

# SHIRE OF SHARK BAY



MINUTES ORDINARY COUNCIL MEETING

31 AUGUST 2011



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

The minutes of the Ordinary meeting of the Shark Bay Shire Council held at Useless Loop Salt Mine Site in the Useless Loop Conference Centre on 31 August 2011 commencing at 10.00am

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**1.0 DECLARATION OF OPENING**

The President declared the meeting open at 10.00am.

**2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED****ATTENDANCES**

Cr C Cowell	Shire President
Cr G Ridgley	Deputy Shire President
Cr T Hargreaves	
Cr J McLaughlin	
Cr D Pepworth	
Cr B Wake	

Mr P Anderson	Chief Executive Officer
Mr R Towell	Acting Deputy Chief Executive Officer
Mr J McKechnie	Manager Regulatory Services
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

**APOLOGIES**

Cr J Hanscombe	Granted Leave of Absence at 27 July 2011 Council Meeting – Item 5.1
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**VISITORS**

Useless Loop School Children and Residents totalling 19 people

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE**

Nil

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 10.05am

Mr Grimter inquired in regard to any proposed improvements to the Useless Loop Road.

The Chief Executive Officer advised that the Shire and Main Roads are currently proposing a program to bitumise the Useless Loop Road and any assistance from Shark Bay Resource's would add to this proposal.

Mr Grimter raised the issue of safe boating facilities for visitors to Denham and asked if any improvements are being considered.

The Shire President advised that the Council is currently conducting community consultations in regards to improved boating facilities and the inclusion of safe berthing was included in the considerations.

Master A Baker asked Council to consider a skate park for the Useless Loop Children. President asked for plans/designs to be submitted. Master A Baker presented a variety of different designs.

The President advised that the Council would certainly assist the students where possible and congratulated the students on their initiative in the designs and plans that they had presented.

Mr P Anderson advised that the Community Development Officer will assist with funding options for grants for this project.

Mr Ken Grimter asked that Useless Loop residents be able to transverse the Useless Loop Road when Closed under extreme circumstances.

Mr P Anderson replied that a letter addressing this issue has been sent to the Useless Loop Mine Manager, that will assist the mine residents.

Mr Scott Thomson asked if Council would consider including Useless Loop when the footprint for Digital TV is initiated.

Mr P Anderson advised that he will liaise with this issue.

The President closed Public Question time at 10.21, as there were no further questions.

## **5.0 APPLICATIONS FOR LEAVE**

### **5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR WAKE CO513**

#### **Author**

Chief Executive Officer

#### **Disclosure of Any Interest**

Nil

Moved Cr Hargreaves

Seconded Cr Ridgley

#### **Council Resolution**

**Councillor Wake is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on 31 August 2011.**

**5/0 CARRIED**

#### **Background**

Councillor Wake has applied for leave of absence from the ordinary meeting of Council scheduled for 31 August 2011. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

#### **Comment**

Councillor Wake has advised the Chief Executive Officer due to personal commitments he will be unable to attend the Ordinary meeting of Council scheduled to be held on 31 August 2011 and has requested leave of absence be granted by Council for this meeting.

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

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

#### Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for each meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
  - a. If no meeting of the council at which a quorum is present is actually held on that day; or
  - b. If the non attendance occurs while –
    - (i) the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
    - (ii) while proceedings in connection with the disqualification of the member have been commenced or are pending; or
    - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil

#### Voting Requirements

Simple Majority Required

Date of Report

30 August 2011

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**6.0 PETITIONS**

- 6.1 Petition presented objecting to the hours and allied aspects of the current operations of the Shire of Shark Bay Refuse Site.

Moved Cr Pepworth  
Seconded Cr McLaughlin

**Council Resolution**

**That Council receive the petition, but it be noted the petition presented is not in a manner considered effective in accordance with the Shire of Shark Bay Standing Orders Local Laws.**

**5/0 CARRIED**

**7.0 CONFIRMATION OF MINUTES**

- 7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 JULY 2011

Moved Cr Hargreaves  
Seconded Cr Pepworth

**Council Resolution**

**That the minutes of the ordinary council meeting held on 27 July 2011, as circulated to all councillors, be confirmed as a true and accurate record.**

**5/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

THE PRESIDENT ADDRESS THE USELESS LOOP COMMUNITY.

THE PRESIDENT THANKED THE USELESS LOOP COMMUNITY FOR THEIR HOSPITALITY AND FOR ATTENDING THE MEETING.

**9.0 PRESIDENT'S REPORT**

PR 101

***New Boating Facilities***

As reported last month, there has been overwhelming support from the Shark Bay community following an initial residents survey, and now a visitor survey, conducted by the Department of Transport (DoT). Respondents to both surveys indicated by more than 80% that they believed an enhanced recreational boating facility would be a positive step for Denham. Thank you to everyone who participated in the survey. A copy of the survey results will be available on the Shire website at the end of August.

***Denham Entry Statement***

By now, most people will have seen the completed entry feature on the approach to town. It was designed by Jess Hadley in collaboration with Red Crow Design and Fabrication and it is a fitting welcome to Denham. To compliment this theme, additional interpretive works will be installed along the foreshore as resources become

available. These will depict Shark Bay's unique history as well as its terrestrial and marine animals.



### ***Recreation and Community Centre***

The site works for the new Recreation and Community Centre have begun and the project is on track for completion of the building about this time next year. Playing Indoor sports like badminton, volleyball, basket ball and cricket will be possible all year round following the construction of the building, and it will also house a gym and community meeting room. During a

recent visit to Shark Bay, Ken Baston, MLC was photographed at the site with the Shire Chief Executive Officer and several councillors.

### ***Dirk Hartog Commemoration***

The members of the Dirk Hartog Commemoration Committee were involved in a field trip to Dirk Hartog Island last month and learnt first hand the logistics and transport issues involved in getting a group of people to Cape Inscription. Committee members met in Carnarvon last week and discussed various options to celebrate Dirk Hartog's landing at Cape Inscription. We are very mindful that events need to be held in Denham leading up to, and during, the commemoration so that the whole community as well as visitors will have the opportunity to be part of the celebrations of the first recorded European landing on Australian soil.

Moved            Cr Ridgley  
Seconded       Cr Hargreaves

### **Council Resolution**

**That the Presidents report for August 2011 be received.**

**5/0 CARRIED**

### **Councilor's Report (President)**

27 July	Council meeting and citizenship ceremony for Miroslava Vankova
27	Shire Council budget meeting
29	Gascoyne Pilbara project – economic development opportunities NAIDOC Week celebrations – Yadgalah Aboriginal Corporation
1 August	Met with representatives from LandCorp re local planning and releases
3	Participated in State Ministerial dialogue with Ministers Buswell and Castrilli (issues such as airline services, SAT legal costs and housing) Attended Gascoyne Country Zone meeting
4	Attended Local Government convention – Perth
5	Attended Mayors and Presidents Reception at Perth Council House Local Government convention and trade exhibition
8	Site visit to Royal Flying Doctor Service, Jandakot
8	Gascoyne Revitalisation Committee meeting – Exmouth
9	Induction to the Gascoyne Development Commission board
9	Gascoyne Development Commission board meeting – Exmouth
19	Dirk Hartog Commemoration Committee meeting Carnarvon Development Assessment Panel training – Carnarvon
22	Met with representatives of Tourism WA – Stephanie Buckland, CEO Kate Lamont board chair and David O'Malley of Australia's Coral Coast
23	Attended Volunteer Marine Rescue AGM

Confirmed at Council meeting 28 September 2011 – Signed by the President Cr C Cowell \_\_\_\_\_



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Moved Cr Hargreaves  
Seconded Cr Pepworth

**Council Resolution**

**That the President's August 2011 report on activities as a Council representative be received.**

**5/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

10.1 CR B WAKE  
CO 513

4 – 6 August 2011 Attended Western Australian Local Government Association Conference

Moved Cr Hargreaves  
Seconded Cr Pepworth

**Council Resolution**

**That Councillor Wake's August 2011 report on activities as a Council representative be received.**

**5/0 CARRIED**

10.2 CR G RIDGLEY  
CO 511

17 August 2011 Attending Telecentre Meeting  
22 August 2011 Attending Tourism WA presentation in the Discovery Centre

Moved Cr McLaughlin  
Seconded Cr Cowell

**Council Resolution**

**That Councillor Ridgley's August 2011 report on activities as a Council representative be received.**

**5/0 CARRIED**

10.3 CR J HANSCOMBE  
CO 514

Nil

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10.4 CR J McLAUGHLIN  
CO512

28 July 2011      Attended Regional Road Group meeting in Carnarvon  
29 July 2011      Attended meeting with Pilbara Gascoyne Project team members  
19 August 2011    Attended DAP training in Carnarvon  
22 August 2011    Attended Tourism WA presentation in the Discovery Centre

Moved            Cr Ridgley  
Seconded       Cr Hargreaves

**Council Resolution**

**That Councillor McLaughlin's August 2011 report on activities as a Council representative be received.**

5/0 CARRIED

10.5 CR D PEPWORTH  
CO 515

Nil

10.6 CR T HARGREAVES  
CO 510

Nil

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**11.0 ADMINISTRATION REPORT****11.1 LOCAL GOVERNMENT INQUIRY**

File Number

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Ridgley

Seconded       Cr Cowell

**Council Resolution**

The advice provided by Mr. John Woodhouse from Woodhouse Legal in regard to recommendation five (5) from the Inquiry into the Shire of Shark Bay by the Department of Local Government be received.

**5/0 CARRIED**

Moved            Cr Ridgley

Seconded       Cr Pepworth

**Officers Recommendation**

The Council instruct the administration to take further action to recover the sums identified in the independent audit report undertaken in accordance with the recommendations from the inquiry into the Shire of Shark Bay from Mr Moss and /or other parties.

**Or**

The Council advise the Minister for Local Government that having regard of the legal advice received from Mr John Woodhouse and in the interest of good governance of the district that no further action will be taken in regard to recommendation five (5) of the Inquiry into the Shire of Shark Bay.

Moved            Cr Hargreaves

Seconded       Cr Ridgley

**Council Resolution****That Council suspend Standing Orders at 10.35am****5/0 CARRIED**

Moved            Cr McLaughlin

Seconded       Cr Pepworth

**Council Resolution****That Council resume Standing Orders.****5/0 CARRIED**

**Reason:** That Council considered the advice and In the interest of good governance agreed that it is not in a financial interest of the rate payers to pursue the matter further.

Moved            Cr Ridgley  
Seconded       Cr Pepworth

#### **Council Resolution**

**The Council advise the Minister for Local Government that having regard of the legal advice received from Mr John Woodhouse and in the interest of good governance of the district that no further action will be taken in regard to recommendation five (5) of the Inquiry into the Shire of Shark Bay.**

**4/1 CARRIED**

#### **Rescission Motion:**

Moved            Cr Hargreaves

Motion Lapsed due to want of a Seconder

#### **Rescission Motion**

**That Council pursue all avenues in pursuit of monies miss-appropriated by previous Councillor's and the Chief Executive Officer of the Shire of Shark Bay.**

NOTE: The rescission motion put forward by Councillor Hargreaves was put from the floor without the opportunity for the Administration to research and provide advice on this matter. Councillor Hargreaves was advised that his motion was not factually correct, however he insisted that the motion be recorded verbatim.

#### **Background**

The Council at the ordinary meeting held on 25 May 2011 resolved the following:

***That the Chief Executive Officer be authorized to obtain a legal opinion in regard to the implications of any course of action that the Council may consider undertaking in response to the findings of the audit report prepared in response to recommendation three (36) of the Inquiry into the Shire of Shark Bay by the Department of Local Government.***

The Chief Executive Officer requested Mr John Woodhouse from Woodhouse Legal to give a legal opinion in regard to recommendation five (5) of the Inquiry being:

*The Council obtain legal advice from a legal practitioner, reporting directly to Council, on whether the shire can recover monies paid in relation to Mr Moss's legal representation, from Mr Moss and/or any other party.*

Mr Woodhouse has provided an opinion which is attached to this report.

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### Comment

The advice provided by Mr Woodhouse advises that the ability for the Council to recover funds from Mr Moss and other parties is questionable and may not be cost effective.

The Council would now have to consider if the pursuit of any funds outstanding would be in the interests of good governance of the district.

The Council must consider that any further legal action to recover cost would be strenuously defended and may become quite protracted and expensive.

Whilst it may not be palatable to consider not pursuing the recovery of any funds the costs in solicitors and the administrations time may outweigh any funds recovered.

As Mr Woodhouse has indicated there also does not appear to be any legal basis to recover the funds.

I have included two options for the council to consider in relation to this matter.

### Legal Implications

As per the advice contained in the report the effect of the clause of subrogation under the insurance policy is that any right the Council may have had to recover amount in respect of which the shire made a claim under the policy, then those rights of recovery can only be exercised by the insurer. (Not the shire)

As also advised Mr Woodhouse can't identify any legal basis on which the shire might have a right to recover those expenses attributable to the witness that appeared (\$2,102.58) from any other party.

In regard to these payments they were made by the voluntarily by the shire and were not subject to a claim being made by some other person.

### Policy Implications

Finding (18) eighteen of the Inquiry Report found that no application for legal assistance had been made in accordance with the Council's legal representation policy.

The Council's Legal Representation policy is sound and the Council must ensure that any further applications for legal assistance must be considered in accordance with the Council's policy.

Financial Implications

The Council has previously expended \$9,681.43 in regard to this matter that has not been recovered.

As indicated in the advice submitted the recovery of these costs may not be cost effective. In addition to solicitors costs there would also be administration time and resource associated with any recovery attempts that would have to be taken into consideration.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

19 August 2011

Principal:  
John M Woodhouse

JMW: 20110073

18 August 2011

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

Dear Paul

**Report of the Inquiry into the Shire of Shark Bay**

I refer to your letter of 5 July 2011 and to our subsequent emails.

**Recommendation 5**

You have asked me to provide the advice referred to in Recommendation 5 of the "Report of the Inquiry into the Shire of Shark Bay" dated October 2010 ("the Inquiry Report"). The Inquiry Report was prepared by the Department of Local Government as a result of an authorised inquiry under Division 1 of Part 8 of the Local Government Act 1995.

Recommendation 5 is as follows:

*"The Council obtain advice from a legal practitioner, reporting directly to Council, on whether the Shire can recover monies paid in relation to Mr Moss' legal representation, from Mr Moss and/or any other party."*

**Auditor's Report**

You have provided me with a copy of a report dated 27 April 2011 prepared by Mr RJ Back for the Shire ("the Auditor's Report").

The Auditor's Report was provided to the Shire in response to Recommendation 3 of the Inquiry Report.

J.

20110073 Ltr to P Anderson 170811

Recommendation 3 states:

*"An external auditor(s) be appointed, approved by the Department, to conduct a full financial and compliance audit with parameters for the audit set by the Department.*

*This audit, as a matter of priority, identify all costs associated with the Shire's provision of legal funding to Mr Moss.*

*The outcome of this audit is to be reported directly to the Department and Council."*

A summary of the findings of the Audit Report, in so far as they relate to my task under Recommendation 5, are as follows:

1. The costs paid by the Shire relating to the provision of legal funding for Mr Moss are as follows:

<i>Legal advice</i>	<i>\$18,830.33</i>
<i>Legal representation</i>	<i>\$49,657.81</i>
<i>Associated expenses</i>	<i>\$7,102.58</i>
	<i>\$75,590.72"</i>

See item 1 on page 5.

2. In relation to 1 above, reimbursements have been made by the Shire's insurer totalling \$55,266.48 (\$60,266.48 less \$5000.00 excess).

In addition, a claim for an additional \$3,540.23 has been lodged for a previously unclaimed expense.

See item 2 on page 5.

3. A summary of the Shire's net position is set out at page 3 of the Audit Report as follows:

<i>"Summary of costs (net of GST)</i>	
<i>Legal expenses</i>	<i>\$68,488.14</i>
<i>Court costs (against L Moss)</i>	<i>\$5,000.00</i>
<i>Witness expenses</i>	<i>\$145.45</i>
<i>L Moss – accommodation/meals/etc</i>	<i>\$723.54</i>
<i>K Matthews – accommodation/meals/etc</i>	<i>\$1,213.41</i>
<i>Other</i>	<i>\$20.18</i>
	<i>\$75,590.72</i>

*Recovered under insurance policy*

<i>(net of \$5,000.00 excess)**</i>	<i>\$55,266.48</i>
	<i>\$20,324.24</i>



*\*\*During the course of the audit it was found that an account from McLeods, Barristers and Solicitors (invoice 42697) which covered the period 2/10/07 to 20/12/07 for \$3,540.23 was incorrectly deleted by the insurance broker from the Shire's claim in 2009. Action has been undertaken to have the amount reassessed for recovery.\*\**

4. A more detailed summary of expenses and of amounts recovered is set out in a table on page 4 of the Audit Report as follows:

Legal Payment for L. Moss	2006	2007	2008	2009	2010	Total
Legal expenses	6,671.00	3,540.23	40,639.88	17,637.03	0.00	68,488.14
Recovered - insurance	(6,671.00)	0.00	(40,639.88)	(17,637.03)	0.00	(65,007.91)
Court Costs (against L. Moss)	0.00	0.00	0.00	5,000.00	0.00	5,000.00
Recovered - insurance	0.00	0.00	0.00	(5,000.00)	0.00	(5,000.00)
Witness expenses	0.00	0.00	0.00	145.45	0.00	145.45
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
L. Moss - accommodation/meals/etc	0.00	0.00	0.00	723.54	0.00	723.54
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
K Matthews - accommodation/meals/etc	0.00	0.00	0.00	1,213.41	0.00	1,213.41
Recovered - insurance	0.00	0.00	0.00	0.00	0.00	0.00
Taxi - W Perth to City Court Document	0.00	0.00	0.00	20.18	0.00	20.18
<b>Total Costs</b>	<b>6,671.00</b>	<b>3,540.23</b>	<b>40,639.88</b>	<b>24,739.61</b>	<b>0.00</b>	<b>75,590.72</b>
<b>Recoveries</b>	<b>(6,671.00)</b>	<b>0.00</b>	<b>(40,639.88)</b>	<b>(17,637.03)</b>	<b>5,000.00</b>	<b>(55,947.91)</b>
					<b>Net</b>	<b>20,324.24</b>

#### Overall position

My understanding, based on the Audit Report is that the Shire's overall position is as follows:

- In relation to legal expenses, the Shire has incurred a total of \$68,488.14. To date, it has recovered from the insurer an amount of \$55,266.48. A further claim for \$3,540.23 is the subject of a further claim from the insurer.

Assuming that the Shire recovers this further sum of \$3,540.23, there would be an under recovery to the Shire of \$9,681.43. This includes the excess payable under the policy of \$5,000.

- In relation to court costs, the Shire met the Court ordered costs of \$5,000. This sum was recovered from the insurer. Consequently, the Shire is not out of pocket in this regard.
- The Shire met a number of expenses relating to the witnesses. The total amount met by the Shire was \$2,102.58. It appears that the Shire made no claim for recovery of this amount from the insurer. It is clear, however, that the Shire incurred these amounts voluntarily.

As I understand it, there were 2 reasons why the insurer did not meet all of the Shire's legal costs.

Firstly, there is the \$5,000 excess referred to earlier.

Secondly, correspondence between the Shire and the insurer (contained in the file which you forwarded under cover of your email of 11 August 2011) indicates that the insurer adjusted a number of the legal accounts. The correspondence indicates that some items being claimed were considered not to be justified by the insurer and in some cases the hourly rate was considered to be too high.

It does not appear that the Shire made a claim in relation to costs associated with the witnesses. I assume that the Shire considered that these costs were not covered by the policy.

Consequently, the Shire is out of pocket in the sum of \$9,681.43 for legal costs and \$2,102.58 in respect of witnesses.

#### **Insurance policy**

As is the usual case with insurance policies, the Shire's policy with Ace Insurance Limited (enclosed with your email of 12 August 2011) contains a clause dealing with "Subrogation". See clause 5(m) on page 10 of the policy.

The clause states:

*"(m) Subrogation*

*In the event ACE makes any payment under this Policy, ACE shall be subrogated to all rights of recovery of the Company and all Insured(s), and the Company and the Insured(s) shall fully cooperate with ACE in securing such rights."*

The effect of this clause is that any rights that the Shire may have had to recover any amount in respect of which the Shire made a claim under the policy, then those rights of recovery can now only be exercised by the insurer (and not by the Shire).

Consequently, the Shire has no right to take any recovery action in respect of its net out of pockets for legal expenses.

In relation to the costs incurred by the Shire in connection with witnesses (witness fees, accommodation, travel etc), it may be that the Shire has a right to claim under the insurance policy although this appears doubtful.

I would, however, suggest that the Shire raises this with the insurer.

In the event that an insurance claim cannot be made, I cannot see any legal basis on which the Shire might have a right to recover those expenses (\$2,102.58) from any other party.

This is because the Shire elected to pay those amounts of its own volition. The payment were not made, so far as I can see from your files, as a result of any claim being made by some other person such as Mr Moss.

5

Consequently, I do not consider that the Shire has a right to recover those amounts. In any event, the quantum of the amount is relatively small and engaging solicitors to recover the sum would not be cost effective.

#### Summary

1. The Shire paid a sum of \$68,488.14 towards Mr Moss' legal representation. The Shire also paid a sum of \$5,000 in respect of the costs ordered by the Court against Mr Moss.
2. The Shire made a claim under its insurance policy to recover these sums and has been paid to date a total of \$55,266.22.
3. A claim for a further sum of \$3,540.23 has been made to the insurer. For the purpose of this advice I have assumed that the claim, which was overlooked until the Auditor's Report was received, will be met.
4. After payment of the insurance claims the Shire will be out of pocket in the sum of \$9,681.43 in respect of Mr Moss' legal representation.
5. Any right which the Shire may have had to recover the sums paid for Mr Moss' legal representation is now subrogated to the insurer – with the result that the Shire cannot, itself take any action (if action were to be open) in that regard.

I trust that this sufficiently clarifies the position.

If I can be of any further assistance, please let me know.

Yours sincerely



**John M Woodhouse**  
jwoodhouse@woodhouselegal.com

encl.

20110073 Ltr to P Anderson 170811

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**11.2 REQUEST FOR FUNDING OF WILD DOG CONTROL**

File Number

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Pepworth

Seconded Cr Ridgley

**Officers Recommendation****OPTION 1 - OFFICER'S RECOMMENDATION**

***Council advise the Shires' of Upper Gascoyne, Exmouth, Shark and Murchison, they will not be contributing towards the control of wild dogs in the pastoral area as they believe this is a State Government, not Local Government, responsibility.***

OR

**OPTION 2 - OFFICER'S RECOMMENDATION**

***Council advise the Shires' of Upper Gascoyne, Exmouth, Carnarvon and Murchison, they are prepared to raise a Specified Area Rate over the Shire's Pastoral Ward to raise the amount of \$25,000 as a contribution towards wild dog control in the pastoral regions, under the conditions:***

- i. all other Shires agree to contribute equal amounts;***
- ii. the State Government is prepared to match the total contribution from all Local Government authorities on a \$1:\$1 basis; and***
- iii. Funds are to be spent on wild dog control within the boundaries of participating Shires only.***

**Reason:** That the Council agreed that this was a State Government liability and that Councils concerns should be expressed to the Minister in the first instance.

Moved Cr Pepworth

Seconded Cr Ridgley

**Council Resolution**

**That the shire administration write to the Minister For Agriculture expressing Council's concerns at the reduction of funding for the control of Wild Dogs in the Gascoyne Region, particularly in the Shire of Shark Bay and seek an increased allocation to address the issue.**

**5/0 CARRIED**

Background

The Shire of Upper Gascoyne has written to the Shires' of Carnarvon, Exmouth, Shark Bay and Murchison requesting the Councils to match their annual contribution of \$25,000 for the control of wild dogs, this amount will then be used as a request for matching funding in total from the State Government, to pay for three doggers in the pastoral region.

Control of dogs in the pastoral and agricultural regions is the responsibility of the Department of Agriculture and Food WA (i.e. State Government responsibility) and the request for Local Government contributions towards this service may be construed as simply yet another form of **cost shifting** from State to Local Government. It is understood there is a serious issue in regards to wild dog numbers in the pastoral regions, which need to be addressed as a matter of urgency.

Comment

An estimate cost per assessment in the Shire of Shark Bays' Pastoral Ward for a Specified Area Rate being imposed across these properties to derive the \$25,000 being requested is as follows –

<b>Assess No</b>	<b>Prop Name</b>	<b>UV</b>	<b>Possible Specified Area Rate Return</b>
A2001	Hamelin Pool Pastoral Co	179,740	\$6,172.73
A2004	Carbla	88,300	\$3,032.45
A2005	Coburn	42,420	\$1,456.81
A2006	Meadow	53,200	\$1,827.02
A2007	Woodleigh	82,460	\$2,831.89
A2008	Gilroy	44,600	\$1,531.68
A2009	Yalardy	34,960	\$1,200.62
A2010	Talisker	63,420	\$2,178.00
A2013	Carrarang	39,040	\$1,340.73
A2014	Tamala	70,240	\$2,412.22
A2023	Nerren-Nerren	29,580	\$1,015.85
		<b>727,960</b>	<b>\$25,000.00</b>

There will be concern raised by the pastoral industry in regards to any form of additional imposition of a specified rate which will be additional to the normal rates imposed.

This option does not include any contribution from area under the control of the state as there is no value applied by the Valuer General to these areas and they are not used to generate profit through stock.

I have put forward three alternative recommendations for Council to consider. One being to respectfully decline the request made by the Shire of Upper Gascoyne for a funding contribution towards wild dog control and reiterate that this is a State Government, not Local Government responsibility.

The alternative recommendation is for Council to resolve to include a Specified Area Rate in the 2011/2012 budget over the Shire's Pastoral Ward to raise the amount of \$25,000 towards the wild dog control under the condition that all other Local Government authorities and the State Government also contribute.

The amount of \$25,000 can always be reduced to any amount the Council sees fit and this would then reduce the amount each assessment would contribute.

The third option being that the Council could donate a specified amount from general funds to this request. Any amount would have to be considered in future budgets as this would appear to be an issue that the State Government is not providing adequate funding to manage.

It is understood that the Shire of Carnarvon has advised that they will not be contributing as they consider the matter to be a State Government responsibility and the Shire of Exmouth has indicated that they will contribute \$5,000 towards the program.

#### Legal Implications

In accordance with the **Local Government Act 1995** (Section 6.37) Council has the ability to impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision of a specific work, service, or facility within the Local Government i.e.

#### **“6.37. Specified area rates**

- (1) *A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —*
  - (a) *have benefited or will benefit from;*
  - (b) *have access to or will have access to; or*
  - (c) *have contributed or will contribute to the need for, that work, service or facility.*
- (2) *A local government is required to —*
  - (a) *use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or*
  - (b) *to place it in a reserve account established under section 6.11 for that purpose.*
- (3) *Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —*
  - (a) *change the purpose of the reserve account; or*
  - (b) *use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed, and section 6.11(2), (3) and (4) do not apply to such a reserve account.*
- (4) *A local government may only use the money raised from a specified area rate —*
  - (a) *to meet the cost of providing the specific work, service or facility for which the rate was imposed; or*
  - (b) *to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*
- (5) *If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —*
  - (a) *may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or*
  - (b) *is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.”*

Policy Implications

No existing policy affected.

Financial Implications

For Council to contribute an amount annually of \$25,000 towards wild dog control, as is being suggested by the Shire of Upper Gascoyne, this will equate to approximately 2.87% of Council's rate revenue (based upon the 2010/2011 rate revenue).

As detailed in this report, the opportunity is available for Council to impose a Specified Area Rate on ratable land within the pastoral ward of the Shire to fund the annual contribution being requested.

Otherwise, if Council do agree to funding the \$25,000 amount requested annually (or any other amount), then this could simply be attained through overall rate revenue.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

(Note: If Council resolved to include a Specified Area Rate in forthcoming budgets, a simple majority is only required at this stage; however, at the time any budget is adopted, which will incorporate such, an absolute majority is required at this time.)

Date of Report

15 August 2011

11.3 IMPROVED BOATING FACILITIES RESEARCH  
MA100

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr McLaughlin

Seconded Cr Ridgley

**Council Resolution**

**The results of the Community surveys conducted by Patterson's Research Group into improved boating facilities in Denham be noted and endorsed.**

**The Department of Transport be requested to proceed to the next stage of the research into the scope, design and location of any proposed improved boating facilities in Denham.**

**5/0 CARRIED**

Background

The Shire of Shark Bay through a Recreational Boating Facilities grant and with the assistance of the Department of Transport has been conducting research into new boating facilities for the Shire of Shark Bay.

The Patterson Research Group has been commissioned to undertake these works and the initial two stages have now been undertaken.

The research was carried out as a two stage process. Stage one involved a telephone survey of residents of Denham. Stage two involved an intercept survey of visitors to the town – people who were staying in paid accommodation in Denham.

The final survey results are attached for Council's consideration.

Comment

The survey programme has found that there is clear majority support amongst both residents and visitors to Denham for the motion of some form of development of a boating facility for residents and visitors to the town of Denham.

The Council now needs to consider the results of the surveys and if Council considers there is sufficient overall support to continue with the project instruct the Department of Transport to proceed to the next stage.

The next stages of the project would be to undertake further research into the scope, location and design of any proposed facilities.

These parameters would be established by consultation with the Shire Council, the established working group and the Department of Transport. These concepts would



---

then be subject to further surveys with the local community and wider boating community.

Once a consensus has been established the designs incorporating the scope location and design will be presented to the Council for further consideration.

In the event the Council considers that there is insufficient support the Department of Transport should be advised to not carry out any further research into improved boating facilities.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

The project is predominately funded with a Recreational Facilities Grant.

Strategic Implications

Addresses the long term strategic objective of improving providing infrastructure for the benefit of residents and visitors to the Shire of Shark Bay

Voting Requirements

Simple Majority Required

Date of Report

15 August 2011



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***DENHAM COMMUNITY AND  
VISITOR SURVEY OF ATTITUDES  
TOWARDS BOATING FACILITY.***

***PREPARED  
FOR: DEPARTMENT OF TRANSPORT***

***CLIENT CONTACT: JO BRUYN & NICHOLAS GRUNDY***

***PATTERSON CONTACT: KEITH PATTERSON***

***DATE: JULY 2011***

## **ISO 20252: MARKET, OPINION AND SOCIAL RESEARCH**

Patterson Research Group operates using systems that have been developed in compliance with the ISO 20252 Standard for Market, Opinion and Social Research

In accordance with our Quality Assurance System, this report has been reviewed and approved by:

NAME: KEITH PATTERSON

POSITION: SENIOR CONSULTANT OF PATTERSON RESEARCH GROUP

DATE: 2/8/2011

DOCUMENT VERSION: FINAL

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## snapshot

A report of two survey components; a CATI phone survey of residents of Denham and an intercept survey conducted with visitors (staying in Denham holiday accommodation), conducted in July 2011.

## eEXECUTIVE sUMMARY

The survey programme has found that there is clear majority support amongst both residents and visitors to Denham for the motion of some form of development of a boating facility for residents and visitors to the town of Denham. Both residents and visitors to Denham were asked to indicate their level of support or opposition to five aspects of the proposed re-development, and Figures 4.1 and 5.1 below (extracted from those sections of the main body of the report) quickly summarise the extent of the support to opposition amongst both survey groups.

Figure 4.1 for example shows clear majority support for permanent moorings; the launching ramp; the refuelling jetty and boat pens. The only aspect to gain a significant level of opposition (basically about 1 in 5) is for the public visitor moorings.

Fig 4.1 Resident Support / Opposition for elements of Boating Facility

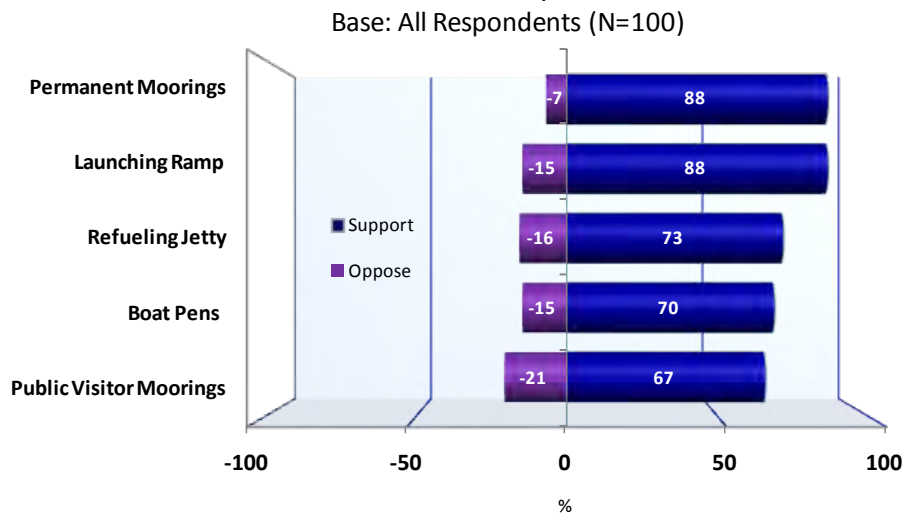
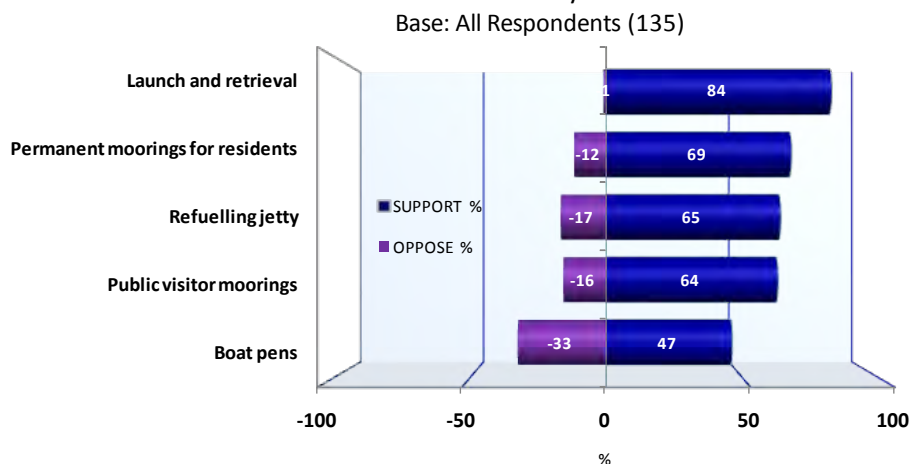


Figure 5.1 below shows a similar pattern of support for the elements of the possible boating facility to be developed at Denham, but it is interesting that the position of boat pens is least popular amongst the visitors, with a third of respondents indicating that they oppose that aspect of a possible development.

Fig 5.1 Visitor Support / Opposition for elements of Boating Facility



As a broad observation, where opposition to the developments was to be found amongst residents, it was largely on the basis that there is already some form of boating facility available in Denham, and there is no need for anything further to be created.

There is high boat ownership amongst residents and visitors, primarily "trailorable" motor boats.

Interestingly, only 62% of visitors who own boats reported bringing them “on this occasion”. This phenomenon was largely related to the duration of stay (people who were staying only 1 to 3 days had a much lower propensity to bring their boats). This appeared to be as much related to the difficulty in trailing the boat to the venue as it did any other factor.

However, when asked if they would be any more likely to bring their boats if “more suitable facilities were created”, 9 of the 26 respondents who did not bring their boat on this occasion indicated that they were at least quite likely to do so in future. The suggestion is that whilst short stay visitors are perhaps not likely to increase their propensity to bring their boat regardless of the facilities on offer, other more long term visitors appeared more likely to bring their boats if more suitable facilities were provided for them.

### Overall Positive Or Negative For Denham

Respondents in both surveys were asked to indicate if overall, they believed that the provision of an enhanced recreational boating facility would be a net positive or a net negative for Denham. Figure 4.3 below has been extracted from that section of the main body of the report. It quite succinctly shows the extent to which residents believe that the provision of an enhanced recreational boating facility would be a “positive” development for Denham.

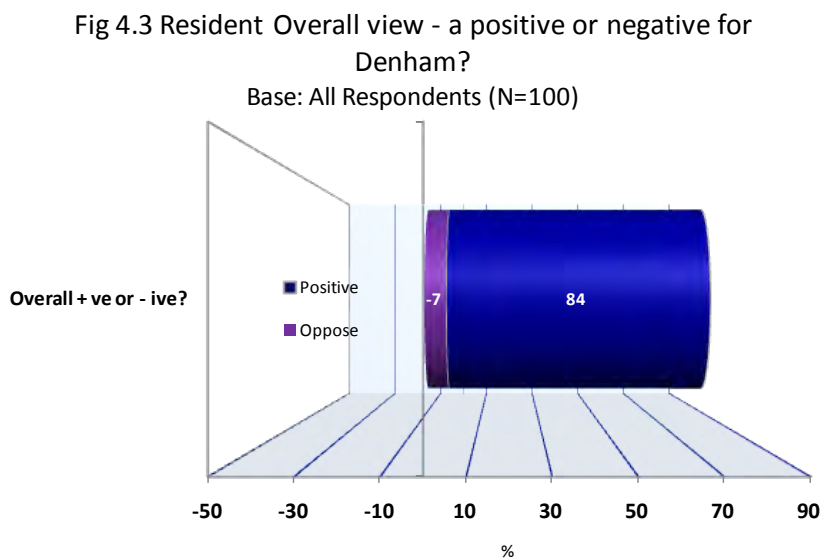
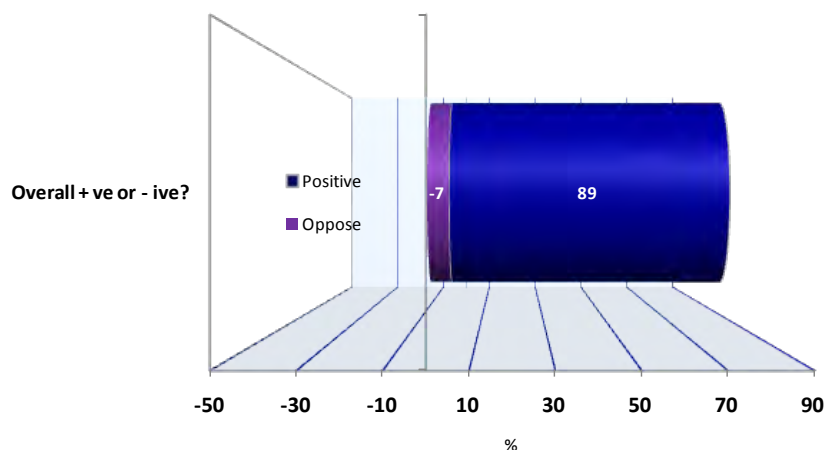


Figure 5.3 below has been extracted from that section of the report, and shows the extent to which there is a similar positive sentiment amongst visitors about the prospect of a redeveloped boating facility for Denham.

Fig 5.3 Visitor Overall view - a positive or negative for Denham?  
Base: All Respondents (N=135)



Whilst this survey outcome should not be taken to imply a complete “carte blanche” for the wholesale development of a boating facility at Denham, it does quite strongly



---

point to the community and visitors sentiment that some form of development to improve the recreational boating facilities at Denham would be welcomed.

## **Research Approach**

### **Objectives**

To provide a reliable assessment of initial community and visitor attitudes towards the notion of a new boating facility for the town of Denham.

### **Method**

The research was carried out as a two stage process. Stage one involved a CATI telephone survey of residents of Denham. Stage two involved an intercept survey of visitors to the town – people who were staying in paid accommodation in Denham.

The phone fieldwork was carried out by West Coast Field Services from their dedicated telephone room based in Applecross, WA. The intercept survey was conducted by a trained WCFS interviewer who was flown to Denham for the purpose.

For the CATI survey all calls were made using WCFS dedicated Computer Assisted Telephone Interviewing software; SurveyCraft. All interviewers were fully brief as to the nature of the project and the questionnaire-specific instructions prior to commencing data collection.

The intercept survey hard copy questionnaire documents were completed by the interviewer in the field and returned to WCFS' offices for data entry.

### **fieldwork details**

The research was carried out amongst residents of and visitors to the town of Denham WA

The CATI fieldwork was carried out from July 4 – 7 2011. Prior to the phone survey programme a pre-notification letter was sent to all Denham residents to alert them to the impending survey. This exercise materially aided the survey process, reducing the refusal rate to a very low 28%. In normal CATI surveys refusal rates of 150% or 200% are not uncommon (i.e. a survey of 100 interviews could involve approximately 150 or 200 refusals).

The intercept survey was conducted in the week of July 14 – 20 2011. This was scheduled to take place during the school holidays.

Upon the conclusion of data collection, the average interview length is calculated to be an average 9 minutes.

## Questionnaire

The questionnaire used for the research was designed by Patterson Research Group personnel, in consultation with key personnel from. Limitations

### Survey Precision

The sample of residents was just 100 respondents. Given the small population of just 508 adults within the township of Denham, this sample is considered adequate to provide a good estimation of community attitudes regarding the possible boating facility. The theoretical survey error is +/- 8.8% at the 95% confidence level.

The sample of 135 visitors also produces a survey error of approximately +/- 10%. The size of the visitor population is unknown, but assumed to be in excess of 1,000 at any one stage. On that basis the survey error is +/- 9.3%. This assumes complete random sampling however which is not completely feasible in an intercept survey programme.

Nonetheless the sample is adequate for the purpose of establishing the general visitor sentiment regarding the prospect of a new boating facility at Denham.

### Other limitations

WCFS have procedures in place to validate a proportion of all data gathered by interviewers, to ensure that responses are recorded as true and correct. This process was completed for both the CATI interview, and the intercept surveys.

### Response Rate

The response rate for the CATI survey is calculated as the number of interviews as a proportion of the calls made. The response rate is shown in the table below. Note that the 47% response rate is much better than may normally be expected in CATI surveys. The norm is generally less than 20%.

Response Rate		N=100
Interviews		100
Refusals		28
Answer machine		21
Call back		7
No reply/engaged		55
Total contacts		
Total Contacts		211
<b>Overall Response Rate:</b>		<b>47%</b>

---

## ***Data Processing and Analysis***

As a means of ensuring the highest quality of data, WCFS routinely validate a proportion of all data. Effectively this means a random selection of respondents is re-contacted and their recorded responses are checked to ensure the most accurate recording of data is upheld by the field team at all times.

The intercept hard copy data was then transferred into WCFS' data processing software, SurveyCraft, ahead of data analysis. WCFS verify 5% of all data entered to ensure the highest quality of work at all times.

The small samples sizes whilst adequate for the task at hand did not require coding of open ended questions.

Post data collection, the CATI survey data was weighted according to the latest census data available from the Australian Bureau of Statistics (ABS). Patterson Research Group routinely weights data to ensure that the sample profile most closely represents to true profile of the Denham community, in terms of age and gender.

The final data set was analysed using Patterson Research Group's dedicated survey analysis software; SurveyCraft, the result of which are quantitative data tables.

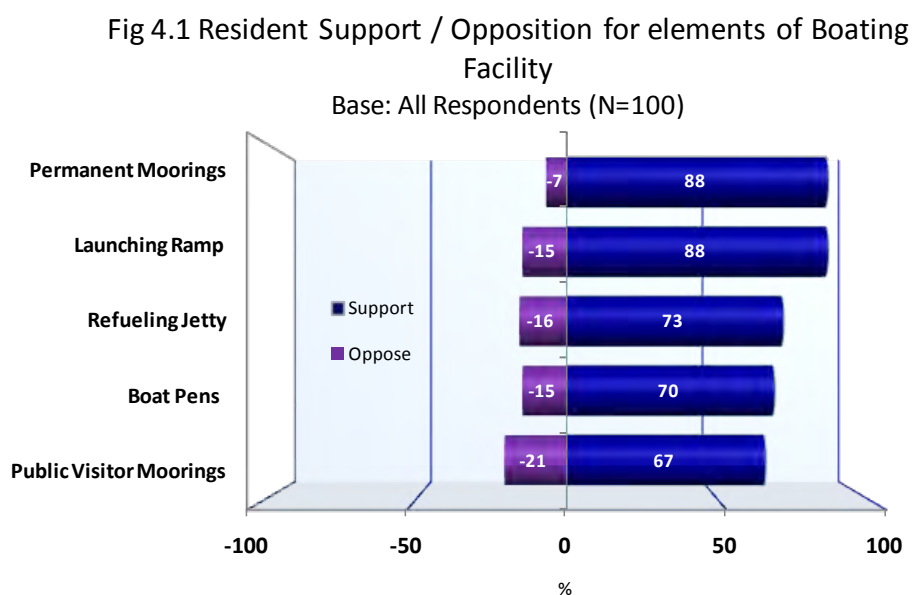
## Detailed Findings – Residents Survey

### ***Support For The Aspects Of The Proposed Boating Facility.***

There is clear majority support for all aspects of the proposed facility that were canvassed in the survey. Specifically, there was:

- 88% support for permanent moorings for residents (7% oppose);
- 80% support for a launching ramp (15% oppose);
- 73% support for a refuelling jetty (16% oppose);
- 70% support for pens to berth boats (15% oppose);
- 67% support for public visitor moorings (21% oppose).

Figure 4.1 below provides a simple comparison of the extent of support and opposition to the various elements of the proposed boating facility.



Note that the largest level of opposition is to the provision of public visitor moorings. However even here the ratio of support to oppose is in the order of three who support for every one opposed.

There is clear majority support for all aspects considered. Nonetheless it may be useful to review the reasoning for the opposition to the elements canvassed with residents.

---

## Reasons oppose Permanent Moorings For Residents

The reasons provided by the 7% who opposed this element were:

*"The moorings we have at the moment are adequate."*

*"Not at all. I don't feel it is necessary and I grew up here and I have a lot of places in Australia I have visited for short periods and I know I don't want it here."*

*"I am not really into the fishing game."*

*"It is ok as it is."*

*"They put down their own moorings."*

*"I don't think there is a need for it."*

*"We can put a mooring anywhere we like now."*

## Reasons oppose New Launching Ramp

The 15% who opposed a new launching ramp did so on the basis that:

*"We already have two and don't need any more."*

*"What they have there is adequate."*

*"There's four of them already, so I don't think they need another one. They've got two for small boats and two for medium sized boats and an extra big one for the big fishing boats that come and get cleaned down."*

*"We have one already. The facility we have for putting the boats in is there. We don't need anything else. They've got plenty here. You never see a line of boats waiting to pull out. They don't need anything else. As far as the people who live here the facilities are perfect. You never see a queue."*

*"We already have a good facility."*

*"We have enough here we have 3 moorings here. Boat launch places here already."*

*"I am not into the fishing game."*

*"We have two ramps here already."*

*"Because there's enough here. No."*

*"I don't think we need one, we already have two really good ones."*

*"They already have a facility to cater for this."*

*"We already have a new one."*

*"We have a fantastic launching facility already."*

---

## Reasons oppose Refuelling Jetty

Sixteen per cent opposed the notion of a refuelling jetty. Their thinking was:

*"The boating facilities are adequate already."*

*"I think they have better reasons than having fuel on the jetty. You never know what's going to happen. It's dangerous. When they're refuelling they spill it, and they're lighting cigarettes, and its fuel it explodes."*

*"Because a refuelling facility is not necessary. For environmental reasons. I won't elaborate."*

*"I would be worried about accidents with children."*

*"I am not really into fishing or anything like that."*

*"We have already got that facility, and I don't want to have boats refuelling while I'm fishing on the jetty."*

*"I like to swim, putting more fuelling in will restrict where I can swim."*

*"I think what there is sufficient."*

*"It is ok as it is."*

*"We are already have one there that is sufficient."*

*"I don't like the fuel going into the ocean."*

*"I think it would be better away from the jetty."*

*"We only have small boats in Denham that can fuel up at the garage."*

*"We already have a refuelling facility which is not under too much pressure."*

*"They are just putting back the rubbish they are pulling out."*

## Reasons oppose Boat Pens

Just fifteen per cent opposed the creation of boat pens to berth boats. Their reasoning was:

*"It would be just like a marina. We don't want a marina and have enough seaweed on the foreshore and around the boat ramps. A marina would give us more seaweed."*

*"The boating facilities we have are adequate."*

*"Don't think they need permanent pens in Denham."*

*"Don't support a marina."*

*"Because I don't think it is necessary we don't have enough people in town for it to come here. I just don't think it is a good idea. It is over reaction to what is needed here."*

*"They already have pens on the jetty now we don't need more pens in Denham."*

*"That would cause seaweed issues."*

*"I think there are enough pens there to serve the community."*

*"It will wreck the feature of the waterfront."*

*"Because you will have a lot of people with a lot of money not going near their boats."*

*"I don't think we need any more pens."*

*"I think it is too much to spend."*

*"I don't there is enough room for the pens."*

## **Reasons Oppose Public Moorings**

Whilst 67% supported the development of public moorings for visitors, 21% opposed this potential development. Their reasoning was:

*"The boating facilities we have are adequate."*

*"We pay all the money for the locals and not the tourists."*

*"I am anti-tourism for Denham."*

*"We have things we need a permanent doctor before we need that. It is more for visitors they bring revenue into the town when they bring in the boats. It has to be give and take. The extra tax on water is going to be higher. We get caravans backing up to the free water supplied to the fish cleaning of the fishermen. It turns you off when we see people honing in on our water and as a ratepayer we have to pay, no one gives us free water and the bore water turns grey every house has 2 meters in house one for bore water is what I use for the loo and then things block up as the calcium in the bore water blocks up the pipes and the water pressure is so low as the caravan park at each end is 300 people in them as well and when we want to have a shower at 6pm we have no water pressure. Government needs to ask the householders who have to pay the bills what they want first."*

*"Because of the damage to the sea bed, and the amount of people who come through. There would be too many people for permanent moorings there."*

*'Cos we don't need them. Those facilities are already available. I don't believe it would benefit the town."*

*"I think the locals should benefit first. I don't know. I thought if they going to do it the locals would come first and the visitors second. Just because they live here. Not really."*

*"Because the visitors leave things in a mess, and they don't look after things."*

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*"I am not really into the fishing game."*

*"I don't like tourists coming to Denham. It is small community and they take our fish."*

*"Well it's a fishing jetty and I don't want tourists boats tied up there. We already have a facility for mooring boats, and I don't want any more moorings on the other side, where we fish."*

*"I think people should bring their boats on trailers."*

*"It will take our space up from the locals."*

*"It is ok as it is."*

*"That would not support our town."*

*"Only half of the ones available at the moment are currently used."*

*"I just don't think there is a need for it."*

*"I just think we have enough."*

*"The most visitors have trailer boats. There are enough moorings are adequate."*

## **High Boat Ownership**

Denham has a very high boat penetration of boat ownership. 67% of respondents own one or more boats. This was as high as 75% of male respondents.

25% overall report owning 2 or more boats.

9% (approx) indicated that if there were suitable facilities they would buy a boat. This would raise the boat ownership proportion to approximately 74% of all residents. AMONGST boat owners, the boat types owned are:

- 72% of boats owned are trailable motor boats;
- 15% own moored motor boats;
- 5% moored sailing boats;
- 2% trailer-sailer;
- 2% jet ski.

Given that boat ownership was probably interpreted as family of household ownership, we should apply this statistic to the number of households to estimate the number of boats. The phone listings for Denham showed 404 households. On this basis 67% ownership translates as approximately 270 boats owned in Denham.



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The estimated number of the types of boats owned are:

- 195 trailable motor boats;
- 40 moored motor boats;
- 14 moored sailing boats;
- 5 "trailer sailer" boats;
- 5 jet skis.

### **Boats are Mostly Kept in Denham.**

Resident boat owners were most likely to keep their boat in Denham, but the survey found some boat owners who kept their boat in other venues:

- 73% of boats owned are on a trailer in Denham (approx 195);
- 19% are on a mooring in Denham (approx 51);
- 1% (approx 3) have their boat in a pen at Denham (a net of 93% have their (main) boat in Denham);
- 5% keep it elsewhere (approx 14);
- 2% have their main boat on a mooring elsewhere in WA (approx 5).

### **Most boats 5 – 7.5 metres long.**

In keeping with the dominant style of boat owned, the survey found the dominant boat length to be from 5 to 7.5 metres in length:

- 46% of the boats are 5 – 7.5 metres long ( approx 124 boats);
- 26% are up to 5 metres (approx 70 boats);
- 5% are 7.5 – 8 metres (approx 14 boats);
- 22% are over 8 metres (approx 60 boats).

Whilst most of these boats – particularly the trailable boats – are kept in Denham, the boats referred to are not necessarily kept in Denham.

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## **Most Are Monohulls, But One In Ten A Catamaran**

In keeping with the dominant style of boat, it is not surprising to find that most are monohulls.

- 87% are monohulls, but 11% are catamarans or trimarans.

## **Most need a launching ramp.**

The question “What sort of facilities does your boat require?” did not involve reading out a range of possible facilities. The unprompted range of facilities that were nominated was in keeping with the dominant style of boat. The greatest requirement is for a launching ramp, though almost one in five also nominated a refuelling jetty. The responses were:

- 76% of boat owners reported that they need a launching ramp;
- 18% a refuelling jetty;
- 10% deep water moorings;
- 14% wanted pens.

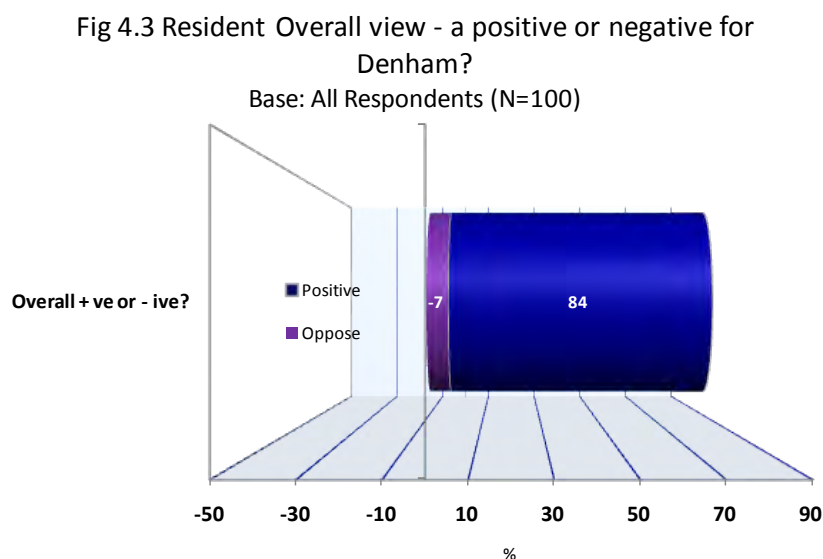
## **Boats would be used all year round**

When asked for the periods in which they would use their boats, the survey found that most would use the boat at all times of the year, weather permitting.

- 98% of boat owners indicated that they use or would use their boat all year round (subject to the weather on the day);
- 53% estimate that they would use their boat more than 25 times a year;
- 43% would use it from 6 – 24 times;
- The residual would use less often (generally aged 60+).

## ***Most Clearly Regard Boating Facility As A Plus.***

When asked to assess whether they felt that the provision of a new boating facility would be a positive or negative development for Denham, the overwhelming sentiment was that it would be positive. See figure 4.3 below:



There were some 'neutral' sentiments. The overall feedback was as is shown below:

- 84% report that the "development of a new boating facility for Denham" as a positive step for the Denham community;
- 7% were unsure, and;
- 7% believe it would be a negative.

The reasons for the 7% negative assessment were:

"There are no problems with the boating facilities we already have."

"Another slipway is unnecessary. It's not wanted. There's one there already and you never see a queue. There always seems to be somebody in and someone putting their boat in. You never see them queue up. Only when they've been out fishing and three of them come in together that's all, and they're in and out that quickly."

"If they are talking a marina I will say negative. Because I feel marinas we don't need here and I don't feel the powers that be. Do not realise the amount of dredging would be needed to be having it here."

"It makes it more attractive for tourists."

"I think a big jetty of half a mile long would benefit tourists and locals."

"It is perfect the way it is."

Confirmed at Council meeting 28 September 2011 – Signed by the President Cr C Cowell \_\_\_\_\_

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## **Other Projects to Put ahead of the Boating Facility**

Respondents were invited to suggest alternative govt infrastructure programmes or projects for Denham to be put ahead of a boating facility. The alternative suggestions were:

Q9. Are there other projects that you would prefer to see Government money directed towards for the town of Denham, ahead of a new boating facility?

### **Suggestions For Variations On The Boating Facility.**

*"New jetty going out to the deep water for fishing and tourist recreational walks."*

*"None. The building of a marina is so important here. And I want a positive spin on this."*

*"No, we need that jetty done first."*

*"A big long jetty as well."*

*"Not at this stage. I do think Denham needs the marina."*

*"No, I don't think there is, a new boating facility would be my number one priority."*

*"It would be good to build a jetty a long way out and a lot of people fish off the jetty and it would get a lot of tourists"*

*"No, the jetty is the big one, it really needs to be fixed."*

*"No, I think that's the most important thing at the moment, new boating facilities."*

*"No, I think the jetty is collapsing and it needs fixing. It would be good for tourism."*

*"We already have a new gym going up, and even though we need a cinema/theatre/conference centre, we really need the boating facility first."*

*"Fix the old jetty up instead."*

*"The one mile jetty put back in."*

*"I would like the jetty replaced."*

*"A BIG LONG jetty."*

*"An extension jetty out to the deeper. So young families who do not have boats can promenade out on the jetty and fish, in safety and comfort."*

*"A mariner."*

*"A town jetty."*

*"Replace the one mile jetty."*

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## Suggestions Of A Different Form Of Sporting Facility:

*"Recreational centre for sporting indoor activities."*

*"Most definitely there are a lot of good kids around town particularly indigenous kids who have to leave town. There's nothing for them. It would be nice to see a facility in the town like PCYC that is aimed at the younger people from puberty on to the younger twenties. Something to keep them in town. Something for them to do because they get bored. Even if there is work for them there's nothing for them to do. This is where the problem lies. There's very little in the way of occupational jobs for them. On shore and off shore activities to encourage greater activities."*

*recreation for the school kids. An indoor sports arena, maybe."*

*"Most things are on track. They have already applied for a recreational centre I know we have the ocean, but we can't always swim in it. We have no water totally sometimes in the ocean it goes out further and we have too much seaweed when it does. I swim a lot I would like a pool. A lot of the kids prefer to swim up at the caravan park pool when that happens. Also the kids would like to see the skate park become upgraded. We need more than one ramp at least 2 standing ramps and a couple of smaller ones."*

*"Recreational centre - sports facilities and gym."*

*"Something for the children. There is nothing for them to do. Recreational centre for the kids."*

*"Youth sport and recreational facilities. The kids need more to do that come from the city in the holidays. They are very destructive during the holiday season."*

## Some Focus On Health:

*"Health facility."*

*"A facility for a permanent doctor."*

*"Other than a permanent Doctor, nothing else."*

*"I'd like to see a new ambulance hall"*

*"What about a doctor. A doctor for Denham."*

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## **Aged Care Facilities:**

*"Not ahead of, but along with one of the other needs is aged care for those people who can no longer stay in their own home. There's some self care units, but there's no hostel. I think this and the boating facility are both important."*

*"No, we just got a new Silver Chain facility, and a new school, and sporting facilities and all that, no the boating should be next."*

*"Tourism is a fickle industry. We need a permanent resident doctor. Not having one has an effect upon the community as a whole. It makes old people shy away from staying in town. We have the highest pro rata of aged people in all of Western Australia. The retirement factor is a safer industry than tourism. An Aged Persons Home."*

*"Aged care facilities."*

*"Aged care facilities."*

*"Aged care facilities. Upgrade of the silver chain services."*

## **General Infrastructure:**

*"We need another public toilet."*

*"Concrete the foreshore from Denham road up to Sister Stella riley drive."*

*"Sewerage connected to all the properties here. A main sewer. Half of the properties are done and the other half needs to be completed."*

*"Safe swimming area."*

*"Not really."*

*"Better education for school aged children. More schooling."*

*"A bird observatory. Protect the birds feeding and resting grounds."*

*"Just where I live we are still on septic tanks, and this should have been connected to the sewerage, because it's a world heritage area. All our sewerage seeps into the ground. The money has been allocated about ten years ago, but it never came through."*

*"A new community centre which is cyclone proofed."*

*"Probably better sporting facilities and a swimming pool."*

*"A library."*

*"We need better transport into town, from Perth, a better road. I have friends with pension passes for the bus, but no buses come up here, so they can't come to visit me."*

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## The Visitor Survey

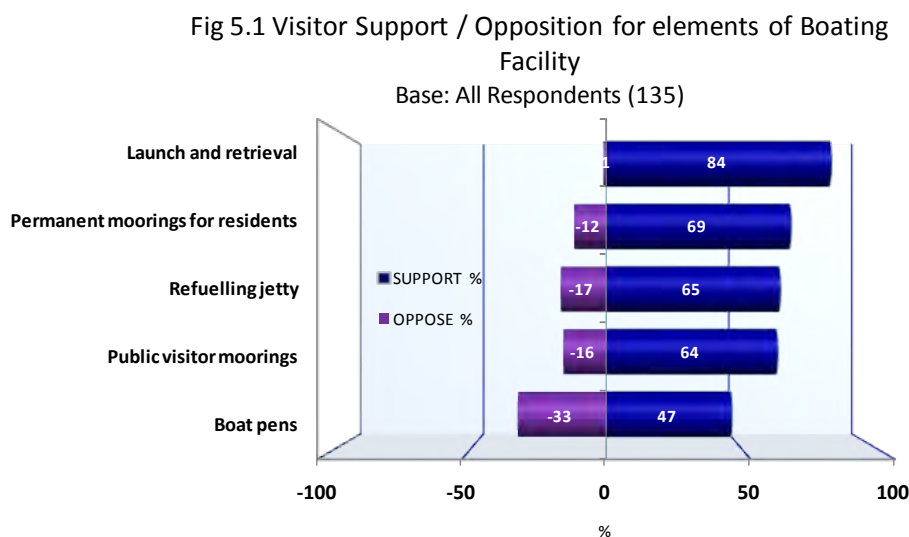
One hundred and thirty seven interviews were conducted with visitors to the town of Denham over the week July 14 through to Wednesday the 20<sup>th</sup> July. One hundred and twenty five of these interviews were conducted “at random” with visitors staying at various accommodation sites in Denham. Twelve interviews were conducted with visitors at the boat ramp. These twelve interviews have been excluded from the analysis of the proportion of visitors who bring boats etc.

The distribution of “non ramp” interviews was:

- 29% were from people at the Denham Seaside Caravan Park
- 25% from the Blue Dolphin Caravan Park
- 9% from the Shark Bay Caravan Park
- 6% from the Oceanside Village
- 2 or 3% with each of the Bay Lodge, Denham Holiday Village, Denham Villas, the Heritage Resort, the Monkey Mia Dolphin Resort, Shark Bay Holiday Cottages and Tradewinds Seafront Apartments.

### Support For Various Aspects Of The Proposed New Boating Facility

Respondents were asked to indicate if they support or oppose the development of various aspects of a proposed new boating facility for the town of Denham. Figure 5.1 below summarises the net support and opposition to the various aspects of the proposed boating facility. This figure only shows the support and opposition proportions. The full data including the neutral response is to be found overleaf in table 5.1.



Note that there is very strong support for launching ramps, quite strong support for permanent moorings for residents, and a refuelling jetty and public visitor moorings. There is more equivocation over the issue of boat pens.

The survey found that:

- 84% support a new facility to enable launch and retrieval of trailer boats (1% oppose);
- 69% support a permanent moorings for residents boats (12% oppose);
- 65% support a new facility to enable refuelling of boats alongside the boating jetty (17% oppose);
- 64% support public visitor moorings (16% oppose); and
- 47% support a new facility to enable berthing of boats in pens. (33% oppose this last proposition).



Table T5.1 Support/Oppose aspects of boating facility

Table T5.1	<u>SUPPORT</u> %	<u>NEUTRAL</u> %	<u>OPPOSE</u> %
Launch and retrieval	84	15	1
Permanent moorings for residents	69	19	12
Refuelling jetty	65	18	17
Public visitor moorings	64	19	16
Boat pens	47	18	33

It is clear from the above that there is majority support for most of the aspects of the proposed boating facility, but that there is also significant opposition to the notion of the facility that includes boat pens. Whilst more people support it than oppose (47% compared to 33%), it is clear that this aspect of the boating facility is the one which generates the highest level of angst amongst visitors to the Denham village.

## Boat Ownership

Fifty percent of visitors interviewed currently have a boat of some description. As Table T5.2 below indicates, this is strongly related to the period that they would be staying in Denham, and their frequency of visitation. Seven out of the eight respondents who come to the region twice or more a year indicated that they own a boat, as do 73% of those who come to the centre on an annual basis. Note in particular that 91% of respondents who stay from 11 – 21 days report that they have a boat as do 70% of those who are staying for 3 or more weeks.

Table T5.2 Boat Ownership

Table T5.2	TOTAL	FREQUENCY				STAY PERIOD			
		FIRST TIME	2+/YR	ANNUAL	LESS OFTE N	1-3 DAYS	4-10 DAYS	11-21 DAYS	3+ WEE KS
		N=137 %	N=53 %	N=8 %	N=49 %	N=27 %	N=31 %	N=51 %	N=22 %
Yes	50	30	88	73	33	32	29	91	70
No	50	70	13	27	67	68	71	9	30
TOTALS	100	100	100	100	100	100	100	100	100

It appears that boat ownership and boat usage is an integral part of the visit to Denham.

## The Type of Boat Owned

Amongst the 68 respondents who indicated that they own a boat, 93% indicated it is trailer motor boat; 3% reported that they have a trailer sailing boat and 4% report that they have some other moored sailing boat.

## Bring The Boat To Denham?

Interestingly, only 62% of visitors who own a boat report that they had brought the boat with them to Denham. This was related to the period in which they were staying (none of those who were staying from 1 – 3 days on this occasion had brought their boat), but also respondents who were staying from 4 – 10 days were less likely to have brought their boat with them than visitors who were staying for 11 or more days.

Table T5.2.2 Bring your boat? (Amongst boat owning visitors).

	TOTAL	FREQUENCY				STAY PERIOD			
		FIRST TIME	2+ /YR	ANNUAL	LESS OFTEN	1-3 DAYS	4-10 DAYS	11-21 DAYS	3+ WEEKS
		N=16 %	N=7 %	N=36 %	N=9 %	N=10 %	N=15 %	N=20 %	N=23 %
Yes	62	38	86	75	33	-	53	90	70
No	38	63	14	25	67	100	47	10	30
TOTALS	100	100	100	100	100	100	100	100	100

The more regular visitors (two or more times a year) appear most likely to have brought their boat with them (anecdotally it appeared that some of them store their boat in the Denham vicinity). Apart from that, we find that respondents who were staying for longer periods were more inclined to have brought their boat with them than respondents who had come on a short stay only.

Interestingly, of the 26 respondents who indicated that they own a boat but had not brought it with them, we found 9 (35%) indicating that they were at least quite likely to bring their boat to Denham if they had suitable boating facilities at that venue.

The type of boating facility that was necessary to cater for their boat was primarily a launching ramp. Eighty six percent indicated a launching ramp was necessary to cater for their boat, 16% needed a refuelling jetty and 2% suggested that deep water moorings or pens were necessary.

There were suggestions of other facilities, which related largely to people who had brought canoes or kayaks seeking better beach access to "beach launch" their small craft.

In the main, the boat that they bring or would bring is up to 5m in length. Fifty one percent of boats were up to 5 metres in length and 39% were from 5 to 7 metres. Just 10% indicated that the boat that they'd bring (or would bring) was over 7 metres in length.

Almost universally, the hull type was monohull, with just 4% indicating that their boat was a catamaran or tri-maran hull.

### Summer Or Winter Usage?

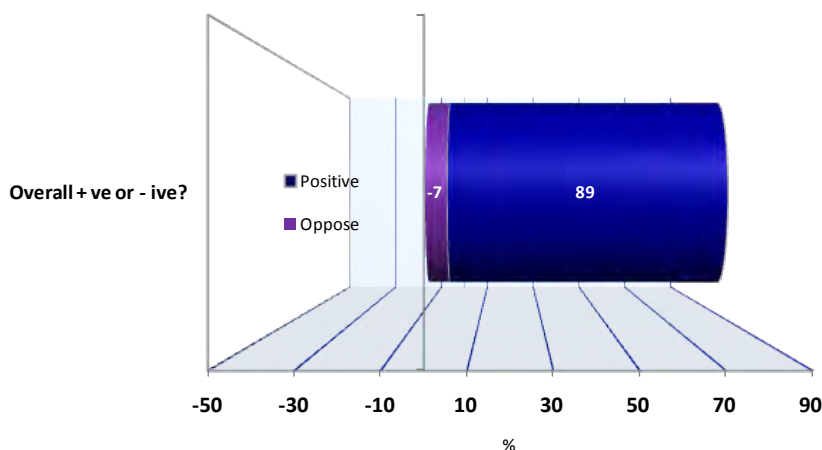
Fifty three percent indicated that they would use their boat at Denham **in winter**. This exceeded the usage in summer (31%) or people who would use it "all year round" when the weather suits (12%).

Indeed, 31% of respondents indicated that they might use their boat up to five times a year, 33% would use it from six to twelve times and 34% would use it more than twelve times (with 1 in 4 indicating that they would use it on 25 or more occasions during the course of the year).

### Overall Perceptions

Respondents were finally asked to indicate if they would regard the development of the new boating facility for Denham as a positive or negative development for the town. Eighty nine percent overall believed it would be positive, and just 7% thought it would be a negative development for the town. See figure 5.3 below which shows the extent to which there is a positive sentiment.

Fig 5.3 Visitor Overall view - a positive or negative for Denham?  
Base: All Respondents (N=135)



The detailed attitudes are summarised in table 5.3 below.

**Table T5.3 Boating facility positive or negative for Denham**

Table T5.3

	<b>TOTAL</b>	<b>LIFE STAGE</b>			<b>FREQUENCY</b>			
		<b>YOUNG NO FAMI LY</b>	<b>FAMILY</b>	<b>POST FAMI LY</b>	<b>FIRST TIME</b>	<b>2+/YR</b>	<b>ANNUAL</b>	<b>LESS OFT EN</b>
		<b>N=137 %</b>	<b>N=14 %</b>	<b>N=52 %</b>	<b>N=67 %</b>	<b>N=53 %</b>	<b>N=8 %</b>	<b>N=49 %</b>
Very negative	3	7	-	3	8	-	-	-
Quite negative	4	7	2	4	6	-	4	-
Neither	4	-	6	1	6	-	2	7
Quite positive	33	36	25	40	36	13	33	33
Very positive	56	50	67	51	45	88	61	59
<b>SUMMARY</b>								
<b>NET NEGATIVE</b>	<b>7</b>	<b>14</b>	<b>2</b>	<b>7</b>	<b>13</b>	<b>-</b>	<b>4</b>	<b>-</b>
<b>NEUTRAL</b>	<b>4</b>	<b>-</b>	<b>6</b>	<b>1</b>	<b>6</b>	<b>-</b>	<b>2</b>	<b>7</b>
<b>NET POSITIVE</b>	<b>89</b>	<b>86</b>	<b>92</b>	<b>91</b>	<b>81</b>	<b>100</b>	<b>94</b>	<b>93</b>
<b>TOTALS</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Table T5.3 Continued Boating facility positive or negative for Denham**

Table T5.3

	<b>TOTAL</b>	<b>DURATION OF THIS TRIP</b>			
		<b>1-3 DAY S</b>	<b>4-10</b>	<b>11-21 DAY S</b>	<b>3+ WEE KS</b>
		<b>N=137 %</b>	<b>N=31 %</b>	<b>N=51 %</b>	<b>N=22 %</b>
Very negative	3	6	4	-	-
Quite negative	4	10	-	5	3
Neither	4	10	4	-	3
Quite positive	33	35	29	18	45
Very positive	56	39	63	77	48
<b>SUMMARY</b>					
<b>NET NEGATIVE</b>	<b>7</b>	<b>16</b>	<b>4</b>	<b>5</b>	<b>3</b>
<b>NEUTRAL</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>-</b>	<b>3</b>
<b>NET POSITIVE</b>	<b>89</b>	<b>74</b>	<b>92</b>	<b>95</b>	<b>94</b>
<b>TOTALS</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note that even amongst people who were visiting Denham for the first time, 81% believe that the development would be positive for Denham. There are very low proportions who believe that the development would be negative for the town.

### ***Other Suggestions for Infrastructure in Denham***

Respondents were asked if there were:

... "any other projects that you would prefer to see Government money directed towards for the town of Denham, ahead of a new boating facility?"

#### **The main theme was an improvement to the health services:**

*"Permanent Doctor."*

*"Hospital."*

*"Education. Medical. Emergency services."*

*Schools. Hospitals."*

*"Update facilities at Silver Chain."*

*"Better health. Locals treated fast. Tourist told if you not well don't come."*

*"Much improved health system. Doctor in the town."*

*"Better medical."*

*"Permanent Doctor and Dentist."*

*"Medical facility. Permanent Doctor."*

#### **There were also comments in support of a large jetty:**

*"More jetties."*

*"Upgrade the jetty."*

*"New jetty for beach fishing."*

*"Marina. Log off on services."*

*"Marina."*

*"A big jetty."*

**More and or better Accommodation:**

*"Additional caravan parks."*

*"Better caravan facilities."*

*"More caravan parks not enough space."*

*"More supermarkets."*

*"More nominated camp sites along coast. Better education for people and less lock outs."*

*"Prime accommodation on the foreshore. Real estate for young kids. To learn and see by the sea. Important for young to see and learn by the sea."*

**Other Infrastructure Suggestions:**

*"Road in to Francois Peron."*

*"More playgrounds for kids."*

*"More footpaths on a bridge walk."*

*"Sewage and waste management."*

*"The Government should cover the cost for entry into Dolphin Discovery central."*

*"Something for the youth and kids of the area. Skate Park. Something to entertain the younger to encourage them to the area."*

*"Synthetic bowling green."*

*"More parking area for boating."*

*"Look at the catch limit and fishing licensing."*

*"Place to wash boats to keep smell down near the water. More activities for kids."*

*"New attractions. Anything to do with the ocean."*

*"Marine protection for wild life."*

*"Better facilities. Information."*

*"More boats in park."*

*"Bigger playground and more for kids."*

*"Tourist attractions."*

*"New bowling green."*

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**11.4 BARNARD STREET**

RO106.02

Cr Ridgley left the meeting 11.56am

Cr Ridgley returned to the meeting at 11.58am

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Pepworth  
Seconded       Cr Cowell

**Council Resolution**

**That the submissions and matters received in response to Council's notification in accordance with section 3.51 of the *Local Government Act 1995*, regarding the Council's proposal to re-open Barnard Street between Durlacher and Brockman Streets as a two way street with a 6.1 metre road width (Proposed Works) (detailed in the attached draft plans prepared by Geographe Consulting Services), be received and considered.**

**The subsequent advice provided by Geographe Consulting Services in consideration of the submissions to the Proposed Works be noted and considered.**

**The comments received from the Main Roads Department Carnarvon (Main Roads) in regard to the proposed Barnard Street Town-Scaping including the Proposed Works, be noted and considered.**

**The subsequent advice provided by Geographe Consulting Services in consideration of Main Roads comments regarding the Proposed Works be noted and considered.**

**The letter from Bolrette Pty Ltd dated 5 July 2011 be noted.**

**Having given due and proper consideration to all submissions received from affected persons in accordance with section 3.51 of the *Local Government Act 1995*, Geographe Consulting Services advice in relation to the submissions received from affected persons, the comments provided by Main Roads, Geographe Consulting Services advice in relation to Main Roads' comment and the public interest in the Proposed Works, the proposed Barnard Street Town Scaping, including the Proposed Works, be implemented and funding be included in the 2011/2012 and future budgets to undertake the Proposed Work.**

**5/0 CARRIED**

### Background

This Item was presented to Council on the 27 July 2011, and Council resolved:

***“That the item lay on the table until the August 2011 ordinary council meeting”***

The reason for the was that Council considered that there should be more members of council present to discuss the item in regards to Barnard Street. I now present the item again with further information from the Local Planning Strategy.

Before 1996, Barnard Street was a gravel road that was trafficable in a two way direction between Brockman and Durlacher Streets.

In 1996, at a meeting of its council (**Council**), the Shire resolved to close Barnard Street to thoroughfare vehicle traffic. By reason of my review of the Council's records, I believe that the closure was part of a Townscape recommendation that was originally adopted by the Council in 1996. The purpose of the closure as detailed by the Chief Executive Officer on 15 August 1996 in the Inscription Post was to provide for an attractive landscaped pedestrian link between the shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace.

Funding was not allocated or sourced to undertake the works until 2004 and they were completed over the next two budget years.

A Special Electors Meeting was held on 17 March 2009. During the meeting, the following motion was carried (69-22):

*'That the Shire of Shark Bay Council forthwith review the closure of Barnard Street by calling for comment from the Shire of Shark Bay electors regarding the desirability of reopening Barnard Street as a public thoroughfare'*

An Ordinary Council Meeting was held on 29 April 2009. During the meeting, the following motion was carried (5-2):

*'That council resolve the following in regard to the resolutions of the Special Electors Meeting held on 17 March 2009 in accordance with section 5.33 (2) of the Local Government Act 1995 –*

*Not accede to the resolution of Item 3.6 of the Agenda/Minutes of the Special Electors meeting where the Motion was carried with the decision being that –*

*(i) the matter of closing Barnard Street has been previously resolved by council; and*

*(ii) the recent adoption by council of the Outline Development Plan for Infrastructure works between Hughes Street and Knight Terrace incorporates the use of Barnard Street in its current form'*

An Ordinary Council Meeting was called and held on 31 March 2010. During the meeting, the following motion was carried (4-3):

*'That the item lay on the table for more research until the 28 April 2010 council meeting.'*

An Ordinary Council Meeting was called and held on 28 April 2010. During the meeting, the following motion was unanimously carried (6-0):



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*'That Barnard Street between Durlacher and Brockman Streets be opened up as a two way street with a 6.1 metre road width' (Works)*

The Council considered that the current configuration had and continued to be an impediment to safe access by service vehicles to the commercial premises along the length of Barnard Street and that to progress the Town Centre concept, as contained in the Shire of Shark Bay Town Planning Strategy (October 2010), the unimpeded flow of traffic through this area was desirable.

The town planning strategy recognises that there is a significant amount of land adjacent to the Denham foreshore zoned "Town Centre" and its primary role is to provide for retail, commerce, community and tourist centre needs.

The strategy identifies that the amount of land zoned 'Town Centre' is sufficient for existing and future needs and aims to consolidate activities to contribute to a 'sense of vibrancy for the centre'. It recognises that growth in the Town centre will be closely linked to growth of residential and tourist facilities.

The Council also considered that the removal of the cul-de-sacs provided for vehicle ingress and egress from both Durlacher and Brockman Streets for the full length of the street which would reduce any congestion at one specific point entry or exit point.

At the meeting of 24 February 2011 the Council resolved the following:

***That Council solicitor be instructed to advise Mr. Moss' solicitors the following;***

***That Chief Executive Officer's actions in accordance with the confidential Deed of Settlement resolving the matter of Moss v the Shire of Shark Bay in the matter of Barnard Street Denham be endorsed.***

***In accordance with section 3.51 of the Local Government Act 1995 persons having an interest in the proposed works to re-open Barnard Street between Durlacher and Brockman Streets (Proposed Works) resolved at the Council meeting of 28 April 2010 be given notice of the Proposed Works.***

***All submissions invited in accordance with section 3.51 of the Local Government Act 1995 in the matter of the proposed works must be received by 4.00pm on Monday 28 March 2011 to be considered valid submissions***

At the Ordinary Council Meeting held on 25 May 2011 (copy of previous report attached) the Council resolved the following:

***That the submissions and matters received in response to Council's notification in accordance with section 3.51 of the Local Government Act 1995, regarding the Council's proposal to re-open Barnard Street between Durlacher and Brockman Streets as a two way street with a 6.1 metre road width (Proposed Works), be received and considered.***

***The subsequent advice provided by Geographe Consulting Services in consideration of the submissions to the Proposed Works be noted and considered.***

*The proposed Barnard Street Town-Scaping including the Proposed Works, as detailed in the attached draft plans prepared by Geographe Consulting Services, be forwarded to the Main Roads Department Carnarvon division for comment.*

*The Council's resolution in relation to the Proposed Works be deferred until Main Roads Department Carnarvon has considered the proposed Barnard Street Town-Scaping, including the Proposed Works, and provided its comments.*

#### Comment

The Shire has received two submissions in opposition to the Proposed Works from Bolrette Pty Ltd (**Bolrette**) (submissions attached).

The Shire also received a submission from the Department of Environment and Conservation on the 5 April 2011 (after the close off date of 28 March 2011). As a result, this submission has not been included for consideration by the Council. Another written submission was received on 10 March 2011, but the author advised that they considered they were not 'an affected person' and that submission has therefore not been included for consideration.

The submissions received from Bolrette are substantially based upon a report from Wood and Grieve Engineers (report attached) and the affidavit sworn by Mr. Paul Kerle (affidavit attached). Bolrette's submission dated 10 March 2011 is general and limited. Only the first two paragraphs of that submission appear to relate to the Proposed Works. Bolrette's second submission dated 21 March 2011 contains Bolrette's detailed submissions regarding the Proposed Works

#### **Bolrette's submission dated 10 March 2011**

In relation to Bolrette's first submission dated 10 March 2011, I have included the comments submitted by Bolrette. Where appropriate I have also provided comment.

Given the limited and general nature of the first submission, the Shire's consulting engineer, Geographe Consulting Services, was not asked to consider the submission.

#### **PARAGRAPH ONE**

##### BOLRETTE PTY LTD Submission

'I refer to your correspondence related to the Council's intentions to reopen Barnard Street to 'Two Way Traffic'. You will be aware of the report that is attached to this letter [*affidavit sworn by Paul Kerle on 23 November 2010*] giving your Council notice of my submission'

##### Geographe Consulting Services' assessment

No comment

##### Chief Executive Officer's comment

Geographe Consulting Services has considered the issues raised in the affidavit sworn by Paul Kerle.

**PARAGRAPH TWO**BOLRETTE PTY LTD Submission

'As a significant ratepayer and the Directors of valuable commercial property that will be directly affected by the proposed works I submit the attached report from a leading and respected roadwork's engineer [*affidavit sworn by Paul Kerle on 23 November 2010*], who has raised significant safety and road works issues that your council need to overcome'

Paul Kerle's comment regarding the 'direct affect' of the Proposed Works on the Bolrette property

'The principle issue of concern with this arrangement is that the edge of traffic lane will be 2.5 metres from Lot 51 access points, for both pedestrian and vehicular movements. This situation, in my opinion, will impose a significant loss of amenity and an inherent reduction in safety, in comparison to the current circumstances. This issue is, of course, exacerbated by the lack of setback of the access points (personnel gate and garage door) from the boundary. Nevertheless, this situation has been previously accepted/endorsed by Council'

Geographe Consulting Services' assessment

No comment

Chief Executive Officer's comment

Geographe Consulting Services has considered and provided comment on the safety and road works issues raised in the affidavit sworn by Paul Kerle. Those comments are set out in the report below.

The majority of the road works issues identified in Paul Kerle's affidavit and the report prepared by Wood & Grieve Engineers, were assumed upon incorrect assumptions in regard to the road width and as such have been addressed by Geographe Consulting Services.

Mr Kerle considers that the Proposed Works will result in significant loss of amenity and an inherent reduction in safety to the Bolrette property, particularly given that the edge of traffic lane will be 2.5 metres from Lot 51 access points to the Bolrette property.

The edge of the traffic lane is currently at least 2.5 metres from the access points to the Bolrette property (2.85 metres from the finished pavement). If the Proposed Works are implanted the status quo will remain.

The Proposed Works are likely to result in increased traffic movements along Barnard Street. This may have an affect on the amenity enjoyed by Bolrette. However, the Proposed Works have been designed in such a way as to minimise any loss of amenity or safety issues arising from the increased traffic movements. For example, it is proposed that:

- (a) Barnard Street will be designed to be a low speed environment;

- 
- (b) the presence of two raised pedestrian crossings in a road length of approximately 225 metres will mitigate any vehicular speed accumulation (reduce the speed of vehicle);
  - (c) the pedestrian route is via a footpath on the opposite side of the road to the Bolrette property;
  - (d) each end of Barnard Street is a 'T' Junction and therefore, cross town traffic will be negligible;
  - (e) both Hughes Street and Knight Terrace will act as the main vehicular routes through town; and
  - (f) re-opening Barnard Street to two-way traffic will reduce any congestion at one specific point entry or exit point.

The Council has a responsibility to design and construct roads in accordance with set guidelines that address the matter of public safety. However, road users also have a responsibility to ensure that they are aware of road conditions and drive accordingly. For example, if vehicles are able to reverse into the Bolrette property, any safety concerns regarding access to the property should be minimised.

The Council should give consideration to installing a flush kerb or line marking to delineate the edge of the road if it considers it appropriate. This will not materially impact upon the design and construction of the overall plan of the proposed works.

Council could also remove the palm tree currently located to the left hand side of Bolrette's property to increase visibility when accessing the property. The removal of the tree would be incorporated into normal maintenance works and would assist the sight lines of motorists.

Although the Proposed Works may have an effect on the amenity enjoyed by Bolrette, the ability of traffic to access the area and the increased number of parking bays on Barnard Street:

- (a) should have a positive impact upon any commercial property situated on Barnard Street;
- (b) will contribute to the commercial viability of the area; and
- (c) will assist in any future commercial proposals for the area.

The Proposed Works will enable future development in the area in accordance with the Council's Townscape strategy.

Council should balance the concerns of Bolrette and the overall public interest when considering the Proposed Works.

#### **Bolrette's submission dated 21 March 2011**

The Shire's consulting engineer, Geographe Consulting Services, was asked to consider and give considered opinion on each of the matters raised in the second submission from Bolrette and the engineer's reports referred to in the submission.

I have included the comments submitted by Bolrette and the corresponding engineer's assessment below.

Where appropriate I have also provided comment.

### **PARAGRAPH ONE**

#### BOLRETTE PTY LTD Submission

'I refer you to your correspondence of 17 March regarding the "Roadwork Plan" for Barnard Street Denham. As you are aware our company raised serious concerns in relation to the Council's resolution on 28 April 2010 to change the "Streetscape" adjacent to our property, which concerns the alteration of the cul-de-sac. You will also be aware of the Court Documents that relate to evidence from two Engineers who have raised a number of concerns related to the difficulty in changing the road into two or one way traffic by altering the cul-de-sac'

#### Geographe Consulting Services' assessment

See Annexure A

### **PARAGRAPH TWO**

#### BOLRETTE Submission

'The inclusion of the cul-de-sac was decided when the previous Councils dating back to 1999 up until 2005 incorporated the design due to the road reserve available and primarily due to the now, Engineers concerns'

#### Geographe Consulting Services' assessment

No comment

#### Chief Executive Officer's comment

The original design was advertised in August 1996 and appeared to be premised on the proposed World Heritage Centre being positioned between Barnard Street and Hughes Street.

A public notice inserted in the inscription post dated 15 August 1996 by the Chief Executive Officer advised the following

*'The purpose of the cul-de-sac in the initial advertising was to provide for an attractive landscaped pedestrian link between the shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace.'*

The Proposed Works are in line with the original concept of the proposal, specifically, safe pedestrian access has been included in the design. It would also appear that this concept was also based upon the school being in Hughes Street.

The school has since been rebuilt some distance away and the building in Hughes Street is now not utilised as a school building.

### **PARAGRAPH THREE**

#### BOLRETTE Submission

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'We note that your "Roadwork's Plan" is not in any way modified from the plan submitted to Council on April 28th 2010. It is the same plan that appears in Court Documents submitted to the Supreme Court'

Geographe Consulting Services' assessment

Agreed

Chief Executive Officer's comment

These observations are correct.

**PARAGRAPH FOUR**

BOLRETTE Submission

I have already furnished you with the evidence and report of Mr. Paul Kerle, who has raised a number of significant concerns, none appear to have been addressed in your plan forwarded to me on the 17th of March. The Brockman Street entry does not appear to have been subjected to any consideration where the road reserve is much narrower than the road reserve east of Sappie Park'.

Geographe Consulting Services' assessment

'This paragraph deals with the opinion of a Mr Paul Kerle and has been addressed in the paragraph 1 comments Items 13 and 17'.

Chief Executive Officer's comment

Geographe Consulting Services has considered the issues raised in the affidavit sworn by Paul Kerle.

The Barnard Street road reserve is narrower at the Brockman Street entry, however there is insitu a built road surface of 6 metres. The wider areas of road reserve to the east of Sappie Park have and are proposed to be utilised for increased areas of off road parking.

**PARAGRAPH FIVE**

BOLRETTE Submission

'The road reserve at the North Western end (Brockman St) is not wide enough for the construction of a two-way carriageway as suggested in both Engineers reports. The available reserve for pedestrians, a significant objective in the Streetscape of the Central Hub of Denham, could not be achieved unless compulsory acquisition of the freehold land to the North end of this area. (Hotel Car Park)'

Geographe Consulting Services' assessment

The current 10 metre road reserve currently contains a 6 metre wide pavement (with 0.25 metre wide kerbs), a 2.55 metre wide south western verge and a 0.95 metre wide north eastern verge.

If a footpath link to Brockman Street is required then the south western verge is of sufficient width to provide the construction of a suitable footpath.

As a result, no road widening is required and the status quo will remain.

This means that no compulsory acquisition of the hotel carpark land will be required unless Council decides in future that it is necessary for development of those lots.

The formal pedestrian crossing in the vicinity of Bolrette's property will be at the raised road crossing opposite Sappie Park.

## **PARAGRAPH SIX**

### BOLRETTE Submission

'The road reserve adjacent, or lack of it, to our boundary, which is the current cul-de-sac, has not received any consideration as mentioned in both, Engineers reports therefore requires addressing'

Paul Kerle's comment:

*'The principle issue of concern with this arrangement is that the edge of traffic lane will be 2.5 metres from Lot 51 access points, for both pedestrian and vehicular movements. This situation, in my opinion, will impose a significant loss of amenity and an inherent reduction in safety, in comparison to the current circumstances. This issue is, of course, exacerbated by the lack of setback of the access points (personnel gate and garage door) from the boundary. Nevertheless, this situation has been previously accepted/endorsed by Council'*

### Geographe Consulting Services' assessment

The verge width on the existing road is 2.85metres [from the finished pavement] and adjacent to the subject property it is being treated as a normal crossover because it provides access to a double garage, a pedestrian gate and double vehicular gate'

### Chief Executives Officer's comment

See my comments in response to paragraph two of the first Bolrette submission above.

## **PARAGRAPH SEVEN**

### BOLRETTE Submission

'We also note that your plan indicates a road reserve both sides of the Brockman Street entry. We wish to submit as indicated in both Engineers reports, the reserve in this area has been taken up as a consequence of the existing carriageway and will require considerable engineering and roadwork's to achieve this important aspect of safety when pedestrians who often use this section are accessing the foreshore via Sappie Park''.

### Geographe Consulting Services' assessment

'See paragraph 5 comment':

*The current 10 metre road reserve currently contains a 6 metre wide pavement (with 0.25 metre wide kerbs), a 2.55 metre wide south western verge and a 0.95 metre wide north eastern verge.*

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*If a footpath link to Brockman Street is required then the south western verge is of sufficient width to provide the construction of a suitable footpath*

*As stated previously there will be no road widening required and therefore the status quo will remain.*

*This means that no compulsory acquisition of the hotel carpark land will be required unless Council decides in future that it is necessary for development of those lots.*

*The formal pedestrian crossing in the vicinity of Bolrette's property will be at the raised road crossing opposite Sappie Park.*

## **PARAGRAPH EIGHT**

### BOLRETTE Submission

'Your plan does not address the impact that leaving the redundant sections of the cul-de-sac in place, creating significant safety and loss of amenity to the users of our property when accessing the rear of the premises, garage, rear doorway and driveway'

### Geographe Consulting Services' assessment

The access to the subject property will not be altered unless Council wish to delineate as per comment in the paragraph 6 comments:

*The Council could give consideration to installing a flush kerb or line marking to delineate the edge of the road if it considers it appropriate.*

### Chief Executives Officer's comment

The proposal does not indicate the retention of any redundant sections of the cul-de-sac being left in place. The proposal allows for the provision of on street parking directly opposite the subject property.

## **PARAGRAPH NINE AND TEN**

### BOLRETTE Submission

'We wish to advise your Council that the Company has no objections to the removal of the cul-de-sac. However it does appear evident that your Council is insistent on ignoring the previous administrations reasoning behind the creation of the streetscape, and more concerning, reasonable qualified engineering assessment of the problems in altering Barnard Street.

We also question the manner and approach taken by your consultants and how far it deviates from the expert evidence already submitted to your Council'

### Geographe Consulting Services' assessment

All of the engineering concerns have been considered, noted and reviewed in regard to the proposed design



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Chief Executive Officer's comment

Geographe Consulting Services has considered Wood & Grieve Engineers' and Mr Kerle's assessment of the problems they foresee in altering Barnard Street.

A public notice inserted in the inscription post dated 15 August 1996 by the Chief Executive Officer advised the following:

*'The purpose of the cul-de-sac in the initial advertising was to provide for an attractive landscaped pedestrian link between the Shire offices/community centre and Knight Terrace and to provide a safer route for all pedestrians especially school children to access the shops in Knight Terrace.'*

The Proposed Works are in line with the original concept of the proposal and, specifically, safe pedestrian access has been included in the design. The school has since been rebuilt some distance away and the building in Hughes Street is now not utilised as a school building.

**PARAGRAPH ELEVEN**BOLRETTE Submission

'We look with considerable interest in how you intend to approach the works and would like to remind your Council that the meaning of the Local Government Act in this instance, as you have reminded us in your letter of 28th of March, requires the Council to consider interested parties submissions. However if you decide to ignore reasonable qualified advice from our consulting engineers and proceed to carry out the works in accordance to the plans forwarded to us, we remind you that as a ratepayer of the shire, we have some recourse to object based on the qualified opinion sought. We encourage the Council to approach Main Roads W.A. to seek assistance on the alterations as a means to satisfy any concerns'

Chief Executive Officer's Comment

The Council in accordance with the applicable legislation is required to consider any submission made. Geographe Consulting Services has objectively and properly considered the submissions received. The Council is now giving consideration to all of the submissions made by 'affected persons' in the nominated time and its own expert advice. The Council may consider referring the proposal to the Main Roads Department Carnarvon if it so desires and it may be prudent to do so to ensure that there are no further matters that the Main Roads Department Carnarvon believes the Council needs to consider.

**Main Roads' Comments regarding the Proposed Works**

The plans for the Proposed Works were submitted to the Main Roads. Main Roads considered the plans and provided its comments.

I considered it would be prudent for the Council to give due and proper consideration to Main Roads' comments. The Shire of Shark Bay's (**Shire**) consulting engineer, Geographe Consulting Services, was therefore asked to consider, and give considered opinion, on each of the matters raised by Main Roads.

Main Roads and Geographe Consulting Services' comments are set out below. Where appropriate I have also provided comment.

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#### Main Roads Carnarvon Comment 1

The details are not clear but from the drawings it appears the carriageway width will be 6.0m between kerbs. This would be the minimum for two way traffic – 7.0m would normally be desirable minimum. The 6.0m will allow 3.0m lanes, hence it will be crucial there is no parking on the carriageway.

#### Geographe Consulting Services' assessment

The precinct is a slow zone and includes two speed reduction plateaus, the 6 metre road width is preferred to a 7 metre width as this also encourages users to travel at a lower speed. The road is being redeveloped as a commercial service and commercial/community parking zone and carriageway parking will not be permitted.

#### Main Roads Carnarvon Comment 2

The design turning movements at the intersections either end of the road, should cater for semi trailers as these are deemed “as of right” vehicles. Obviously parking of these units would pose problems due to the width of the road. The designers may need to consider options to restrict access to these vehicles and Council may need to consider Local traffic management to cater for or restrict the access for semi trailers.

#### Geographe Consulting Services' assessment

The road is currently accessed by semi trailers (gas) and does serve, in part, as a service access for the adjoining properties. Barnard Street forms part of the service roads for the Denham CBD, all of which provide some difficulty of turning access for semitrailers. Given the low volume and type of traffic expected in Barnard Street (it is only a short road through the CBD), the access for semitrailers, whilst maybe at times difficult, is considered consistent with the overall operation of the street.

#### Main Roads Carnarvon Comment 3

Drainage has not been considered as part of the review as we have no local knowledge of rainfall / runoff from adjacent properties. Concern about location of gully at end of nib in between parking – this nib will likely be a point where pedestrians are likely to want to cross and having the gully at the point where pedestrians step off is not desirable.

#### Geographe Consulting Services' assessment

After reviewing the drawing it has been noted that a line has been omitted at the rear of the nib to indicate the footpath edge as it was not intended to surface the nib to allow pedestrian access. The pedestrian crossing point is opposite Sappie Park.

#### Chief Executive Officer's comment

- The nib will not be located at the pedestrian crossing. The pedestrian crossing will be opposite Sappie Park.

#### Main Roads Carnarvon Comment 4

Parking is shown as right angle off-road – as proposed to reverse exit a parking bay will require use of the full width of the through carriageway – 6m to do so. This may result in delays to users which travel past the parking areas.

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Geographe Consulting Services' assessment

The area is designed to be a low speed traffic number environment and not a CBD through route. Traffic using the area will be seeking parking or servicing the businesses and therefore minor delays, if any, will be expected.

Chief Executive Officer's comment

Both Hughes Street and Knight Terrace will act as the main vehicular routes through town. Each end of Barnard Street is a 'T' Junction and therefore, cross town traffic will be negligible;

The volume of traffic on Barnard Street will be low. Barnard Street will be primarily utilised by vehicles servicing businesses in the area and vehicles seeking parking. While minor delays may be experienced by these road users, given that nature of the road use, I consider minor delays are acceptable.

Main Roads Carnarvon Comment 5

From the drawing it is not clear how much room is available between edge of kerb and reserve boundary for future signage or pedestrian facilities.

Geographe Consulting Services' assessment

There is approximately 0.95 metres on the north eastern verge and 2.55 metres on the south western verge. Any future pedestrian facilities between Sappie Park and Brockman Street can be accommodated on the 2.55 metres verge.

Main Roads Carnarvon Comment 6

With the narrow carriageway width it may be advisable to consider traffic calming at either end to complement the raised pedestrian crossing, which would provide a means of slowing traffic over the full length.

Geographe Consulting Services' assessment

The Stage 1 development has included a raised pavement opposite the Community Hall.

Chief Executive Officer's comment

The raised pavement opposite the Community Hall will have the effect of calming/slowing traffic.

Main Roads Carnarvon Comment 7

The anticipated traffic volumes are not known and it is assumed the volume of traffic will be very low, as such, it is considered that while there are some issues that we believe still need to be considered there is scope for two way movement in Barnard Street.

Geographe Consulting Services' assessment

Agreed and the plan contains measures to ensure a low speed safe environment for all road users.

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### **Letter from Bolrette Pty Ltd dated 5 July 2011**

Since Bolrette's submissions were received, I have received a letter dated 5 July 2011 from Bolrette informing me that, in effect, it will seek redress from a court or tribunal if the Council fails to consider relevant considerations and its interests are prejudiced or adversely affected as a result (letter attached).

Bolrette's submissions, Geographe Consulting Services advice in relation to the submissions received from affected persons, Main Roads comments regarding the Proposed Works, Geographe Consulting Services advice in relation to Main Roads' comments and the public's interest in the Proposed Works, are set out in this report and will be considered by Council.

### **Legal Implications**

The Council has undertaken its obligations in accordance with section 3.51 of the *Local Government Act 1995* by contacting affected owners.

Section 3.51(3)(b) of the *Local Government Act 1995* provides, in effect, that the Council must '*consider*' any submissions made by persons whose land is likely to be '*adversely affected*' by the Proposed Works

The Council should give the submissions due and proper consideration. It must be careful to avoid acting in such a manner that might expose it to allegations that it gave only a cursory or pre-determined consideration of any of the submissions. Further, when it considers any of the submissions, Council should not be influenced by any extraneous or irrelevant matters.

#### *The meaning of 'adversely affected'*

The expression 'adversely affected' is not defined in the Act. However, it has been considered by the Courts. Land will be adversely affected if the amenity/utility enjoyed by the owner is adversely affected. Preventing or affecting access to a property would adversely affect the land.

That means that Council should consider adverse affects on the land itself (for example preventing or affecting access to a property, or the risk that water may drain onto land) and on the amenity/utility enjoyed by the owner of the land when it considers the Proposed Works.

The Shire of Shark Bay local planning strategy identifies the area of Barnard Street as being within the designated "Town Centre" and the provision of additional parking and ability to provide for through traffic will significantly address the objectives of the strategy.

The Town Centre incorporates a wide range of commercial development including retail shops, offices, tourist uses, hotels, cafes and restaurants and tourist accommodation. The scheme applies a residential density of R50 and some portions have been developed for residential uses.

In regard to any redevelopment of existing premises or development of vacant land the proponent in accordance with the Town Planning scheme would be required to meet the requirements in the scheme in regard to the provision of parking.

#### Policy Implications

Nil

### Financial Implications

The overall costs of the project are yet to be established and it is anticipated that a degree of the works will be put to tender.

The works will as has happened historically be undertaken over successive financial years or as funding is allocated by the council

Bolrette may take further action if the Council resolves to proceed with the Proposed Works. The costs that the Shire will incur if Bolrette takes further action are unknown at this stage. The Shire is insured in relation to actions concerning the Shire's obligations under the *Local Government Act* 1995. This policy will not cover all costs associated in the defence of any action and the council may also be able to recover costs associated with the defence

### Strategic Implications

The town planning strategy recognises that there is a significant amount of land adjacent to the Denham foreshore zoned 'Town Centre' and its primary role is to provide for retail, commerce, community and tourist centre needs.

The strategy identifies that the amount of land zoned 'Town Centre' is sufficient for existing and future needs and aims to consolidate activities to contribute to a 'sense of vibrancy for the centre'. It recognises that growth in the Town centre will be closely linked to growth of residential and tourist facilities.

The Town Centre incorporates a wide range of commercial development including retail shops, offices, tourist uses, hotels, cafes and restaurants and tourist accommodation. The scheme applies a residential density of R50 and some portions have been developed for residential uses.

The Proposed Works will provide additional parking and ability to provide for through traffic. The Proposed Works will significantly address the objectives of the strategy.

In any proposed re-development of existing premises or development of presently vacant land in accordance with the Town Planning Scheme, the proponent is required to satisfy parking requirements set out in the scheme.

### Voting Requirements

Simple Majority Required.

Date of Report

26 July 2011

## 11.4 BARNARD STREET ATTACHMENT

### 4.3 Existing and future retail and commercial centres (Town Centre)

#### 4.3.1 Background

The Denham Town Centre is the main commercial and retail area servicing the townsite and is zoned 'Town Centre' under the Scheme.

The 'Town Centre' zone includes the land mainly along the waterfront generally bounded by Knight Terrace, Stella Rowley Drive, Hughes Street, Mainland Street and includes a pocket between Brockman Street and Durlacher Street-refer [Figure 7](#).

The Town Centre zone is expansive and contains a wide range and mixture of landuses including short stay accommodation, hotels, residential, shops, offices, tourist uses and restaurants. Many of these landuses have developed over a long time period and are intermingled within streetscapes.

Although this section of the Strategy is to focus on retail and commercial uses, it has to examine all of the uses in the existing town centre so includes some areas that have been subdivided and developed for residential use.

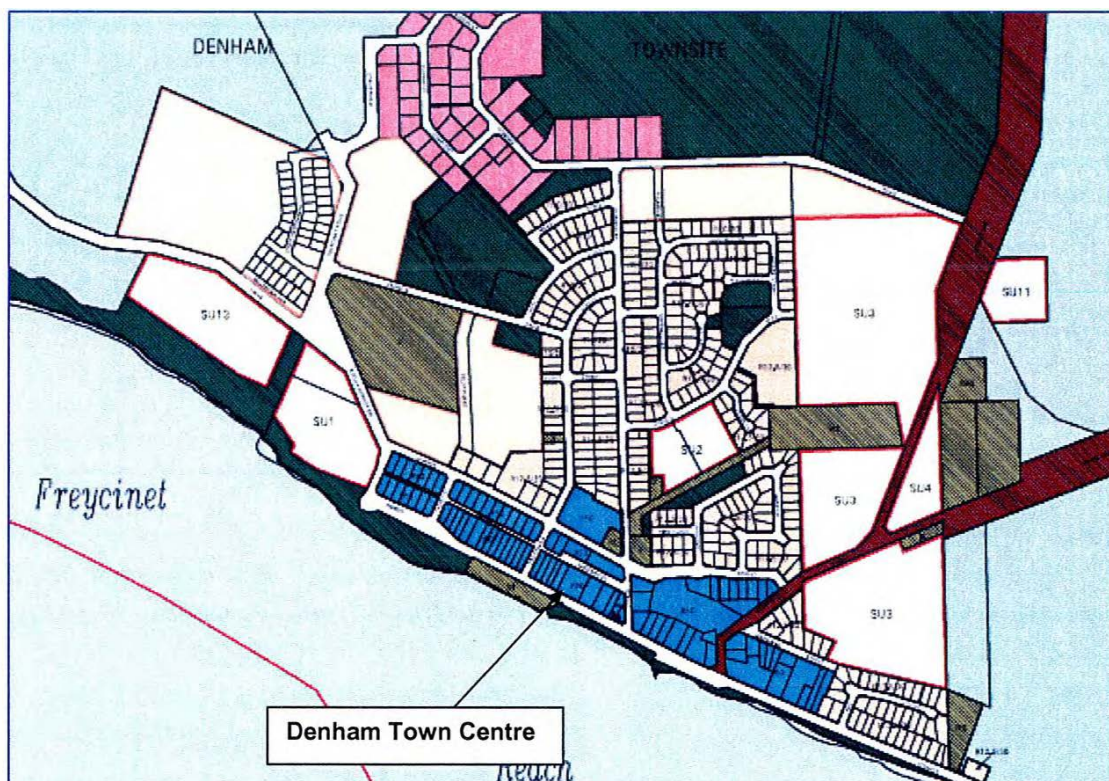


Figure 7 – Extract of Shire of Shark Bay Local Planning Scheme No 3 map

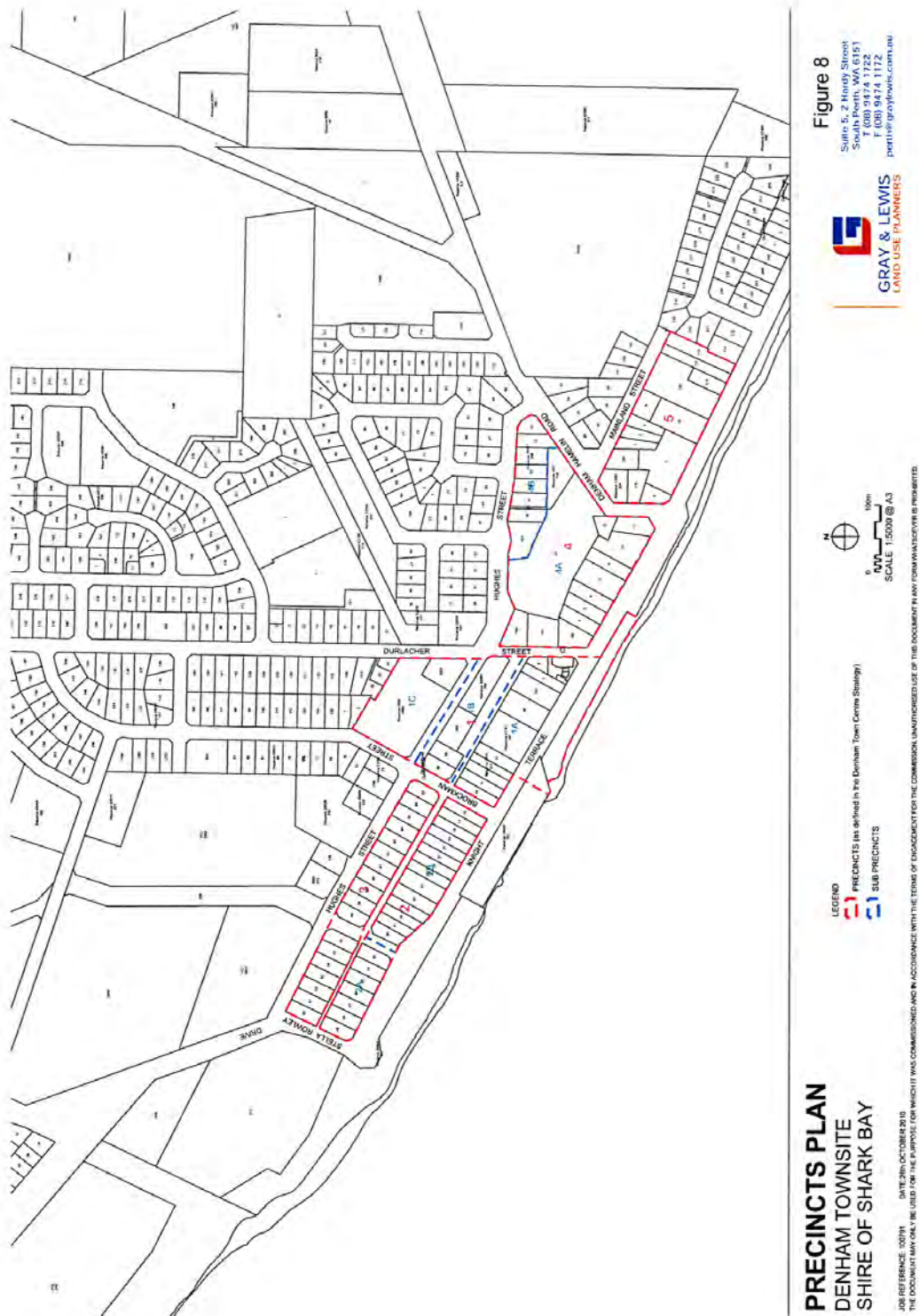
The Shire's existing (2006) Town Centre Strategy divides the Town Centre into a number of recognisable precincts and provides recommendations for priority landuses within each precinct. Rather than exist as a separate document, the Shire has requested that the Town Centre Strategy essentially form part of the Local Planning Strategy.

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For ease of reference, this Local Planning Strategy examines each precinct consistent with those already established in the 2006 Town Centre Strategy – refer

The existing Town Centre has been reviewed and is represented in this Strategy in two ways;

1. Broadly as Area 11 on the Local Planning Strategy map.
2. A new (draft) Town Centre Strategy map – [Attachment 2](#).



Some of the information in the Local Planning Strategy is replicated in the separate new (draft) Town Centre Strategy map. The (draft) Town Centre Strategy Map is included as an Attachment so that it can still be used by the Shire as a 'stand alone' plan.

**4.3.2 Area 11 :Town Centre**



The Town Centre incorporates a wide range of commercial development including retail shops, offices, tourist uses, hotels, cafes and restaurants and tourist accommodation. The Scheme applies a residential density of R50 to the Town centre zone and some portions have been developed for residential uses.

There are drainage challenges in the Town Centre due to topography (natural drainage is towards the coast) and proximity to the ocean. This in turn causes streetscape and development challenges as minimum floor levels for flooding apply.

The objectives of this Strategy for the Town Centre are to;

- Examine existing landuses and identify opportunities to consolidate the core Town Centre and review the extent of the Town centre zone.
- Promote a clear understanding of landuse and streetscape issues and achieve a high standard of integrated development that recognises the inter-relationship between the Town Centre and the coast, historic development, established landuses and high quality new development.
- Ensure there is sufficient land to cater for future commercial and community needs of the town and its visitor populations, including retail, office and commerce; entertainment; tourism (accommodation and services); and community services.
- Identify appropriate landuses to be encouraged in identified precincts and sub precincts to promote co-location of compatible landuses and ensure retail uses are focused in a core Town centre' precinct.
- Protect established residential areas and nodes of tourist accommodation from inappropriate and incompatible development that may have adverse impact by virtue of noise, emissions or traffic.
- Apply development and land use control that is consistent with an identified theme for the town centre.
- Maximise coastal views within and beyond the town centre through applying limits to building heights. In particular, to protect views of the lots between Hughes Street and the foreshore.
- To ensure all new habitable development provides adequate shelter and weather protection for pedestrians and promotes pedestrian linkages.
- To continue to implement and incorporate a marine and coastal theme for elements of the built form of all new development based on historic identity of the town as a fishing village and the unique environment represented by Shark Bays World Heritage Listing.
- To identify high priority redevelopment sites where demolition and new development will be actively encouraged.

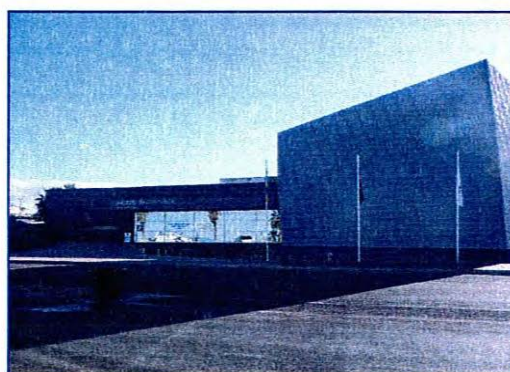
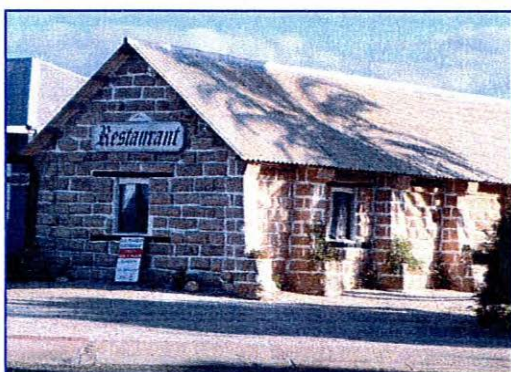
#### 4.3.2.1 Precinct 1 in the Town Centre

##### 4.3.2.1.1 Precinct 1 Characteristics

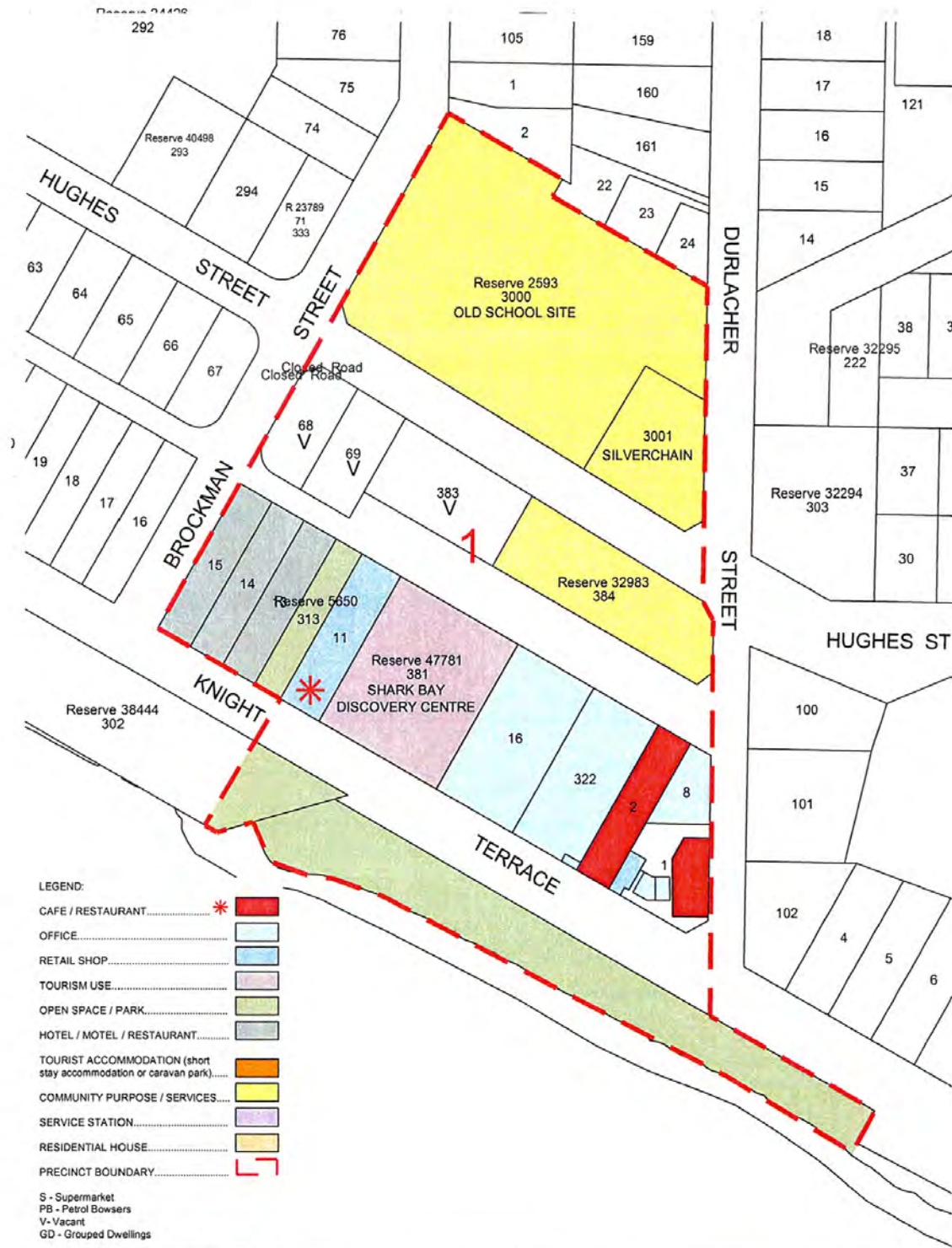
Precinct 1 includes sub precincts A, B and C – refer Figure 8. The precinct is generally bounded by Knight Terrace, Durlacher Road, Brockman Road and residential to the north.

The precinct currently contains a mixture of uses but is predominantly characterised by the Shark Bay World Heritage Discovery Centre, and the Shire offices, Council meeting hall/chambers, Silver Chain and an old School site (Reserve 32983)- refer Landuse Plan (Figure 9).

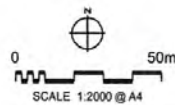
The construction of the Shark Bay World Heritage Discovery Centre ('the Centre') on a site in the middle of this block is a dominant architectural form. The Centre is iconic and attracts activity into the area by visitors.



Top photo: Shire Office; Bottom left: Pearl Restaurant; Bottom right: Shark Bay Discovery Centre Knight Terrace



**PRECINCT 1 LAND USE PLAN**  
**DENHAM TOWNSITE**  
**SHIRE OF SHARK BAY**



**Figure 9**

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

JOB REFERENCE: 100751 DATE: 15th SEPTEMBER 2010  
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A new large scale high quality development is proposed immediately east of the Shark Bay World Heritage Discovery Centre for DEC offices, and will provide a pedestrian link through to the rear. The combination of these two developments changes the low scale traditional streetscape of this section of Knights Terrace.

Further east of the centre are the Shire offices, several other commercial developments and the historic Old Pearler Restaurant. Built out of shell brick, this is a significant landmark building in Denham. In the future there may be opportunities for relocation and redevelopment of the existing Shire office.

Vehicle access is to the rear of these sites (via Hughes and Barnard Streets). Barnard Street is constructed as two cui de sacs.



Lot 11 Knight Terrace

There is a small but important retail 'hub' on Lot 11 Knight Terrace adjacent to Charlie Sappie Park (Reserve 5650). It is a community focus point as it contains the Shark Bay pharmacy, newsagency, post office, and a cafe. It complements the surrounding tourist and office uses in the precinct and caters for day to day needs.

Measures need to be considered for protection of Precinct 1 as the prime location for retail and commercial activities.

The three lots closest to the corner of Knight Terrace and Brockman Street contain an old hotel which is prime for redevelopment.

A new Silver chain building has been built on the corner of Durlacher Street and Hughes Street. To the west of Silverchain is an old school site with high redevelopment opportunity. The school site is one of the few large enough to provide for larger retail and commercial uses that may be required in Denham in the longer term.

The foreshore opposite Precinct 1 is well serviced by existing facilities, including children's playground, barbecues and shade areas.

#### *4.3.2.1.2.2 Precinct 1 Opportunities and Challenges*

There are a number of opportunities and challenges in the precinct as:

There are a range of architectural styles however the dominant streetscape element and building is the Shark Bay World Heritage Discovery Centre central on Knights Terrace.

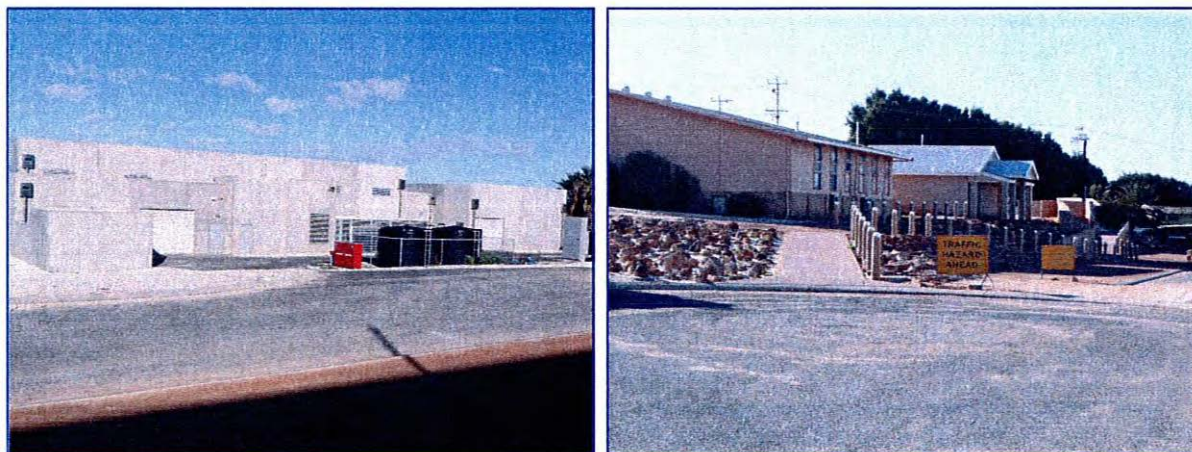
The lots fronting onto Knights Terrace have rear access therefore in many cases the buildings front onto the Terrace and car parking can be accessed at the rear. Due to the rear access, consideration to the treatment and aesthetics of the rear of buildings needs to be considered (as viewed from Barnard Street).

The Shire has undertaken works adjacent to Barnard Street (to Reserve 32983) to improve pedestrian links to Hughes Street. Further pedestrian links between Barnard Street and Knights Terrace could be pursued.

The old school site provides an opportunity for new development however is contingent on future landowners intentions. At this stage the Shire has a preference for the land to accommodate a new supermarket and short stay accommodation or mixed use development.

A new DEC/Department of Fisheries office is proposed on Lot 320. This development will achieve improved streetscape and a high quality building design to complement the adjacent Shark Bay World Heritage Discovery Centre. Pedestrian links between Knight Terrace and Barnard Street have been considered as part of design.

There are still areas of vacant land and sites with redevelopment opportunities in this precinct.



Rear view of the Shark Bay World Heritage Discovery Centre (from Barnard Street) and a newly constructed pedestrian path link between Barnard Street and Hughes Street (through Reserve 32983). July 2010.

#### 4.3.2.1.3 *Precinct 1 Strategy Recommendations*

Whilst Precinct 1 includes some retail on Lot 11, it predominantly contains tourist uses, government offices and civic uses.

Uses that contribute to activity in the area need to be encouraged such as shops, mixed use development, and restaurants / cafes that will service local workers and tourist needs. There is opportunity for a future supermarket to establish in this area, however topography represents challenges. Precinct 1 is the preferred location for any new supermarket as it is central and can act as a focal point for the Denham townsite.

Precinct 1 is high profile, is located centrally on Knights Terrace, is undergoing substantial redevelopment and has vacant land with redevelopment opportunities.

It is recommended that the zoning of 'Town Centre' be retained however it be provided with stronger objectives to encourage commercial retail and shop uses

into the area. The Scheme provisions require review to ensure it's priority focus is for commercial activities and residential should be discouraged unless it forms part of a mixed use development.

New Scheme provisions have been drafted to provide a stronger focus of the Town Centre zone as the priority area for new commercial and retail development – refer Section 4.3.3.

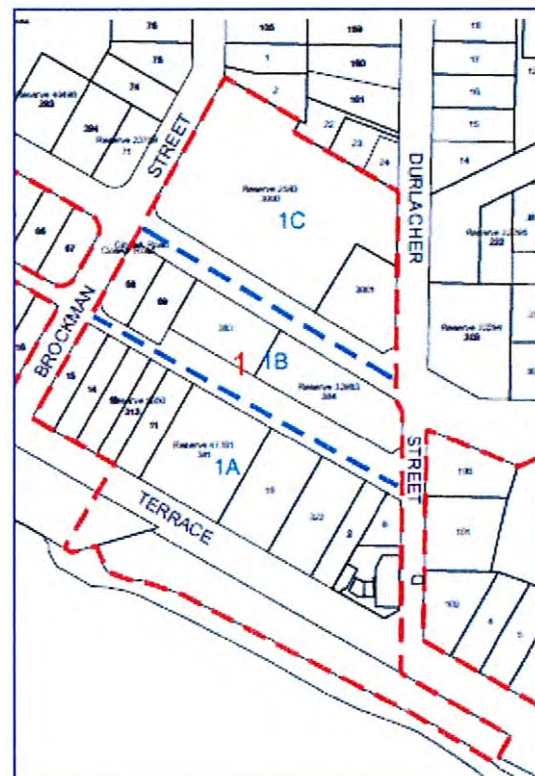
There are other areas in the existing Town Centre to the far west and east that are a better location for short stay accommodation. Further short stay accommodation in a consolidated and reduced Town Centre zone should be discouraged unless it located away from Knight Terrace and / or has a substantial commercial component or public facilities that will attract people into the Town Centre.

Limited residential and short stay accommodation will ensure there is casual surveillance for offices and commercial uses at night. However residential and short stay accommodation should not be allowed to encroach to the extent that it will inhibit or limit opportunities for foundation uses such as shops, restaurants, cafes and offices.

#### 4.3.2.1.4 Sub Precincts

Precinct 1 has three distinct 'sub precincts' including;

- Sub Precinct 1A is commercial development fronting directly onto Knight Terrace.
- Sub Precinct 1B is largely vacant land with the Shire hall located on Reserve 32983 (corner Durlacher and Brockman Street).
- Sub Precinct 1C contains an old school site surplus to State needs and is being considered for disposal (Reserve 2593). Adjacent to the school is a Silverchain building.



*Future Landuse and development in Precinct 1a*

Council shall have regard for the following when considering new development in Precinct 1a;

- i. Residential development and tourist accommodation should be actively discouraged to ensure this remains the core Town Centre area with a high focus on landuse activities that will attract people into the area. A high priority shall be given to tourist services and attractions, restaurants, retail shops, and entertainment.
- ii. A high priority should be given to streetscape, wind protection and a pedestrian friendly environment, including shade, seating and amenity.
- iii. Vehicle access should continue to occur from the rear of properties (Barnard Street).

- iv. New development should address both Knight Terrace and Barnard Street frontages. The rear of buildings fronting Barnard Street are highly visible from other areas of town, particularly lots on Hughes Street.
- v. Pedestrian links between Knight Terrace and Barnard Streets through Reserve 5650 and future development of Lot 320 should be enhanced.
- vi. Lots 13, 14 and 15 Knights Terrace are a high priority redevelopment site combined with Lots 68 and 69 to the rear for carparking. These lots are prime for retail and commercial development due to high exposure, proximity to jetty facilities, central location and age of existing development.
- vii. The existing Shire offices are also a high priority redevelopment site with potential to cater for new development with an architectural style to complement the Shark Bay World Heritage Discovery Centre and new offices on adjacent Lot 320.
- viii. A review of car parking for the precinct may be required when redevelopment of sites is undertaken.

*Future Landuse and development in Precinct 1b*

ix.

Council shall have regard for the following when considering new development in Precinct 1b;

- i. Consideration should be given to the location of services and facilities that complement Knight Terrace activities but do not warrant a prominent foreshore location. Appropriate uses would include Government service buildings, offices, tourist accommodation and community uses.
- ii. Building heights should be restricted to ensure views from Hughes Street properties are retained. This sub precinct has excellent coastal views.
- iv. Limited residential could be considered in this precinct to provide casual surveillance of businesses. They should part of mixed use developments and include a commercial component.
- v. Limited tourist accommodation may also be considered where it is of exceptional quality.

*Future Landuse and development in Precinct 1c*

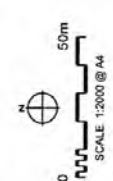
Council shall have regard for the following when considering new development in Precinct 1c;

- i. The school site (Reserve 2593) is a high priority redevelopment site to provide for future town centre activities, subject to the preparation of an appropriate outline development plan or detailed area plan that further examines development requirements and responds to amenity issues. The Shire considers that the site is prime for retail or commercial development because it is one of the few lots in the Town Centre of a sufficient size to accommodate adequate retail floorspace and on site carparking. Alternative uses may be a mixed use development.
- ii. Priority should be given to accommodating a mix of uses and provision for residential and short term accommodation above retail and office space; the allocation of larger sites for retail and commercial uses; and higher density residential activity.



- LEGEND:**
- \* CAFE / RESTAURANT.....
  - OFFICE.....
  - RETAIL SHOP.....
  - TOURISM USE.....
  - OPEN SPACE / PARK.....
  - HOTEL / MOTEL / RESTAURANT.....
  - TOURIST ACCOMMODATION (short stay accommodation or caravan park).....
  - COMMUNITY PURPOSE / SERVICES.....
  - SERVICE STATION.....
  - RESIDENTIAL HOUSE.....
  - PRECINCT BOUNDARY.....
- S - Supermarket  
 PB - Petrol Bunkers  
 V - Vacant  
 GD - Grouped Dwellings

**Figure 10**  
 Suite 5, 2 Hardy Street  
 South Perth, WA 6151  
 T (08) 9474 1722  
 F (08) 9474 1723  
 www.grayandlewis.com.au  
 planning@grayandlewis.com.au



**PRECINCT 2 LAND USE PLAN**  
**DENHAM TOWNSITE**  
**SHIRE OF SHARK BAY**

JOB REFERENCE: 1070H      DATE: 19th SEPTEMBER 2010  
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- 
- iii. The potential for reuse of the school buildings may occur in the short term until redevelopment occurs.
  - iv. Any new buildings should address available street corners and provide a landmark development.
  - v. New development should have windows with extensive passive overlooking of streets, and pedestrian shelter should be incorporated into any design. Development should be designed to respect the low scale adjacent residential area to the north.

11.5 LOCAL GOVERNMENT WEEK  
LO102.01 / CO509

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Pepworth  
Seconded       Cr Hargreaves

**Council Resolution**

**The report submitted by the Shire President on the 2011 Local Government Conference held on 3 to 6 August 2011 be received and noted.**

Cr Pepworth left the meeting at 12.05pm  
Cr Pepworth returned to the meeting at 12.06pm

**5/0 CARRIED**

Background

Council approved the Shire President, Councillor Wake and the Chief Executive Officer to attend Local Government week 2011 which was held at the Perth Convention Centre over the 3 to the 6 of August 2011.

A report has been submitted by the Shire President on the conference for Councilor's information.

Comment

I attended the Local Government Convention and Trade Exhibition held in Perth 4 and 5 August. Councillor Wake and the Shire Chief Executive Officer also attended. I was also involved in a Ministerial Dialogue and the Gascoyne Country Zone meeting on 3 August.

Ministers Buswell, Collier, Day, Castrilli and Marmion were available and delegates indicated which two of these Ministers they wished to meet with and the topics of discussion to be raised. I chose Ministers Buswell and Castrilli and conversations were held around the table.

**MINISTERIAL DIALOGUE**

***Minister Castrilli - (Local Government, Heritage)***

Question – As the SAT is a State Government process, why should the costs and legal fees associated with these panels be borne by local governments?

---

State Administrative Tribunal (SAT) – the Minister is conducting a review of these panels, including the costs associated with their conduct and considers they should be equitable and not attributed to local government.

It was advised that the State budget line item for local government councillors' remuneration does not cover the amount of training required for each newly elected member to gain an understanding of their obligations, planning processes, etc.

The Minister's response was that the Salary and Allowances Tribunal was conducting a review to work out what the fees should be based on the size and complexity of each local government authority, taking into account workload, roles and responsibilities. The Minister considered that there should be greater recognition of councillors' time and effort and an amendment to the *Local Government Act* and the *Salaries and Allowances Act* was currently being considered.

The Minister stated that people should stand for Local Government for the right reasons and it was up to presidents and mayors to make sure all councillors pulled their weight. Elected members' remuneration in the future will be considered on bands/scales that each Local Government fits into.

A query was raised as to whether training for elected members should be compulsory – especially training for new councillors. Councillors make decisions on behalf of the community and should be fully aware of their responsibilities. The Department of Local Government is exploring options, i.e. should training be provided to those considering standing for council?

Comment was that training should be more relevant to country areas and conducted in regional centres. Much of the training provided is only relevant to metropolitan councils and held in the city. The Director of the Department of Local Government (DLG) commented that her department has a campaign of educating prospective candidates as to the responsibilities of the role of elected members.

The Government is currently considering various local government models and avenues for reform which could include State funds allocated to regional councils and then distributed to local governments within their regions. The Minister advised that alternative regional models were being looked at in conjunction with development commissions being reviewed with the aim of achieving better regional models and options.

It was advised that Department of Local Government have specialist teams available to assist local governments considering shared services and this will assist smaller shires who are finding it difficult to attract appropriate staff. The Minister considered that councils should have common IT and other technical systems, equipment, career paths, etc. and it is important to look at these structures, sharing models and platforms/systems as part of a better practice review.

The Minister advised that there is currently a metropolitan review of councils underway and that 75% of the State's population is located in only 29 councils. He also advised that there are no funds in the State budget for councils which haven't come onboard with the reform process and he is disappointed that local governments were given the opportunity to determine their future, but it will now need to be a government decision.

An independent panel of three will undertake a study over the next 12 months looking at all aspects of the 29 metropolitan councils' operations and then report back to the Minister. Issues to be considered will include best local governance models, the number of councils, boundaries, etc. The panel will then advise him of how many

metropolitan councils are needed to consider planning/ developments, etc. as it is not uncommon currently for one development to extend over several metro council boundaries.

The Minister advised that an amendment to the Planning and Development Act is currently going through to lift the threshold at which local governments can deal with development applications and the review of the Act will also consider local government in the context of commercial enterprises and look at legislation for subsidiary models and income strategies.

He considered there is a need to lift the capacity of local governments to raise revenue. Department of Local Government will advise of the threshold changes relating to requirements on land developments/commercial activities.

The *Heritage Act* is currently under review and a Phase 2 discussion papers is available for comment on the website.

### ***Minister Buswell – (Transport, Housing)***

The Skippers Aviation contract was raised with the Minister including aspects which have diminished from the previous service, particularly for Shark Bay and Carnarvon. The Minister confirmed that the deregulation of this air route was a government process which he inherited and there will be changed criteria in the future prior to letting of the next contract. This will include more requirements and service provisions to be addressed. He stated that he was aware of the problems and that it is a heavily subsidised route.

I raised the issue of affordable housing and accommodation for service and seasonal workers. Given that the State Government had recently allocated over \$13m to construct service workers accommodation in Coral Bay, can towns which rely heavily on tourism such as Denham, but are unable to provide appropriate and affordable accommodation to service/seasonal workers, also attract funding?

The Minister responded that there is a big appetite in government to fund these types of developments as they tick all the boxes. He suggested that the Shire contact our local development commission to put up a case to fund a development which will provide appropriate accommodation and have an economic and social benefit for the local community and the region.

He commented upon a new avenue for the provision of regional road funding which will become available from speed camera revenue.

## **GASCOYNE COUNTRY ZONE MEETING**

Matters raised included;

Will Western Australian Local Government Association assist shires such as Shark Bay to lobby the Commonwealth Government to increase the tax rebate allowances for special zones to encourage population growth north of the 26<sup>th</sup> parallel? (Cr McLaughlin)

*Response* - The Western Australian Local Government Association representatives indicated that it would be brought to the attention of the Australian Local Government Association representative who will be putting forward a submission to the Federal Government Taxation Forum in October.

Is Western Australian Local Government Association taking any action in regard to the recent review of regional development commissions in Western Australia. In particular, the recommendation adopted by the Government that there no longer be specific local government representation on development commission boards and the Regional Development Council. The recommendation also states that 'the Minister should nonetheless monitor local government membership'. Are you able to clarify this statement?

*Response* - the State Government has accepted the Regional Development Commission Review Committee's recommendation to move to 'skills-based' appointments for both the Regional Development Commission Boards and the Regional Development Council.

In terms of the recommendation that the Minister will monitor the level of Local Government representation on the Regional Development Commission Boards, the Minister has been making some noises that he expects Regional Development Commission Boards to still contain Local Government representatives. It makes sense that Local Government representatives will fit into the skills mix that would be sought for the Regional Development Commission Boards. I suspect that the recommendation that the Minister will monitor Local Government representation on Regional Development Commission Boards is to ease concern about Local Government representation and to ensure that Local Government representation continues.

The Association advocated very strongly following the release of the Review Committee's recommendations on two key issues of concern, which were:

- Centralisation of the Regional Development Commission structure and the loss of Regional Development Commissions' status as individual statutory authorities, and
- Removal of mandatory Local Government representation on Regional Development Commission Boards and the Regional Development Council.

The State Government's response to the Review Committee rejected the recommendations regarding the first bullet point above, but the State Government accepted the recommendations regarding the appointment of skills-based boards, which removes the mandated Local Government representation.

The removal of mandated Local Government representation on Regional Development Commission Boards and the Regional Development Council requires legislative change. The process of amending the legislation will give the Association, and Local Governments, the opportunity to advocate for the continuation of Local Government representation on Regional Development Commission Boards and the Regional Development Council. This is an important issue given Local Government's key role in regional development and Elected Members' strong links with the community.

### **Royal Flying Doctor Service visit**

The technical excursion that I selected was a visit to the Royal Flying Doctor Service at their Jandakot base and included information regarding the work the organisation undertakes throughout Western Australia and the range of services they deliver to rural and remote areas.

Captain Wal Slaven spoke about the need for rural shires to provide air strips which were serviceable for Royal Flying Doctor Service aeroplane usage and the standards expected with a minimum 900m strip requirement. Information relating to the service included;

- 
- It has a \$60m annual budget with 250 staff (including administration, doctors, nurses, pilots and aircraft maintenance) and 14 planes
  - There are 65 nurse/doctor teams
  - State and Commonwealth funding covers 80% of operating costs, the remainder has to be obtained through fundraising.
  - If necessary, they are able to land on remote strips on roads (either Main Roads Department or Shire roads)
  - There are five bases in Western Australia – Meekatharra, Perth, Kalgoorlie, Port Hedland and Derby
  - Headquarters for the State are at Jandakot and they transport an average of 7,300 patients per annum at an average of 22 per day
  - They also conduct a lot of clinics, including dental, in remote and rural areas.

The **Western Australian Local Government Association Annual General Meeting and Gala Dinner** was attended by Cr Wake on the 6 August and he will be submitting a written report on his activities in relation to these events.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

15 August 2011

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**12.0 FINANCE REPORT****12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**

Author Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved Cr Ridgley  
Seconded Cr Pepworth

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$671,341.49 be accepted.**

**5/0 CARRIED**

**Comment**

The schedules of accounts for payment covering -

Municipal fund account cheque numbers 25704 to 25739 totalling \$45,145.58

Municipal fund account electronic payment numbers EFT10402 to EFT10454, EFT10456 to EFT10526, EFT10552 to EFT10580 totalling \$431,265.78

Municipal fund account for payroll periods ending 06/07/11 and 19/07/11 totalling \$79,438.00

Trust fund Police Licensing for July 2011 totalling \$40,380.10

Trust fund account cheque numbers 000792 to 000805 totalling \$2,734.25 and

Trust fund account electronic payment numbers EFT10389 to EFT10395, EFT10455, EFT10527 to EFT10550 totalling \$72,377.78

The schedule of accounts submitted to each member of Council on 23 April 2011 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

Date of Report

22 August 2011

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 31 AUGUST 2011  
MUNI CHQS 25704-25739**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
25704	01/08/2011	WATER CORPORATION -	ANNUAL SERVICE CHARGES	-19485.10
25705	01/08/2011	TANG COMPUTERS	AERIALS - UBIQUITI NANOSTATION M5	-590.00
25706	01/08/2011	SHIRE OF SHARK BAY	TRANSFER TO TRUST-GYM BOND	-10.00
25707	01/08/2011	TELSTRA CORPORATION LTD	ANTENNA - TRANSMITTER	-580.06
25709	02/08/2011	THIRTY ONE GRAPHICS	NEW SIGNS	-184.00
25710	02/08/2011	ST JOHN AMBULANCE ASCOC. - SHARK BAY	DONATION ROUND 1 FOR 2011/12 TO ASSIST GALA BALL FUNDRAISER	-4500.00
25711	02/08/2011	TELSTRA CORPORATION	MOBILE PHONE ACCOUNTS	-221.46
25712	02/08/2011	ZURICH INSURANCE	EXCESS	-300.00
25713	02/08/2011	BLUE REGION TOURISM ORGANISATION INC	PARTICIPATION 2011 PERTH CARAVAN AND CAMPING SHOW	-880.00
25714	02/08/2011	WATER CORPORATION -	65 BROCKMAN	-7.30
25715	03/08/2011	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-493.33
25716	03/08/2011	AUSTSAFE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-217.54
25717	03/08/2011	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-437.70
25718	03/08/2011	LG SUPER	SUPERANNUATION CONTRIBUTIONS	-1295.53
25719	03/08/2011	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-493.32
25720	03/08/2011	AGEST PTY LTD	SUPERANNUATION CONTRIBUTIONS	-219.20
25721	03/08/2011	AMP CORPORATE SUPER	SUPERANNUATION CONTRIBUTIONS	-412.75
25722	03/08/2011	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	-493.33
25723	03/08/2011	BT BUSINESS SUPER	SUPERANNUATION CONTRIBUTIONS	-484.96
25724	03/08/2011	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1460.46
25725	03/08/2011	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-406.17
25726	03/08/2011	REST	SUPERANNUATION CONTRIBUTIONS	-1105.98
25727	03/08/2011	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-326.56
25728	03/08/2011	WESTSCHEME PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1024.65
25729	03/08/2011	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-535.98
25730	10/08/2011	GERALDTON TYREPOWER	TROLLEY TUBES 4.10/3.50-4	-28.10
25731	10/08/2011	SHIRE OF SHARK BAY	BUILDING LICENCE LEVY R MCMILLAN	-40.50



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<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
25732	10/08/2011	WOODHOUSE CONSULTANTS	LOCAL GOVERNMENT INQUIRY	-2403.50
25733	10/08/2011	SHARK BAY FUEL & SERVICE	FUEL	-192.52
25734	12/08/2011	SHIRE OF SHARK BAY	COMMUNITY BUS HIRE DHI	-99.00
25735	12/08/2011	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE SMS PUBLIC/MESSAGES	-1.30
25736	12/08/2011	WATER CORPORATION -	INDUSTRIAL WAST CHARGES	-205.70
25737	12/08/2011	LANDGATE	VALUATION	-58.00
25738	12/08/2011	TELSTRA CORPORATION LIMITED	LANDLINE AND INTERNET ACCOUNTS	-2325.88
25739	18/08/2011	WATER CORPORATION -	HALL AT HUGHES ST LOT 322 RES 32983	-3625.70
			TOTAL	\$45,145.58

**SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 31 AUGUST 2011  
MUNI EFT 10402-10454, 10456-10526, 10552-10580**

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
10402-10405		CANCELLED		
EFT10406	01/08/2011	SHIRE OF NORTHAMPTON	GLEN BANGAY	-2810.50
EFT10407	01/08/2011	ARROW BRONZE	PLAQUE FOR G & P PARKER	-806.63
EFT10408	01/08/2011	BAJA DATA & ELECTRICAL	NETWORK CONNECTION	-119.35
EFT10409	01/08/2011	DENHAM VILLAS	ACCOMMODATION	-770.00
EFT10410	01/08/2011	HORIZON POWER-SBIC	SBIC ELECTRICITY – MONTHLY ACCOUNT	-3951.35
EFT10411	01/08/2011	NICKO LANDSCAPING	INTERNAL PAINTING OF PENSIONER UNIT 5	-991.00
EFT10412	02/08/2011	MUNICIPAL INSURANCE	COUNCILLORS AND OFFICERS LIABILITY	-47179.53
10413-10432		CANCELLED		
EFT10433	02/08/2011	BUBBLEMANIA	WINTER MARKETS	-1350.80
EFT10434	02/08/2011	PATTERSON RESEARCH	MARINA DEV PLAN	-8910.00
EFT10435	02/08/2011	DOLPHIN LIGHTING	5W LED DOWNLIGHTS FOR GALLERY AND CENTRE	-9340.00
EFT10436	02/08/2011	J & K HOPKINS	FILE CABINET	-676.00
EFT10437	02/08/2011	GAYNA MCBRIDE	ON SITE CONSULTING	-3851.00
EFT10438	02/08/2011	ANIMAL	DOG LITTER BAGS	-319.00
EFT10439	02/08/2011	ART ON THE MOVE	ABSTRACT EARTH EXHIBITION CATALOGUES	-66.00
EFT10440	02/08/2011	BAJA DATA & ELECTRICAL	REPAIRS AT PENSIONERS UNITS	-5118.30
EFT10441	02/08/2011	CHAMBERLAIN RUSSELL	RENT – 39 DURLACHER STREET	-1011.90
EFT10442	02/08/2011	GRAY & LEWIS	LOCAL PLANNING STRATEGY	-3795.55
EFT10443	02/08/2011	KLEENHEAT GAS	HIRE OF GAS BOTTLE	-364.01
EFT10444	02/08/2011	LOGO APPOINTMENTS	BUDGET CONSULTANT	-2490.40
EFT10445	02/08/2011	MITRE 10 SHARK BAY	KEY FOR STORYTIME CUPBOARD	-4.50
EFT10446	02/08/2011	PAPER PLUS	WHITE BOARD 1200 x 900MM	-622.82
EFT10447	02/08/2011	SHARK BAY CLEANING	CLEANING CONTRACT	-5327.85
EFT10448	02/08/2011	TRADEWINDS SEAFRONT	ACCOMMODATION	-3861.00
EFT10449	02/08/2011	TOTAL UNIFORMS	STAFF UNIFORMS	-616.20
EFT10450	02/08/2011	VISITOR CENTRE ASSOCIATION OF WA INC	ANNUAL MEMBERSHIP OF THE VISITOR CENTRE ASS OF WA 2011-2012	-750.00

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT10451	02/08/2011	WILLIAMS MUFFLERS & BRAKES	EXHAUST PIPES PARTS	-164.75
EFT10452	02/08/2011	WA MUSEUM	ANZANG EXHIBITION COSTS	-3850.00
EFT10453	02/08/2011	WA MUSEUM SHOP PERTH	ANZANG 2010 ART BOOK	-152.53
EFT10454	02/08/2011	WA LOCAL GOV SUPER	SUPERANNUATION CONTRIBUTIONS	-8431.70
EFT10456	10/08/2011	AUSTNET GROUP PTY LTD	DONATION – INSURANCE SBSARA	-1636.40
EFT10457	10/08/2011	DENHAM IGA X-PRESS	OUTSIDE CREW MESS ACCOUNT	-688.84
EFT10458	10/08/2011	GASCOYNE OFFICE SUPPLY	TO CHECK PHOTOCOPIER	-50.00
EFT10459	10/08/2011	GERALDTON INDUSTRIAL SUPPLIES	MACNAUGHT GREASE GUN	-1183.70
EFT10460	10/08/2011	LGIS LIABILITY	INSURANCE	-12217.15
EFT10461	10/08/2011	MAC ATTACK FISHING	REFUND	-50.00
EFT10462	10/08/2011	MUNICIPAL LIABILITY	INSURANCE	-726.52
EFT10463	10/08/2011	NEVERFAIL SPRINGWATER	WATER	-36.35
EFT10464	10/08/2011	SHARK BAY SPEEDWAY	DONATIONS AND CONTRIBUTION	-3000.00
EFT10465	10/08/2011	SHARK BAY SKIPS	SUPPLY AND LIFT OF SKIP BINS	-642.00
EFT10466	10/08/2011	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR	-440.00
EFT10467	10/08/2011	DRAGONFLY MEDIA	PROFESSIONAL VOICE OVER,	-319.00
EFT10468	10/08/2011	AZURE BISTRO	REFRESHMENTS FOR COUNCIL MEETING	-300.00
EFT10469	10/08/2011	SHARK BAY BAKERY	REFRESHMENTS	-106.20
EFT10470	10/08/2011	BAJA DATA & ELECTRICAL	AMIN SWITCH BOARD FOR OFFICE B	-2301.20
EFT10471	10/08/2011	CUTBACK PLUMBING	ABLUTIONS REPAIRS	-198.00
EFT10472	10/08/2011	JAMES MCKECHNIE	PROJECT MANAGEMENT CONSULTANCY	-10884.99
EFT10473	10/08/2011	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-1051.87
EFT10474	10/08/2011	SHARK BAY CLEANING	ANNUAL CLEANING CONTRACT FOR SBIC	-10512.50
EFT10475	10/08/2011	SHARKBAY E/MOVING	FOR JULY	-9111.55
EFT10476	10/08/2011	COUNTRYWIDE PUBLICATIONS	LISTING IN THE WESTERN AUSTRALIA ACC & TOURS LISTING PUBLICATION	-400.00
EFT10477	10/08/2011	RAY WHITE REAL ESTATE SHARK BAY	RENT FOR 34 HUGHES	-1105.00
EFT10478	10/08/2011	CHERYL COWELL	MEETING ATTENDANCES	-1240.00
EFT10479	10/08/2011	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE	-340.00
EFT10480	10/08/2011	JOE MCLAUGHLIN	MEETING ATTENDANCE	-340.00
EFT10481	10/08/2011	DARREN PEPWORTH	MEETING ATTENDANCE	-340.00
EFT10482	10/08/2011	GREGORY LEON RIDGLEY	MEETING ATTENDANCES	-448.00

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT10483	10/08/2011	TIM HARGREAVES	MEETING ATTENDANCE FEES	-340.00
EFT10484	10/08/2011	BRIAN WAKE	MEETING ATTENDANCES	-538.02
EFT10485	10/08/2011	BAJA DATA & ELECTRICAL	FIX BBQ LIGHTS	-227.70
EFT10486	10/08/2011	FASCINE LODGE	ACCOMM AND MEALS – TRAINING	-276.41
EFT10487	10/08/2011	MCLEODS BARRISTERS	28194 LEGAL EXPENSES	-6522.89
EFT10488	10/08/2011	SHARK BAY RESOURCE	PHOTOCOPYING	-950.05
EFT10489	10/08/2011	SHARK BAY FREIGHTLINES	FREIGHT	-1468.58
EFT10490	10/08/2011	MITRE 10 SHARK BAY – SES	HARDWARE	-8.95
EFT10491	10/08/2011	BATTERY MART	BATTERY'S	-690.80
EFT10492	10/08/2011	CUMMINS SOUTH PACIFIC	PARTS	-301.09
EFT10493	10/08/2011	THINK WATER GERALDTON	CAMLOCK FITTINGS	-40.80
EFT10494	10/08/2011	TOLL IPEC PTY LTD	FREIGHT	-624.65
EFT10495	10/08/2011	SUNNY SIGN COMPANY	10 114ODX3.2M GALV POSTS	-3414.62
EFT10496	10/08/2011	SITE WARE DIRECT	GUIDE POSTS	-6677.00
EFT10497	10/08/2011	GERALDTON FUEL COMPANY	TANKER FUEL	-23845.37
EFT10498	10/08/2011	JOHN TAYLOR ARCHITECT	RESTORATION L/HOUSE – KEEPER'S QUARTERS	-7040.00
EFT10499	10/08/2011	LOCAL HEALTH	ANALYTICAL SERVICES	-416.40
EFT10500	10/08/2011	WALGA	MEMBERSHIP SUBSCRIPTION	-17638.80
EFT10501	12/08/2011	BOOKEASY AUSTRALIA	BOOKEASY	-232.59
EFT10502	12/08/2011	BOC LIMITED	CONTAINER RENTAL	-80.23
EFT10503	12/08/2011	GOLDEN WEST NETWORK	ADVERTISING ON GWN	-440.00
EFT10504	12/08/2011	UHY HAINES NORTON	PROFESSIONAL SERVICES	-825.00
EFT10505	12/08/2011	HORIZON POWER-MAIN USAGE	ELECTRICITY	-6220.73
EFT10506	12/08/2011	TOLL IPEC PTY LTD	FREIGHT- BOOKS	-229.23
EFT10507	12/08/2011	MITRE 10 SHARK BAY	HARDWARE	-86.80
EFT10508	12/08/2011	PURCHER INTERNATIONAL PTY LTD	EXHAUST COUPLE	-48.86
EFT10509	12/08/2011	PAULS TYRES	W/TRAILER TYRES	-1297.50
EFT10510	12/08/2011	REBECCA COWELL	CONFERENCE – EXMOUTH	-113.74
EFT10511	12/08/2011	SOLOMONS FLOORING CANNINGTON	TO SUPPLY AND INSTALL FLOOR COVERINGS	-6700.00
EFT10512	12/08/2011	HORIZON POWER-MAIN	WORKS MANAGER UTILITIES	-304.71

EFT	Date	Name	Description	Amount
		USAGE		
EFT10513	12/08/2011	PAUL GREGORY ANDERSON	REIMBURSEMENT - PARKING	-31.80
EFT10514	12/08/2011	PEST-A-KILL	PEST CONTROL SERVICES	-242.00
EFT10515	12/08/2011	RALPH DODSON	REPAIR LEAKING ROOF FOR UNIT 11	-170.00
EFT10516	12/08/2011	NORTHERN GLASS	TRUCK WINDOW REPLACEMENT	-227.31
EFT10517	12/08/2011	AUSTRALIA POST	LOCAL POST	-757.85
EFT10518	12/08/2011	BAJA DATA & ELECTRICAL	CHANGE 130 LED LIGHTS	-4109.93
EFT10519	12/08/2011	GERALDTON INDUSTRIAL SUPPLIES	BENCH GRINDER	-395.30
EFT10520	12/08/2011	HORIZON POWER-STREET LIGHTING	201 LIGHTS	-3010.97
EFT10521	12/08/2011	HORIZON POWER-MAIN USAGE	ELECTRICITY	-102.99
EFT10522	12/08/2011	MITRE 10 SHARK BAY	HARDWARE	-270.59
EFT10523	12/08/2011	OCLC (UK) LTD	AMLIB TRAINING STATISTICS TRAINING	-220.00
EFT10524	12/08/2011	PAPER PLUS	STATIONERY	-93.82
EFT10525	12/08/2011	MITRE 10 SHARK BAY MARINE & HARDWARE – SES	HARDWARE	-8.95
EFT10526	15/08/2011	AUSTRALIAN TAXATION OFFICE	BAS JUNE 2011	-95645.00
EFT10552	18/08/2011	MINTER ELLISON	60-1448206 BARNARD ST	-3705.90
EFT10553	18/08/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	HARDWARE	-28.00
EFT10554	18/08/2011	SHARK BAY COMMUNITY RESOURCE CENTRE	PHOTOCOPYING	-24.60
EFT10555	18/08/2011	RED CROW DESIGN & FABRICATION	PROGRESS PAYMENT # 4	-16500.00
EFT10556	18/08/2011	GAYNA MCBRIDE	CONSULTING AND ADMINISTRATION	-5874.00
EFT10557	18/08/2011	BAJA DATA & ELECTRICAL SERVICES	REPAIRS UNIT 11	-99.00
EFT10558	18/08/2011	GRAY & LEWIS	PLANNING	-618.75
10559		CANCELLE		
EFT10560	18/08/2011	THE NEW ESPLANADE HOTEL	ACCOMMODATION FOR C COWELL WALGA CONFERENCE	-1620.00
EFT10561	18/08/2011	POTSHOT HOTEL RESORT	ACCOM FOR R COWELL ARTSWA	-320.00

EFT	Date	Name	Description	Amount
EFT10562	18/08/2011	PAPER PLUS	CONFERENCE	-937.71
EFT10563	18/08/2011	WA LIBRARY SUPPLIES	STATIONERY	-27.60
10564		CANCELLED	LIBRARY SUPPLIES	
EFT10565	18/08/2011	WALGA	ADVERTISING	-511.28
EFT10566	19/08/2011	S B SUPERMARKET	OUTSIDE CREW	-296.32
EFT10567	19/08/2011	RADROCK MOBILE CLIMBING	HIRE AND SERVICE OF CLIMBING WALL AND EXTREME BUNGEE	-1200.00
EFT10568	22/08/2011	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-4652.00
EFT10569	22/08/2011	THE AUSTRALIAN SENIOR PUBLICATIONS	1W x MOD WA TRAVEL JULY 2011	-266.20
EFT10570	23/08/2011	GUARDIAN PRINT	2000 SHIRE OF SHARK BAY LETTERHEADS	-289.00
EFT10571	23/08/2011	HODGE + COLLARD ARCHITECTS	CHARGES FOR HYDRAULICS DESIGN AND DOCUMENTATION	-1375.00
EFT10572	23/08/2011	TOLL IPEC PTY LTD	FREIGHT	-51.86
EFT10573	23/08/2011	JOJUNICA PTY LTD	CORDLESS DRILL	-1036.98
EFT10574	23/08/2011	PAPER PLUS	STATIONERY	-145.55
EFT10575	23/08/2011	SHARK BAY CLEANING	CLEANING CONTRACT	-5327.85
EFT10576	23/08/2011	PATTERSON MARKET RESEARCH	DENHAM RESIDENTS SURVEY	-15400.00
EFT10577	23/08/2011	GLENN BANGAY	CONSULTANT ENVIRONMENTAL HEALTH	-92.31
EFT10578	23/08/2011	DENHAM PAPER AND CHEMICAL SUPPLIES	MEDIUM BROWN BAGS WITH TWISTED HANDLE	-279.40
EFT10579	23/08/2011	DENHAM VILLAS	ACCOMMODATION 2 PEOPLE 2 NIGHTS FROM SATURDAY 6.8.11 TO MONDAY 8.8.11	-260.00
EFT10580	23/08/2011	MITRE 10 SHARK BAY MARINE & HARDWARE	KEYS FOR COMMUNITY GYM	-66.50
			TOTAL	\$431,265.78

**SHIRE OF SHARK BAY  
ORDINARY COUNCIL MEETING 31 AUGUST 2011  
TRUST CHQ 792-805**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
806	28/07/2011	SHIRE OF SHARK BAY	REIMB FOR SBIC FLOAT	-125.00
807	01/08/2011	LESLIE OLIVER	REFUND FOR MARKET DAY STALL	-10.00
808	03/08/2011	SHIRE OF SHARK BAY	BUS USEAGE B FRIEND	-93.00
809	04/08/2011	MCGRATH HOMES	BUILDING COMPLETION AND KERB FEE REFUND 26,27,28 TERRY DESCHAMPS WY	-1500.00
810	16/08/2011	PATRICK BARCZ	REFUND FOR LIBRARY DEPOSIT	-50.00
811	17/08/2011	KING'S NINGALOO REEF TOURS	BOOEASY JULY 11	-956.25
			TOTAL	\$2,734.25

**SHIRE OF SHARK BAY ORDINARY COUNCIL MEETING 31 AUGUST 2011  
TRUST EFT10389-10395, 10455, 10527 - 10550**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT10389	14/07/2011	HERITAGE RESORT SHARK BAY	BOOKEASY JUNE 2011	-1317.50
EFT10390	14/07/2011	ASPEN MONKEY MIA PTY LTD	BOOKEASY JUNE 2011	-1608.20
EFT10391	14/07/2011	MONKEYMIA WILDSIGHTS	BOOKEASY JUNE 2011	-867.85
EFT10392	14/07/2011	OCEANSIDE VILLAGE	BOOKEASY JUNE 2011	-127.50
EFT10393	14/07/2011	SHARKBAY CARAVAN PARK	BOOKEASY JUNE 2011	-382.50
EFT10394	14/07/2011	SHIRE OF SHARK BAY	COMMISSION BOOKEASY JUNE 2011	-1485.05
EFT10395	14/07/2011	TRADEWINDS SEAFRONT APTS	BOOKEASY JUNE 2011	-1140.25
EFT10455	08/08/2011	BRIAN FRIEND	REFUND FOR BUS DEPOSIT	-525.00
EFT10527	17/08/2011	PRIORITY SHARK BAY PTY LTD	TOURS JULY 2011	-2114.10
EFT10528	17/08/2011	AUSSIE OFFROAD TOURS	TOURS JULY 2011	-1993.07
EFT10529	17/08/2011	BLUE LAGOON PEARLS	TOURS JULY 2011	-121.80
EFT10530	17/08/2011	MONKEY MIA YACHT CHARTERS	TOURS JULY 2011	-5153.01
EFT10531	17/08/2011	MAC ATTACK FISHING	TOURS JULY 2011	-5481.00
EFT10532	17/08/2011	MONKEYMIA WILDSIGHTS	TOURS JULY 2011	-5686.32
EFT10533	17/08/2011	WEST AUSTRALIAN OCEAN PARK	TOURS JULY 2011	-958.74
EFT10534	17/08/2011	PAULS GALLERY	TOURS JULY 2011	-178.35
EFT10535	17/08/2011	SHARKBAY COACHES	TOURS JULY 2011	-1853.10
EFT10536	17/08/2011	SHIRE OF SHARK BAY	COMMISSION TOURS JULY 2011	-3861.69
EFT10537	17/08/2011	UNREAL FISHING CHARTERS	TOURS JULY 2011	-2392.50
EFT10538	17/08/2011	WULA GUDA NYINDA (CAPES)	TOURS JULY 2011	-748.20
EFT10539	17/08/2011	BAY LODGE	BOOKEASY JULY 11	-1389.75
EFT10540	17/08/2011	DENHAM S/SIDE TOURIST VILLAGE	BOOKEASY JULY 11	-97.75
EFT10541	17/08/2011	HARTOG COTTAGES	BOOKEASY JULY 11	-1861.50
EFT10542	17/08/2011	SHARKBAY HOLIDAY COTTAGES	BOOKEASY JULY 11	-442.00
EFT10543	17/08/2011	KALBARRI MOTOR HOTEL	BOOKEASY JULY 11	-102.00
EFT10544	17/08/2011	ASPEN MONKEY MIA PTY LTD	BOOKEASY JULY 11	-826.62
EFT10545	17/08/2011	MONKEYMIA WILDSIGHTS	BOOKEASY JULY 11	-1111.80
EFT10546	17/08/2011	NANGA BAY RESORT	BOOKEASY JULY 11	-178.50
EFT10547	17/08/2011	OCEANSIDE VILLAGE	BOOKEASY JULY 11	-1989.00
EFT10548	17/08/2011	SHARKBAY CARAVAN PARK	BOOKEASY JULY 11	-692.00
EFT10549	17/08/2011	SHIRE OF SHARK BAY	COMMISSION BOOKEASY JULY 2011	-2027.83
EFT10550	17/08/2011	TRADEWINDS SEAFRONT APTS	BOOKEASY JULY 11	-807.50
			TOTAL	\$72,377.78



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**12.2 FINANCIAL REPORTS TO 31 JULY 2011**

Author  
Accountant

Disclosure of Any Interest  
Nil

Moved            Cr McLaughlin  
Seconded       Cr Pepworth

**Council Resolution**

**That the monthly financial reports for the period ended 31 July 2011 be submitted to Council at the September 2011 ordinary meeting of Council.**

**5/0 CARRIED**

**Comment**

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

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

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

Due to the monthly financial statements not being finalised to 31 July 2011, they cannot be presented to council at the August meeting as referred to in part (i) of regulation 34. Therefore a statement of financial activity to 31 July 2011 will be submitted to council at the September council meeting in accordance with part (ii) of regulation 34.

**Legal Implications**

Section 6.4 of the *Local Government Act 1995*  
Regulation 34 (4) of the *Local Government (Financial Management) Regulations 1996*

**Voting Requirements**

Absolute Majority Required

Date of Report            19 May 2011

Council Meeting adjourned at 12.30pm

Council Meeting reconvened at 1.44pm

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12.3 PENSIONER UNIT OCCUPANT – MR DAVID RICHARDS

PE101 / DO105

Author

Community Development Officer

Disclosure of Any Interest

Nil

Cr Ridgley entered the meeting at 1.45pm

Moved            Cr Hargreaves

Seconded       Cr McLaughlin

**Council Resolution**

**That the Shire of Shark Bay waive the rent on unit 13, 45 Hughes Street property for the duration of Mr David Richards recovery at the Balmoral Transitional Care Program. The waiver is to start from 15 July 2011.**

**5/0 CARRIED**

Background

Mr David Richards currently resides in the Shire managed pensioner units at unit 13, 42 Hughes Street, Denham.

Mr Richards was admitted to the Balmoral Transitional Care Program on 15 July 2011 from Mercy Hospital Restorative Unit. Mr Richards will be in care for an extended period of time (up to 12 weeks). He is currently paying \$40.25 per day (\$563.50 per fortnight) to the Balmoral Transitional Care Program.

Mr Richards is also paying rent on the Hughes Street property at \$105.00 per week.

Mr Richards condition and rehabilitation are confidential, because of this the Shire of Shark Bay has been give no further indication as to the status of his health.

The waiver is to be review after the 14 October 2011 pending Mr Richards return to the Shire of Shark Bay.

Comment

Mr David Richards is a pensioner with few assets; his recovery depends on his progress at the Balmoral Transitional Care Program. Waiving the rent on the Hughes Street property whilst he is recovering would give him piece of mind.

Legal Implications

Nil

Policy Implications

Nil

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Financial Implications

Waiving the rent at unit 13, 42 Hughes Street for (up to) twelve weeks at \$105.00 per week, cost to the Shire - \$1,260.00

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

11 August 2011

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**12.4 PERTH ROYAL SHOW – GASCOYNE DISTRICT DISPLAY**

TO103

**Author**

Community Development Officer

**Disclosure of Any Interest**

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as the author of the item is a closely associated person.

Moved Cr Pepworth

Seconded Cr Ridgley

**Council Resolution**

**That Council endorse the participation of the Shire of Shark Bay administration at the Gascoyne District Display at the Perth Royal show, to aid in promotion of Shark Bay as a tourist and holiday destination.**

**5/0 CARRIED****Background**

The Perth Royal Show is held from October 1 to October 9 2011.

The District Displays are an integral part of the Perth Royal Show and enables each region to showcase the uniqueness and attractions of their area. This event also aids in the promotion of tourism to the twenty thousand plus people that walk through the displays over the course of the Show.

The Gascoyne District Display incorporates the Shires of Exmouth, Carnarvon, Upper Gascoyne and Shark Bay. The displays are a competition between all districts in Western Australia. This year they will be judged on aquatic products, home crafts, cultivated crops, minerals and tourism.

The Shire of Carnarvon co-ordinate the display with input and display items from all Shires.

Shire of Shark Bay staff have been involved in the Gascoyne Display for several years both assisting with set up and operation of the stall and promoting the Shark Bay region.

The Gascoyne Display is operated by representatives of the Gascoyne Region, these representatives are inclined to promote their own towns and Shires over others. Having a Shire of Shark Bay representative assisting in the operation of the Gascoyne District Display will ensure the promotion of the Shark Bay area.

Comment

The Shire of Shark Bay needs to be represented at the Perth Royal Show District Display in order to promote the region to the thousands of people that attend the displays.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

The cost to Council would be as follows:

Wage (seven days): \$1,225.00

Flight: \$650.00 return

Accommodation: \$120 per night for seven nights – \$840.00

Vehicle hire: \$70 per day for seven days - \$490.00

Meals: \$65 per day for seven days - \$455.00

Total: \$3,660.00

The Shire of Shark Bay is asked to contribute \$2,000.00 to the Shire of Carnarvon for the co-ordination and development of the Gascoyne Regional Display at the Perth Royal Show. (Coordination and development of the Display can cost up to thirty thousand dollars, half of which is covered by the Shire of Carnarvon).

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

22 August 2011

**13.0 TOWN PLANNING REPORT****13.1 CASH IN LIEU OF PUBLIC OPEN SPACE, SUBDIVISION APPLICATION NO. 135713 LOT 59 DEPOSITED PLAN 252192, DENHAM/HAMELIN ROAD – SHIRE OF SHARK BAY**AUTHOR

Manager Regulatory Services

DISCLOSURE OF ANY INTEREST

NIL

Moved Cr McLaughlin

Seconded Cr Ridgley

**Council Resolution**

**That Council write to the Minister for Planning requesting approval to expend Cash In Lieu Funding from subdivision No. 135713 for the provision of the following projects;**

<b>Capital Works Projects</b>	<b>Funding Allocation</b>
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<b>a. The provision of Capital Works in Pioneer Park.</b>	
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1. Pedestrian pathways through the park	\$ 22,000
2. Shade Sails	\$ 8,000
3. Seating	\$ 4,000
4. Landscaping Provisions	\$ 6,000
<b>Total Expenditure</b>	<b>\$40,000</b>

<b>b. The provision of Capital Works Projects Denham Recreation Reserve – Francis Street</b>	
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1. Car Parking	\$152,473
2. Earthworks	\$ 20,000
3. Clearing	\$ 20,000
4. Pathways	\$ 20,000
5. Lighting	\$ 5,000
6. Landscaping	\$ 30,000
7. Seating	\$ 5,000
8. Spectator Cover	\$ 10,000
<b>Total Expenditure</b>	<b>\$262,473</b>

**5/0 CARRIED**Précis

At its ordinary meeting held on the 25 August 2010 the Shark Bay Shire Council at item 13.3 of its Planning agenda considered the allocation of Cash In Lieu of Public Open Space funding provisions and resolved to recommend'

*That Council write to the Minister for Planning requesting approval to expend Cash In Lieu Funding from subdivision No. 135713 for the provision of the following projects;*

<i>Capital Works Projects</i>	<i>Funding Allocations</i>
a) <i>The provision of Capital Works in Pioneer Park.</i>	<i>\$40,000</i>
b) <i>The provision of Capital Works Projects Denham Recreation Reserve – Francis Street</i>	
1. <i>Car Parking</i>	
2. <i>Earthworks</i>	<i>\$225,000</i>
3. <i>Clearing</i>	
4. <i>Pathways</i>	
5. <i>Lighting</i>	
6. <i>Landscaping</i>	
7. <i>Seating</i>	
8. <i>Spectator Cover</i>	

*Amended Recommendation*

*That the recommendation lay on the table for a future meeting.*

This report now again seeks direction for the allocation of this funding in accordance with provisions of the *Planning and Development Act 2005*.

BACKGROUND

At its ordinary meeting held on the 29 October 2008, the Shark Bay Shire Council considered the utilisation of potential cash in lieu funding that would be received from a completed residential subdivision and the process it would have to undertake in order to expend these funds and resolved to recommend:

*“That Council write to the Minister for Planning and Infrastructure seeking approval to expend cash in lieu funding by;*

<i>Capital Works Projects</i>	<i>Funding Allocations</i>
a) <i>The creation of pedestrian linkages from the new subdivision to Knight Terrace via Denham Road and/or from the new subdivision to Hughes Street and Pioneer Park and onto Durlacher Street</i>	<i>\$65,000</i>
b) <i>The provision of capital works projects in Pioneer Park</i>	<i>\$60,000</i>
c) <i>The construction of a new public ablution facility at the western end of the foreshore reserve</i>	<i>\$110,000</i>
d) <i>The provision of ablution facilities and change rooms at a community gym located at the Denham Recreation Reserve in Francis Street</i>	<i>\$30,000</i>

The value of funds received from stage one of subdivision No 135713 was \$265,000 in total.

The Shire's request for Ministerial approval to utilise the cash in lieu funds was referred to the Western Australian Planning Commission in November 2008. However, a recent search for a response to that correspondence has not located a reply. In the interim the only project from the identified works that the Shire has been able to progress in that time has been the provision of the capital works in Pioneer Park. Of the other capital works projects identified the only other project that could be commenced is the creation of pedestrian linkages from the new subdivision to Knight Terrace via Denham Hamelin Road and/or from the new subdivision to Hughes Street and Pioneer Park and onto Durlacher Street. Tenders were invited for the construction of a new ablution facility at the western end of the foreshore reserve with only one tender being received, that identified an unacceptable cost of over \$350,000 for the project. The final project was the provision of ablution facilities and change rooms at a community gym located at the Denham Recreation Reserve in Francis Street. The sum allocated to this project only related to assistance funding of a more major capital works program which has now become a reality with the new multi functional sports/community facility being progressed.

In view of the above circumstances relative to the identified capital works projects, I would suggest that the construction of a new public ablution facility at the western end of the foreshore reserve be removed from the funding allocation for the cash in lieu funding and that its identified funding of \$110,000 be re-allocated to the provision of ablution facilities and change rooms at the proposed new multi functional sports/community centre proposed for the Denham Recreation Reserve in Francis Street.

At its ordinary meeting held on the 28 April 2010, the Shark Bay Shire re-considered the utilisation of potential cash in lieu funding and resolved to recommend;

*That Council write to the Minister for Planning, requesting approval to expend cash in lieu funding by;*

<i>Capital Works Projects</i>	<i>Funding Allocations</i>
<i>a) The creation of pedestrian linkages from the new subdivision to Knight Terrace via Denham Road and/or from the new subdivision to Hughes Street and Pioneer Park and onto Durlacher Street</i>	<i>\$65,000</i>
<i>b) The provision of capital works projects in Pioneer Park</i>	<i>\$60,000</i>
<i>c) The provision of ablution facilities and change rooms at the proposed new multi functional sports/community centre proposed for the Denham Recreation Reserve in Francis Street</i>	<i>\$140,000</i>



In response to Council correspondence, the Western Australian Planning Commission advised;

- 1) The creation of pedestrian linkages from the new subdivision to Knight Terrace via Denham/Hamelin Road and/or from the new subdivision to Hughes Street and Pioneer Park and onto Durlacher Street are now not considered acceptable.
- 2) Only the following projects and their respective value is acceptable expenditure within Pioneer Park;
  - a) The provision of Capital Works Projects to Pioneer Park.
 

A1)	Pedestrian pathways through the park	\$22,000
A2)	Shade Sails	\$ 8,000
A3)	Seating	\$ 4,000
A4)	Landscaping Provisions	\$ 6,000
	Total Expenditure	\$40,000
- 3) The provision of the cost of ablution facilities and change rooms at the proposed new multi functional sports/community centre proposed for the Denham Recreation Reserve in Francis Street is not acceptable as it forms an integral component of an indoor recreation centre.

The re-allocation of the funds then required the Council to review both the following acceptable and unacceptable uses for the provision of the funds.

### **Acceptable Uses for Expenditure of Cash-in-Lieu Funds**

The intent of the Commissions Policy DC 2.3 is to ensure that there is appropriate land set aside and developed as functional open space within residential areas. Accordingly, expenditure of cash in lieu funds must be directly related to the use or development of the land for public open space purposes.

The land must be vested or administered for recreation purposes. Land held in fee simple by the Local Government should, as a prerequisite, be reserved for public recreation in the Council's town planning scheme.

The proposed development should be for uses to which the public has unrestricted access.

Acceptable expenditure for cash in lieu funds may be for;

- Clearing
- Seating
- Earthworks
- Spectator Cover
- Grass Planting
- Toilets
- Landscaping
- Change Rooms
- Reticulation
- Lighting
- Play Equipment
- Pathways
- Fencing
- Walk Trails
- Car Parking
- Signs Relating To Recreational Pursuits

### **Unacceptable Uses for Expenditure of Cash In Lieu Funds**

Use of cash in lieu would not normally be acceptable for:

- Community Halls or Indoor Recreation Centres
- Enclosed Tennis Courts
- Bowling Green's for Clubs
- Facilities for Private Clubs

And similar facilities where access by the general public is restricted.

From that review the Council recommendation of the 25 August 2010 was the outcome.

#### COMMENT

The re-allocation of cash in lieu funds needs to be strictly in accordance with the provisions of the *Planning and Development Act 2005* for the Council to receive Ministerial approval to expend the funds.

#### LEGAL IMPLICATIONS

The approval of the Minister for Planning is a requisite for the utilisation of cash in lieu funding.

#### POLICY IMPLICATIONS

Western Australian Planning Commission policy D.C.2.3. relative to acceptable uses for expenditure of cash in lieu funding.

#### FINANCIAL IMPLICATIONS

A cash back reserve has been created to accommodate cash in lieu of public open space funding. The cash component which was \$265,000 in 2008 is now \$302,473.

#### STRATEGIC IMPLICATIONS

Cash in lieu funding is a co-operative way to provide facilities and infrastructure within a community when additional public open space may not be required.

#### VOTING REQUIREMENTS

Simple Majority Required

Date of Report

8 August 2011

Moved            Cr Cowell  
Seconded       Cr Ridgley

#### Council Resolution

**That Council adjourn the meeting at 2.05pm.**

**5/0 CARRIED**

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Council reconvened at 2.10pm.

13.2 DEVELOPMENT APPLICATION 12/2011 – RETAIL SHOP/POST OFFICE AND TWO RESIDENTIAL UNITS  
P4278

AUTHOR

Manager Regulatory Services

DISCLOSURE OF ANY INTEREST

NIL

Moved            Cr Ridgley  
Seconded       Cr McLaughlin

**Officer Recommendation**

**That Council advise the proponent Mr K Laundry on behalf of J & C Hanscombe that it cannot support Development Application 12/2011 in its present form as it fails to adequately address a number of significant provisions of the Shire of Shark Bay Town Planning Scheme No. 3 and its pursuant Policy the Town Centre Strategy by not adequately providing sufficient information relevant for assessment in regards to the following matters:**

**A/ This development does not address one of the key elements of the Shire of Shark Bay Town Centre Strategy for the Town Centre Precinct 2b;**

**“Which is the amalgamation of lots to support more efficient use of the land in the medium term and provide larger sites suitable for a range of retail, commercial, Government service and additional tourist uses.”**

**B/ The proposed development will also have considerable impact on the use patterns and streetscape in this location and needs to address;**

- 1. The provision of the required vehicle parking bays which equate to;  
i) Eleven (11) for the commercial development.  
ii) Four (4) for the residential component.**
- 2. The relationship of the proposal to development on adjoining land or on other land in the locality included but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is particularly relevant given that this is a Strata Titled lot.**
- 3. The compatibility of a use on development with its setting.**
- 4. The preservation of the amenity of the locality.**
- 5. Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.**
- 6. The road system in the locality and the probable effect on traffic flow and safety.**
- 7. The provisions for other onsite amenities such as storage areas for stock, bin storage designated amenity areas for the residential components.**
- 8. The maximum site coverage of the development exceeds the permitted 80%.**

---

### **Amendment to Officer Recommendation**

**Reason:** Council felt that not enough information was at hand to address parking and issues identified by the Manager Regulatory services

Moved            Cr Ridgley  
Seconded       Cr McLaughlin

### **Council Resolution**

That Council advise the proponent Mr K Laundry on behalf of J & C Hanscombe that it cannot support Development Application 12/2011 in its present form as it fails to adequately address a number of significant provisions of the Shire of Shark Bay Town Planning Scheme No. 3 and its pursuant Policy the Town Centre Strategy by not adequately providing sufficient information relevant for assessment in regards to the following matters:

**A/** This development does not address one of the key elements of the Shire of Shark Bay Town Centre Strategy for the Town Centre Precinct 2b;

“Which is the amalgamation of lots to support more efficient use of the land in the medium term and provide larger sites suitable for a range of retail, commercial, Government service and additional tourist uses.”

**B/** The proposed development will also have considerable impact on the use patterns and streetscape in this location and needs to address;

1. The provision of the required vehicle parking bays which equate to;
  - iii) Eleven (11) for the commercial development.
  - iv) Four (4) for the residential component.
2. The relationship of the proposal to development on adjoining land or on other land in the locality included but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is particularly relevant given that this is a Strata Titled lot.
3. The compatibility of a use on development with its setting.
4. The preservation of the amenity of the locality.
5. Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
6. The road system in the locality and the probable effect on traffic flow and safety.
7. The provisions for other onsite amenities such as storage areas for stock, bin storage designated amenity areas for the residential components.

- 
8. The maximum site coverage of the development exceeds the permitted 80%.

The Administration advise the proponent that a feasibility study will be undertaken in regards to addressing a parking strategy to accommodate the proposed development to enable the option of cash in lieu to be considered further by council in accordance with the Town Planning Scheme No. 3 and the Development Act 2005.

That the correspondence submitted by Mr C Wheeler in relation to the proposed development be received and noted.

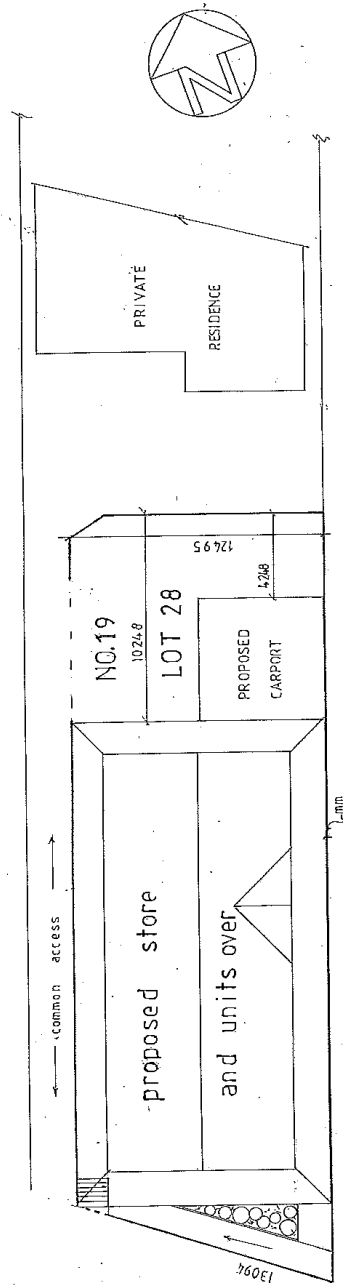
**4/1 CARRIED**

Cr Hargreaves is recorded as voting against the motion.

PRÉCIS

Mr K Laundry on behalf of J & C Hanscombe has submitted Development Application 12/2011 for approval to develop a Retail Shop/Post Office and Two (2) Residential Housing Units on Denham Town Centre Strata Lot 1/28 (19A) Knight Terrace Denham.

This report details the application and recommends that the development be refused.



KNIGHT TERRACE

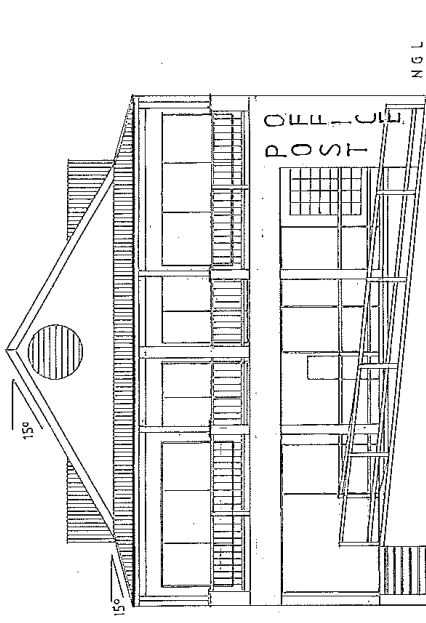
s i t e p l a n 1:200

**PROPOSED: RETAIL STORE & 2 UNITS OVER  
FOR: JOHN & CHARMINE HANSCOMBE  
AT: LOT 28 NO. 19 KNIGHT TERRACE, DENHAM**

KEVIN LAUNDRY DRAFTING & DESIGN  
0402464204

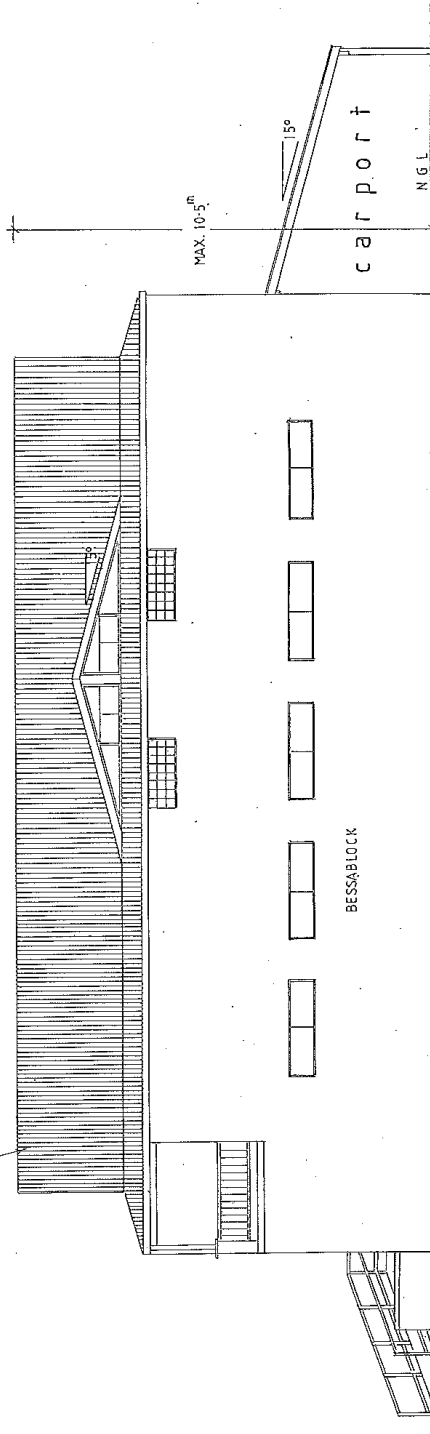
SHEET 7 OF 7

PROPOSED: RETAIL STORE & 2 UNITS COVERED  
FOR: JOHN & CHADMAINE HANSCOMBE  
AT: LOT 28 NO. 19 KNIGHT TERRACE, DENHAM



south  
elevation

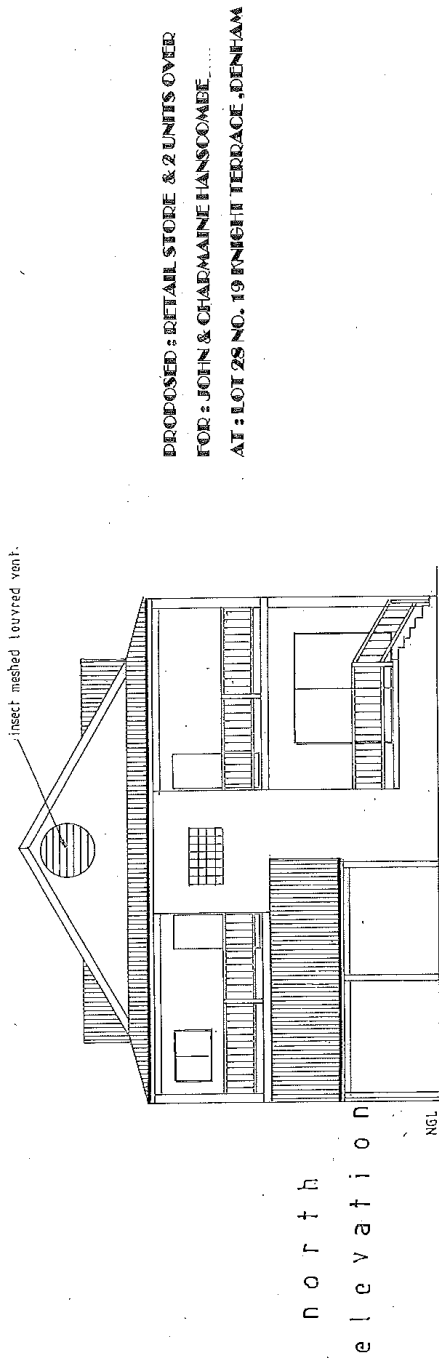
-48 ULTRA COLORBOND ROOFING



east elevation

SHEET 3 OF 7

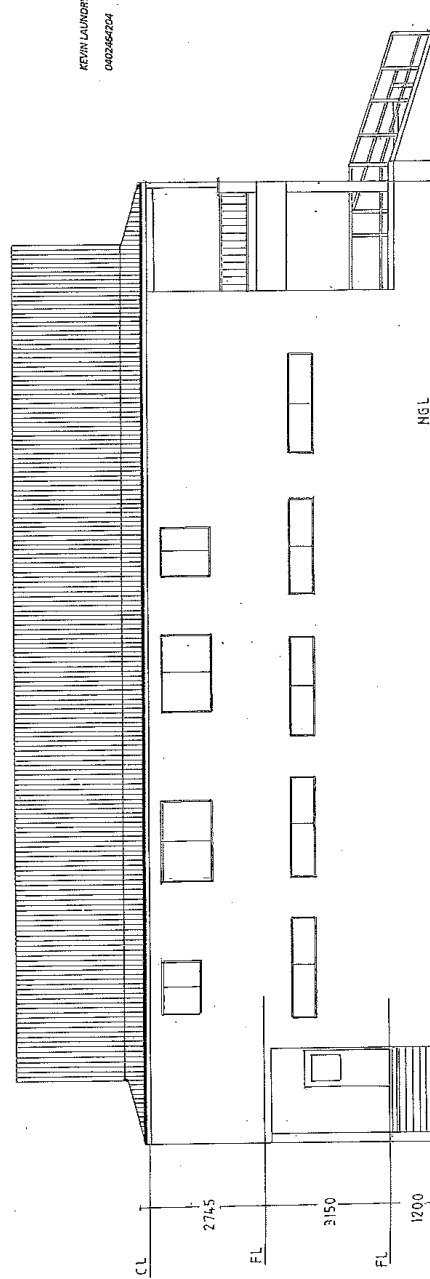
KEVIN LAUNDY DRAFTING DESIGN  
0102161204



PROPOSED: DETAIL STORE & 2 UNITS OVER  
FOR: JOHN & CHARMAINE HANSCOMBE...  
AT: LOT 28 NO. 19 KNIGHT TERRACE, DENHAM

scale 1:100

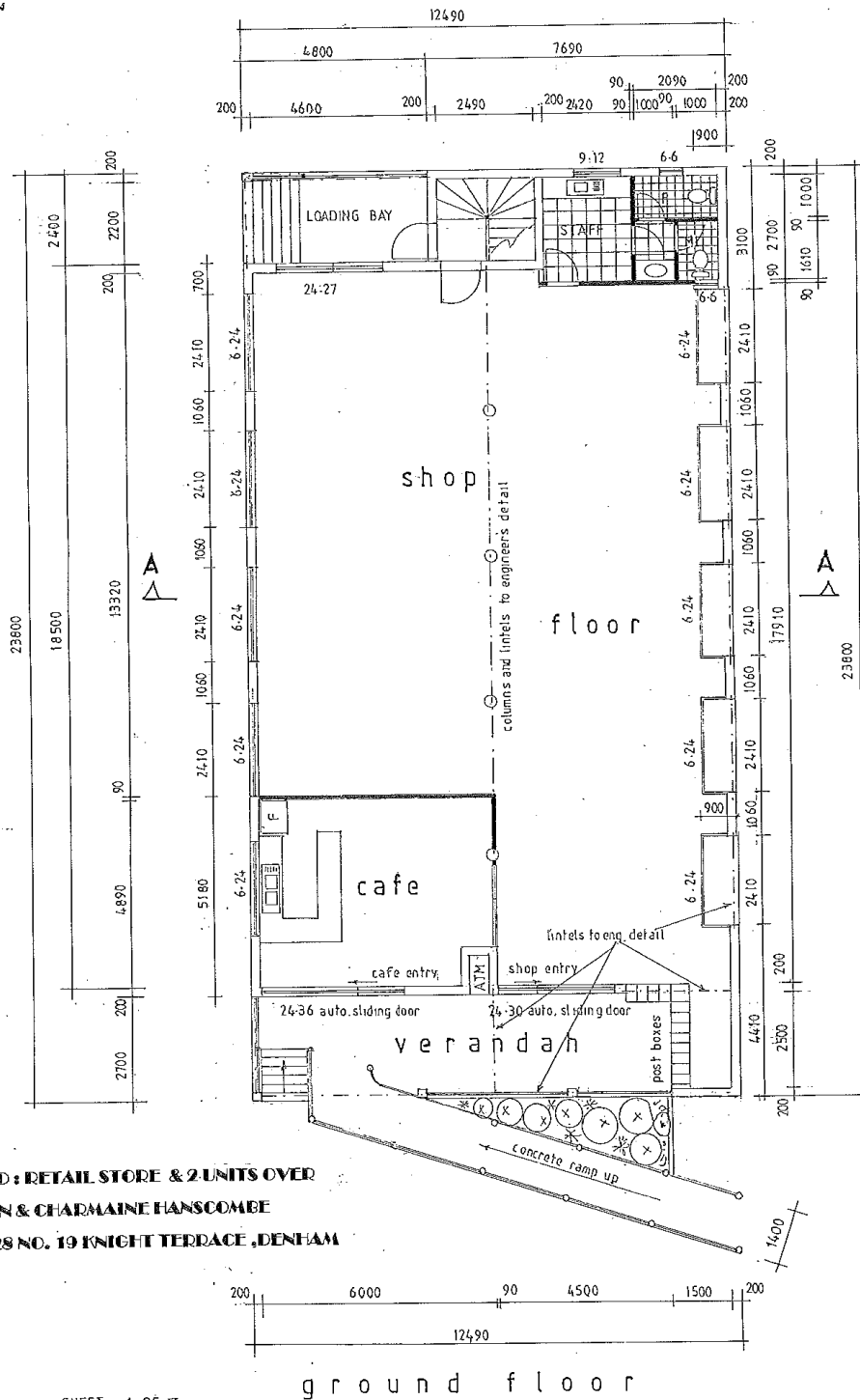
KEVIN LAUNDRY DRAFTING DESIGN  
0402662204



SHEET 4 OF 7

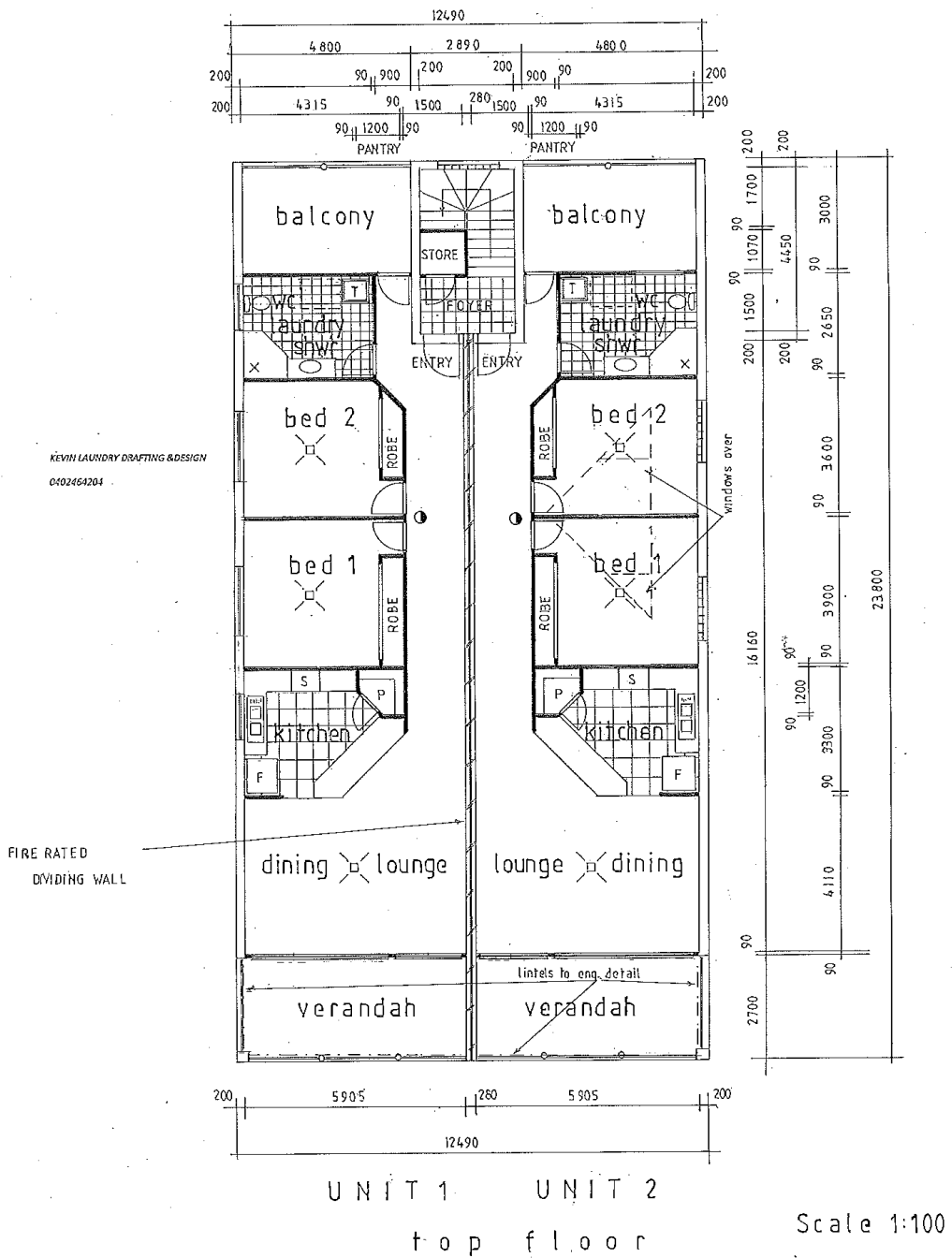


KEVIN LAUNDRY DRAFTING & DESIGN  
0402454204



**PROPOSED: RETAIL STORE & 2 UNITS OVER  
FOR: JOHN & CHARMAINE HANSCOMBE  
AT: LOT 28 NO. 19 KNIGHT TERRACE, DENHAM**

SHEET 1 OF 7



SHEET 2 OF 7

**PROPOSED: RETAIL STORE & 2 UNITS OVER  
FOR: JOHN & CHARMINE HANSCOMBE  
AT: LOT 28 NO. 19 KNIGHT TERRACE, DENHAM**

BACKGROUND

The Shire of Shark Bay Town Planning Scheme No.3 under its zoning provisions identifies residential development in the town centre zone as a “D” use. This means that its use is not permitted unless the local government has exercised its discretion by granting planning approval. In consideration of a “D” use within the provisions of its Town Planning Scheme the local government at clause 10.1 of its scheme may consult with any statutory, public or planning authority it considers appropriate in assessment of a development application.

Clause 10.2 of the scheme also requires that in consideration of a “D” use under the provisions of the scheme the local government is to have due regard to such of the following matters as are in the opinion of the local governments relevant to the use or development the subject of the application.

Matters to be considered by Local Government

- a) The aims and provisions of the Scheme;
- b) The requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- c) Any approved statement of planning policy of the Commission;
- d) Any approved environmental protection policy under the *Environmental Protection Act 1986*;
- e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- f) Any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1 and the effect of the proposal on the character or appearance of a heritage area;
- i) The compatibility of a use or development with its setting;
- j) Any social issues that have an effect on the amenity of the locality;
- k) The cultural significance of any place or area affected by the development;
- l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;
- m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) The preservation of the amenity of the locality;
- o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- q) The road system in the locality and the probable effect on traffic flow and safety;
  
- r) Whether public transport services are necessary and if so, whether they are available and adequate for the proposal;

- 
- s) Whether public utility services are available and adequate for the proposal;
  - t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - u) Whether adequate provision has been made for access by disabled persons;
  - v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
  - w) Whether the proposal is likely to cause soil erosion or land degradation;
  - x) The potential loss of any community service or benefit resulting from the planning approval;
  - y) Any relevant submissions received on the application;
  - z) The comments or submissions received from any authority consulted under clause 10.1.1; and
  - aa) Any other planning consideration the local government considers relevant.

The Denham Town Centre Strategy was adopted in 2006 as a policy pursuant to the Town Planning Scheme and it identifies Town Centre Lot 1/28 (19A) Knight Terrace within precinct (2b) of the strategy which details the area precinct and strategic directions hereunder;

**(2b) *Paget Street, Knight Terrace, Brockman Street and Barnard Street (unconstructed)***

This area contains 14 freehold lots along Knight Terrace ranging mostly from 903 square metres to 1,012 square metres. Lots 91 and 92 are larger (1,686 square metres and 1,349 square metres respectively). There is a dominance of single residential dwellings and two (2) vacant lots on the corner of Knight Terrace and Brockman Street. The lots in this area are underdeveloped, with narrow frontages and limited rear access. Lot dimensions are typically 15 metres wide and 67 metres deep. Access is via Knight Terrace. Barnard Street is unlikely to be constructed due to steep gradients.

*Future land use and development in Precinct (2b) –*

- Amalgamation of lots would support more efficient use of land in the medium term and provide larger sites suitable for a range of retail, commercial, Government service and additional tourist uses.
- Building heights should be restricted to ensure views from Hughes Street properties are retained.



Figure 10

Suite 5, 2 Hardy Street  
 South Perth, WA 6151  
 T 081 947 1122  
 F 081 947 1122  
 info@grayandlewis.com.au



**GRAY & LEWIS**  
 LAND USE PLANNERS

**PRECINCT 2 LAND USE PLAN**  
**DENHAM TOWNSITE**  
**SHIRE OF SHARK BAY**

DATE: 18/09/2010  
 JOB REFERENCE: 10074  
 THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS COMPILED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORIZED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

In the assessment of Development Application 12/2011 and in respect to matters to be considered by local government at items A – Z, no adverse issues or impacts have been identified in relation to the development of two (2) residential housing units which would be ancillary to the predominant use of a commercial retail shop which is a permitted use in a Town centre zone providing the use complies with the relevant development standards and the requirements of the scheme.

In relation to the development of a Retail Shop/Post Office in a Town centre zone the Town Planning Scheme requires the local government to assess the proposal in accordance with the requirements of the scheme.

#### 5.10.1 **Conditions and Standards**

The local government shall apply the following standards for development within the Town Centre Zone.

Use	<u>Setbacks</u>			Site Coverage	Landscaping
	Front	Rear	Side		
Residential	In accordance with the Residential Design Codes				
Motel, Hotel, Tavern, Caravan parks, Short-term accommodation	Standards to be determined by the local government, having due regard to the Building Code of Australia and other relevant regulations			80%	10%
Shops, Offices and other commercial	Nil	Nil	Nil	80%	10%

#### 5.10.2 **Design Requirements**

Development within the Town Centre Zone shall comply with the following;

- a) Any shop or other commercial development along Knight Terrace which is constructed on the front boundary shall include an awning or supported overhang over the footpath;
- b) Where on any abutting lot there is an overhang, awning or veranda the local government shall only approve an overhang, awning or veranda in accordance with an adopted design criteria or if the design, material, colour, height and style is similar to that already in existence.

And

- c) The whole of the lot frontage may be used providing adequate rear access and parking is provided.

#### 5.10.3 **Development and Car Parking Standards**

Car parking spaces shall be provided in accordance with Table 2: Carparking Requirements.

#### 5.10.4 **Loading and Unloading**

Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with a plan approved by the local government relating thereto.

The local government must also refer to its Town Centre Strategy for guidance in the assessment of new development proposals within the town centre.

## **6 GUIDELINES FOR NEW DEVELOPMENT**

The Shire of Shark Bay Scheme No 3 includes a number of provisions that will ensure some control over new development in the town centre. In addition the following development guidelines seek to ensure important elements are addressed by new development.

Proponents should use the guidelines in the development of new proposals, and Council should use them when making decisions. In addition, it is recommended that significant developments, and in particular those likely to have an impact on use patterns and streetscape, be referred to the Shire's consultant town planners for consideration and advice about how adequately they meet the requirements of the Shire's Scheme and Policy framework.

### **6.1 Streetscape and building character**

The Denham town centre is located on rising ground, providing the opportunity for retaining visual links to the sea from Knight Terrace, Barnard and Hughes Streets. The main view is to the southwest and with careful design, windows facing the view can minimise the adverse impact of the western summer sun. The existing character of Knight Terrace reflects the vibrancy of a seaside tourist town and the strong visual presence of the sea provides a sense of maritime activity that should be reinforced through new development.

*New commercial development is encouraged to -*

- Shelter people from the elements (southerly wind and strong sunlight) through the provision of verandas, pergolas, side entry to premises, internal courtyards, windscreens and planting (shade trees and hedges).
- Support the vitality of the street by having interactive transparent shopfronts with colourful and active displays, night-time lighting and high quality signage.
- Reinforce the maritime and tourism themes by developing the built form of exciting shapes and textures such as pitched roofs, short and indented frontage forms, verandas, timber panelling, variable window sizes, building decoration (finials, valances, balustrades, decorative gables), interesting lighting, bright colours and flags/banners/bunting.
- Embed artwork into the built form by internal floor and external wall murals, sculpture and ceiling decoration.

*New non-commercial development is encouraged to -*

- Maximise visual access to the sea through large windows sheltered by verandas, wide overhangs or pergolas.
- Retain seaside built form character with steep pitched roofs, verandas or pergolas.
- Use masonry and boarded walls, corrugated coated steel roof material and open style fencing.

- Locate buildings on their sites so as to allow views to the sea between them and neighbouring buildings.
- Retain the human scale and avoid large overbearing structures that obstruct views and can be impersonal.

## 6.2 Building heights

Denham enjoys the relaxing presence of the sea through the constant views to the sea along the three main streets of Knight Terrace, Barnard Street and Hughes Street, the core town area. To ensure this benefit continues to future generations of residents it is important to control and limit the height of buildings close to the sea in order that internal streets can retain sea views.

Height controls should apply to the land between Knight Terrace and Barnard Street. Where a higher building is sought, the development should demonstrate it would not diminish the visual amenity of properties further away from the sea.

*New development between Knight Terrace and Barnard Street should be subject to the following -*

- The maximum height of buildings along Knight Terrace should be below the level of Hughes Street plus 1.5 metres immediately behind the subject site.
- Where building heights along Knight Terrace are proposed where parts of the structure are above the set level, they should be limited to half of the site frontage and demonstrate a view corridor back to Hughes Street.
- Where buildings along Knight Terrace that are proposed to be higher than Barnard Street plus 1.5 metres immediately behind the subject site, the built form should allow for a side setback to one side to allow a visual link to the sea from Barnard Street.
- Where steeply pitched roof forms are proposed to provide an interesting built form, the ridge should run at right angles to Knight Terrace.
- Proposed new development on the corners of Knight Terrace and Paget, Brockman, Durlacher Streets and Denham Road should be set back double the frontage setback to Knight Terrace but allowed to exceed the height limit as compensation. This will create a vista from the subject streets and the higher building form will frame that vista.

## 6.3 Car parking, access and servicing

The provision of car parking and access of a suitable standard is required to ensure the town remains attractive and convenient to visitors and residents. For example, the effect of climate in the locality implies that car parking should be undercover. Servicing requirements for a town the scale of Denham can be accommodated within the existing built form without any significant adverse effect.

*Proposals for new development should be subject to the following -*

- Where the landform is suitable, car parking can be accessed from Barnard Street to commercial/civic buildings facing Hughes Street.
- Suitable covering should shelter Onsite car parking where possible to minimise the adverse impact of the climate.
- Commercial service areas for loading/unloading should be on site and screened from public view.
- Where possible, service access should be located at the rear of properties or from Barnard Street.
- Pedestrian access through sites from Knight Terrace to Barnard Street and Barnard Street to Hughes Street are encouraged as this enhances the permeability of the town centre.



- Where the land use is commercial and the access way is external to the buildings, there should be active frontages the whole length of the access way. This will provide for greater security as well as an attractive environment.





While this development has aesthetic appeal it fails to adequately address a number of significant provisions of the Town Planning Scheme and its pursuant policy the Town Centre Strategy.

This development does not address one of the key elements of the Shire of Shark Bay Town Centre Strategy for the Town Centre Precinct 2b;

A/ "Which is the amalgamation of lots to support more efficient use of the land in the medium term and provide larger sites suitable for a range of retail, commercial, Government service and additional tourist uses."

B/ The proposed development will also have considerable impact on the use patterns and streetscape in this location and needs to address;

1. The provision of the required vehicle parking bays which equate to;
  - v) Eleven (11) for the commercial development.
  - vi) Four (4) for the residential component.
2. The relationship of the proposal to development on adjoining land or on other land in the locality included but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. This is particularly relevant given that this is a Strata Titled lot.
3. The compatibility of a use on development with its setting.
4. The preservation of the amenity of the locality.
5. Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
6. The road system in the locality and the probable effect on traffic flow and safety.
7. The provisions for other onsite amenities such as storage areas for stock, bin storage designated amenity areas for the residential components.
8. The maximum site coverage of the development exceeds the permitted 80%.

#### COMMENT

The Council are not in a position to approve this development until items A & B detailed above have been addressed and resolved by the proponent to the satisfaction of Council.

#### LEGAL IMPLICATIONS

The Shire of Shark Bay Town Planning Scheme No. 3

#### POLICY IMPLICATIONS

The Shire of Shark Bay Town Centre Strategy and other policies pursuant to the Town Planning Scheme.

#### FINANCIAL IMPLICATIONS

Major economic development in the Town Centre.

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STRATEGIC IMPLICATIONS

Economic development in the Town Centre zone that may be the key stimulus for associated development in this particular precinct.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*J McKechnie*

Chief Executive Officer

*P Anderson*

Date of Report

19 August 2011

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13.3 DRAFT LOCAL PLANNING STRATEGY (VERSION 2) – SHIRE OF SHARK BAY  
FILE #

AUTHOR

Manager Regulatory Services

DISCLOSURE OF ANY INTEREST

Declaration of Interest:

Nature of Interest:

Moved Cr Ridgley

Seconded Cr Cowell

Officer Recommendation

**That Council adopt the proposed changes to the Town centre component of the Draft Local Planning Strategy (Version2) – Shire of Shark Bay for the purpose of advertising with modifications.**

**Cr Pepworth left the meeting at 3.44pm**

**Cr Pepworth returned to the meeting at 3.46pm**

**Amendment to Officers Recommendation**

**Reason:** That Council identified further amendments in relation to the designation of zoning and amended the Strategy to reflect these changes.

Council Resolution

**That Council adopt the proposed changes to the Town centre component of the Draft Local Planning Strategy (Version2) – Shire of Shark Bay for the purpose of advertising with modifications as amended.**

**5/0 CARRIED**

Précis

The Shark Bay Shire Council at its ordinary meeting held on the 23 February 2011 considered a Draft Local Planning Strategy and resolved to recommend;

***That Council invite planning consultants Grey and Lewis Land Use Planners to attend a workshop in Denham to discuss key strategic development issues which it believes are integral to the future growth and development of the Denham Townsite that need to be clearly identified / detailed within the Local Planning Strategy.***

A workshop was conducted with Council Planning Consultants in March 2011 when a first Draft of a Local Planning Strategy was reviewed by Council. From that review the Consultants have now completed Version 2 of the Draft based upon their perceptions of the outcomes of the workshop.

This report now considers the Town Centre component of the strategy to ensure that its proposed changes are reflective of Councils strategic directions.

BACKGROUND

## 4.3 Existing and future retail and commercial centres (Town Centre)

### 4.3.1 Background

The Denham Town Centre is the main commercial and retail area servicing the townsite and is zoned 'Town Centre' under the Scheme.

The 'Town Centre' zone includes the land mainly along the waterfront generally bounded by Knight Terrace, Stella Rowley Drive, Hughes Street, Mainland Street and includes a pocket between Brockman Street and Durlacher Street-refer [Figure 7](#).

The Town Centre zone is expansive and contains a wide range and mixture of landuses including short stay accommodation, hotels, residential, shops, offices, tourist uses and restaurants. Many of these landuses have developed over a long time period and are intermingled within streetscapes.

Although this section of the Strategy is to focus on retail and commercial uses, it has to examine all of the uses in the existing town centre so includes some areas that have been subdivided and developed for residential use.

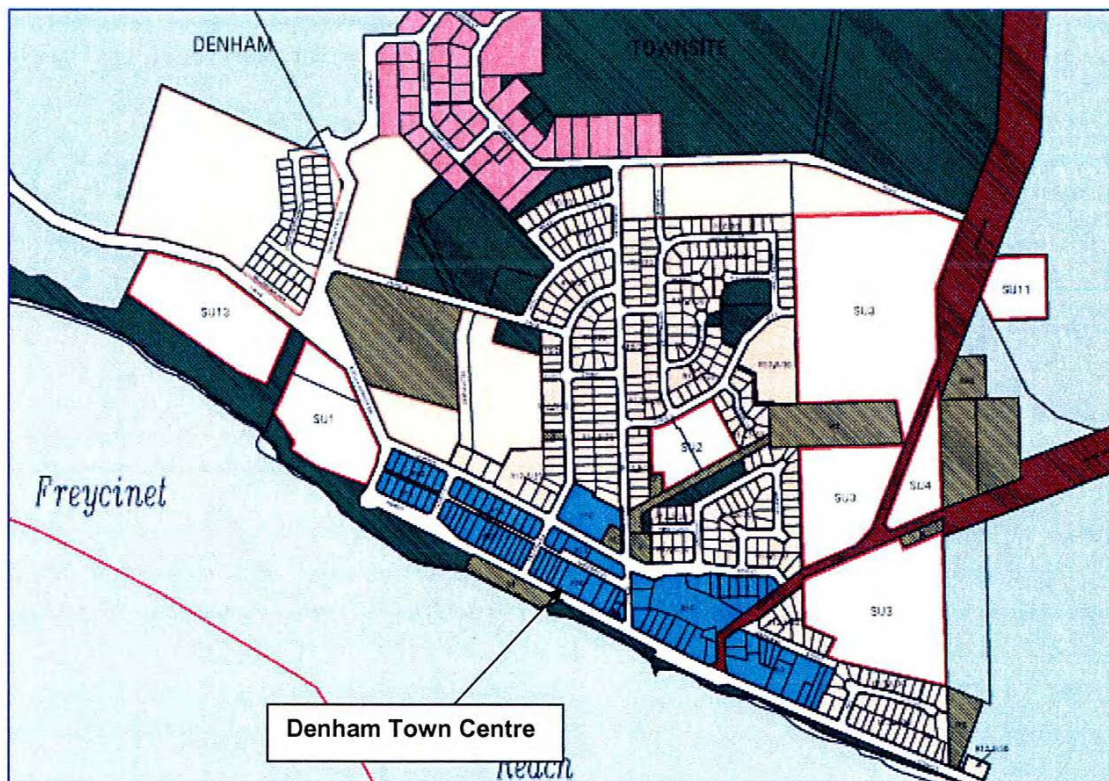


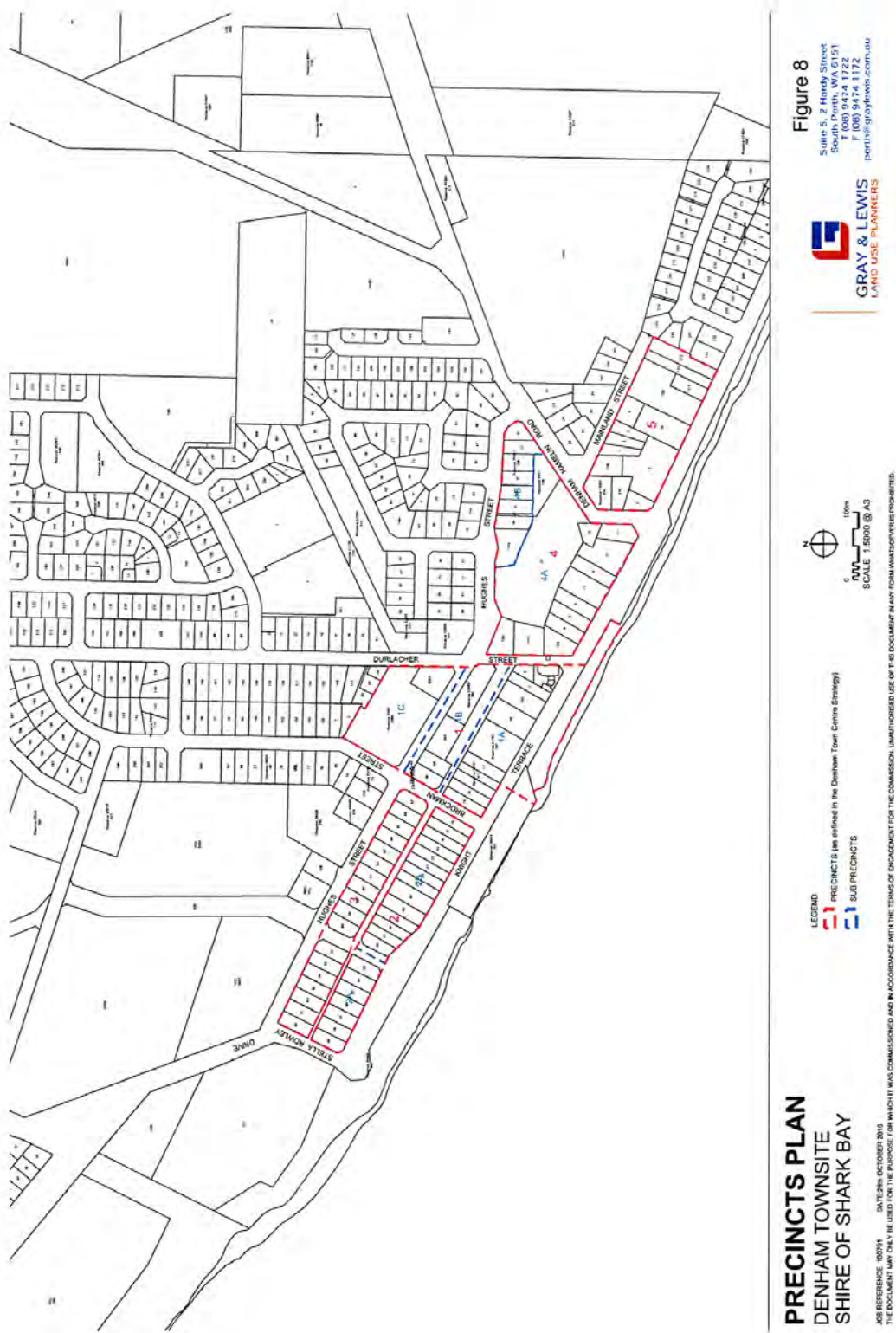
Figure 7 – Extract of Shire of Shark Bay Local Planning Scheme No 3 map

The Shire's existing (2006) Town Centre Strategy divides the Town Centre into a number of recognisable precincts and provides recommendations for priority landuses within each precinct. Rather than exist as a separate document, the Shire has requested that the Town Centre Strategy essentially form part of the Local Planning Strategy.

For ease of reference, this Local Planning Strategy examines each precinct consistent with those already established in the 2006 Town Centre Strategy – refer

The existing Town Centre has been reviewed and is represented in this Strategy in two ways;

1. Broadly as Area 11 on the Local Planning Strategy map.
2. A new (draft) Town Centre Strategy map – [Attachment 2](#).



Some of the information in the Local Planning Strategy is replicated in the separate new (draft) Town Centre Strategy map. The (draft) Town Centre Strategy Map is



included as an Attachment so that it can still be used by the Shire as a 'stand alone' plan.

#### **4.3.2 Area 11 :Town Centre**

The Town Centre incorporates a wide range of commercial development including retail shops, offices, tourist uses, hotels, cafes and restaurants and tourist accommodation. The Scheme applies a residential density of R50 to the Town centre zone and some portions have been developed for residential uses.

There are drainage challenges in the Town Centre due to topography (natural drainage is towards the coast) and proximity to the ocean. This in turn causes streetscape and development challenges as minimum floor levels for flooding apply.

The objectives of this Strategy for the Town Centre are to;

- Examine existing landuses and identify opportunities to consolidate the core Town Centre and review the extent of the Town centre zone.
- Promote a clear understanding of landuse and streetscape issues and achieve a high standard of integrated development that recognises the inter-relationship between the Town Centre and the coast, historic development, established landuses and high quality new development.
- Ensure there is sufficient land to cater for future commercial and community needs of the town and its visitor populations, including retail, office and commerce; entertainment; tourism (accommodation and services); and community services.
- Identify appropriate landuses to be encouraged in identified precincts and sub precincts to promote co-location of compatible landuses and ensure retail uses are focused in a core Town centre' precinct.
- Protect established residential areas and nodes of tourist accommodation from inappropriate and incompatible development that may have adverse impact by virtue of noise, emissions or traffic.
- Apply development and land use control that is consistent with an identified theme for the town centre.
- Maximise coastal views within and beyond the town centre through applying limits to building heights. In particular, to protect views of the lots between Hughes Street and the foreshore.
- To ensure all new habitable development provides adequate shelter and weather protection for pedestrians and promotes pedestrian linkages.
- To continue to implement and incorporate a marine and coastal theme for elements of the built form of all new development based on historic identity of the town as a fishing village and the unique environment represented by Shark Bays World Heritage Listing.

- To identify high priority redevelopment sites where demolition and new development will be actively encouraged.

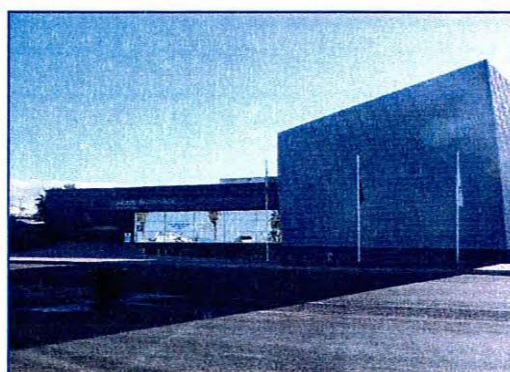
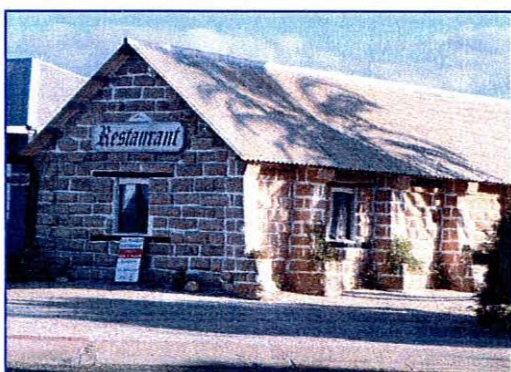
#### **4.3.2.1 Precinct 1 in the Town Centre**

##### *4.3.2.1.1 Precinct 1 Characteristics*

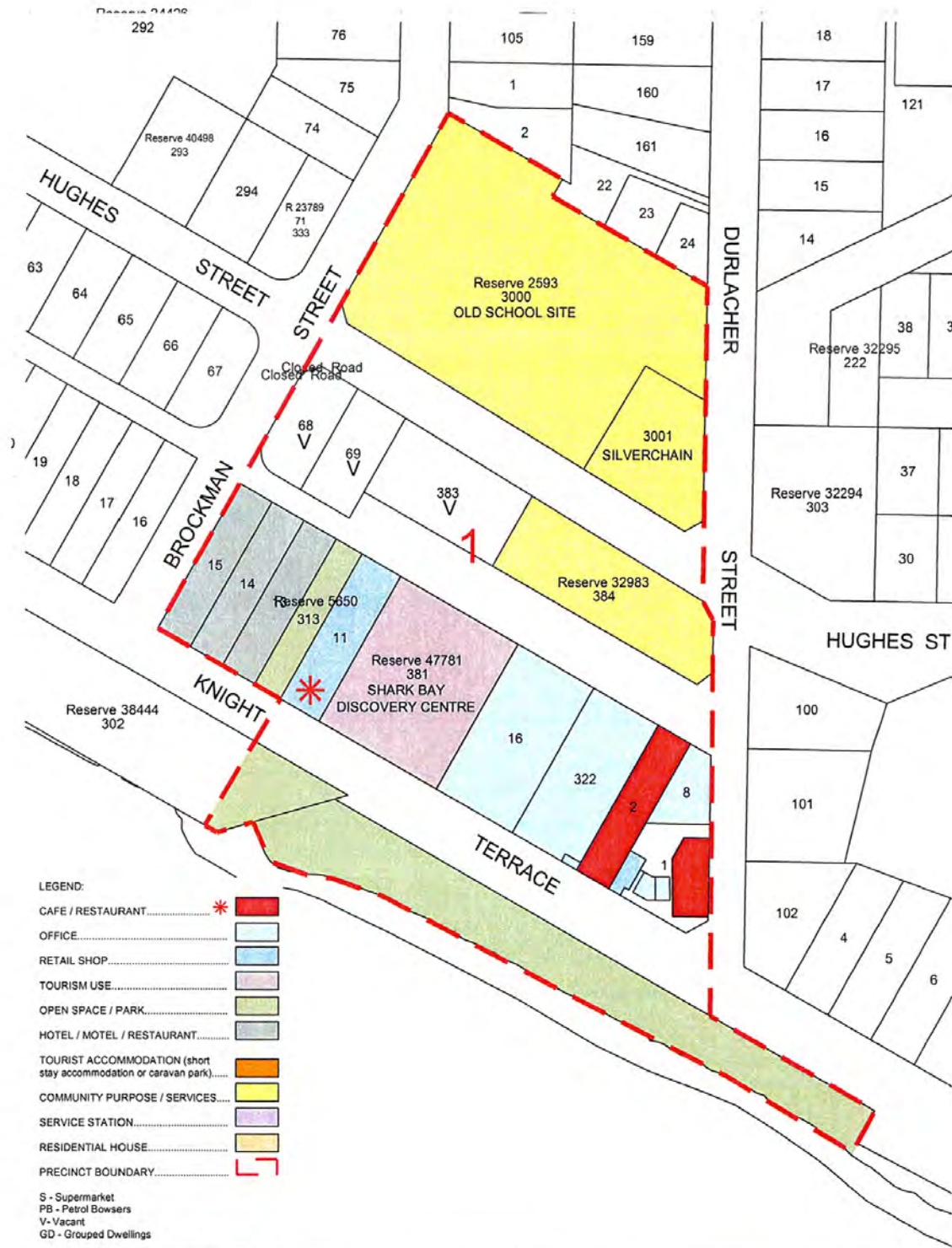
Precinct 1 includes sub precincts A, **B** and C – refer [Figure 8](#). The precinct is generally bounded by Knight Terrace, Durlacher Road, Brockman Road and residential to the north.

The precinct currently contains a mixture of uses but is predominantly characterised by the Shark Bay World Heritage Discovery Centre, and the Shire offices, Council meeting hall/chambers, Silver Chain and an old School site (Reserve 32983)- refer Landuse Plan ([Figure 9](#)).

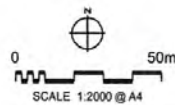
The construction of the Shark Bay World Heritage Discovery Centre ('the Centre') on a site in the middle of this block is a dominant architectural form. The Centre is iconic and attracts activity into the area by visitors.



Top photo: Shire Office; Bottom left: Pearl Restaurant; Bottom right: Shark Bay Discovery Centre Knight Terrace



**PRECINCT 1 LAND USE PLAN**  
**DENHAM TOWNSITE**  
**SHIRE OF SHARK BAY**



**Figure 9**

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A new large scale high quality development is proposed immediately east of the Shark Bay World Heritage Discovery Centre for DEC offices, and will provide a pedestrian link through to the rear. The combination of these two developments changes the low scale traditional streetscape of this section of Knights Terrace.

Further east of the centre are the Shire offices, several other commercial developments and the historic Old Pearler Restaurant. Built out of shell brick, this is a significant landmark building in Denham. In the future there may be opportunities for relocation and redevelopment of the existing Shire office.

Vehicle access is to the rear of these sites (via Hughes and Barnard Streets). Barnard Street is constructed as two cui de sacs.



Lot 11 Knight Terrace

There is a small but important retail 'hub' on Lot 11 Knight Terrace adjacent to Charlie Sappie Park (Reserve 5650). It is a community focus point as it contains the Shark Bay pharmacy, newsagency, post office, and a cafe. It complements the surrounding tourist and office uses in the precinct and caters for day to day needs.

Measures need to be considered for protection of Precinct 1 as the prime location for retail and commercial activities.

The three lots closest to the corner of Knight Terrace and Brockman Street contain an old hotel which is prime for redevelopment.

A new Silver chain building has been built on the corner of Durlacher Street and Hughes Street. To the west of Silverchain is an old school site with high redevelopment opportunity. The school site is one of the few large enough to provide for larger retail and commercial uses that may be required in Denham in the longer term.

The foreshore opposite Precinct 1 is well serviced by existing facilities, including children's playground, barbecues and shade areas.

#### *4.3.2.1.2.2 Precinct 1 Opportunities and Challenges*

There are a number of opportunities and challenges in the precinct as:

There are a range of architectural styles however the dominant streetscape element and building is the Shark Bay World Heritage Discovery Centre central on Knights Terrace.

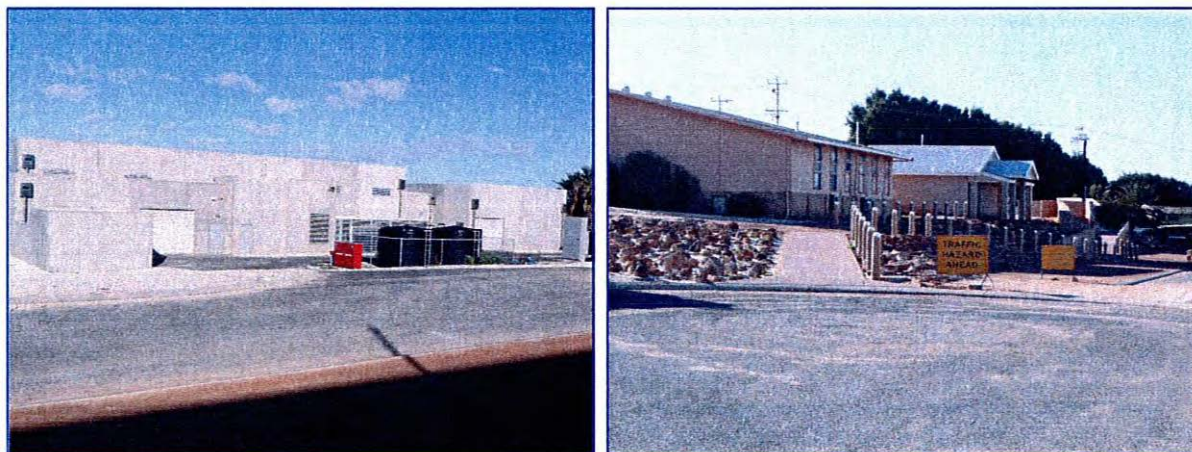
The lots fronting onto Knights Terrace have rear access therefore in many cases the buildings front onto the Terrace and car parking can be accessed at the rear. Due to the rear access, consideration to the treatment and aesthetics of the rear of buildings needs to be considered (as viewed from Barnard Street).

The Shire has undertaken works adjacent to Barnard Street (to Reserve 32983) to improve pedestrian links to Hughes Street. Further pedestrian links between Barnard Street and Knights Terrace could be pursued.

The old school site provides an opportunity for new development however is contingent on future landowners intentions. At this stage the Shire has a preference for the land to accommodate a new supermarket and short stay accommodation or mixed use development.

A new DEC/Department of Fisheries office is proposed on Lot 320. This development will achieve improved streetscape and a high quality building design to complement the adjacent Shark Bay World Heritage Discovery Centre. Pedestrian links between Knight Terrace and Barnard Street have been considered as part of design.

There are still areas of vacant land and sites with redevelopment opportunities in this precinct.



Rear view of the Shark Bay World Heritage Discovery Centre (from Barnard Street) and a newly constructed pedestrian path link between Barnard Street and Hughes Street (through Reserve 32983). July 2010.

#### 4.3.2.1.3 *Precinct 1 Strategy Recommendations*

Whilst Precinct 1 includes some retail on Lot 11, it predominantly contains tourist uses, government offices and civic uses.

Uses that contribute to activity in the area need to be encouraged such as shops, mixed use development, and restaurants / cafes that will service local workers and tourist needs. There is opportunity for a future supermarket to establish in this area, however topography represents challenges. Precinct 1 is the preferred location for any new supermarket as it is central and can act as a focal point for the Denham townsite.

Precinct 1 is high profile, is located centrally on Knights Terrace, is undergoing substantial redevelopment and has vacant land with redevelopment opportunities.

It is recommended that the zoning of 'Town Centre' be retained however it be provided with stronger objectives to encourage commercial retail and shop uses into the area. The Scheme provisions require review to ensure it's priority focus is

for commercial activities and residential should be discouraged unless it forms part of a mixed use development.

New Scheme provisions have been drafted to provide a stronger focus of the Town Centre zone as the priority area for new commercial and retail development – refer Section 4.3.3.

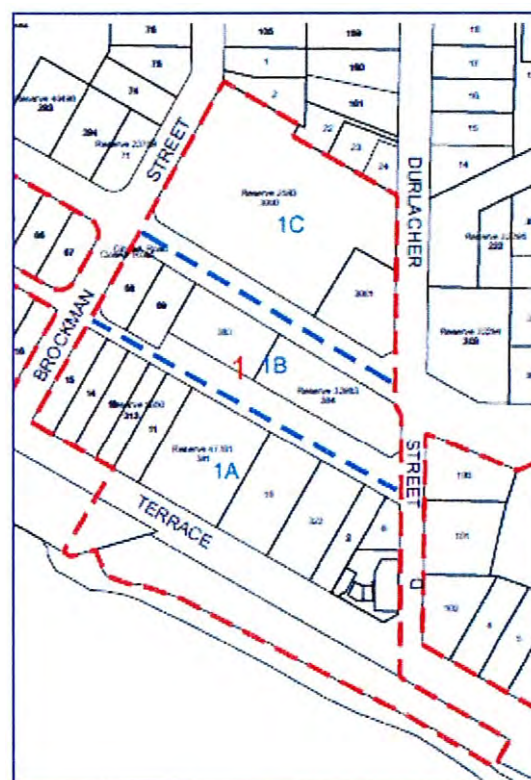
There are other areas in the existing Town Centre to the far west and east that are a better location for short stay accommodation. Further short stay accommodation in a consolidated and reduced Town Centre zone should be discouraged unless it located away from Knight Terrace and / or has a substantial commercial component or public facilities that will attract people into the Town Centre.

Limited residential and short stay accommodation will ensure there is casual surveillance for offices and commercial uses at night. However residential and short stay accommodation should not be allowed to encroach to the extent that it will inhibit or limit opportunities for foundation uses such as shops, restaurants, cafes and offices.

#### 4.3.2.1.4 Sub Precincts

Precinct 1 has three distinct 'sub precincts' including;

- Sub Precinct 1A is commercial development fronting directly onto Knight Terrace.
- Sub Precinct 1B is largely vacant land with the Shire hall located on Reserve 32983 (corner Durlacher and Brockman Street).
- Sub Precinct 1C contains an old school site surplus to State needs and is being considered for disposal (Reserve 2593). Adjacent to the school is a Silverchain building.



*Future Landuse and development in Precinct 1a*

Council shall have regard for the following when considering new development in Precinct 1a;

- x. Residential development and tourist accommodation should be actively discouraged to ensure this remains the core Town Centre area with a high focus on landuse activities that will attract people into the area. A high priority shall be given to tourist services and attractions, restaurants, retail shops, and entertainment.
- xi. A high priority should be given to streetscape, wind protection and a pedestrian friendly environment, including shade, seating and amenity.
- xii. Vehicle access should continue to occur from the rear of properties (Barnard Street).

- xiii. New development should address both Knight Terrace and Barnard Street frontages. The rear of buildings fronting Barnard Street are highly visible from other areas of town, particularly lots on Hughes Street.
- xiv. Pedestrian links between Knight Terrace and Barnard Streets through Reserve 5650 and future development of Lot 320 should be enhanced.
- xv. Lots 13, 14 and 15 Knights Terrace are a high priority redevelopment site combined with Lots 68 and 69 to the rear for carparking. These lots are prime for retail and commercial development due to high exposure, proximity to jetty facilities, central location and age of existing development.
- xvi. The existing Shire offices are also a high priority redevelopment site with potential to cater for new development with an architectural style to complement the Shark Bay World Heritage Discovery Centre and new offices on adjacent Lot 320.
- xvii. A review of car parking for the precinct may be required when redevelopment of sites is undertaken.

*Future Landuse and development in Precinct 1b*

xviii.

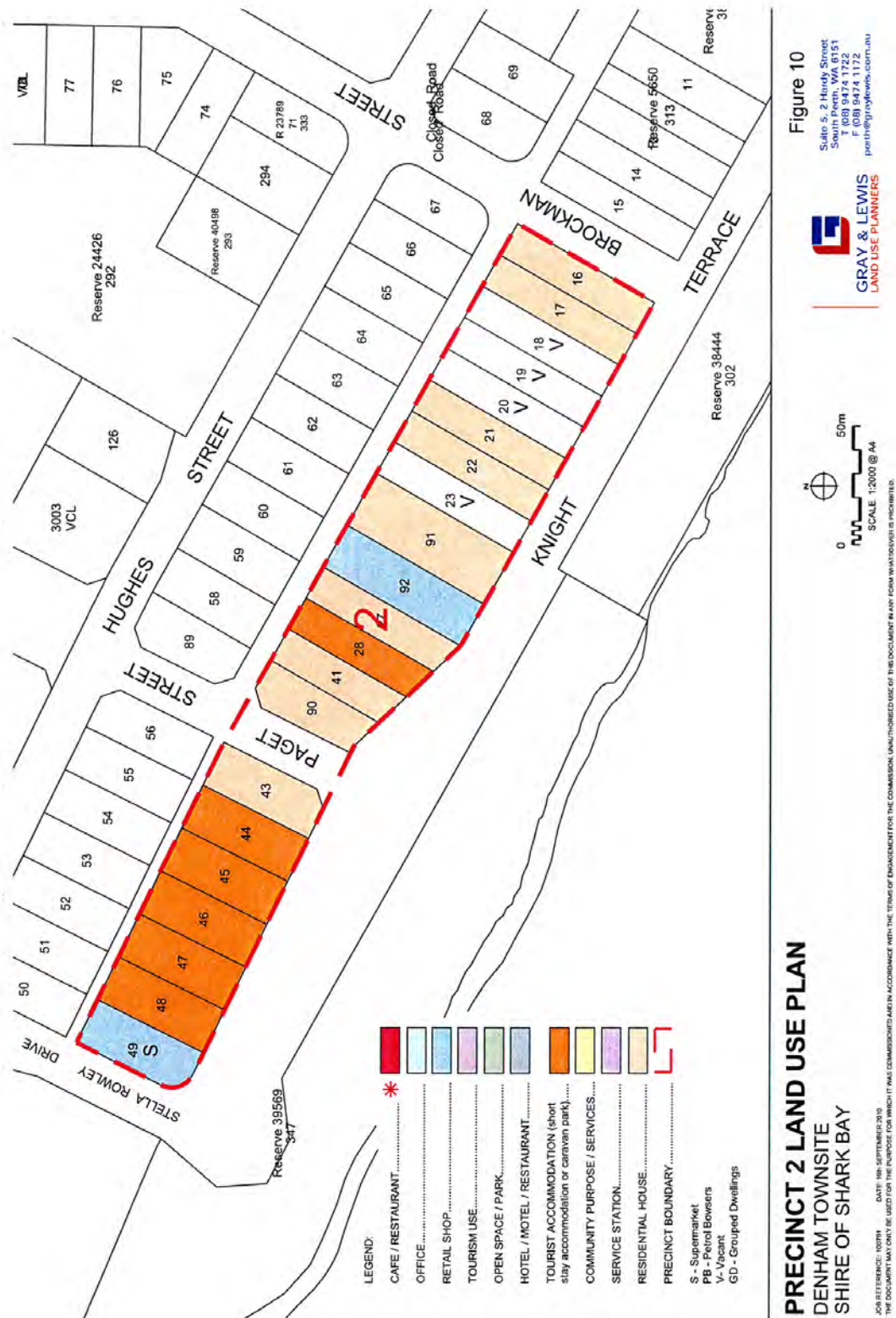
Council shall have regard for the following when considering new development in Precinct 1b;

- i. Consideration should be given to the location of services and facilities that complement Knight Terrace activities but do not warrant a prominent foreshore location. Appropriate uses would include Government service buildings, offices, tourist accommodation and community uses.
- ii. Building heights should be restricted to ensure views from Hughes Street properties are retained. This sub precinct has excellent coastal views.
- iv. Limited residential could be considered in this precinct to provide casual surveillance of businesses. They should part of mixed use developments and include a commercial component.
- v. Limited tourist accommodation may also be considered where it is of exceptional quality.

*Future Landuse and development in Precinct 1c*

Council shall have regard for the following when considering new development in Precinct 1c;

- i. The school site (Reserve 2593) is a high priority redevelopment site to provide for future town centre activities, subject to the preparation of an appropriate outline development plan or detailed area plan that further examines development requirements and responds to amenity issues. The Shire considers that the site is prime for retail or commercial development because it is one of the few lots in the Town Centre of a sufficient size to accommodate adequate retail floorspace and on site carparking. Alternative uses may be a mixed use development.
- ii. Priority should be given to accommodating a mix of uses and provision for residential and short term accommodation above retail and office space; the allocation of larger sites for retail and commercial uses; and higher density residential activity.



- iii. The potential for reuse of the school buildings may occur in the short term until redevelopment occurs.



- iv. Any new buildings should address available street corners and provide a landmark development.
- v. New development should have windows with extensive passive overlooking of streets, and pedestrian shelter should be incorporated into any design. Development should be designed to respect the low scale adjacent residential area to the north.

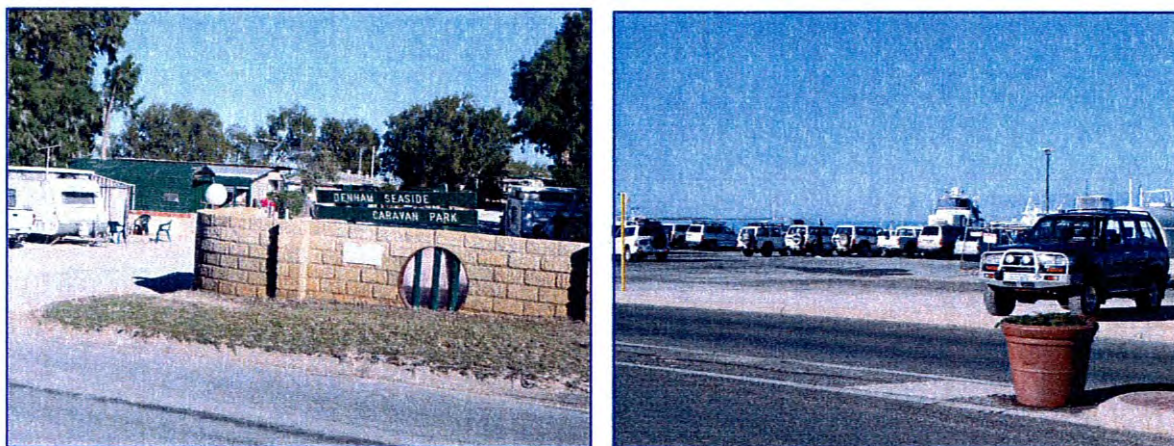
#### **4.3.2.2 Precinct 2 in the Town Centre**

##### **4.3.2.2.1 Precinct 2 Characteristics**

Precinct 2 is divided into sub-precincts 2A and 2B. Precinct 2A is located at the most western part of the Town Centre and is dominated by older tourist accommodation and some residential dwellings - refer Landuse Plan (Figure 10).

The only retail use in Precinct 2A is an older local corner shop located on the intersection of Knight Terrace and Stella Rowley Drive. It is a historic development which previously included petrol bowsers which have been removed. Cars attending the shop reverse onto Stella Rowley Drive causing traffic issues. Redevelopment of this site would be actively encouraged by the Shire as the lot area is not conducive to the shop use and has insufficient parking areas.

It is likely the existing shop relies substantially on trade from the Denham Seaside Caravan Park located to the immediate west of the precinct, tourists attending the foreshore which is developed with extensive car parking and boat ramp facilities, as well as local residents within walking distance. The remainder of Precinct 2A consists of older tourist accommodation.



Denham Seaside Caravan Park accessed from Stella Rowley Road, and foreshore car parking area.

Precinct 2A is not a dominant retail area however is located in close proximity to tourist uses such as the Seaside Caravan Park, and fishing/ boat activity on Reserve 38444.

Precinct 2B is currently an ad hoc mixture of some residential, short stay accommodation and vacant lots. Precinct 2B also has land that may be suitable for a new supermarket or shops as it has a prime location with excellent exposure to Knights Terrace, however lots would need to be amalgamated in order to provide sufficient on site carparking.

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#### *4.3.2.2.2 Precinct 2 Strategy Recommendations*

It is recommended that Precinct 2A be re-zoned from 'Town Centre' to 'Tourist' zone to recognise that it mainly contains tourist accommodation and to encourage co-location by other tourist uses.

There is a high level of redevelopment opportunities in Precinct 2B therefore retention of the 'Town Centre' zoning is recommended to maintain flexibility and try to encourage new retail, cafe, and commercial development in this precinct.

#### *Future Landuse and development in Precinct 2a*

Council shall have regard for the following when considering new development in Precinct 2a;

- i. Priority should be given to accommodating tourist accommodation and tourist services to take advantage of excellent access to the coastal foreshore across Knight Terrace.
- ii. Retail uses will predominantly be directed to Precinct 1 and Precinct 2B as the core Town Centre. Only limited small scale retail for convenience day to day goods may be considered in this precinct to service tourist needs, or where retail is an incidental component of a larger development.
- iii. Building heights should be restricted to ensure views from Hughes Street properties are retained.
- iv. Any new development should be designed to maximise protection of residential amenity for lots located to the north on Hughes Street.
- v. Redevelopment and substantial upgrading should be encouraged for older tourist accommodation. Amalgamation of lots is encouraged to allow for improved development opportunities.
- vi. Precedence should be given to redevelopment of Lot 49 on the corner of Stella Rowley Drive and Knight Terrace for improved aesthetics, access and traffic safety.

#### *Future Landuse and development in Precinct 2b*

Council shall have regard for the following when considering new development in Precinct 2b;

- i. Amalgamation of lots would support more efficient use of land in the medium term, and provide larger sites suitable for a range of retail, commercial, Government service and additional tourist uses.
- ii. Building heights should be restricted to ensure views from Hughes Street properties are retained.
- iii. Lots 16 and 17 on the corner of Knight Terrace and Brockman Street are a high priority development site prime for retail or commercial development, subject to amalgamation. There is opportunity for a future landmark corner building.

- iv. Opportunities for integrated carparking and reduction of crossovers should be maximised as land becomes redeveloped. Due to gradient it is recognised that access to the rear is not likely to be feasible.

#### **4.3.2.3 Precinct 3 in the Town Centre**

##### **4.3.23.1 Precinct 3 Characteristics**



House with advertising sign

Precinct 3 substantially contains single residential dwellings with some limited short stay accommodation - refer Landuse Plan (Figure 11).

It is difficult to ascertain how many dwellings in the precinct are rented out for short stay (holiday) accommodation.

Some of the dwellings have small advertising signs with contact details for holiday bookings.

Other than some tourist accommodation, there are no retail or commercial uses in Precinct 3.

##### **4.3.23.2 Precinct 3 Strategy Recommendations**

To protect the residential amenity of the area it is recommended that Precinct 3 be rezoned to 'Residential' with an R50 density code. This will allow residential development to continue however protect the area from any encroachment of commercial development such as shops, offices or restaurants which would be better located in the core central town centre area.

Council will still have discretion to consider tourist accommodation in this area.

##### **Future Landuse and development in Precinct 3**

Council shall have regard for the following when considering new development in Precinct 3;

- i. This area is most appropriate for residential and is an established residential street.
- ii. Some tourist accommodation or holiday houses can be accommodated where the use is of a low residential scale.
- iii. Hughes Street should be retained as a *cui de sac*.
- iv. Coastal views from these lots need to be protected by limiting building heights in precinct 2.

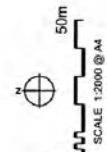


Figure 11

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**GRAY & LEWIS**  
 LAND USE PLANNERS



**PRECINCT 3 LAND USE PLAN**  
**DENHAM TOWNSITE**  
**SHIRE OF SHARK BAY**

JOB REFERENCE: 100791 DATE: 28 OCTOBER 2009  
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#### **4.3.2.4 Precinct 4 in the Town Centre**

##### **4.3.2.4.1 Precinct 4 Characteristics**

Precinct 4 contains the most retail and commercial uses including a local supermarket (IGA), Caltex Service Station, Bakery/cafe, butcher, and laundromat inter-dispersed with tourist accommodation along Knight Terrace.

There is some conflict caused by the co-location of some commercial uses and short stay accommodation such as noise from delivery trucks, staff arrivals and departures, and constant traffic. The existing IGA is a historical development and its lack of parking and traffic circulation areas causes traffic issues on a busy intersection. A new supermarket in the central Town Centre zone (Precinct 1 or 28) would better service the area.

A caravan park and short stay accommodation dominates the centre of Precinct 4, and consideration of landuse compatibility is an important issue.

The lots in the north east portion of Precinct 4 are residential - refer Landuse Plan ([Figure 12](#)). Precinct 48 includes Reserve 36017 which is vested to the Shire and has been developed as 'Pioneer Park' with a war memorial.

Precinct 4 also contains Reserve 1917 which is crown land for 'government purposes'. Liaison will need to occur with the Department for Planning as to an appropriate zoning and may be dependent on any government plans for the land.

This section of Knights Terrace is quite vibrant because of the mix of commercial uses and accommodation. The local bakery (with cafe attached) is very popular with locals and tourists so attracts people into the area. These types of uses need to be encouraged in the central Town Centre area, such as Precinct 1 and 28.

##### **4.3.2.4.2 Precinct 4 Strategy Recommendations**

It is recommended that the majority of Precinct 4 be zoned from 'Town Centre' to 'Tourist' zone to separate its function from that of the core central Town Centre.

It is recommended that the Hughes Street lots in Precinct 48 be zoned from 'Town Centre' to 'Residential' with an R50 density code.

The Shire could consider zoning the Reserve 36017 'Parks and Recreation' as part of a future Scheme review.

##### **Future Landuse and development in Precinct 4**

Council shall have regard for the following when considering new development in Precinct 4;

- i. High regard should be given to landuse compatibility for any new development and ensure a higher level of amenity for tourist accommodation in terms of noise.
- ii. Existing commercial development is recognised however the highest landuse priority should be tourist accommodation and services.

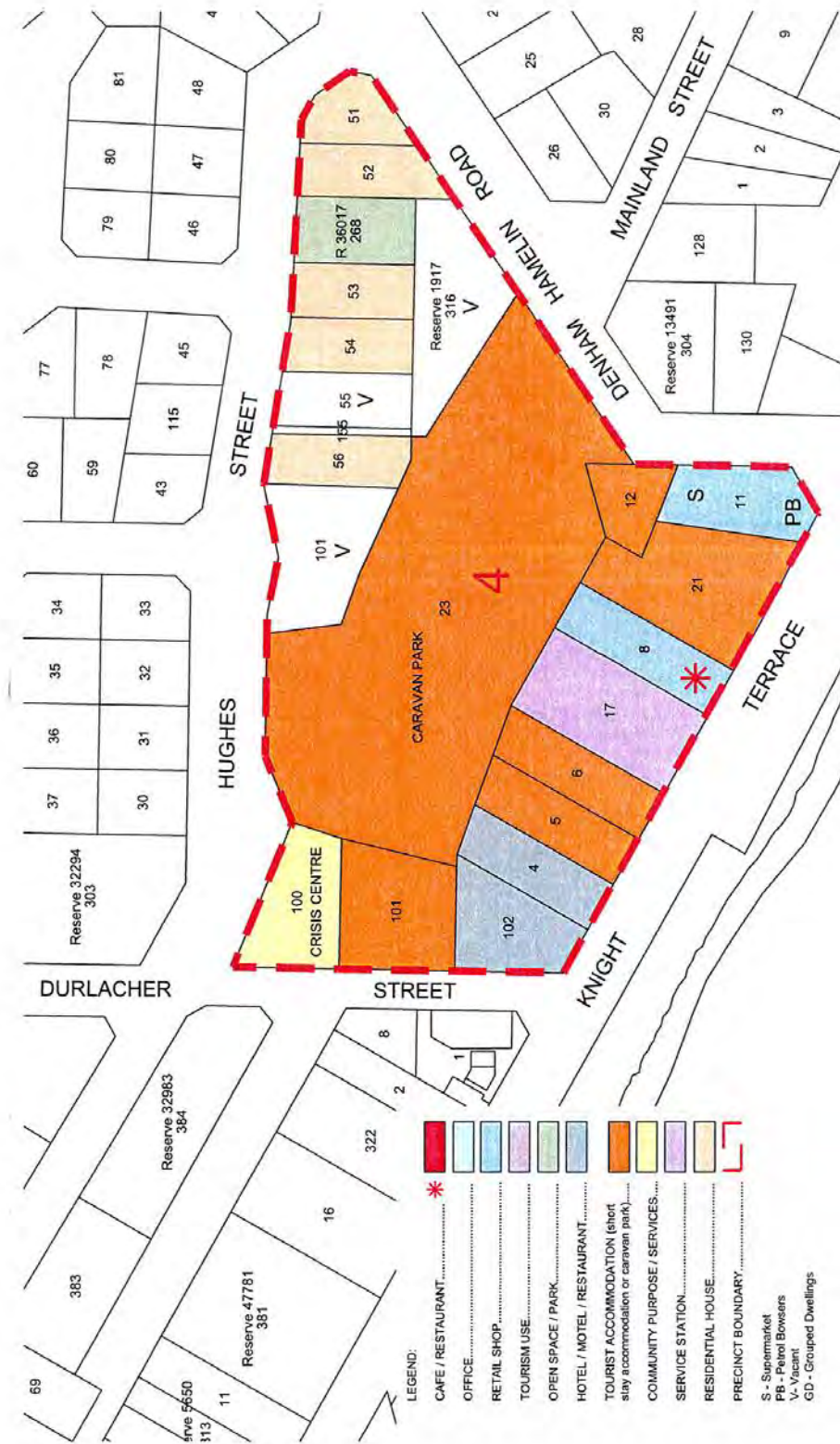


Figure 12

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- iii. The residential uses on lots fronting Hughes Street act as an important buffer between the town centre and Denham's residential area to the north and should continue.
- iv. Any new development in proximity to Hughes Street should recognise the need to maximise protection of residential amenity for lots located to the north on Hughes Street.

#### **4.3.2.5 Precinct 5 in the Town Centre**

##### **4.3.2.5.1 Precinct 5 Characteristics**

Precinct 5 is dominated by single residential dwellings and tourist accommodation. It still has further development potential with approximately a third being vacant land - refer Landuse Plan (Figure 13).

This is the most easterly part of the Town Centre zone and except for tourist accommodation and a small office on corner of Knight Terrace and Denham Hamelin Road (used for booking scenic flights), does not contain major commercial uses.

It is a relatively quiet area and the accommodation is well maintained and good quality. The amenity of the area is not disrupted by any noise or traffic associated with retail and commercial uses.

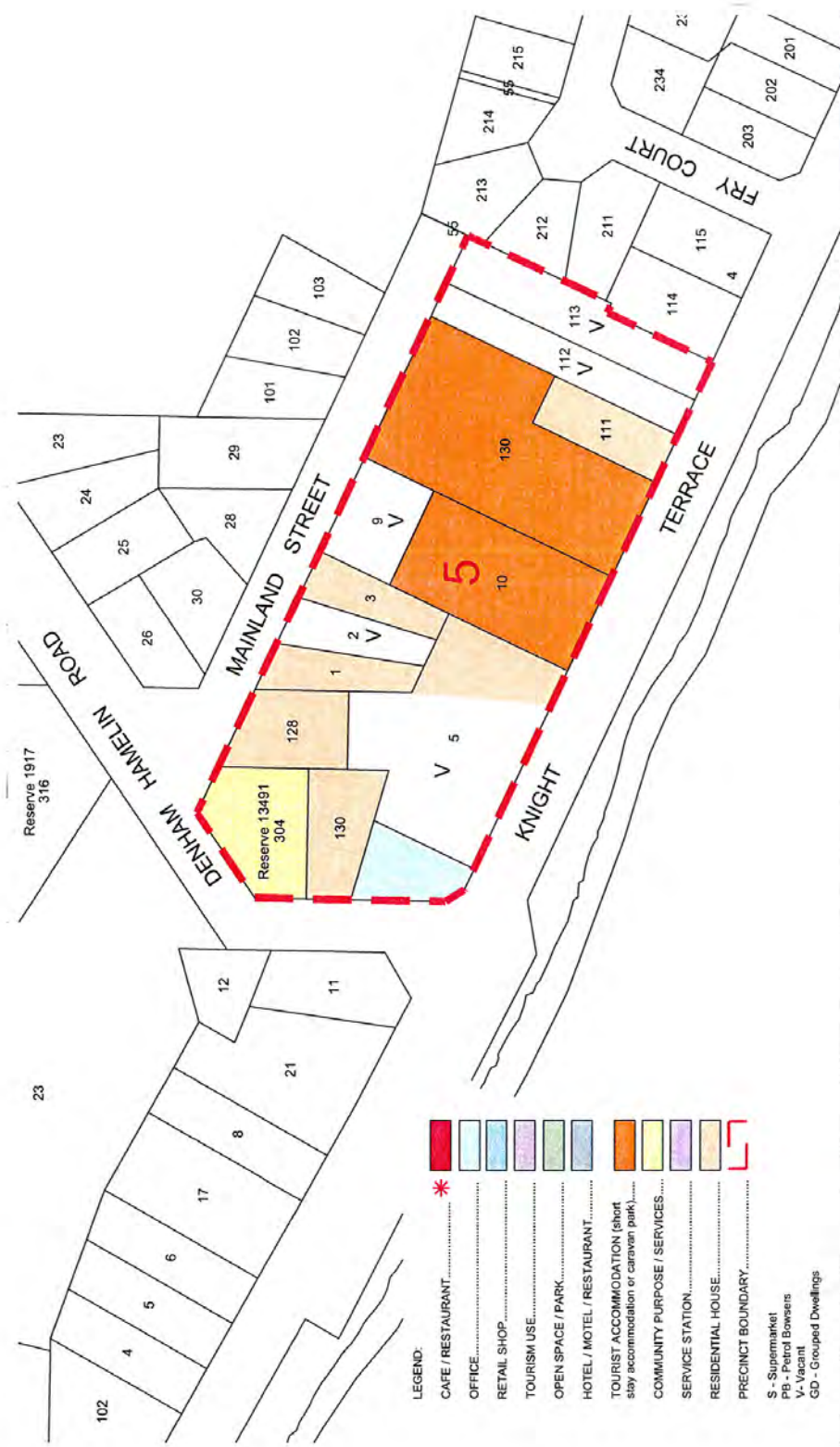
The two main tourist accommodation sites are located on Lots 10 and 130, being the 'Bay Lodge Backpackers' and the 'Oceanside Village'. Due to the topography some of the units for 'Oceanside Lodge' have access from Knight Terrace, and rear units front onto Mainland Street.



Streetscape showing tourist accommodation fronting Knights Terrace





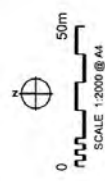


**PRECINCT 5 LAND USE PLAN**  
 DENHAM TOWNSHIP  
 SHIRE OF SHARK BAY

**Figure 13**



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Reserve 13491 is located on the corner of Mainland Street and Denham Hamelin Road. It currently contains a dilapidated building however is proposed to be redeveloped by the Shire with a new Telecentre building. Access into the site will need to be carefully managed due to steep topography.

#### *4.3.2.5.2 Precinct 5 Strategy Recommendations*

Existing mixed retail, commercial and tourist accommodation developments in Precinct 4 have resulted in landuse conflict. It is considered important to protect Precinct 5 from similar types of conflicts.

It is recommended that Precinct 5 be rezoned from 'Town Centre' to 'Tourist' zone. The amenity of the area needs to be protected.

#### *Future Landuse and development in Precinct 5*

Council shall have regard for the following when considering new development in Precinct 5;

- i. Continue to support development for tourist accommodation.
- ii. High regard should be given to landuse compatibility for any new development and ensure a higher level of amenity for tourist accommodation in terms of noise.
- iii. Maintain the character of the precinct which makes it attractive to tourists.

#### **Planning Implications:**

- The existing Town Centre zone is extensive and has resulted in a wide range and mix of landuses along Knights Terrace. Whilst there is flexibility, unless well controlled, development may continue in an ad hoc manner.
- The existing Town Centre Strategy is a sound basis for strategic planning however requires updating. A consolidated Town Centre area is recommended to try and focus retail uses within one core central place.
- The Town Centre zone has been reviewed having regard to the predominant role and landuses of each precinct. The existing Town Centre Strategy will be replaced by this Local Planning Strategy and a new Town Centre Strategy map (Attachment 2).
- Retail activities need to be concentrated in the central area to create a vibrant mix of landuses to attract people into a core activity hub. Office developments need to be complemented with uses that will provide some night life in the Town, and that attract people into the area.
- There is opportunity to zone the furthestmost western and eastern sections of the town centre to residential and / or tourist zones, as they predominantly contain residential dwellings and tourist accommodation.
- Areas for tourist and short stay accommodation need to be protected from landuses that create conflict through noise and traffic. Areas dominated by tourist accommodation should become 'Tourist' zones with limitations on the types of commercial uses that can co-locate.
- The Shark Bay World Heritage Discovery centre plays an important role in the town centre and attracts tourists into the townsite. The planned new DEC office adjacent to the visitor centre provides an opportunity for new streetscape elements and pedestrian links. A core Town Centre area can be built around these landmark buildings.
- There is opportunity to relocate the Shire offices however this matter needs to be considered by Council having regard to budgetary considerations.

#### 4.3.3 Specific recommendations for existing and future retail and commercial uses (Town Centre)

As part of any future scheme review it is recommended that the extent of the Town Centre zone be reduced so that the Shire can have greater control over the priority areas for retail development, and enable greater separation of landuses into specific precincts.

The existing Town Centre zone has a high level of flexibility however limits the Shires ability to implement it's existing Town Centre Strategy because there is such broad discretion over landuses in an extensive Town Centre area.

A reduced Town Centre zone will allow the Shire to focus commercial and retail uses into a central precinct to try and develop a more cohesive and recognisable Town Centre core.

Draft new scheme provisions are included in [Table 2](#) and revised landuse controls are in [Attachment 1](#). [Figure 14](#) includes a summary of the recommendations for zoning changes for the different precincts in the existing Town Centre zone.

**TABLE 2**  
Specific recommendations for existing and future retail and commercial uses

No.	Summary	Draft provisions
1.	<p>Modify the Scheme provisions for the revised and consolidated Town Centre zone.</p> <p>Recommend new objectives for the Town Centre zone.</p>	<p>Identified for Precincts 1 and 2B in the Town Centre.</p> <p><i>"Town Centre Zone:</i></p> <p><i>The objectives for this zone are to:</i></p> <p>a) <i>To ensure the Town Centre is the principal place for business, administration, retail shopping and provides for a range of commercial uses.</i></p> <p>b) <i>To actively encourage the establishment of retail uses and commercial activity that attracts people into the Town Centre and contribute towards the vibrancy of the Town Centre.</i></p> <p>c) <i>To limit the extent of short stay and residential accommodation in the Town Centre.</i></p> <p>d) <i>To encourage a high standard of development with good quality architecture, landscaping, and adequate carparking.</i></p> <p>e) <i>To implement the Local Planning Strategy and Town Centre Strategy plan to guide and promote development.</i></p> <p>f) <i>To ensure that new development provides elements that promote a marine and coastal theme based on historic identity of the town as a fishing village and the unique environment represented by Shark Bays World Heritage Listing.</i></p> <p>g) <i>To limit the height of buildings so as to substantially protect the views of lots between Hughes Street and the foreshore. "</i></p>

<p>2.</p>	<p>Modify the Scheme provisions for the revised and consolidated Town Centre zone.</p> <p>Retain existing site requirements under Clause</p>	<p>Identified for Precincts 1 and 2B in the existing Town Centre.</p> <p><i>"5.10.2 Design Requirements</i></p> <p><i>Development in the Town Centre zone shall comply with the following;</i></p>
	<p>5.10.3 – 5.10.4 however include new design and development requirements for the Town Centre zone.</p>	<p>a) Any shop or other commercial development along Knight Terrace shall include a front awning or other form of architectural detail which is capable of providing shelter and weather protection for pedestrians.</p> <p>b) Any development on a corner lot shall be designed as a landmark building and address the two corner street frontages with the primary focus on Knight Terrace as the main street.</p> <p>c) Any development on a lot that has double road frontage shall be designed to include architectural features and details to the rear building facade.</p> <p>d) Where rear access is available and practical, new development shall ensure the main building facade addresses Knight Terrace with rear and / or side carparking.</p> <p>e) Buildings should present facades that are attractive and inviting, which harmoniously relate to good quality development in the vicinity, and have regard to climate.</p> <p>5.10.3 Development requirements</p> <p><i>In considering an application for planning approval for a proposed development (including additions or alterations to an existing development) in the Town Centre Council shall have regard to the following:</i></p> <p>a) Opportunities to integrate the building layout and design with adjoining development and determine carparking layout, vehicular access and pedestrian circulation;</p> <p>b) The colour, texture and external materials. Council may require expanses of glass fronting the primary street and walls visible from any road or public place to be painted;</p> <p>c) The building size, height, bulk and roof pitch and whether the development design contributes positively towards the streetscape;</p> <p>d) The setback and location of the building as it relates to existing surrounding good quality development;</p> <p>e) The function of the building;</p> <p>f) The need to ensure that the rear of buildings fronting Knight Terrace as viewed from public roads and places be treated aesthetically well to ensure they do not detrimentally impact on surrounding streetscape;</p> <p>g) The need to limit building heights in accordance with the objectives of the zone to substantially protect views of lots between Hughes Street and the foreshore;</p> <p>h) The extent to which the development complies with the objectives of the zone, Town Centre Strategy and any relevant Local Planning Policy. "</p>

3.	Modify the Scheme provisions for the revised and consolidated Town Centre zone to reduce and limit encroachment of residential development and / or short stay accommodation.	<p>Identified for Precincts 1 and 2B in the existing Town Centre.</p> <p><i>"5.10.4 Despite any other provision in the Scheme the local government may only approve residential development and / or short stay accommodation in the Town Centre where:</i></p> <p><i>a) The lot is not located on land identified as being</i></p>				
	Retain existing site requirements however include a new clause 5.10.4.	<p><i>prime for commercial and retail development in the Local Planning Strategy; or</i></p> <p><i>b) Council considers the use is compatible with surrounding landuses; and</i></p> <p><i>b) In the case of grouped or multiple dwellings the dwellings form part of a mixed use development with a substantial commercial component on the ground floor; and</i></p> <p><i>c) In the case of short stay accommodation the development is considered to be of a high quality and includes public facilities, shops or public spaces which will attract people into the Town Centre."</i></p>				
4.	Introduce a new Tourist zone	<p>Identified for Precincts 2a, 4a and 5 in the existing Town Centre.</p> <p><i>"Tourist Zone:</i></p> <p><i>The objectives for this zone are to:</i></p> <p><i>a) Ensure the Tourist zone is the principal location for tourist facilities and accommodation;</i></p> <p><i>b) To cater for commercial landuses predominately associated with provision of services to tourists or that are compatible with surrounding tourist uses;</i></p> <p><i>c) To protect and wherever possible enhance the special characteristics and amenity of the area that are attractive to tourists;</i></p> <p><i>d) The need to minimise encroachment of commercial development and retail uses that do not directly relate to tourism or tourist uses;</i></p> <p><i>e) To ensure that any development is compatible with short stay and tourist accommodation and do not negatively impact on surrounding properties by virtue of noise, emission, traffic or the like. "</i></p>				
5.	<p>Introduce new requirements for Tourist zone</p> <p>Note: The new Tourist zone to be included as Clause 5.11. Clauses 5.11 – 5.15 to be re-numbered.</p>	<p>Identified for Precincts 2a, 4a and 5 in the existing Town Centre.</p> <p><b>"5.11 TOURIST ZONE</b></p> <p>5.11.1 Standards</p> <p>The local government shall apply the following standards within the Tourist Zone.</p> <table border="1" data-bbox="699 1805 1428 1921"> <thead> <tr> <th data-bbox="699 1805 916 1868">Use</th> <th data-bbox="916 1805 1428 1868">Setbacks Site Landscaping Coverage</th> </tr> </thead> <tbody> <tr> <td data-bbox="699 1868 916 1921">Residential</td> <td data-bbox="916 1868 1428 1921">In accordance with the Residential Design Codes</td> </tr> </tbody> </table>	Use	Setbacks Site Landscaping Coverage	Residential	In accordance with the Residential Design Codes
Use	Setbacks Site Landscaping Coverage					
Residential	In accordance with the Residential Design Codes					

		Motel, Hotel, tavern, caravan parks, short term accommodation	To the discretion of Council having due regard to the Building Code of Australia and other relevant regulations	80%	10%
		Shops, offices and other commercial	Nil	80%	10%

#### 5.11.2 Design Requirements

Development in the Tourist zone shall comply with the following;

- a) Any development along Knight Terrace shall include a front awning or other form of architectural detail which is capable of providing shelter and weather protection for main building entrances;
- b) Any development on a corner lot shall be designed as a landmark building and address the two corner street frontages with the primary focus on Knight Terrace as the main street;
- c) Notwithstanding Clause 5.11.1 or any other standard in the Scheme, any new commercial or short stay accommodation is to be sited having regard for established setbacks of existing developments in the immediate vicinity;
- d) Buildings should present facades that are attractive and inviting, which harmoniously relate to good quality development in the vicinity, and have regard to climate;
- e) Building facades should be designed to contribute positively to the existing streetscape and preserve the character of the area which is attractive to tourists.

#### 5.11.3 Development requirements

In considering an application for planning approval for a proposed development (including additions or alterations to an existing development) in the Tourist zone Council shall have regard to the following:

- a) Opportunities to integrate the building layout and design with adjoining development and determine carparking layout, vehicular access and pedestrian circulation;
- b) The colour, texture and external materials;
- c) The building size, height, bulk and roof pitch and whether the development design contributes positively towards the streetscape;
- d) The setback and location of the building as it relates to existing surrounding good quality development;
- e) The function of the building;
- f) The need to limit building heights in accordance with the objectives of the zone to substantially protect views of lots between Hughes Street and the foreshore;
- g) Opportunities for buildings to address available street frontages;
- h) The need to ensure that the amenity of any adjacent residential zone is protected;
- i) The extent to which the development complies with the objectives of the zone, Local Planning Strategy, Town Centre Strategy Plan and any relevant Local Planning Policy. "

		<p>5.11.4 <i>Carparking standards</i></p> <p><i>Carparking shall be provided in accordance with Table 2 : Carparking Requirements however Council shall a/so have regard for any need to provide for tourist buses and/ or staff.</i></p> <p>5.11.5 <i>Loading and Unloading</i></p> <p><i>Where areas for the loading and unloading of vehicles carrying goods and commodities to and from the premises are to be provided they shall be constructed and maintained in accordance with a plan approved by the local government thereto. "</i></p>
6.	Zoning existing residential areas in the Town Centre zone to 'Residential' with an R50 Density Code	<p>Identified for Precincts 3 and 4B in the Town Centre zone. Map change – refer Figure 16.</p> <p>Includes lots 50-56 Hughes Street, Lot 89 Hughes Street, Lots 58-67 Hughes Street in Precinct 3 and Lots 51-56 Hughes Street and Lot 101 Hughes Street.</p>

A plan showing the proposed zonings for the existing Denham Town Centre zone is included as [Figure 15](#).





**Figure 14**  
 Suite 5, 2 Harey Street  
 South Perth, WA 6151  
 (08) 9476 1722  
 F  
 E  
**GRAY & LEWIS**  
 LEGEND  
 PRECINCTS (as shown in the Denham Town Centre Strategy)  
 SUB-PRECINCTS  
 10m  
 0 50 100  
 67° 48' E 1:5000 @ A3  
**PRECINCTS PLAN - SUMMARY OF PROPOSED ZONING CHANGES**  
**DENHAM TOWN CENTRE ZONE**  
**SHIRE OF SHARK BAY**



**PRECINCTS PLAN - DRAFT PROPOSED ZONING  
DENHAM TOWN CENTRE ZONE  
SHIRE OF SHARK BAY**

**LEGEND**  
 RESIDENTIAL R50  
 TOWN CENTRE  
 TOURIST

0 100m  
 SCALE 1:400 @ A3

**GRAY & LEWIS**  
 LAND USE PLANNERS

**Figure 15**  
 Suite 5, 2 Hardy Street  
 South Perth, WA 6151  
 P (08) 9474 1172  
 F (08) 9474 1172  
 port@graylewis.com.au

JOB REFERENCE: 100781 DATE: 19 MAY 2011  
 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.

COMMENT

The changes being proposed to the Towncentre component of the strategy are significant and may be unacceptable to some, so it is important that the Council are clear on the changes and the implications it may have for land owners in the Town centre.

LEGAL IMPLICATIONS

The Shire of Shark Bay Town Planning Scheme No. 3.  
The *Planning and Development Act 2005*.

POLICY IMPLICATIONS

The Shire of Shark Bay Town Centre Strategy.  
All relevant policies pursuant to the Scheme.

FINANCIAL IMPLICATIONS

The funding for the Local Planning Strategy was identified in Councils 2010/2011 budget considerations.

STRATEGIC IMPLICATIONS

A Local Planning Strategy that clearly provides future strategic directions is an invaluable document for the progressive growth and development of the Denham Town centre.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

19 August 2011

14.0 BUILDING REPORT

15.0 HEALTH REPORT

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**16.0 WORKS REPORT****16.1 ROADS TO RECOVERY PROGRAM**

File Number RO111.01

**Author**

Chief Executive Officer

**Disclosure of Any Interest**

Nil

Moved            Cr Pepworth  
Seconded       Cr McLaughlin

**Council Resolution****The Shire of Shark Bay calls on the Federal Government to:****Recognise the successful delivery of the Roads to Recovery program by Local Government since 2000;****Continue the Roads to Recovery program on a permanent basis to assist Local Government to meet its responsibilities of providing access for its communities;****Continue the Roads to Recovery program with the current administrative arrangements; and****Provide an increased level of funding under a future Roads to Recovery program that recognises the shortfall of funding on local roads of \$1.2 billion annually.****5/0 CARRIED****Background**

The Australian Local Government Association is requesting the support of all local governments in its campaign to continue the Roads to Recovery program.

The Roads to Recovery program has been in operation since 2000 and has seen two extension and a funding increase to \$350 million in 2009.

The current program ends in 2014 with more than \$4.5 billion in additional funding being provided for local roads

**Comment**

The Roads to Recovery program has been very successful in obtaining funding for local roads and any extension or formalization of the program should be wholeheartedly supported.

The strategy not to link the program to any other funding source is in my opinion a wise strategy and will avoid any reduction due to the reduction of these funding sources.

The Australian Local Government Association is suggesting that it is time to mount a campaign for increased and ongoing Roads to Recovery funding.

The Australian Local Government Association advises that it commissioned research released in 2010 at the National Local Roads and Transport Congress in Bunbury which shows that the national shortfall in the level of funding for local roads amounts to \$1.2 billion annually.

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The Australian Local Government Association will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from the 16-18 November 2011.

The suggested motion calls for the Roads to Recovery program to be made permanent at a rate that recognizes the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all Councils with certainty of funding and give them the control over the works to be funded

Legal Implications

Nil

Policy Implications

No existing policy affected.

Financial Implications

The Shire of Shark Bay received \$196,143 in the 2010/2011 year for works on the Useless Loop Road and the Woodleigh-Byro Road.

This funding is an extremely important component of Council's operational budget.

Strategic Implications

Addresses the long term strategic objective of improving providing infrastructure for the benefit of residents and visitors to the Shire of Shark Bay

Voting Requirements

Simple Majority Required

Date of Report

15 August 2011

16.2 FUNDING AGREEMENTS RECREATIONAL BOATING SCHEME  
GR127.10

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved            Cr Ridgley  
Seconded       Cr Cowell

**Council Resolution**

**The funding agreements for the Denham Small Craft Boat Ramp and the duplication of the Monkey Mia Boat Ramp be endorsed and the Shire President and Chief Executive Officer be authorised to sign and affix the Common seal of the Shire of Shark Bay to the agreements.**

**5/0 CARRIED**

Background

The Minister for Transport under the Recreational Boating facilities scheme makes grants available to eligible authorities in order to contribute to the cost of constructing or improving recreational boating facilities.

Two grant applications were submitted in round 16 2011 call for grants which were the following projects:

Duplication of the Monkey Mia Boat ramp                      project cost \$120,000  
Installation of a small craft launching ramp at Denham project cost \$80,000

The duplication of the Monkey mia boat ramp was to provide a boat ramp on the eastern side of the existing ramp and finger jetty. This will reduce the congestion on the western side of the finger jetty and the impact that this is having in regard to the main jetty users.

The duplication of the boat ramp will also make greater use of the finger jetty as it will be able to be accessed from the eastern and western sides.

The installation of a small craft launching ramp at the northern end of Knight Terrace will reduce the congestion of the main boat ramp and allow for easier access for the users of small craft. The existing car park can then be utilized to a greater extent and the boat ramp will provide for a safer entry and exit for the users.

Council has been advised that both the applications were successful and Council received the following grant amounts:

Duplication of the Monkey Mia Boat ramp    grant received \$90,000  
Installation of a small craft launching ramp at Denham grant received \$60,000

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Comment

A condition of the grant funding applicable to the project is the acceptance of a funding agreement by the Council (copies attached).

The funding agreement clearly details the rights and responsibilities of both parties in the granting and receiving of the funds to undertake the project.

The Council's contribution can be a combination of cash and/or labour and on costs.

Council must be aware that in accepting the grant that any future maintenance works required to the boat ramps are the responsibility of the Shire of Shark Bay.

Any works required will be a consideration in the maintenance budget for future years.

Legal Implications

Nil

Policy Implications

No existing policy affected.

Financial Implications

The total budgeted cost for the Denham Boat Ramp is \$80,000 which Council has a grant of \$60,000 and is required to contribute \$20,000 in cash or kind by associated labour and on costs.

The total budgeted cost for the duplication of the Monkey Mia Boat ramp is \$120,000 which Council has a grant of \$90,000 and is required to contribute \$30,000 in cash or kind by associated labour and on costs.

The Council in accepting the grant funding assumes ongoing liability and responsibility for the maintenance of the facility.

The ongoing costs are difficult to estimate but should not be a significant impost on Council's ongoing operations.

Strategic Implications

Addresses the long term strategic objective of improving providing infrastructure for the benefit of residents and visitors to the Shire of Shark Bay

Voting Requirements

Simple Majority Required

Date of Report

17 August 2011



**Recreational Boating Facilities Scheme  
Funding Agreement  
for Works Project**

BETWEEN

THE MINISTER FOR TRANSPORT

AND

SHIRE OF SHARK BAY

FOR

DENHAM BOAT RAMP

ROUND 16

2011

**THIS AGREEMENT** is made BETWEEN the **Minister for Transport** C/o Dumas House West Perth ("the Minister")

AND the **Shire of Shark Bay** of Knight Terrace, Denham ("the Grantee")

**RECITALS:**

- A. The Minister for Transport, a body corporate pursuant to section 8 of the Marine and Harbours Act 1981, has implemented the Recreational Boating Facilities Scheme ("RBFS"), a scheme under which the Minister will make grants to eligible authorities in order to contribute to the cost of constructing or improving recreational boating facilities.
- B. The Grantee has applied to the Minister for a grant of funds by the Minister to the Grantee in accordance with the RBFS.
- C. The Minister has agreed to provide funds to the Grantee on the terms and conditions contained in this agreement.

**OPERATIVE PROVISIONS**

**1. DEFINITIONS AND INTERPRETATION**

- 1.1 In this agreement, unless the contrary intention appears, the following words have the following meanings:

**Actual Component Cost** means, in relation to any Component, the amount expended in respect of that Component in order to achieve Completion of the Project.

**Actual Project Cost** means the total amount expended in order to achieve Completion of the Project.

**Approved Project Program** means the information approved by the Minister in accordance with clause 4.1.2.

**Business Day** means a day (not being a Saturday or a Sunday) when banks are open for banking business in Perth, Western Australia.

**Completion** means that stage in the execution of the Works under this agreement when the Works are complete and capable of being used for their intended purpose.

**Completion Certificate** means a signed certificate as set out in item 12 of the Schedule.

**Component** means a part of a Component Project described in item 7 of the Schedule.

**Component Project** means a Project where certain portions of the Grant are to be used only for certain parts of the Project described in item 7 of the Schedule.

**Construction** includes construction of new works and improvement of existing structures or works.

**Estimated Component Cost** means, in relation to any Component, the estimated amount to be expended in respect of that Component in order to achieve Completion of the Project, as set out in item 7 of the Schedule.

**Estimated Project Cost** means the estimated amount to be expended in respect of the Project in order to achieve Completion of the Project, as set out in item 1(b) of the Schedule.

**Event** means the occurrence of any one or more of the following:

- (a) loss of property;
- (b) destruction of property;
- (c) damage to property;
- (d) injury;
- (e) death; and
- (f) illness

**Event of Default** means an event of default described in clause 10.1.

**Grant** means the amount set out in item 1(a) of the Schedule. The grant amount is expressed as GST exclusive.

**Grantee's Contribution** means a contribution to the Project made by the Grantee as set out in clause 3.2.

**Land** means the land described in item 2 of the Schedule.

**Project** means the project named in item 3 and the Project Specific Requirements described in items 4 and 5 of the Schedule.

**Schedule** means the Schedule to this agreement.

**Works** means the works described in items 4 and 5 of the Schedule and includes works which are not completed.

**Written-Down Value** means, in respect of an asset, the written down value of that asset determined by the Valuer General and calculated using the straight-line method of depreciation.

**1.2** In this agreement, unless the contrary intention appears:

- (a) the word "person" includes a firm, a body corporate, an unincorporated association and an authority;
- (b) the singular includes the plural and vice versa;
- (c) a reference to a person includes a reference to the person's, successors, substitutes (including without limitation, persons taking by novation), assigns, executors and administrators;

- (d) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
  - (e) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
  - (f) a reference to any thing is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
  - (g) a reference to a clause, paragraph or Schedule is a reference to a clause, paragraph or Schedule of this agreement.
  - (h) a reference to an accounting term is to be interpreted in accordance with accounting standards under the Corporations Law and, if not inconsistent with those accounting standards, generally accepted principles and practices in Australia consistently applied by a body corporate or as between bodies corporate over time; and
  - (i) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- 1.3 Headings are inserted for convenience and do not affect the interpretation of this agreement.

## **2. PROVISION OF THE GRANT**

The Minister agrees to provide the Grant (as reduced by any deduction made in accordance with clause 3.3) to the Grantee at the times and in the manner set out in item 6 of the Schedule.

## **3. USE, CONTRIBUTION AND REDUCTION OF THE GRANT**

### **3.1 Use of the Grant**

The Grantee may use the Grant only for the purpose set out in item 7 of the Schedule and for no other purpose.

Where the Project is a Component Project, the Grantee may use the Grant:

- (a) only for the purposes set out in item 7 of the Schedule;
- (b) only in relation to the Components; and
- (c) in relation to each Component, only in an amount up to the amount set out in item 7 of the Schedule in relation to that Component.

### **3.2 Contribution**

- 3.2.1 Where the Project is not a Component Project, the Grantee must make a Grantee's Contribution to the cost of the Project of the amount set out at item 7 of the Schedule.

3.2.2 Where the Project is a Component Project, the Grantee must make a Grantee's Contribution to the cost of each Component of the amount set out in the table at item 7 of the Schedule.

3.2.3 The Grantee's Contribution can include:

- (a) contributions from any other source including, without limiting the generality thereof, State Government Departments; and
- (b) in-kind contributions of materials, labour and machinery use directly attributable to the Project.

3.2.4 The inclusion and value of in-kind contributions as part of the Grantee's Contribution shall be determined by the Minister, after receipt of a statement detailing in-kind contributions and the Grantee's assessment of their value and reasons why they should be recognised by the Minister as part of the Grantee's Contribution. The statement shall be included in the report referred to in clause 4.2(b) or attached to the statement referred to in clause 4.3(a).

3.2.5 If, when Completion of the Project has been achieved:

- (a) where the Project is not a Component Project, the Actual Project Cost exceeds the Estimated Project Cost; or
- (b) where the Project is a Component Project, the Actual Component Cost relating to a Component exceeds the Estimated Component Cost relating to that Component;

the Minister and the Grantee agree that the Grantee's Contribution will be increased by the amount of that excess.

### 3.3 Reduction of the Grant

If, when Completion of the Project has been achieved:

- (a) where the Project is not a Component Project, the Estimated Project Cost exceeds the Actual Project Cost; or
- (b) where the Project is a Component Project, the Estimated Component Cost relating to a Component exceeds the Actual Component Cost relating to that Component,

the Minister and the Grantee agree that the Grant, or the Grant Amount for that Component, will be reduced by the *pro rata* amount of that excess.

If payment of the Grant or the Grant Amount for that Component has been made to the Grantee, the Grantee will immediately refund the *pro rata* amount of that excess to the Minister.

**3.4 Failure to make a Grantee's Contribution****3.4.1** If the Grantee does not make a Grantee's Contribution:

- (a) where the Project is not a Component Project, the Grant will be cancelled; or
- (b) where the project is a Component Project, the Grant will be reduced by the Maximum Grant Amount set out in item 7 of the Schedule in relation to that Component.

**3.4.2** If the Grantee only makes part of a Grantee's Contribution, the Grant will be reduced in the same proportion as the shortfall bears to the contribution actually made by the Grantee.

**3.4.3** If either clause 3.4.1 or 3.4.2 apply and any part of the Grant has been paid to the Grantee, the Grantee will immediately upon demand by the Minister, refund to the Minister the moneys (if any) in excess of the Grantee's amended entitlement to the Grant.

**4. INFORMATION TO BE PROVIDED TO THE MINISTER****4.1 Prior to commencement of Construction of the Work**

**4.1.1** Prior to the commencement of Construction of the Works, the Grantee must provide to the Minister for the Minister's approval the following:

- (a) a schedule setting out:
  - (i) the expected progress of the Project from planning to Completion; and
  - (ii) the dates on which the Grantee anticipates that it will request payment of the Grant in accordance with clause 2;
- (b) details of the identity and qualifications of each person who will certify the Works;
- (c) plans and specifications of the Project;
- (d) details of the identity and qualifications of each person who will supervise Construction of the Works, including any special terms and conditions of project management agreed with the Minister;
- (e) evidence that all consents, licences and approvals required by law, including Jetty Licences where applicable, to be obtained in connection with the Project before commencement of Construction of the Works, have been obtained.
- (f) all items and information described in item 8.1 of the Schedule (if any); and
- (g) all other items and information which the Minister reasonably requests.

**4.1.2** The Minister may:

- (a) approve; or
- (b) refuse to approve; or
- (c) request that the Grantee alter any detail in respect of

the information provided to the Minister in accordance with clause 4.1.1. All information received and approved (whether with or without modification) by the Minister in accordance with this clause 4 will become, when approved, the Approved Project Program.

**4.1.3** The Grantee agrees that:

- (a) subject to clause 4.1.4, and within the time specified by the Minister, it will alter any detail in respect of the Project which the Minister reasonably requests be altered; and
- (b) it will ensure that Construction of Works is not commenced until the Minister receives and approves (whether with or without modification) all information required to be provided to the Minister under clause 4.1.1.

**4.1.4** If the Minister requests that the Grantee alter a detail in respect of the Project, the Grantee may give notice to the Minister that, if the Minister does not approve the information provided to the Minister in accordance with clause 4.1.2 without alteration to that detail, within a period specified in the notice (which period must be not less than 10 Business Days after the date on which the Minister receives the notice), this agreement will terminate.

**4.1.5** The word “commencement” in clause 4.1.1 and the word “commenced” in clause 4.1.3(b) do not include any preliminary design work, cost estimates or community consultations, unless it is expressly stated in item 4 or 5 of the Schedule to be the Project or part of the Project.

**4.2 Information to be provided to the Minister during the course of the Project**

The Grantee agrees with the Minister that the Grantee will:

- (a) keep proper and up-to-date records in respect of the progress of the Project and all expenditure in connection with the Project and allow any agent, employee or representative of the Minister to inspect those records; and
- (b) provide to the Minister every 6 months or as otherwise requested by the Minister within 10 Business Days of such request, a report which details the progress of the Project including:
  - (i) expenditure which has been incurred to date in connection with the Project and, where the Project is a Component Project, each Component of the Project; and
  - (ii) the expected date of Completion.

**4.3 Information to be provided to the Minister on completion of the Project**

The Grantee agrees to provide to the Minister within 20 Business Days of Completion of the Project:

- (a) a financial statement (GST exclusive) which sets out the Actual Project Cost and, where the Project is a Component Project, the Actual Component Cost of each Component;
- (b) a Completion Certificate as set out in item 12;
- (c) engineering certification that the Works are in accordance with the plans and specifications approved pursuant to clause 4.1.1(c);
- (d) photographs of the completed Works, including a photograph of the acknowledgment of the Grant forming part of the Works that is required pursuant to clause 12;
- (e) evidence that all authorisations, registrations, consents, approvals, licences and permits which are required for the lawful utilisation of the Works have been obtained and are current.
- (f) all items and information described in item 8.2 of the Schedule (if any); and
- (g) all other items and information which the Minister reasonably requests.

**5. APPROVED PROJECT PROGRAM**

**5.1** The Grantee agrees that it will ensure that the Project is:

- (a) carried out in accordance with the Approved Project Program; and
- (b) completed by the date set out in item 9 of the Schedule ("item 9") unless:
  - (i) notice is given by the Minister under clause 5.5.1, in which case, the date applied for by the Grantee; or
  - (ii) notice is given by the Grantee under clause 5.5.3, in which case, the alternative date specified in the notice under clause 5.5.2.

**5.2** The Grantee agrees that it will:

- (a) not without the prior written consent of the Minister change any one or more aspects of the Approved Project Program; and
- (b) notify the Minister immediately upon becoming aware that any change or event has occurred which has caused or will or might cause any one or more aspects of the Approved Project Program to change.

**5.3** If:

- (a) the Grantee requests in accordance with clause 5.2(a) that the Minister consent to a change in the Approved Project Program; and
- (b) the Minister does not consent to that change; and



- (c) in the reasonable opinion of the Grantee, the Grantee will not be able to continue with the Project unless the relevant change is made to the Approved Project Program;

the Grantee may give notice to the Minister that, if the Minister does not consent within a period specified in the notice (which period must be not less than 10 Business Days after the date on which the Minister receives the notice), this agreement will terminate.

- 5.4** If, at any time, in the reasonable opinion of the Minister, a change occurs in the Approved Project Program such that the Approved Project Program is materially altered, the Minister may terminate this agreement with immediate effect.
- 5.5** If the Grantee becomes aware that the Project will not be, or is unlikely to be, completed by the date set out in item 9 and it wishes to continue with the Project, it shall immediately, by notice to the Minister, apply for an amendment of the date set out in item 9 to a date specified in the notice.
- 5.5.1** If the Minister consents to the amendment, the Minister shall give notice to the Grantee to that effect and item 9 shall be deemed to have been amended accordingly.
- 5.5.2** If the Minister is prepared to consent to an amendment of the date set out in item 9 but not to the date specified in the notice, the Minister shall give notice to the Grantee to that effect and specify an alternative date for completion of the Project.
- 5.5.3** If the Grantee agrees to the alternative date specified pursuant to clause 5.5.2, the Grantee shall give notice to the Minister to that effect and item 9 shall be deemed to have been amended accordingly.
- 5.5.4** If the Minister is not prepared to consent to an amendment of the date set out in item 9, the Minister shall give notice to the Grantee to that effect and item 9 shall remain unamended.
- 5.6** Subject to clause 5.5, if the Grantee becomes aware that it will not be able to complete the Project by the date set out in item 9, or that it does not wish to continue with the Project for any reason, including that it does not wish to accept the alternative date specified pursuant to clause 5.5.2, the Grantee shall immediately, by notice to the Minister, terminate this Agreement with immediate effect.
- 5.7** In the event that this agreement is terminated pursuant to this clause the Minister is under no obligation under this Agreement to provide the Grant or any balance of the Grant. The Minister may require that the Grantee repay to the Minister any money or portion thereof forming the Grant paid pursuant to this Agreement and to pay to the Minister the sum of any costs incurred by the Minister as a result of the termination, including the cost of completing the Project where this is, in the opinion of the Minister, necessary.
- 6. OWNERSHIP, MAINTENANCE AND INSURANCE**
- 6.1** The Minister and the Grantee agree that the Minister will not, by virtue of the Grant, purchase or obtain ownership of the Works or any part of them.

**6.2 The Grantee:**

- (a) agrees that it will at its own cost maintain the Works, keep them in good repair and in good condition, protect them from damage and promptly rectify defects in them;
- (b) agrees that it will either at its own cost or using the proceeds of an insurance claim in respect of the Works, replace the Works where damage to or defects in the Works cannot be repaired or rectified; and
- (c) acknowledges and agrees that, except as provided in clause 6.3, the Minister will not be obliged to maintain the Works.

**6.3 The Minister agrees that the Minister will, at the Minister's own cost, maintain all Marine Navigational Aids in connection with the Works and keep them in good repair and in good condition, protect them from damage and promptly rectify defects in them.****6.4 The Grantee agrees that it will:**

- (a) keep the Works and any facilities which are required for the proper use of the Works insured with a reputable insurer to the extent that they are insurable for their full insurable value on a replacement and reinstatement basis against fire, storm and other usual risks against which a prudent owner of property similar to the Works would insure;
- (b) maintain public risk insurance in respect of the Works;
- (c) not do anything which prejudices any insurance effected in connection with the Works; and
- (d) not without prior consent of the Minister use the proceeds of any insurance claim in respect of the Works for any purpose other than replacing and reinstating the Works.

**7. REPORTING, INSPECTION AND AUDIT OBLIGATIONS****7.1 The Grantee agrees to:**

- (a) comply with any request of the Minister to be present on site on a particular day or at a particular time during normal working hours;
- (b) allow and assist the Minister or any agent, employee or representative of the Minister to enter upon the Land to:
  - (i) inspect the condition and progress of the Works; and
  - (ii) determine whether the Grantee is complying with the terms of this agreement.

- 7.2 The Grantee agrees, upon the request of the Minister, to appoint a person who is accredited as a chartered accountant or a certified practicing accountant to conduct an audit at the Grantee's cost in respect of expenditure in connection with the Project and to provide a report of the results of that audit to the Minister.

#### 8. GRANTEE'S COVENANTS

The Grantee agrees that:

- (a) it will ensure that the Works are Constructed in a competent, efficient and safe manner and that the quality of the Works is of a high standard;
- (b) in the event that the Grantee levies on any person a fee in connection with the use of the Works, that fee will be, subject to the provisions of any statute or other law, an amount which, together with all such other fees that it is estimated will be levied, will not exceed the estimated cost to be incurred by the Grantee in operating and maintaining the Works in the Grantee's financial year. That is, those fees will not represent an amount to be retained by the Grantee as profit;
- (c) in the event that it intends to sell the Works or any part of the Works, the Grantee will:
  - (i) notify the Minister of the sale immediately upon entering into an agreement to sell the Works or that part of the Works or in any event at least 10 Business Days prior to the date on which title to the Works or that part of the Works is to pass from the Grantee; and
  - (ii) so that the Valuer General may determine the Written-down Value of the Works or that part of the Works which is to be sold, allow and assist the Minister and the Valuer General and any of their servants, agents and employees to inspect the Works and provide to the Minister and the Valuer General and any of their servants, agents or employees any documents or records in connection with the Works or the Project which they require; and
  - (iii) pay to the Minister an amount which is, in respect of the Written-Down Value of the Works or that part of the Works which was sold or the sale price (whichever is the greater):

\* where the project is not a Component Project, the same percentage as the Grant bears to the Estimated Project Cost; or

\* where the project is a Component Project, the same percentage as the Maximum Grant Amount for the relevant Component, set out at item 7 of the Schedule, bears to the Total Estimated Component Cost for that Component.

The payment to the Minister shall be made within 20 Business Days of the date on which the Valuer General issues its determination of the Written-Down Value, or at a later date agreed in writing between the Minister and the Grantee; and

- (d) it will immediately notify the Minister of a pending or threatened occurrence or any event which may cause or constitute a breach of representation, warranty or covenant made by the Grantee in this agreement.

## 9. GRANTEE'S REPRESENTATIONS AND WARRANTIES

The Grantee represents and warrants that:

- (a) it is duly authorised and has power to enter into and observe its obligations under this agreement;
- (b) its obligations under this agreement are valid and binding and are enforceable against it in accordance with its terms;
- (c) except where, by operation of law, the Minister owns the Works, it owns, or will own, from commencement of Construction of the Works, the Works;
- (d) all authorisations, registrations, consents, approvals, licences and permits which are or will be required by law in connection with the Works or the performance by the Grantee of its obligations under this agreement have been or will be obtained or effected and are or will be and will remain in force and effect as necessary;
- (e) all officers, employees, agents and sub-contractors of the Grantee are conscientious and efficient and are capable of constructing the works in a competent and expeditious manner;
- (f) there is no litigation, arbitration or administrative proceedings currently taking place pending or threatened against the Grantee which could have a materially adverse effect on its ability to perform under this agreement;
- (g) it is unaware of any act, matter, thing or circumstance by reason of which it would be unable to perform any obligation arising out of this agreement;
- (h) it has after diligent inquiry and investigation fully disclosed to the Minister all information which could reasonably be regarded as affecting in any way the Minister's decision to enter into this agreement; and
- (i) this agreement and performance under it in the reasonable contemplation of the parties does not violate any law regulation or government order or decree or any consent registration approval licence or permit or any agreement order or award binding on the Grantee.

## 10. EVENTS OF DEFAULT

10.1 An Event of Default occurs if:

- (a) the Project is not or, in the reasonable opinion of the Minister, it appears that the Project will not be, completed by the date set out in item 9 of the Schedule; or
- (b) the Grantee does not use the Grant in accordance with clause 3.1; or

- (c) the Grantee breaches any provision of this agreement and, if that breach can be remedied, does not remedy that breach within 10 Business Days of receiving a notice of default from the Minister or within such longer period set out in the notice of default, or that default is not waived by the Minister; or
  - (d) any representation or warranty made by the Grantee is found to be incorrect or misleading; or
  - (e) a receiver is appointed to the income or other assets of the Grantee.
- 10.2** Upon the occurrence of an Event of Default, the Minister may by notice to the Grantee terminate this agreement with immediate effect.
- 10.3** Upon termination of this agreement (whether pursuant to clause 10.2 or otherwise), the Minister may require that the Grantee repay to the Minister any money or portion thereof which was provided by the Minister to the Grantee under the RBFS or in connection with the Works, whether pursuant to the provisions of this agreement or otherwise.
- 10.4** In addition to the repayment referred to in clause 10.3, the Minister may require the Grantee to pay to the Minister the sum of any costs incurred by the Minister as a result of the Grantee's default, including the cost of completing the Works where this is, in the opinion of the Minister, necessary.

## **11. INDEMNITY**

- 11.1** The Grantee releases and indemnifies the Minister from and against all:
- (a) actions, proceedings, suits, claims and demands whatsoever which may be brought, made or prosecuted by any person against the Minister or the Minister's employees, agents or instrumentalities in respect of an Event arising out of or in connection with any or all of the Project, the Works, the Grant or this agreement; and
  - (b) damages, costs and expenses for which the Minister or the Minister's employees, agents or instrumentalities may be liable or incur in defending or settling any action, proceeding, suit, claim or demand described in paragraph (a).
- 11.2** The indemnity in clause 11.1:
- (a) is a continuing obligation, separate and independent from the other obligations of the Grantee; and
  - (b) survives termination of this agreement.

## **12. ACKNOWLEDGEMENT OF GRANT**

The Grantee agrees that it will acknowledge the provision of the Grant by ensuring that it does the things set out in item 10 of the Schedule.

**13. RELATIONSHIP**

The Minister and the Grantee acknowledge and agree that nothing in this agreement may be construed to make either of them a partner, agent, employee or joint venturer of the other.

**14. NOTICES**

**14.1** A notice or other communication in connection with this agreement:

- (a) must be in writing;
- (b) may be given by an authorised officer of the Minister or the Grantee (as the case may be); and
- (c) must be sent by email or prepaid ordinary post to the address of the addressee, set out in item 11 of the Schedule.

**14.2** A notice or other communication takes effect from the time it is received, unless a later time is specified in the notice or communication. For the purposes of this clause 14.2, a letter is taken to be received on the third Business Day after posting.

**15. WAIVER**

A provision of or a right created under this agreement may not be waived or varied except in writing signed by the party or parties to be bound.

**16. GOVERNING LAW AND JURISDICTION**

This agreement is governed by the law in force in Western Australia. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia and courts of appeal from them. Each party waives any right it has to object to an action being brought in those courts including, without limitation, by claiming that the action has been brought in an inconvenient forum or that those courts do not have jurisdiction.

**17. COSTS**

The Minister and Grantee agree that they will each meet their own costs, charges and expenses, in connection with the negotiation, preparation, execution and completion of this agreement but the Grantee agrees to pay any stamp duty imposed on this agreement.

**18. GST**

**18.1** For the purposes of this clause 18:

- (a) "GST Law" has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999*; and
- (b) the terms "GST", "supply" and "taxable supply" have the same meanings as in the GST Law.

**18.2** The amount of the Grant is exclusive of GST.

18.3 If the Grantee becomes liable to pay GST on a supply which is the result of entering into obligations in respect of the Grant, the Minister must pay, in addition to the Grant, an amount equal to the amount of GST payable by the Grantee in respect of that part of the Grant applicable to that supply.

18.4 If the supply of anything made under this Agreement, other than the supply referred to in clause 18.3, is a taxable supply, the price of the supply shall be inclusive of GST.

#### 19. DISPUTE RESOLUTION

If a dispute, controversy or claim arises out of or in connection with this agreement or breach, termination or invalidity thereof and if such dispute, controversy or claim cannot be settled and resolved through negotiation between the parties, then the parties agree to submit their dispute to mediation in accordance with, and subject to, The Institute of Arbitrators and Mediators Australia Mediation Rules.

#### 20. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties relating to the subject matter of this Agreement and supersedes any and all previous negotiations, undertakings, understanding, representations, warranties, agreements or indemnities, whether written or oral.

#### 21. ANNOUNCEMENTS

21.1 The Minister may publish and/or use for marketing purposes details of the Grant, the Project, the Works and the Grantee.

21.2 Except as required by applicable law, all press releases and other public announcements relating to the Construction of the Works must be in terms agreed to by the Minister.

#### 22. ASSIGNMENT

This Agreement shall not be assigned, transferred or dealt with in any way by the Grantee without the written consent of the Minister.

#### 23. SEVERANCE

In the event that any provision of this Agreement is declared by any judicial or other competent authority to be void, voidable, illegal or otherwise unenforceable, the parties shall amend that provision in such reasonable manner as achieves the intention of the parties without illegality or, at the discretion of the Minister, it may be severed from the Agreement and the remaining provisions of the Agreement shall remain in full force and effect, unless the Minister in the Minister's discretion decides that the effect of such declaration is to defeat the original intention of the parties, in which event the Minister shall be entitled to terminate the Agreement by giving one month's notice to the Grantee.

## SCHEDULE

**Item 1(a) - Grant** *(clause 1.1)*

\$60,000 (sixty thousand dollars).

**Item 1(b) - Estimated Project Cost** *(clause 1.1)*

\$80,000.

**Item 2 - Land** *(clause 1.1)*

Car park north west of Denham Boat Harbour, Knight Terrace, Denham.

**Item 3 - Project** *(clause 1.1)*

Denham small craft boat ramp.

**Item 4 - Works** *(clause 1.1)*

To construct a small craft launching ramp.

**Item 5 – Project Specific Requirements** *(clause 1.1 "Project")*

1. Engineering design plans to be approved by Department of Transport before works commence.

**Item 6 - Manner in which the Grant is to be provided** *(clause 2)*

The Minister will provide the Grant (as reduced by any deductions made in accordance with clauses 3.3, 3.4.1(b) and 3.4.2) to the Grantee:

- i) subject to paragraph ii), after the Minister has received the items which the Grantee is obliged to provide to the Minister under clause 4.3; and
- ii) only if no Event of Default has occurred or, if an Event of Default has occurred, the Minister has waived that Event of Default.

**Item 7 - Use of Grant and Grantee's Contribution** *(clauses 3.1 and 3.2)*

The Grant is to be used for the Project and Works as described in Items 3, 4 and 5 of this Schedule and carried out in accordance with the Approved Project Program. This Project is not a Component Project.

The Grantee's Contribution, subject to clause 3.2.5, is \$20,000.



**Item 8 - Additional items and information****Item 8.1 - Prior to commencement of Project** *(clause 4.1.1(f))*

Evidence, acceptable to the Minister, in respect of the Works, the subject of the Project that the land on which such Works would or may be developed is:

- (a) controlled by the Grantee
- (b) available for the development of the Works
- (c) is, or is adjacent to, a licensed maritime structure.

**Item 8.2 - On completion of Project** *(clause 4.3(f))*

Nil.

**Item 9 - Timing of Project** *(clauses 5.1 and 5.5)*

**Completion Date:** 31 July 2013.

**Other significant Dates:** Nil.

**Item 10 - Acknowledgement of Grant** *(clause 12)*

The Grantee must install, in a prominent place on or near the Works, a plaque or honour board of a design approved by the Minister, which acknowledges that a grant has been provided for the Project through the Recreational Boating Facilities Scheme.

**Item 11 - Address for Notices** *(clause 14)***The Minister for Transport:**

C/o Department of Transport  
Recreational Boating Facilities Scheme  
PO Box 402  
FREMANTLE WA 6959  
Email: [rbfs@transport.wa.gov.au](mailto:rbfs@transport.wa.gov.au)

**The Grantee:**

PO Box 126  
Denham 6537  
Email: [ceo@sharkbay.wa.gov.au](mailto:ceo@sharkbay.wa.gov.au)

**Item 12 - Completion Certificate** *(clause 1.1)*

**RECREATIONAL BOATING FACILITIES SCHEME  
COMPLETION CERTIFICATE  
FOR  
DENHAM BOAT RAMP**

We certify that Completion of the Project was achieved on ... and that the Shire of Shark Bay incurred expenditure (excluding GST) of \$... in carrying out the works in connection with the Project.

The Shire of Shark Bay acknowledges that pursuant to the funding agreement between the Minister for Transport and the Shire of Shark Bay, the Shire of Shark Bay is responsible for all the ongoing operations and maintenance of the facility.

Signed on behalf of the Shire of Shark Bay:

**CHIEF EXECUTIVE OFFICER**

**DIRECTOR OF FINANCE**

**MANAGER OF WORKS**

EXECUTED as an agreement.

Signed this 26<sup>th</sup> day of July 2011 for and on behalf of the Minister for Transport, as a Body Corporate by the authorised delegate:

*M. Baird*  
.....  
New Coastal Assets Manager's Signature

*Martin Baird*  
.....  
Name

in the presence of:

*AM*  
*B. Myres*  
.....  
Witness's Signature

*Biddy Myres*  
.....  
Witness Name

The COMMON SEAL of the  
Shire of Shark Bay  
was hereunto affixed by the authority  
of a resolution of the Council on  
this      day of                      2011

in the presence of:

.....  
Mayor/President's Signature

.....  
Name

.....  
Chief Executive Officer's Signature

.....  
Name

16.3 BUTCHERS TRACK FENCE LINE  
RO105.09

Author  
Chief Executive Officer

Disclosure of Any Interest  
Nil

Moved            Cr Ridgley  
Seconded       Cr Pepworth

**Officer Recommendation**

**The additional information in regard to the Butchers Track Road reserve alignment submitted by the owners of Nerren Nerren Station be received and noted.**

**That the owners of Nerren Nerren Pastoral Company be requested to remove their boundary fence line from within the gazetted Butchers Track road reserve, at their earliest possible convenience.**

**That in conjunction with the works program the excess spoil on the northern side of Butchers Track be relocated to the gazetted road reserve on the southern section.**

**That future works programs make provision for the realignment of Butchers Track in a southerly direction from the present location to enable road construction methods that include the installation of drainage offshoots and areas to deposit excess spoil within the road reserve.**

Cr Ridgley left the meeting at 4.11pm  
Cr Ridgley returned to the meeting at 4.14pm

**Amendment to Officer Recommendation**

**Reason:** Council agreed that it would be beneficial to the decision making process that the owners of Nerren-Nerren Station be invited to the September meeting of Council.

Moved            Cr Ridgley  
Seconded       Cr Pepworth

**Council Resolution**

**That the matter lay on the table until the September 2011 meeting of Council and that the representatives of Nerren-Nerren Station be invited to the Council meeting to discuss the matter of Butchers Track fence line.**

**5/0 CARRIED**

Background

The Council at the ordinary meeting held in April 2011 discussed the following recommendation:

*That the owners of Nerren Nerren Pastoral Company be requested to remove their boundary fence line from within the gazetted Butchers Track road reserve, at their earliest possible convenience.*

*That in conjunction with the works program the excess spoil on the northern side of Butchers Track be relocated to the gazetted road reserve on the southern section*

*That future works programs make provision for the realignment of Butchers Track in a southerly direction from the present location to enable road construction methods that include the installation of drainage offshoots and areas to deposit excess spoil within in the road reserve.*

The Council felt that more information was required to make an informed decision and resolved the following:

***That the matter lay on the table and council administration be requested to further investigate the southern section of the Butchers Track and report back to Council***

Further information has now been received from the owners of Nerren Nerren station in regard to the status of the Butchers Track adjacent to their fence line. (attached at end of item)

Further to the information the minutes of the Council meeting held on Friday 30 August 1985 are recorded as follows:

*11.1 Department of Lands and Surveys re Butchers Track RO105*

*I refer to previous correspondence in connection with the above and advise that the survey of the above has now been completed.*

*We were previously advised that the council has been able to obtain the pastoralists agreement to the resumption and we had been asked to proceed with the compulsory resumption.*

*I now note that ownership has changed. The present owner is Harold James Crawford.*

*In view of the change, it is thought that you may wish to seek the new owners consent to the resumption and thereby eliminate the necessity of publishing a notice of intent to resume.*

*Recommendation*

*Cr. Crawford comments be sought in order to avoid compulsory resumption.*

*Cr. Crawford declared his interest in this matter*

*Moved Cr. L Hillary that Cr. Crawford be permitted to speak on this matter seconded Cr .K Capewell carried*

*Cr. Crawford indicated he would not object to resumption of the land.*

There is no further discussion recorded in the minutes on the matter in regard to the resumption of the land or the location of the fence line that was in place at the time.

#### Comment

The information provided by Nerren Nerren Station confirms that the fence line adjacent to Butchers Track is located within the road reserve.

It is also clear as recorded in the minutes of the Council meeting that the resumption was agreed to by the owners of Nerren Nerren Station.

It is unclear as to how the fence line was allowed to remain within the road reserve given the agreement of the owner to the voluntary resumption of the area of land in question and that the area had been surveyed as confirmed by the correspondence from the Under Secretary for Lands to Mr Crawford in October 1985.

The owner of Nerren Nerren Station has requested, in the correspondence submitted, the following:

*“The fence is still in a reasonable and maintainable condition, although as I relayed in my letter of 17<sup>th</sup> February, there are some areas in need of repair and maintenance. This can and will be addressed. We consider the fence be maintained in its present alignment until a time of need for renewal and then should be re aligned to the correct reserve boundary as you are aware the property is for sale and we commit that any new buyer will be made aware of these arrangements”.*

There is no indication of the time frame associated with the possible renewal of the fence line and given the arguments that have been presented to Council by others in regards to useful life of a fence line there could be a considerable length of time before the fence line is considered in need of renewal.

Any prospective purchaser would have to be made aware that the road reserve is not part of the property and that the fence line would have to be realigned prior to settlement.

Continuing to allow the fence line to remain in the road reserve raises issues of liability to both the Council and the adjacent property owner and has impacted upon the Council’s ability to maintain the road infrastructure.

The Council should in the first instance request the owner to remove the fence that is being utilised as their northern boundary due to the fact that it is within the road reserve.

This would ensure that there is no liability on behalf of the Council for allowing an unauthorised structure within a road reserve and specifically the property owner in regard to the placement of an unauthorised structure within the road reserve.

In the event that the property owner does not agree to the removal of the fence line from within the gazetted road reserve the Council can remove the unauthorised structure.

There is no requirement for the Council to replace the fence line, as it is the responsibility of the owner to adequately fence their property.

The relocation of the fence line would enable the Council to, over time, alter the alignment of the road away from the northern boundary to allow offshoots and drains to be installed on both sides of the road without significantly impacting upon the neighbouring properties.

This would also enable the spoil to be deposited in a manner that prevents any further significant build-up.

The accumulation of spoil that has been the subject of Hamelin Station requests to the Council could also be removed and placed on the road reserve to the south of the established road.

#### Legal Implications

The area of the road reserve that was gazetted is in accordance with the *Local Government Act*, and is Council property.

There is minimal information as to why the fence line was not relocated when the voluntary resumption was undertaken.

However the removal of the fence from within the road reserve and placement on the boundary of the neighbouring property should be addressed, the Council as previously discussed requires the area to ensure sufficient land is available to build and maintain the road and drainage network.

The Council unless there is an agreement or arrangement in place that is yet to be discovered can remove the fence from the gazetted road reserve if it deems this action necessary.

In regard to the possibility of the Nerren-Nerren Pastoral Company lodging a claim for adverse possession of the area of gazetted road the *Land Administration Act* does not enable adverse possession of Crown land. The *Land Administration Act* also enables the Council to remove any unauthorised structures from the gazetted area of land.

The *Local Government Act 1995* Schedule 9.1 section 3 states:  
Obstructing or encroaching on public thoroughfare

Regulations may be made about the obstruction of public thoroughfares by things that –

- (a) have been placed on the thoroughfare; or
- (b) have fallen from land or fallen from anything on land.

(2) Regulations may be made to ensure that structures and plants do not encroach on a public thoroughfare

The *Local Government (uniform local provisions) Regulations 1996* section 7 states  
Encroaching on public thoroughfare sch 9.1 clause 3(2)

(1) A person who is the owner or occupier of land and, without lawful authority –

- (a) erects on the land a structure that encroaches upon a public thoroughfare; or
- (b) permits a tree or other plant growing on the land to encroach upon a public thoroughfare,

Commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so

(2) The penalty for an offence against sub regulation (1) is a fine of \$1,000 and a further \$50 for each day or part of a day during which the offence continues.

#### Policy Implications

Nil

#### Financial Implications

It is incumbent upon an owner to locate their fence within or on the boundary of their property and there should be no financial implication to the Council in regard to the correct positioning of the fence by the owners of Nerren Nerren Pastoral Company.

The implications of the resumption of the area of land, given the fence line was in place, should have been clear to the council and the property owners at the time of

the resumption and any financial considerations should have been addressed at this time.

However this reasoning is applicable in normal situations, the council given the circumstances may consider assisting with the relocation of the fence.

There will be labour and machinery costs associated with the realignment of the road, however this could be undertaken in conjunction with the road maintenance program over a number of years.

In regard to the build up of spoil material on the northern side of the road this can be removed and deposited within the road reserve on the southern side of the road. The costs associated with this process would be labour costs and machinery. It is estimated that this work will take approximately five days to complete.

This work would be restricted to only the area of spoil build up that is contiguous to the road this is estimated at a total length of 7 kilometres .The estimated costs would be:

Labour	\$45 per hour x 38 hours	= \$1,710
Grader	\$85 per hour x 38 hours	= \$3,230
Loader	\$85 per hour x 38 hours	= \$3,230
Total cost of project		= \$8,170

The plant and labour costs would not be a direct impost to the Council as these costs would be diverted from another Council project and would form part of the overall maintenance expenses of the Council.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

20 August 2011



1-C2-9189 20105.09

RECEIVED

12 JUL 2011

Shire of Shark Bay

*Nerren-Nerren Pastoral Company.*

P.M.B. 35.  
Geraldton, W.A.  
6530

99 629592  
99 629502

*nerren-nerren@bigpond.com*

Attention Paul Anderson.  
CEO,  
Shire of Shark bay,

Dear Paul, (Re Butchers Track fencing etc.)

We have taken some time to gather some information re road construction and reserve gazettal etc. It is not complete but probably enough to consider our position and reply to your correspondence.

My previous letter to you 21<sup>st</sup> May 2011, set out the time line of construction etc of both the road (Butchers Track), and the fences in relation to it.

Briefly that is, Hamelin / Meadow boundary fenced sometime before 1935. North boundary of Meadow east of Hamelin fenced sometime after 1935. Butchers Track road constructed through Meadow lease 1982. A parallel fence was constructed along the south side of Butchers Track by the Shire of Shark Bay under contract to SEC, to the Meadow east boundary 1982. We purchased Meadow pastoral lease 1984. We now know a road reserve was created 1985 (Attach 1). We removed the fence along the north side of Butchers Track from the Hamelin east boundary to the Meadow east boundary sometime in late 80's. Sometime after 2005, the grid on the western entry to Butchers Track from the NWCH'way was removed.

The fence was erected to allow unimpeded traffic flow along Butchers Track without the need for grids or gates. The agreement of the previous owner of Meadow to this fence being constructed to allow this was continued by us as owners in the expectation of its continued use as a boundary on the southern side of Butchers Track which we maintained. To this end, it was our decision to allow the removal of the grid at the western intersection with the NWCH'way after the completion of the MRWA highway fencing through Meadow.

One of the interesting situations shown by the Landgate map (Attach 2), is by my reading of the map, the existence of Meadow P/L land, still being shown above the Butchers Track excised road reserve (yellow).

We did ask DPI/ PLB to ascertain Meadow P/L north boundary. They have advised they were unable to provide information as per their letter of 13<sup>th</sup> June. (Attach 1). However they do say that Shark Bay Shire

may already have that information. This possible anomaly is brought about by a survey arbitrarily drawing a line on a map with no consideration for on ground infrastructure.

I have attached a copy of extract from Government Gazette December 1985 (Attach 3) and copy of a letter from Under Secretary lands re gazettal (Attach 4). We must accept that the road reserve extends 60m south of the existing Hamelin surveyed boundary fence.

We did begin discussion of repair and renewal of the southern fence on Butchers Track in good faith and without the knowledge re the road reserve we now have (Letter 17<sup>th</sup> February). We are concerned we are being dragged into a bigger conflict here, and that we may be the landowners disadvantaged in the ongoing melee.

We point out that the fence has been on the present alignment for 29 years. It was erected previous to us owning the property. It was erected by agreement between the previous owner and SEC (WA Gov.) and erected by contractors through the Shire of Shark Bay. It is a fact that a survey 3 years later, created a road reserve beyond the existing fence alignment.

The fence is still in a reasonable and maintainable condition, although as I relayed in my letter of 17<sup>th</sup> February, there are some areas in need of repair and maintenance. This can and will be addressed. We consider the fence be maintained in its present alignment until a time of need for renewal, and then should be re aligned to the correct reserve boundary. As you are aware, our property is for sale and we commit that any new buyer will be made aware of these arrangements.

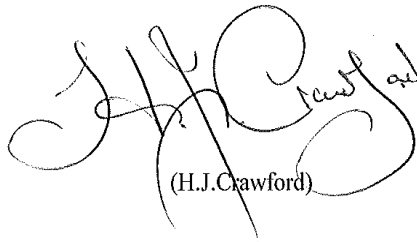
If Council is considering any onsite inspection or discussion relevant to this issue we would request to be involved.

If any mediation is required to progress a resolution, we would be supportive of MRWA Gascoyne being involved as an independent body with knowledge of road fencing agreements.

We await your reply,

Yours faithfully,

9<sup>th</sup> July 2011



(H.J.Crawford)



Government of Western Australia  
Department of Regional Development and Lands

Lands Division – Pastoral Land



Our ref: 02090-1964/04  
Enquiries: George Poppas  
Tel: (08) 9347 5138  
Fax: (08) 9347 5009  
E-mail: plb@rdl.wa.gov.au

13 June 2011

A J Crawford  
Meadow Station  
PMB 35  
GERALDTON WA 6530

Dear Mr Crawford

**MEADOW STATION – PASTORAL LEASE 3114/1098 CROWN LEASE 47-1976  
CADASTRAL BOUNDARY INFORMATION**

I refer to your letters of 21 May 2011 to Brian Lloyd of this office and Steve Burgess of State Land Services regarding the alignment of your Northern boundary.

The road was resumed on 13 December 1985 under section 17 of the then *Public Works Act 1902*. Enclosed is a copy of the relevant page of the Government Gazette from the time and also a copy of an earlier letter to you from the Under Secretary for Lands advising of the resumption.

Unfortunately this office does not hold the legal cadastral information to determine your boundaries. The custodian of this information is Landgate and I understand you may place orders by phone on (08) 9273 7373.

You may need to obtain a copy of your Crown Lease 47/1976. I am able to advise that the survey numbers for the section of road you refer to are now referred to as Deposited Plans 215618 and 216276.

Alternatively the Shire may already have the appropriate information.

Yours sincerely

  
George Poppas  
Project Leader – Land Tenure

Postal Address: PO Box 1575, Midland, Western Australia 6936  
Tel: (08) 9347 5126 www.rdl.wa.gov.au ABN 28 807 22 1246



13 December 1985.]

GOVERNMENT GAZETTE, W.A.

4773

IT is hereby declared that, pursuant to the resolution of the Shire of Shark Bay passed at a meeting of the Council held on or about 20 March, 1984 the undermentioned lands have been set apart, taken, or resumed under section 17 of the Public Works Act 1902, for the purpose of a new road, that is to say:—

Shark Bay.

1265/984.

Road No. 17415 (Butchers Track). A strip of land 60 metres wide commencing at the northeastern side of Road No. 2321 (North West Coastal Highway) and extending as delineated and coloured dark brown on Original Plans 15618 and 16276 generally eastward through Pastoral Lease 3114/1098 and vacant Crown Land to terminate at the southwestern side of Road No. 7095.

113.106 3 hectares being resumed from Pastoral Lease 3114/1098.

(Public Plan Yaringa 1:250 000.)

IT is hereby declared that, pursuant to the resolution of the Shire of Waroona passed at a meeting of the Council held on or about 9 March 1984 the undermentioned lands have been set apart, taken, or resumed under section 17 of the Public Works Act 1902, for the purpose of a new road, that is to say:—

Waroona.

2537/984.

Road No. 17385 (Mitchell Road). (i) A strip of land 20.12 metres wide commencing at a line in prolongation southeastward of the southernmost northeastern boundary of Wellington Location 5199 (Reserve No. 33345) and extending as surveyed southwestward along the southeastern boundary of the said Location to terminate at a line in prolongation northeastward of the easternmost southeastern boundary of Lot 87 of Wellington Location 1321 (Office of Titles Plan 7227).

(ii) (Extension). A strip of land varying in width commencing at the northwestern sides of the present road, described above and extending as delineated and coloured dark brown on Original Plan 16350 southwestward through Wellington Location 5199 (Reserve No. 33345), the whole of Lot 88 and through Lot 84 of Location 1321 (Office of Titles

Plan 7227) to terminate at the northeastern boundary of Location 5099 (Reserve No. 32010).

Reserve No. 33345 is hereby reduced by 1 828 square metres.

2 689 square metres being resumed from Wellington Location 1321.

(Public Plan Yalgorup 1:2 000 PT 01.01 and PT 2.01)

IT is hereby declared that, pursuant to the resolution of the Shire of Wyndham-East Kimberley passed at a meeting of the Council held on or about 13 December, 1983 the undermentioned lands have been set apart, taken, or resumed under section 17 of the Public Works Act 1902, for the purpose of a new road, that is to say:—

Wyndham-East Kimberley.

1811/983 (MRD 90/379).

Road No. 17376 (Stockman Road). A strip of land varying in width commencing at the northeastern side of the surveyed road (Duncan Highway) and extending as delineated and coloured mid brown on Original Plan 16142 generally northeastward through vacant Crown Land to terminate at a line in prolongation southeastward of the northeastern boundary of Kununurra Lot 2204.

Road No. 17377 (Bull Run Road). A strip of land 20 metres wide, widening at its commencement, commencing at the northwestern side of Road No. 17376 (Stockman Road) described above, and extending as delineated and coloured mid brown on Original Plan 16142 northwestward along the southwestern boundaries of Kununurra Lots 2204, 977 and 1126 to terminate at a line in prolongation southwestward of the northwestern boundary of the lastmentioned Lot.

(Public Plan Burt Range NW 1:25 000).

And whereas His Excellency the Governor has declared that the said lands have been set apart, taken, or resumed for the purpose of the said roads, and that plans of the said lands might be inspected at the Department of Lands and Surveys, Perth, it is hereby notified that the lands described above are roads within the meaning of the Local Government Act 1960, subject to the provisions of the said Act.

Dated this 26th day of November, 1985.

By Order of His Excellency.

K. F. McIVER,  
Minister for Lands and Surveys.

File No. L. & P. B. 3108/85

Local Government Act 1960 (as amended) Public Works Act 1902 (as amended).

NOTICE OF INTENTION TO TAKE OR RESUME LAND

Drain—Shire of Swan.

THE Minister for Works hereby gives notice in accordance with the provisions of section 17 (2) of the Public Works Act 1902 (as amended) that it is intended to take or resume under section 17 (1) of that Act, the piece or parcel of land described in the Schedule hereto, and being all in the Swan District, for the purpose of the following public work, namely, Drain—Shire of Swan and that the said piece or parcel of land is marked off on Plan L. & S., W.A. 87, which may be inspected at the office of the Minister for Works, Perth. The additional information contained in the Schedule after the land description is to define locality only and in no way derogates from the Transfer of Land Act description.

Schedule.

No. on Plan L. & S., W.A. No. 87	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
	Danko and Mate Sokol...	Danko and Mate Sokol	Portion of Swan Location 6 and being part of Lot 1 on Diagram 48369 and being part of the land in Certificate of Title Volume 1018 Folio 85.	2 367 m <sup>2</sup>

Dated this 5th day of December, 1985.

K. F. McIVER,  
Minister for Works.

44431—2



1265/984 CM:PD

3231386

Mr H.J. Crawford  
"Nerren - Nerren Station"  
Via GERALDTON 6530

Dear Sir

RE: DEDICATION – BUTCHER'S TRACK

At the request of the Shire of Shark Bay, this Department surveyed a 60 metre wide road to provide a link for the Murchison to North - West Coastal Highway.

The road extends along and inside the northern boundary of Meadow Station, Pastoral Lease No. 3114/1098 as shown on enclosed print.

The Shire Clerk of the Shire of Shark Bay advised me that following discussions between the Council and yourself, you were prepared to consent to the resumption of the area required from your lease.

Accordingly, action is now being taken to resume and dedicate as a public street the area shown on the print.

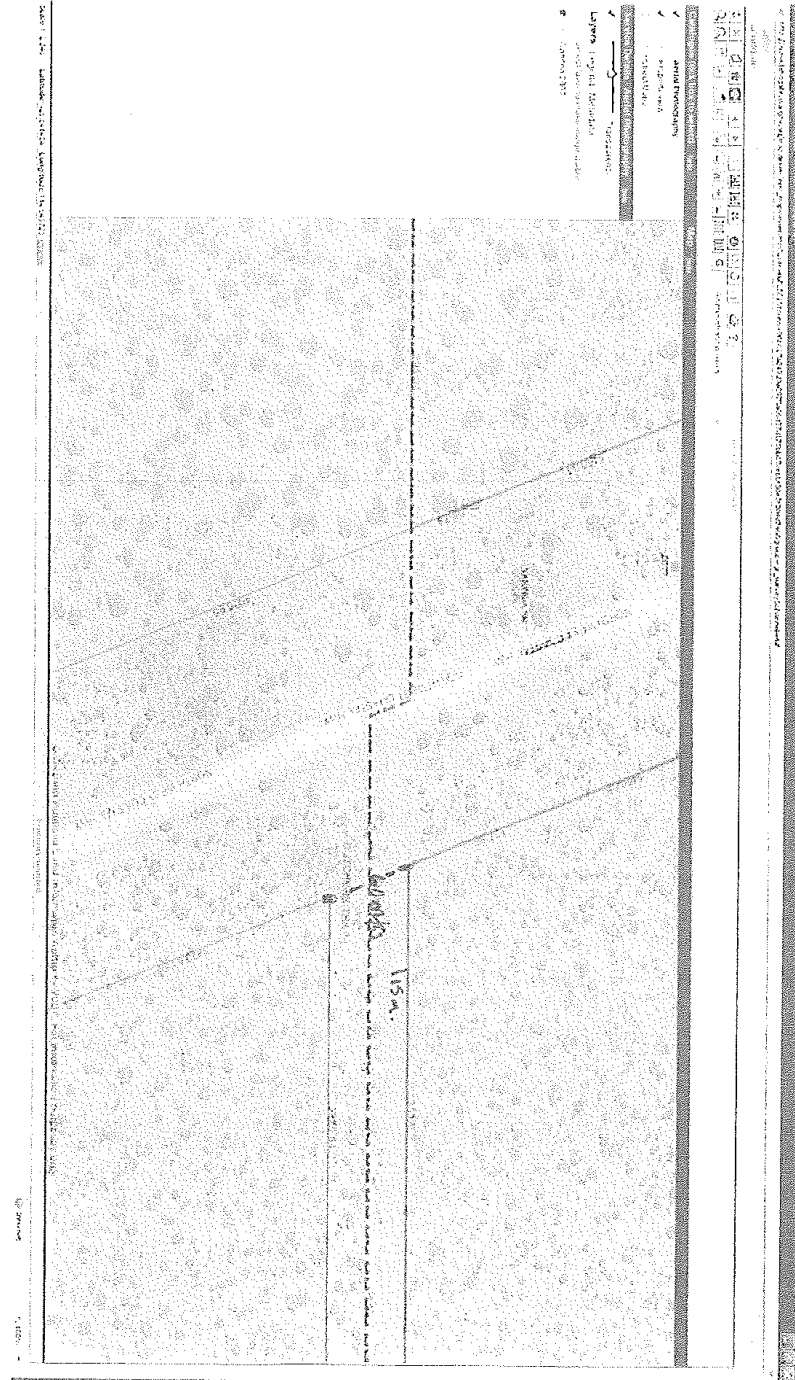
Yours faithfully

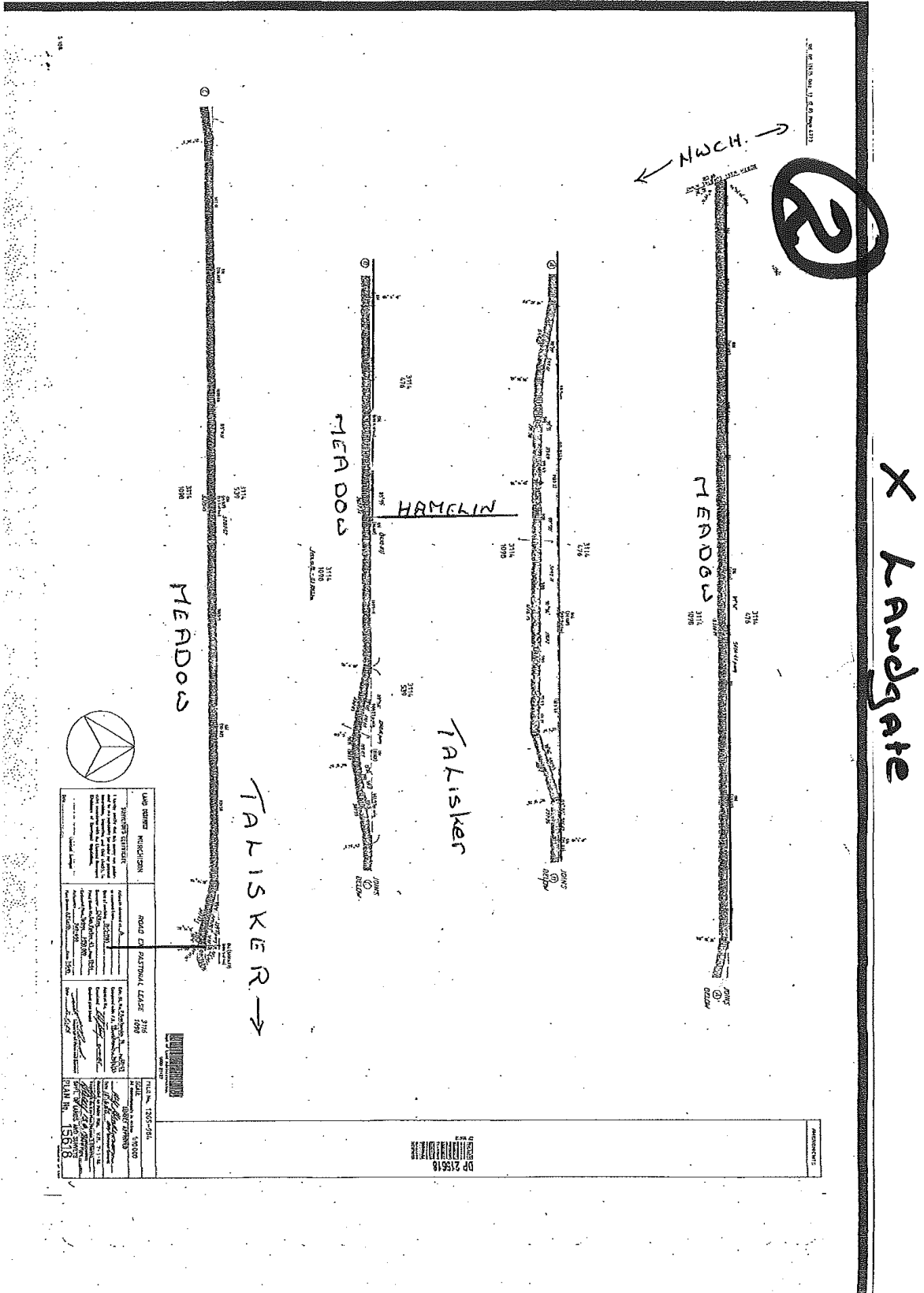
UNDER SECRETARY FOR LANDS

October 11 1985

enc.

(Resumption # 32)

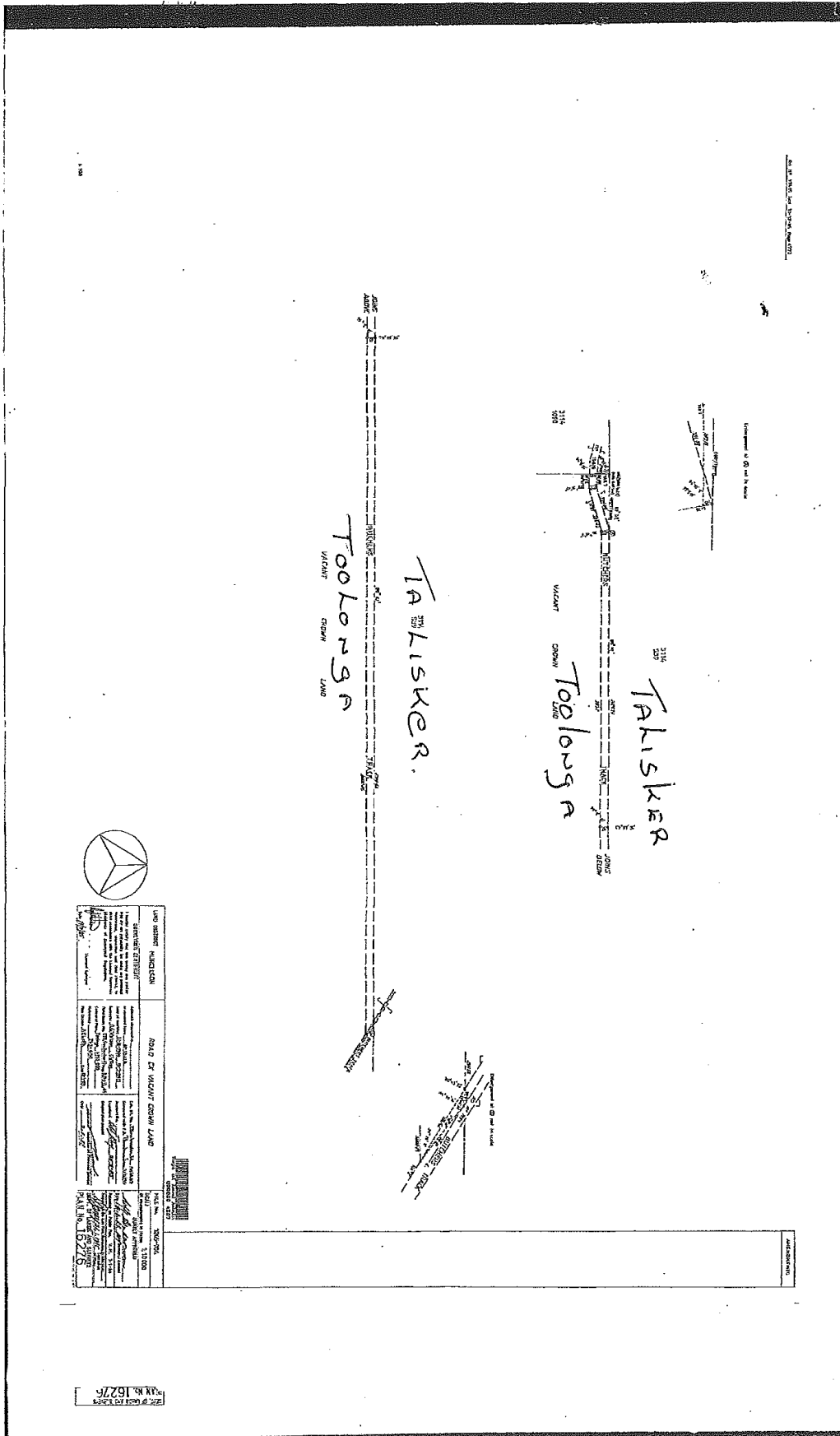






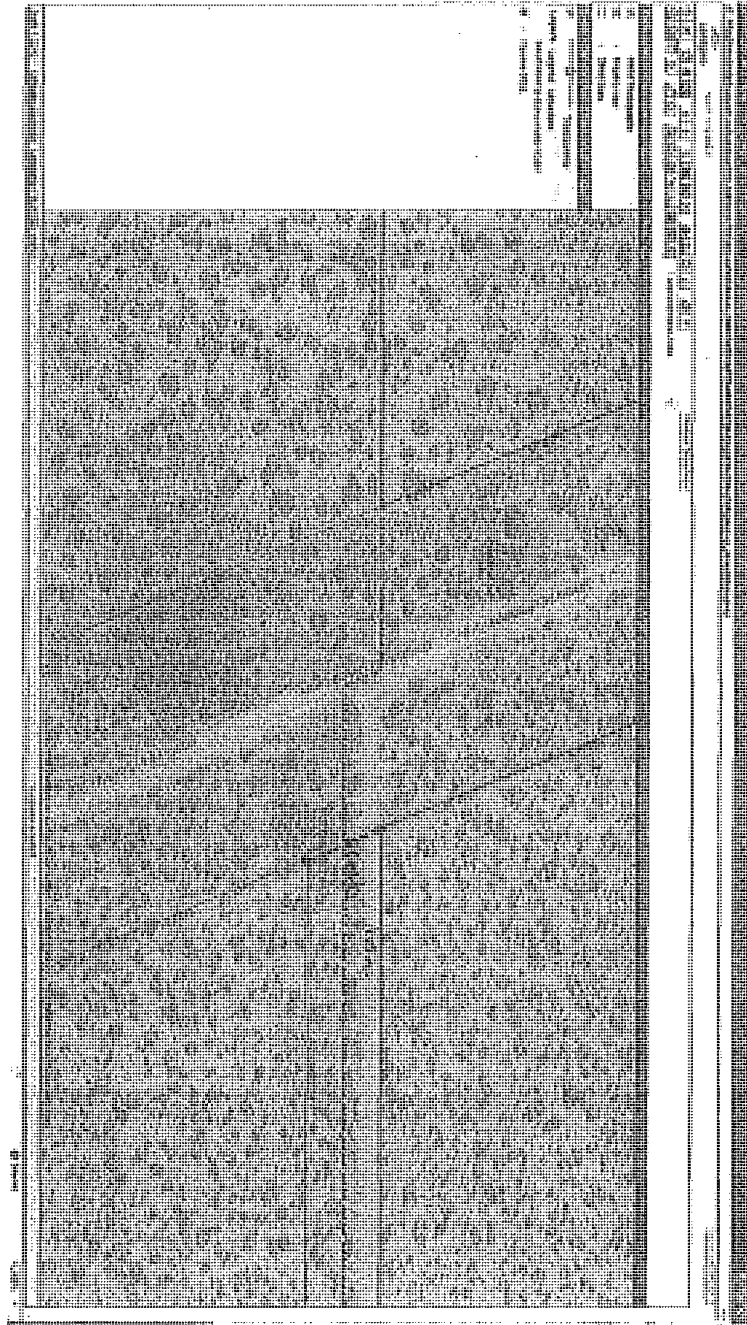


LANDGATE USE ONLY. COPY OF ORIGINAL, NOT TO SCALE



<p>LAND USE ZONING: RESIDENTIAL</p> <p>STANDARD DISTRICT: RESIDENTIAL</p> <p>APPLICANT: [Name]</p> <p>PROJECT: [Name]</p>	<p>30.00 12' VACANT CORN LAND</p> <p>APPLICANT: [Name]</p> <p>PROJECT: [Name]</p>	<p>FILE NO: 2010-076</p> <p>APPLICANT: [Name]</p> <p>PROJECT: [Name]</p> <p>PLAN NO: 10276</p>
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PLAN NO. 10276



X Shark Bay Shire

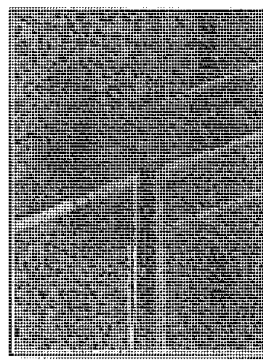




**BUTCHS TRACK**

**XTRWA.**

Created 17 May 2011



Scale: 1:1,034

**Description**

**Map Projection:** MGA 94 Zone 50  
(Eastings/Northings)

**Datum:** Geocentric Datum of Australia  
1994

1 Midland Square  
Midland WA 6056  
Tel: (08) 9273 7832  
Email: SlipEnabler@landgate.wa.gov.au  
www.landgate.wa.gov.au



**Landgate**

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#### 16.4 WORK MANAGERS REPORT

##### Author

Works Manager

##### Disclosure of Any Interest

Nil

Moved            Cr Hargreaves  
Seconded       Cr McLaughlin

##### **Council Resolution**

**That the Works Managers report on the activities for the month of August 2011 be noted and endorsed.**

**5/0 CARRIED**

##### Précis

The following report contains a brief description of significant activities, events and issues that were raised during the last month.

##### Comment

##### Town

The town is looking very green and lush at the moment. This continuous rain, whilst generally giving a great boost to the country side, has added to the work load of the town staff i.e. continual verge mowing etc.

The entry to the boat ramp across from the Bay Lodge YHA (Backpackers) has been repaired after the rain damage. Although there is a concrete ramp situated there it is buried with beach sand to a depth of about 300mm. This is not a significant amount of sand to remove other than the fact that this section of beach for about 50 meters either side is also at this height. If the sand was removed from the boat ramp then I believe the tides would keep filling in the ramp on a continual basis. We will continue to search for a suitable solution to this problem.

Pot holes are developing at an alarming rate after each bout of rain and the town staff are endeavouring to maintain the streets pot hole free. This is, as you can appreciate, an ongoing maintenance program and is done as required when required.

##### Town Entry Statement

The town entry statement has been completed except for the lighting. A tree was removed and some pruning done to improve visibility along the road to the entry statement.

##### Overlander Entry Wall

The solar lights at the overlander entry statement wall have been repaired.

##### Refuse and recycling

A new trench for general refuse has been established at the Denham Refuse site. A new sign marking the turn off to the Denham Refuse Site has been ordered and will replace the existing sign. The replacement sign will read "REFUSE AND RECYCLING" instead of "RUBBISH TIP". A prescribed burn to the dried green waste

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as per the Landfill Environmental Management Plan for the Denham Refuse Disposal Site has been completed and seems to have been effective.

Stella Rowley Drive

The country staff have started on the shoulder reconstruction program on Stella Rowley Drive with most, if not all, of the gravel carted in. This program will increase the width and structure of the shoulders continuing to improve the safety along this road. As part of this program, guide posts and signs will be inspected and replaced as required. A reseal program will be started that will continue next financial year. This project is funded mainly by Regional Road Group funding.

Useless Loop Road

The polymer binders that have been trialled on small sections of the Useless Loop Road have been subject to a considerable amount of rain in the past month. They have stood up to the punishment rather well and continue to outperform the sections that have not had the benefit of polymers added. This is a pleasing outcome so far with more observations to be made to confirm its benefits.

Flood Damage Roads

Tenders have been called for companies to supply prices to undertake works for Council for the 2011/12 financial year. Once the tenders have been received and a suitable tenderer accepted, works will commence on the flood affected roads utilising the funding allocation that has previously been reported to Council.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

21 August 2011

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**17.0 TOURISM, RECREATION AND CULTURE REPORT****17.1 MONKEY MIA JETTY REPLACEMENT**  
MA100Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Ridgley

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

Cr Ridgley requested that he be permitted to address Council on this matter.

Cr Ridgley left the meeting at 4.35

Moved            Cr Pepworth  
Seconded       Cr Cowell

Declaration of Interest: Cr Hargreaves

Nature of Interest: Impartiality Interest as an employee of one of the users of the jetty.

Moved            Cr Hargreaves  
Seconded       Cr CowellCouncil Resolution**That Cr Ridgley be permitted to address the council only on the matter of item 17.1 Monkey Mia Jetty Replacement.****4/0 CARRIED**

Cr Ridgley returned to the meeting at 4.37pm in accordance with Council's resolution and gave a presentation on item 17.1 Monkey Mia Jetty Replacement.

Officers Recommendation**The proposed Monkey Mia Jetty replacement design be presented to the Monkey Mia Jetty Working Group for Comment prior to further consideration by Council.****OR****The proposed Monkey Mia Jetty replacement design concept be endorsed and the proposal be forwarded to the Marine Parks and Reserves Authority and Department of Transport for comment and approval.**

Cr Ridgley left the meeting at 4.46pm

**Reason:** The Council considered that the matter had received significant input from the working group and considered the proposed jetty met the current and future needs of the community.

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### Council Resolution

**The proposed Monkey Mia Jetty replacement design concept be endorsed and the proposal be forwarded to the Marine Parks and Reserves Authority and Department of Transport for comment and approval.**

4/0 CARRIED

### Background

The Shire of Shark Bay following damage to the Monkey Mia jetty had a structural report undertaken which was received in August 2009.

The report indicated a number of issues with the jetty and the summary of findings is indicated as follows;

*Based on the results of the calculations, the jetty located at the Monkey Mia Dolphin Resort is not capable of carrying either pedestrian or vehicle loading when analysed strictly in accordance with the modern Australian Standards. The jetty would have been designed to the current standards at the time of its construction, and may have well met the minimum standard requirements at the time of design. It is noteworthy that even in an as new condition, some members fail under the minimum vehicle and pedestrian loads prescribed in AS 1170.0: 2002 and would require an upgrade to meet these criteria. When one deviates from the standards to more accurately model the way in which vehicle loads are likely to be applied to the jetty, a 2500kg maximum allowable load is achievable.*

The refurbishment or replacement of the jetty was an item the Council was considering and had been allocated \$650,000 from the Royalty for Regions Gascoyne Revitalization funding for this project.

To assist the Council in its deliberations in regard to the design of the jetty a working group was set up comprised of existing users, Department of Environment and Conservation representatives and Council members.

The working group has met twice and a number of options have been presented for discussion. There was a consensus at the meeting held in January that the jetty be replaced with a longer jetty that enabled a greater number of vessels to utilize the jetty simultaneously.

Subsequent to the initial funding allocation of \$650,000 a further \$350,000 has been applied for and granted from the Royalty for Regions Gascoyne Revitalization funding the taking the total project funding to \$1.0 million.

### Comment

The working group has met on two occasions and has had very robust discussion on the proposals put forward to replace the Monkey Mia jetty.

There are a number of differing views in relation to the ongoing use and suitability of the jetty and any proposals for the craft that currently utilize the facility.

Discussion had been held as the design and construction of a replacement jetty and the ability of a new jetty to meet the requirements of all current users.

These concepts were presented to the marine engineer Mr Martin Searle who drafted up some proposals for the working group to discuss.



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The consensus of the working group was towards a longer jetty that allowed for an increased number of vessels to safely berth simultaneously.

Mr Martin Searle the consulting marine engineer was requested to draft up proposals that met these criteria.

These drawings (attached) have now been received and indicate a jetty length of 54 metres and a width of 3.5 metres.

The existing jetty is 3.25 metres wide for a distance of 36.3 metres and then widens to 6.0 metres for a distance of 4.95 metres, making a total length of 41.25 metres. These measurements are from the outside edges of the jetty and from the edge of the concrete apron.

The jetty has also been designed so as to enable a viewing platform to be added to the western section for the first 30 meters.

This would enable the viewing platform to be utilized by visitors to the area when viewing the dolphin interaction area.

This addition will be solely dependant upon the Department of Environment and Conservation funding and maintaining this section of the jetty. Approaches have been made to the Department for inclusion in future budgets.

The business case for the Gascoyne Revitalization Group is been drafted and requires Council direction for the preferred option that can be costed and included in the proposal to enable Council to access the funding.

However, prior to this proceeding the Marine Parks and Reserves Authority and the Department of Transport need to be consulted in regard to the proposals that the Council are considering. If the Council is in agreement with the proposed structure as presented the comments and permissions of these authorities will be sought to progress the matter further.

#### Legal Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

The Shire of Shark Bay was originally allocated funding of \$650,000 for this project. Initial cost estimates indicated that approximately \$1.0 million was required to remove and replace the jetty with a structure that was agreed upon by the Monkey Mia Working Group for presentation to the Council.

Following the receipt of the estimate approaches were made to the Department of Environment and Conservation and the Aspen Group to assist the Council in funding the shortfall. Both parties have indicated that they are not able to assist the Council in the construction of a jetty at this stage.

Indicative costings have advised that the estimated cost to construct a jetty is in the vicinity of \$4,000 per metre squared, however this cost can only be established when

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tenders are called for the construction. The old jetty will be required to be removed and there will also be a cost associated with this process. There will be a salvage value in the timbers in the jetty which should offset the total cost.

A further approach was made to the Gascoyne Revitalization Group who have now allocated a further \$350,000 towards the project making a total amount of \$1.0 million available to remove and reconstruct the jetty.

The timing of the funding is over two financial years being 2010/11 and 2011/2012, this is due to the cash flow estimations of the total Royalties for Region funding.

The Shire of Shark Bay will be responsible for all ongoing maintenance and liability associated with the jetty.

The installation of a new structure will limit the maintenance required in the initial stages of the new jetties life, however a reserve fund should be established to fund future maintenance and possible replacement when the jetty reaches the end of its useful life.

#### Strategic Implications

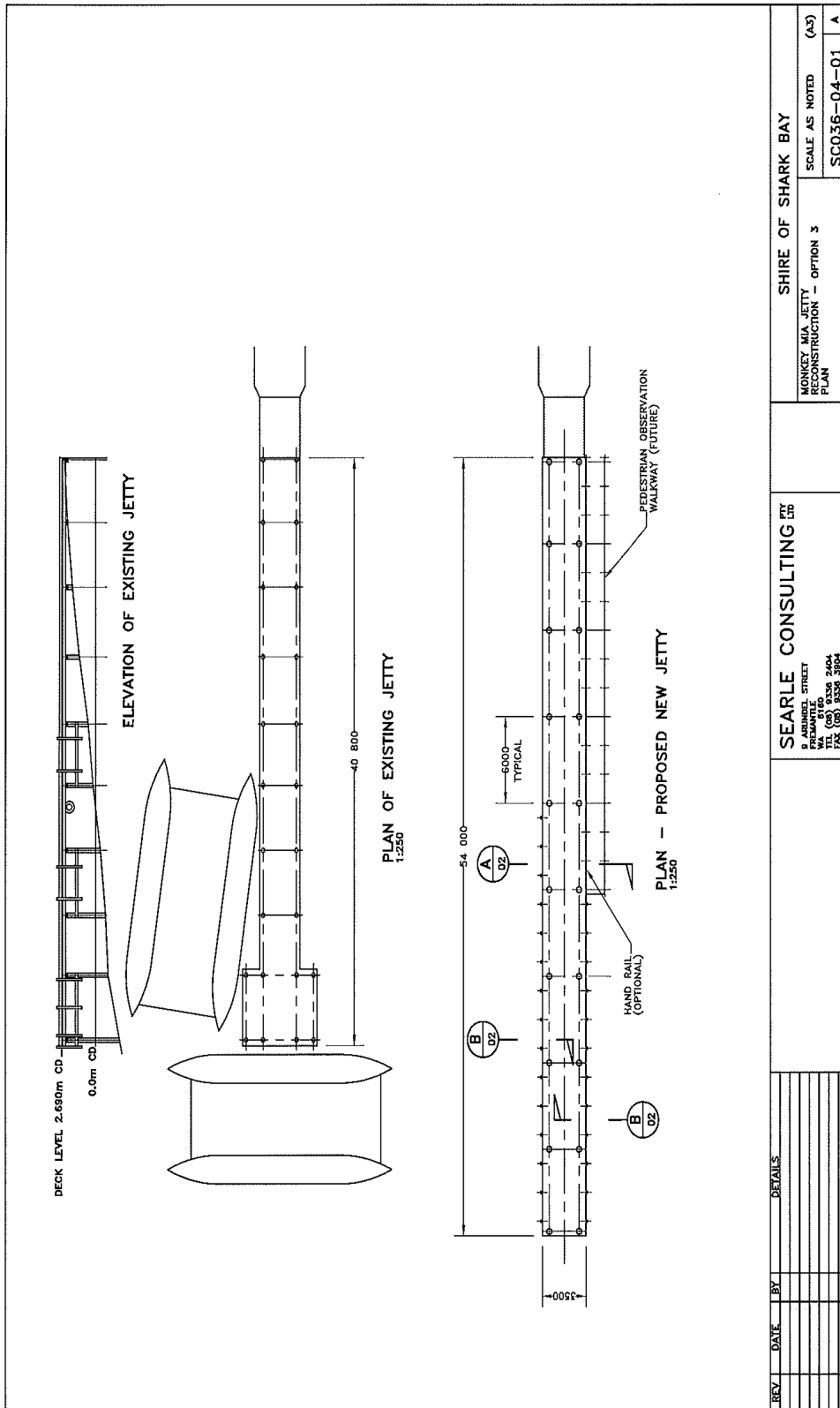
Addresses the long term strategic objective of improving providing infrastructure for the benefit of residents and visitors to the Shire of Shark Bay

#### Voting Requirements

Simple Majority Required

Date of Report

19 August 2011







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**17.2 COUNTRY WEEK – HIRE OF THE SHARK BAY COMMUNITY BUS**

DO105

Author

Community Development Officer

Disclosure of Any Interest

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Author of the report is a closely associated person.

Moved Cr Hargreaves

Seconded Cr Pepworth

Council Resolution

**To assist the Shark Bay High School students attend Country Week in Perth from 25 – 30 September 2011 the Community Bus hire/mileage fee of approximately \$1,800 (as the fee is charged on mileage an exact dollar value is not able to be calculated until the return of the bus) be waived.**

**5/0 CARRIED**Background

The students will be travelling to Perth on Sunday 25 September to participate in Country Week sporting events from the 26 to 29 September, they will be returning to Shark Bay on the 30 September.

Until four years ago attendance at Country Week in Perth was subsidised through the School of Isolated and Distance Education. The event is no longer subsidised due to funding cuts to School of Isolated and Distance Education and the Education Department. Schools now must foot the bill for travel and accommodation to send students and supervisors to the yearly event.

The last Country Week event Shark Bay High School students attended was in 2008. The students displayed excellent volleyball skills and were awarded competition runner up team for the event.

Comment

Country Week is a yearly event that allows student in remote and regional areas to showcase their talents and up skill their abilities in sports. It also provides the opportunity for networking and coaching clinics and also encourages and maintains friendships with other isolated young people who may be facing similar issues. Country Week promotes a healthy lifestyle, being active. The event also assists to raise self esteem and self worth in young people and their peers in our community.

Country week also gives students an incentive throughout the year to maintain good school attendance and a commitment to school work and productiveness.

Legal Implications

Nil

Policy Implications

Nil

Financial Implications

Bus hire of approximately \$1,800 wavered, to ensure the attendance of Shark Bay High School students to Country Week 2011.

Insurance and excess (in the case of an accident) will apply as per the bus hire agreement, for the user - Shark Bay School. All other requirements (fuel and cleaning) will be covered by the hirer as per the Shire of Shark Bay Community Bus hire agreement form.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

23 August 2011

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**17.3 NAMING THE MULTI-PURPOSE RECREATION AND COMMUNITY CENTRE**

BU106

**Author**

Community Development Officer

**Disclosure of Any Interest**

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as the Author of the report is a closely associated person.

Moved Cr Hargreaves

Seconded Cr Pepworth

**Council Resolution**

**The Council agrees to the Community Development Officer promoting a local competition to name the Multi-Purpose Recreation and Community Centre currently being developed on Francis Street.**

**5/0 CARRIED****Background**

The new Multi-Purpose Recreation and Community Centre is being constructed and is expected to be completed early in 2012.

Currently the new building is without an official name.

Running a competition in the Shark Bay community will give the local people a sense of ownership over the building. The flow on effect from this is that it will be more readily used and accepted as the place to hold sporting and recreation events.

**Comment**

The competition will be advertised in the Inscription Post; all entries will be collated and presented to the Council for the final decision on the name of the Multi-Purpose Recreation and Community Centre.

**Legal Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority Required

Date of Report

21 August 2011



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17.4 COMMUNITY DEVELOPMENT OFFICER AUGUST 2011 REPORT  
CO102

Author

Community Development Officer

Disclosure of Any Interest

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Author of the report is a closely associated person.

Moved            Cr Ridgley  
Seconded       Cr Pepworth

**Council Resolution**

**That the Community Development Officer report on the activities for the month of August 2011 be noted and endorsed.**

5/0 CARRIED

Précis

The following report contains a brief description of significant activities, events and issues that were raised during the last month.

Comment

**National Tree Day**

National Tree Day was a success, on the 26 June over 50 trees were planted at the Shark Bay School. The trees were donated by Department of Environment and Conservation. School gardener George was on hand to help the students dig holes to plant the seedlings, as well as water and fertilise them.

**NAIDOC Celebrations**

The Shire of Shark Bay supported the 2011 NAIDOC Celebrations. A flag raising ceremony was held at the Yadgalah Aboriginal Corporation at 10am on Friday the 29 June. All students at the Shark Bay School attended, as well as locals and visitors. After morning tea and a didgeridoo lesson the students made their way back to school where the celebrations continued with music and dancing, art and cooking. Lunch was met with a feast of kangaroo burgers and damper.

On Saturday 30 June over 60 people attended the NAIDOC community dinner at the DSA Shed. The event was MC'd by Darren Capewell and music was provided by DJ Kenno from Carnarvon. Eating, music and dancing went well into the night; it was a great event to celebrate the culture and unity in Shark Bay.

**Country Arts Summit**

On August 8 I attended a summit meeting in Exmouth with other Shire representatives from the Gascoyne, including people from the various festival committees in the region. The meeting was facilitated by Country Arts WA to assess the success of the Gascoyne in May initiative and the response to having an Arts Officer dedicated to the Gascoyne region. The meeting also focused on Gascoyne in May 2012 and linking all the Shires together to enhance the Gascoyne's festivals. There was also discussion on grant funding from Country Arts and other sources that could assist in the enhancement of the festivals. The next meeting will be held in Carnarvon on the 22 September.

**Eyes on the Street**

'*Eyes on the Street*' is managed by the Western Australia Police, Crime Prevention and Community Liaison Unit, is a coordinated intelligence gathering initiative that encourages and enables agencies to identify *suspicious* people, vehicles and/or activities and to report that information to police.

It is free to be involved in this program, and trainer Matt Jovanou will be in Denham on the 21 October to present training all the key stakeholders in the community including police, depot staff, fisheries officers, DEC officers and rangers, shop owners and staff. Being involved in this initiative engages the Shires community safety strategy.

**Beyond Gardens**

Garry Heady from Beyond Gardens will be again visiting Denham to speak to all avid gardeners on Tuesday 13 September. Garry and his crew visited last year and delivered some interesting and useful information about gardening in our climate, salt resistant plants and different soil types. Garry will be at the Shire Hall from 12.30 – 3.30pm. The Shark Bay Gardening club are assisting with advertising the event.

**Meetings:**

- St John's Sub Centre – Ball – assisting with promotion of the event
- Shark Bay Arts Council
- Kay Mack – Shark Bay School
- Fishing Fiesta - programming and promotion
- Regional Road Safety
- Gascoyne Focus Region – Country Art WA Assessment
- Tourism WA

**Advertising/Promotion**

## Northern Guardian

- Denham Winter Markets
- National Tree Day
- St John's Gala Ball – Community Notices
- Justice Crew Workshops – Front page and page five

## Radio

- St John's Gala Ball – Community Announcements
- Beyond Gardens Visit – Community Announcements

## Western Councillor

- Rock Climbing Wall

**Grants**

- Applied: Thank a Volunteer Day funding (Event: December 2011)
- Applied: National Youth Week funding (Event: April 2012)
- Granted: Seniors Week Funding
- Granted: Stay on Your Feet Week – CDO assisted Silver Chain with the application, event to be held on the 16<sup>th</sup> September at the Shark Bay Bowling Club.

Legal Implications

Nil

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Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report            21 August 2011

**18.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**19.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

NIL

**20.0 MATTERS BEHIND CLOSED DOORS**

NIL

**21.0 DATE AND TIME OF NEXT MEETING**

NEXT MEETING TO BE HELD ON THE 28 SEPTEMBER 2011 IN COUNCIL CHAMBERS COMMENCING AT 9.00AM.

**22.0 CLOSURE OF MEETING**

As there was no further business the President closed the Council meeting at 4.57pm.