in Council's activities.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager  
Finance and Administration            *C Wood*

Chief Executive Officer                *P Anderson*

Date of Report                            26 November 2015

## Risk Management Policy

### Purpose

The Shire of Shark Bay ("the Shire") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

### Policy

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Executive Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every Councillor, employee, volunteer and contractor within the Shire is recognised as having a role in risk management, from the identification of risks, to implementing risk treatments and shall be invited and encouraged to participate in the process.

### Definitions (from AS/NZS ISO 31000:2009)

**Risk:** Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

### Risk Management Objectives

Optimise the achievement of the Shire's vision, experiences, strategies, goals and objectives.

Provide transparent and formal oversight of the risk and control environment to enable effective decision making.

Enhance risk versus return within the Shire's risk appetite.

Embed appropriate and effective controls to mitigate risk.

Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.

Enhance organisational resilience.

Identify and provide for the continuity of critical operations

16 DECEMBER 2015

### **Risk Appetite**

The Shire defined its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Plan and are subject to ongoing review in conjunction with this policy. All organisational risks to be reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by a member of the Executive Management Team.

### **Roles, Responsibilities & Accountabilities**

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Plan.

### **Monitor & Review**

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be reviewed by the Shire's Executive Management Team. It will be formally reviewed by Council biennially.

16 DECEMBER 2015

12.5 DEPRECIATION PERIODS FOR ASSETS  
FM00009

AUTHOR

EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST

Nil

Moved           Cr Ridgley  
Seconded       Cr Prior

**Council Resolution**

**That Council adopt the following depreciation periods for the assets listed below:**

<b>Buildings</b>	<b>10 to 50 years</b>
<b>Furniture and Equipment</b>	<b>5 to 10 years</b>
<b>Plant and Equipment</b>	<b>5 to 10 years</b>
<b>Heritage Assets</b>	<b>25 to 100 years</b>
<b>Sealed Roads and Streets</b>	
- Subgrade	<b>Not depreciated</b>
- Pavement	<b>80 to 100 years</b>
- Seal - Bituminous Seals	<b>15 to 22 years</b>
- asphalt surfaces	<b>30 years</b>
<b>Formed Roads (Unsealed)</b>	
- Subgrade	<b>Not depreciated</b>
- Pavement	<b>18 years</b>
<b>Footpaths</b>	<b>40 to 80 years</b>
<b>Drainage Systems</b>	
- Drains and Kerbs	<b>20 to 60 years</b>
- Culverts	<b>60 years</b>
- Pipes	<b>80 years</b>
- Pits	<b>60 years</b>

**5/0 CARRIED**

BACKGROUND

Council is required on an annual basis to review the useful lives of its assets and this is done generally after the fair value of the assets has been determined. In 2014/2015, fair value was undertaken on the footpaths, roads, town streets, drainage and heritage assets. As part of this revaluation, the expected lives of these assets have been reviewed and this has resulted in a change to the accounting policy for depreciation on assets.

ORDINARY COUNCIL MEETING

16 DECEMBER 2015

COMMENT

The current accounting policy on depreciation periods is somewhat summarised due to the lack of breakdown on the asset components. The table which is replicated each month in the monthly financial statements is shown below.

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 review of the assets for fair value has expanded this list to include various asset components and more accurate expected lives for these components. These expected lives determine the depreciation charged on the assets and therefore it is important to ensure that they reflect reality in order for Council to improve its ratios. The level of depreciation can affect the operating surplus, asset sustainability and asset consumption ratios.

The proposed depreciation periods are as follows:

Buildings	10 to 50 years
Furniture and Equipment	5 to 10 years
Plant and Equipment	5 to 10 years
Heritage Assets	25 to 100 years
Sealed Roads and Streets	
- Subgrade	Not depreciated
- Pavement	80 to 100 years
- Seal - Bituminous Seals	15 to 22 years
- asphalt surfaces	30 years
Formed Roads (Unsealed)	
- Subgrade	Not depreciated
- Pavement	18 years
Footpaths	40 to 80 years
Drainage Systems	
- Drains and Kerbs	20 to 60 years
- Culverts	60 years
- Pipes	80 years
- Pits	60 years

LEGAL IMPLICATIONS

Section 5 of the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to maintain efficient systems and procedures for financial management.



16 DECEMBER 2015

**13. TOWN PLANNING REPORT**

13.1 PROPOSED OUTLINE DEVELOPMENT PLAN – LOT 350 – 351 HAMELIN POOL ROAD,  
HAMELIN POOL

Dealt with after item 11.1 ref page # 80

13.2 APPLICATION FOR ALTERATIONS / ADDITIONS TO EXISTING HOLIDAY HOME – LOT 69 (28)  
HARTOG CRESCENT, DENHAM

P4284

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

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

Moved           Cr Ridgely

Seconded       Cr Prior

**Council Resolution**

**That Council:**

1. **Approve the application lodged by Garth Chamberlain for alterations/additions to an existing ‘Holiday Home’ on Lot 69 (Strata Lot 1, (28)) Hartog Crescent, Denham subject to the following conditions:**
  - (i) **The existing dwelling on Strata Lot 1 may be used as a standard holiday home however shall not accommodate more than 5 people at any one time (as stated in the application).**
  - (ii) **The applicant to lodge a revised Management Plan for ‘Bluewater View Short Stay Accommodation’ that includes an updated Emergency Evacuation Plan and addresses provision of smoke detectors / fire extinguishers that reflect the revised floor plan within 6 months of the date of this approval.**
  - (iii) **The owner / applicant to be responsible for implementation of the revised Management Plan and shall ensure a copy of the updated Emergency Evacuation Plan is displayed within the holiday home at all times for guests.**
  - (iv) **All carparking is to be fully accommodated on site at all times.**
  - (vi) **Any sign for the business 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**



16 DECEMBER 2015

**with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**

- (viii) **The plans lodged with this application received on the 25 November 2015 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.**
- (ix) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval for the building alterations shall lapse and be of no further effect.**
2. **Include a footnote / advice note on any planning approval to advise the applicant that:**
- (a) **Planning consent is not an approval to commence construction. A building permit must be obtained for all work.**
- (b) **It is noted that the landuse of 'holiday home' has already been approved for one dwelling on this lot (Council meeting 28 October 2015).**

**5/0 CARRIED**

BACKGROUND

Council is to consider an application for alterations/additions to an existing holiday home at 28 Hartog Crescent, Denham.

- *Existing development*

Lot 69 has been developed with two dwellings and each is located on their own strata lot.

Both dwelling units have their own driveway access and garage. The garages are joined by a common wall.

This application relates to the dwelling located on the eastern side of the lot. An application to use the dwelling as a holiday home was approved by Council at the meeting held on the 28 October 2015.

16 DECEMBER 2015



COMMENT

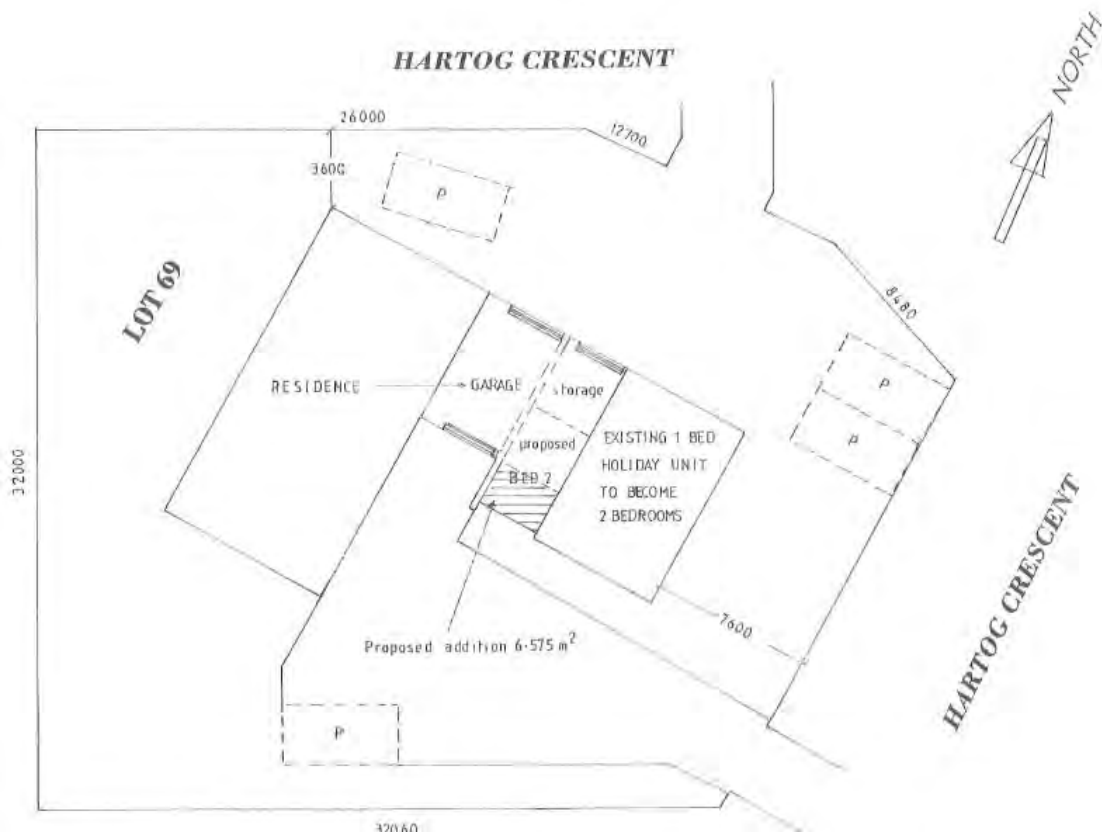
- *Proposed Development*

The owners of the land live in the existing dwelling located on the western-most portion of Lot 69 (26 Hartog Crescent).

The owners have lodged an application to modify the holiday home as follows:

1. Conversion of part of an existing garage into a habitable room (bedroom) with a minor rear addition of 6.35m<sup>2</sup>.
2. An increase in the maximum number of people to be accommodated in the holiday home from 4 to 5 people.

16 DECEMBER 2015



- *Zoning*

The subject property is zoned 'Residential R12.5/30' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). The development complies with the site requirements of the Residential Design Codes.

- *Scheme Definitions*

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).*'

Council has already approved a holiday home landuse on the lot. This application only seeks minor alterations to the existing built form.

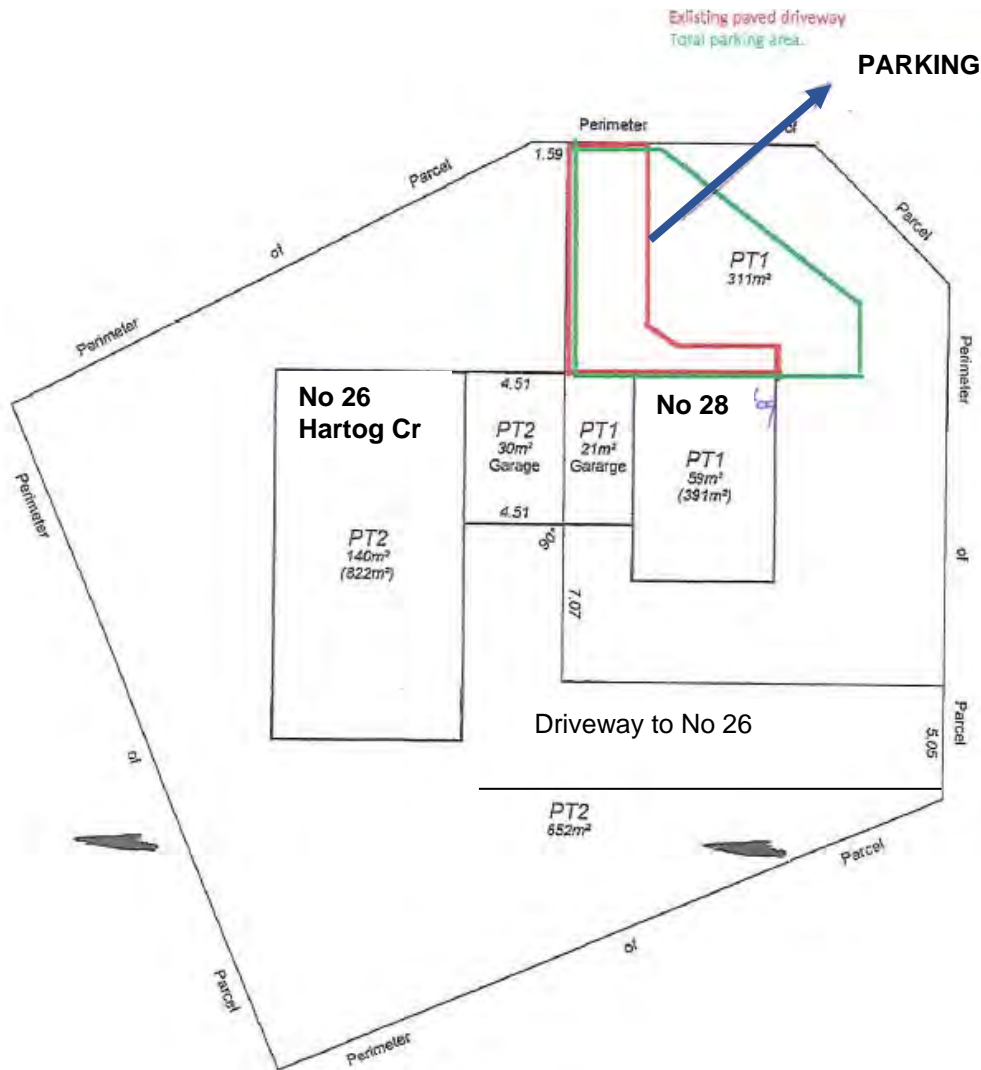
- *Carparking*

The existing dwelling is serviced by a driveway from the north lot boundary which provides on site carparking for the holiday home.

The owner has separate on site parking and a driveway to the south of the existing dwelling units.

Open car parking available on site is not affected by this application.

16 DECEMBER 2015



- *Fire and Emergency Response Plan*

There is an existing Management Plan for the holiday home which includes a fire escape route map, shows smoke alarms and on site fire extinguisher.

The Management Plan will need to be moderately updated to reflect the new floor floorplan.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

Western Australian Planning Commission guidelines for 'Holiday Homes – Short stay use of residential dwellings'

ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

FINANCIAL IMPLICATIONS

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

Tourism and businesses have local economic benefits.

STRATEGIC IMPLICATIONS

There is no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

2 December 2015

16 DECEMBER 2015

13.3 PROPOSED OUTBUILDING – LOT 154 (7) SUNTER PLACE DENHAM  
P1389

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: Proximity Interest as dwelling is diagonally opposite Councillors  
residence.

Cr Cowell left the Council Chamber at 7.13 pm.  
Cr Capewell assumed the Chair.

Moved            Cr Bellottie  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

1. **Approve the application lodged by Robert Emery for an outbuilding on Lot 154 (7) Sunter Place 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.**
  - (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 or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
  - (iii) **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.**
2. **Advise the applicant (via footnotes on the planning approval) that ‘*This planning consent is not authorisation to commence construction. A separate Building Permit must be obtained prior to works*’.**

**4/0 CARRIED**

Cr Cowell returned to the Council Chamber at 7.16 pm and resumed the chair.



16 DECEMBER 2015

BACKGROUND

Council is to consider an application for an outbuilding on Lot 154 (7) Sunter Place, Denham.

- *Zoning*

The subject property is zoned 'Residential R12.5/30' under the Shire of Shark Bay Local Planning Scheme No 2 ('the Scheme').

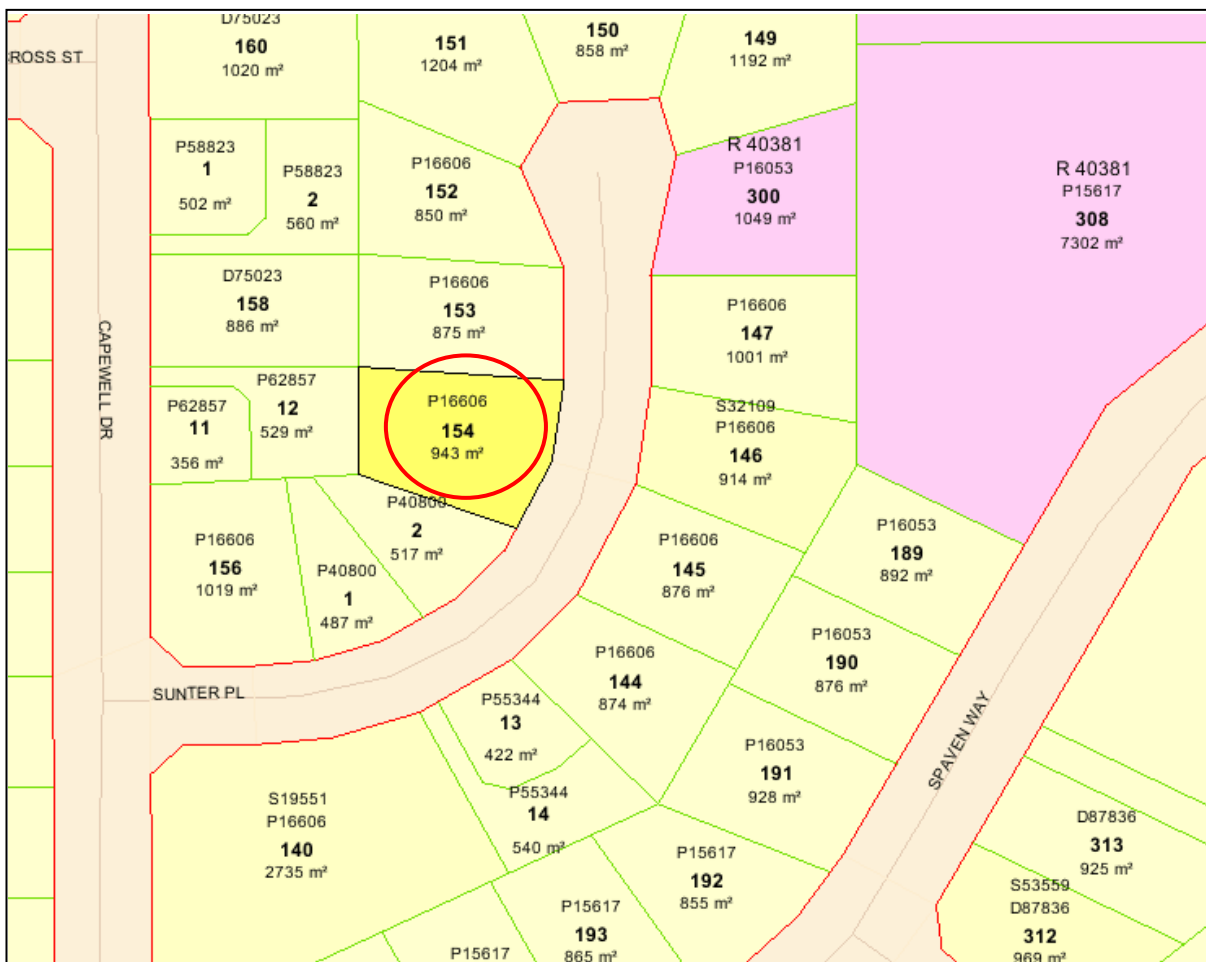
The lot has an approximate area of 943m<sup>2</sup> and the application has been assessed in accordance with the requirements applicable to the 'R12.5' density code.

- *Consultation*

The application has been referred to adjacent affected landowners for comment on a variation to the Residential Design Codes. Advertising closes on the 1 December 2015.

- *Location*

A location plan is included below for ease of reference.



- *Existing development*

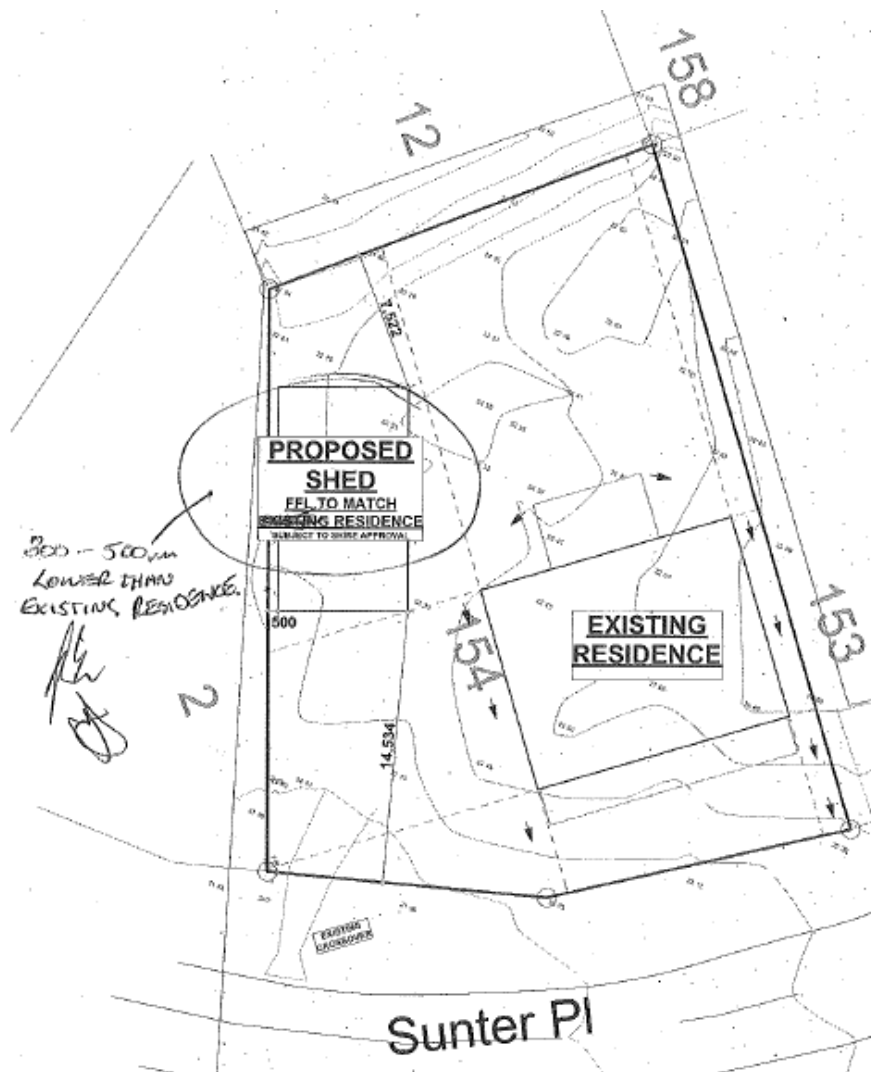
The lot has been developed with a single house.

COMMENT

- *Proposed Development*

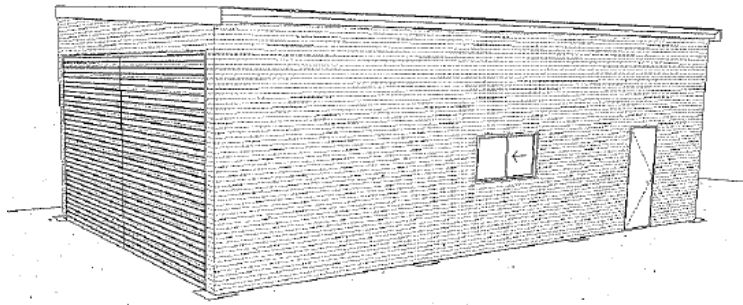
The application is for an 12.032 metre by 8 metre (88.07m<sup>2</sup>) outbuilding.

A site plan is included below for ease of reference.



The applicant intends to use second hand materials for the internal framework, and has supplied photographs of the materials. The applicant proposes to use new 'trimdeck' or 'custom orb' for external walls (Surfmist colour).





- *Residential Design Codes ('the Codes')*

The Residential Design Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Where an application proposes a variation to the 'Deemed to Comply' criteria of the Codes, then planning approval is required for the development, and a more detailed assessment has to be made based on 'Design Principles' in the Codes.

Under the Codes there are specific 'deemed to comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Officer Comment (Gray & Lewis)
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. 88.07m <sup>2</sup> proposed.
(iv) do not exceed a wall height of 2.4 metres	Variation. A wall height of 3.7 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Variation. The roof peak height exceeds 4.2 metres.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Variation. A 1.5 metre side setback is required and a 0.5 metre setback is proposed.

The application proposes variations to the 'Deemed to Comply' requirements therefore Council has to determine if the development complies with the design principle which is:

## ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

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

Gray & Lewis is of the view that the outbuilding complies with the abovementioned Design Principle as it is proposed to the rear of the existing dwelling and is well setback from the street.

### LEGAL IMPLICATIONS

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

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

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 61 (1) (d) of the Deemed Provisions states that an outbuilding does not require development approval if it is ancillary to a dwelling and it complies with the Residential Design Codes.

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

The Shire pays Gray & Lewis Landuse Planners consultancy fees for planning advice.

### STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	4 December 2015

16 DECEMBER 2015

13.4 APPLICATION FOR A PERMIT – HIRE BUSINESS IN RESERVE 39565 DENHAM FORESHORE AND RESERVE 30899 LITTLE LAGOON  
Dealt with after item 9.0 ref page # 8

13.5 PROPOSED TRANSPORTED BUILDINGS – ABLUTION BLOCKS FOR DENHAM SEASIDE TOURIST VILLAGE ON LOT 309 STELLA ROWLEY DRIVE, DENHAM  
P4318

AUTHOR

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

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

Moved            Cr Ridgely  
Seconded       Cr Prior

**Council Resolution**

**That Council:**

1. **Approve the application lodged by Ray Stent (Building Consultant) for transported buildings (ablution blocks) on Lot 309 Stella Rowley Drive, 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 Shire Chief Executive Officer.**
  - (ii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.**
  - (iii) **The development to be connected to reticulated sewerage.**
  - (iv) **The Finished Floor Level of the building shall be constructed at a minimum of RL 3.2 metre Australian Height Datum.**
2. **Include a footnote / advice note on any planning approval to advise the applicant that:**
  - a. **Planning consent is not an approval to commence any site works or construction. A separate building permit must be obtained for all work.**

**5/0 CARRIED**

Background

Council is to consider an application for two transportable ablution buildings on Lot 309 Stella Rowley Drive, Denham.

- *Zoning*

Lot 309 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). The land is listed in Schedule 4 of the Scheme as Special Use for '*short term accommodation including Caravan and camping areas, shop and associated uses as approved by the local government.*'

The lot contains an existing caravan park and associated facilities (combined with adjacent Lot 310).

- *Ownership*

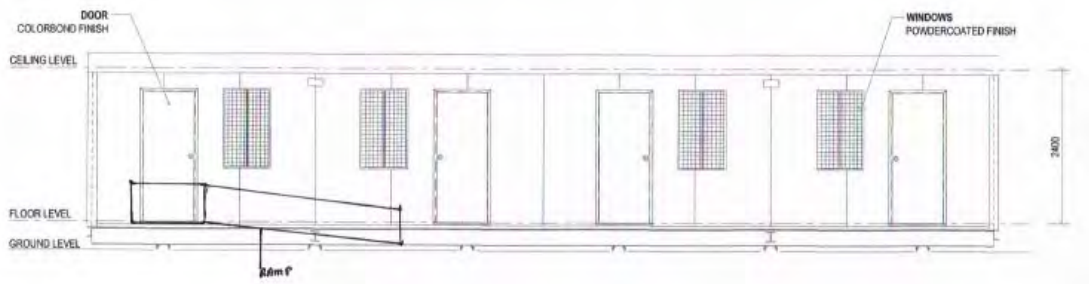
There is a Lease over Lot 309 between the Department of Lands and Gilbre Pty Ltd. The planning application has been signed by Mr Armstrong on behalf of Gilbre Pty Ltd.

Gray & Lewis referred the application to the Department of Lands on the 8 December 2015. Department of Lands has advised the lessee can sign for any proposal within the lease area.

Comment

The application proposes to utilise two transported buildings for ablutions. Each building will measure 14 metres (length) by 3.3 metres (width) and 2 metres (high).

The ablution buildings are proposed to be located in the north portion of the lot. The applicant has not submitted a scaled site plan, however has provided a location plan showing where the ablution buildings will be placed.



The external walls are made out of white colorbond.

The proposed development is ancillary to the existing caravan park. Conditional approval of the development is recommended.

Legal Implications

Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') – Council has discretion to approve ancillary development associated with the caravan park under the Scheme.

Under Clause 5.8.2, a minimum Finished Floor Level not less than RL 3.2 metres AHD applies to 'land subject to inundation'.

ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

Policy Implications

There are no policy implications relative to this report.

Financial Implications

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

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Author *L Bushby*

Chief Executive Officer *P Anderson*

Date of Report 8 December 2015

16 DECEMBER 2015

---

14. **BUILDING REPORT**

15. **HEALTH REPORT**

16. **WORKS REPORT**

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

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

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

Moved            Cr Prior  
Seconded       Cr Bellottie

**Council Resolution**

**That Council accept the tabling of urgent business items as follows:**

**19.1 Invalid Petition – Eviction Notice Mr V Bellotti.**

**5/0 CARRIED**

19.1 **PETITION – EVICTION NOTICE MR V BELLOTTI**

That Council note the correspondence from Mr Hargreaves re the invalid petition.

Moved            Cr Capewell  
Seconded       Cr Prior

**Council Resolution**

**That Council note the email correspondence from Mr T Hargreaves.**

**5/0 CARRIED**



16 DECEMBER 2015

**20. MATTERS BEHIND CLOSED DOORS**

Moved Cr Prior  
Seconded Cr Bellottie

**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.**

**5/0 CARRIED**

**20.1 BUILDING ORDER FOR RETAINING WALLS – LOT 150 (55) DURLACHER STREET, DENHAM P1483**

**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 Prior

**Council Resolution**

**That Council:**

- 1. Authorise the Chief Executive Officer to issue the Building Order to the owners of Lot 150 Durlacher Street, Denham (Attachment 3) with the 'Wall Plan' (2010).**
- 2. Note that a further report will be referred to a future Council meeting in the event that the owner lodges an application for a review to the State Administrative Tribunal or does not comply with the Building Order.**
- 3. Note that the Shire's Building Surveyor has received and issued approval for an extension of time for Building Permit (No 3156) for 2 grouped dwellings on Lot 150 Durlacher Street, Denham.**
- 4. Note that Shire Officers will inspect Lot 150 Durlacher Street Denham 30 days after a Building Order has been formally issued.**
- 5. Authorise the Chief Executive Officer to engage McLeods Barristers and Solicitors to represent the Shire in the event that the owner lodges an application to the State Administrative Tribunal.**
- 6. Note that Gray & Lewis will check the status of the matter within 60 days of the Building Order being issued, and where necessary, refer further reports to Council on the status of the**

**5/0 CARRIED**



16 DECEMBER 2015

20.2 CURRENT MINING LEASE APPLICATION WITHIN RESERVE 41076 (SHELL BEACH)  
RES41076

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of Any Interest

Disclosure of Interest: Gray & Lewis

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

Moved Cr Ridgley

Seconded Cr Bellottie

Council Resolution

**That Council:**

1. **Authorise the Chief Executive Officer to write to L'Haridon Bight Mining Pty Ltd and:**
  - (i) **Explain that the 'proponent' for the Minister for Environment Statement No 300 is responsible for complying with environmental conditions and the Shire seeks to revoke its 'proponent' responsibilities.**
  - (ii) **Seek their agreement to become the new proponent for the Minister for Environment Statement 300 ('Statement 300') and provide a copy of the Ministerial statement.**
  - (iii) **Seek agreement to enter into a legal deed with the Shire of Shark Bay to provide a minimum of up to 100 tonnes of shell annually to the Shire of Shark Bay (as required) free of charge for local government and community purposes.**
  - (iv) **Seek agreement to pay all legal costs associated with preparation of a Deed by McLeods Barristers and Solicitors.**
  - (v) **Advise that the company should also liaise with the Department of Environment Regulation as the combined tonnage of mining along this section of coast may trigger the need for a separate works approval or licence from the Department of Environment Regulation.**
2. **Authorise the Chief Executive Officer to advise L'Haridon Bight Mining Pty Ltd that the Shire generally supports proposed Mining Lease M09/151 however needs issues relating to the environmental approval, and supply of shell to the Shire to be resolved before advice is given to the department of Mines and Petroleum.**
3. **Authorise the Chief Executive Officer to compile an Environmental Protection Authority 'Form 1 – Application to change nominated proponent' to send with correspondence to L'Haridon Bight Mining Pty Ltd.**

16 DECEMBER 2015

4. **Note the advice provided by the Department of Lands that if the mining lease proceeds, then it is recommended that the Shire seek cancellation of the existing Management Order over Reserve 41076.**
5. **Authorise the Chief Executive Officer to write to the Department of Mines and Petroleum regarding the application for Mining Lease M09/151 and advise that:**
  - (i) **Following discussions with Environmental Protection Authority, the Shire needs to apply to change the proponent for the Minister for Environment Statement No 300 to L'Haridon Bight Mining Pty Ltd.**
  - (ii) **The Shire is liaising with the mining company directly to ascertain if they will agree to be the new 'proponent' for the existing environmental approval.**
  - (iii) **The Shire cannot provide a recommendation on the current mining lease until these issues are resolved. The Department of Lands has advised that if the mining lease proceeds, the Shire should seek cancellation of it's Management Order over Reserve 41076.**

**5/0 CARRIED**

20.3 PREMIER'S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS 2016  
CR00001

Author

Community Development Officer

Disclosure of Any Interest

Nil

Moved            Cr Ridgley  
Seconded       Cr Cowell

**Council Resolution**

- 1) **That this reported be noted.**
- 2) **Council nominate individuals or groups for the awards if any are suitable.**
- 3) **The Premier's Australia Day Active Citizenship Award for a person of 25 years or older is awarded to Mr Brian McKellar.**
- 4) **The Premier's Australia Day Active Citizenship Award for a community group or event is awarded to the Shark Bay Entertainers.**

**5/0 CARRIED**

ORDINARY COUNCIL MEETING

---

16 DECEMBER 2015

Moved Cr Capewell  
Seconded Cr Ridgely

**Council Resolution**

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

**5/0 CARRIED**

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

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 24 February 2016 commencing at 3.00 pm.

**22. CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 7.56pm.