

Shire of Shark Bay

Minutes of the Ordinary Council Meeting 29 AUGUST 2012



Salt lakes at Useless Loop





DISCLAIMER

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

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

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

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

Minutes of the Ordinary Council meeting held at Useless Loop Community Hall, Useless Loop via Denham on 29 August 2012 commencing at 9.35 am

Table of Contents

1.	Declaration Of Opening	3
2.	Record Of Attendances / Apologies / Leave Of Absence Granted	3
3.	Response To Previous Public Questions On Notice	3
4.	Public Question Time	3
5.	Applications For Leave	4
5.1	Application For Leave Of Absence – Councillor Ridgley	4
6.	Petitions	6
7.	Confirmation Of Minutes	6
7.1	Confirmation of the Minutes of the Ordinary Council meeting held on 25 July 2012.....	6
8.	Announcements By The Chair	6
9.	President’s Report	6
10.	Councillors’ Reports	8
11.	Administration Report	13
12.	Finance Report	14
12.1	Schedule of Accounts Paid To Be Received	14
12.2	Financial Reports to 31 July 2012.....	22
12.3	Adoption Of Rates For The 2012/2013 Financial Year.....	23
12.4	Rate Instalments Arrangements For the 2012/2013 Financial Year.....	27
12.5	Rates – Write-Offs for the 2012/2013 Financial Year.....	29
12.6	Rates Payment Incentive Prize for the 2012/2013 Financial Year	31
12.7	Adoption of the Shire of Shark Bay 2012/2013 Municipal Fund Budget and Significant Accounting Policies	33
12.8	Level Of Materiality	43
13.	Town Planning Report	45
13.1	Retrospective Planning Approval – Existing Motor Vehicle Repair Business: Lot 245 (112) Dampier Road, Denham	45
13.2	Proposed Above Ground Fuel Tank For Overlander Roadhouse – Lot 174 North West Costal Highway, Hamelin Pool	52
13.3	Proposed Subdivision Application – Lot 1 Shark Bay Road / Corner Monkey Mia Road, Denham (Western Australian Planning Commission Reference: 146345)	56
13.4	Proposed Telecommunications Infrastructure – North West Coastal Highway (Road Reserve): South Of Billabong Roadhouse	65
13.5	Retrospective Planning Approval – Existing Motor Vehicle Repair Business - LOT 290 (52) Vlamingh Crescent, Denham.....	72
14.	Building Report	79
15.	Health Report	79
16.	Works Report	79
17.	Tourism, Recreation And Culture Report	80
17.1	Tourist Camping – Free Camp Sites	80
18.	Motions Of Which Previous Notice Has Been Given	82
19.	Urgent Business Approved By The Person Presiding Or By Decision	82
20.	Matters Behind Closed Doors	82
21.	Date And Time Of Next Meeting	82
22.	Closure Of Meeting	82

1. DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 9.35 am.

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

ATTENDANCES

Cr C Cowell	President
Cr J Hanscombe	Deputy President
Cr K Capewell	
Cr J McLaughlin	
Cr M Prior	
Cr B Wake	

Mr P Anderson	Chief Executive Officer
Mr R Towell	Executive Manager Finance and Administration
Ms S Burvill	Executive Manager Community, Tourism and Economic Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

Cr G Ridgley	Leave of absence granted at the Ordinary Council meeting of 29 August 2012 item 5.1
--------------	---

VISITORS

Mr V Catania MLA	Member for North West, National Party of Australia
Mr S Bruce	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The President opened Public Question Time at 9.36 am and as there were no questions closed Public Question Time at 9.39 am.

5. APPLICATIONS FOR LEAVE

5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR RIDGLEY

CO 511

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Prior

Seconded Cr wake

Council Resolution

Councillor Ridgley is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on 29 August 2012 and 26 September 2012.

6/0 CARRIED

Background

Councillor Ridgley has applied for leave of absence from the ordinary meeting of Council scheduled for 29 August 2012 and 26 September 2012. The Council in accordance with Section 2.25 of the *Local Government Act 1995* as amended may by resolution grant leave of absence to a member.

Comment

Councillor Ridgley has advised the Chief Executive Officer due to personal commitments he may be unable to attend the Ordinary meeting of Council scheduled to be held on 29 August 2012 and 26 September 2012 and has requested leave of absence be granted by Council for those 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 Ridgley leave of absence but must include the reasons for the refusal for not granting the leave in the resolution.

Legal Implications

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

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

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

15 August 2012

6. **PETITIONS**

Nil

7. **CONFIRMATION OF MINUTES**

7.1 **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 JULY 2012**

Moved Cr Hanscombe
Seconded Cr Capewell

Council Resolution

That the minutes of the ordinary council meeting held on 25 July 2012, as circulated to all councillors, be confirmed as a true and accurate record.

6/0 CARRIED

8. **ANNOUNCEMENTS BY THE CHAIR**

The President advice that Vince Catania MLA will be in attendance at today's meeting.

9. **PRESIDENT'S REPORT**

CO 509

1. Update on Royalties for Regions Projects

Shark Bay Recreation Centre (R4R \$3.9m, Other \$300,000)

The official opening of the Centre will take place in conjunction with the Gascoyne Games events being held between 14-16 September, with the Hon. Norman Moore, MLC representing the Premier at the opening. The car-park area has been completed and work is currently being carried out on landscaping the grounds, with these works continuing after the opening.

HMAS Sydney Memorial Wall (R4R \$100,000 Other \$30 ,00)

We are currently eagerly awaiting a commencement date from the contractors for this structure as the artists have been engaged. It's an awesome design and will enhance the entrance to the Discovery Centre.

Monkey Mia Jetty Replacement (R4R \$1m, Other \$200,000)

The Monkey Mia jetty has been in operation since the early 1960's and has some structural issues. It is to be replaced to accommodate pedestrian and commercial vehicle traffic and provide a facility to enhance tourism. The business case for endorsement of the funds is being reviewed by Regional Development and Lands prior to submission to State Cabinet. It is planned that this project will proceed in the early part of 2013.

Denham Jetty Replacement (R4R \$2m)

In response to community aspirations for a recreational jetty, the Denham Maritime working group recently endorsed the concept design for a 90m long and up to 3m wide replacement jetty, which was accepted by Council at it's July meeting. We are currently in consultation

with Department of Transport regarding the current pens and ownership of the proposed jetty. A business case is being prepared for submission to Regional Development and Lands in the near future.

Denham Maritime Facilities (R4R \$10.7m over 3 years)

As reported last month, the timeframe for construction of the first stage of development for increased maritime facilities in Denham needs to coincide with the Dirk Hartog celebrations in 2016 and as such, the Council has allocated funds in the current budget to engage consultants to initiate planning approvals and environmental assessments at the selected site.

Monkey Mia Bore Replacement (R4R \$300,000, Shire \$300,000)

The current artesian bore at Monkey Mia is collapsing and it is imperative that a new bore is sunk as soon as possible. We therefore sought funding for half the costs from the Revitalisation Committee, with a loan to be raised for the remaining costs and a recoup through a specified area rate from the users of the facility.

2. Shire Budget 2012-13- Projects

Boat Ramps – Denham and Monkey Mia

There is funding in the budget for the installation of further boat ramps in Denham and at Monkey Mia, with the one at the western end of Knight Terrace recently commenced and the Monkey Mia one to commence in November. This project is being funded by the Recreational Boating Facilities fund and Council.

Community Resource Centre surrounds

An allocation of funding has been included in the budget to complete the car parking at the Shark Bay Community Resource Centre and also to restore the old jail and stables at the old police station site to provide a historical interpretive precinct.

Toilets – Knight Terrace

A sum of \$100,000 has been included in the budget for toilet facilities at the western end of Knight Terrace to increase the ablutions on the foreshore. Designs and costs are currently being explored by the Chief Executive Officer and work should commence in the next few months.

TV Broadcasting

An amount of \$150,000 has been provisionally included in the budget to upgrade Council's television rebroadcasting service to enable digital format to be transmitted. There is still some conjecture as to which system to adopt for remote areas such as Shark Bay and Council will shortly decide on the best suited digital broadcast transmission service.

Co-located Emergency Services

A further allocation of \$100,000 has been included in the budget to contribute towards an emergency services precinct planned for the State Emergency Service and St John Ambulance Service, with the addition of a storage shed for Volunteer Marine Rescue. This project already has significant grant funding allocated and will provide a much needed facility for emergency services in the town.

All of these projects indicate that it will be a year of increased activity and development in the Shire, which will ultimately contribute to a positive future for the community and encourage economic growth and prosperity.

Moved Cr Prior
Seconded Cr Wake

Council Resolution

That the President's August 2012 report be received.

6/0 CARRIED

Activity Report

CO 509

26 July 2011 Meeting – Fred Block, Medicare Local and Deputy President
27 July NAIDOC activities and opening of Yadgalah administration building
1 August Meeting – Maggie Baxter, Artistic Consultant, Gascoyne Development
Commission regional signage project
1 August Gascoyne Games meeting
7 August Gascoyne Revitalisation Steering Committee – Exmouth
8 August Gascoyne Development Commission Board – Exmouth
9 August Council 2012-13 budget workshop

Moved Cr Wake
Seconded Cr Capewell

Council Resolution

That the President's activity report for August 2012 be received.

6/0 CARRIED

10. COUNCILLORS' REPORTS

10.1 Cr Wake
CO 513

30 July Bio Security meeting in Carnarvon
1-3 August Attended Western Australian Local Government Association
Convention
9 August Attended Council Budget Workshop

Cr Wake Presented his report from the Western Australian Local Government Association Conference

Western Australian Local Government Association Annual General Meeting - 1 August 2012

Troy Pickard delivered the President's message, raising the following points: -

1. Local Governments in metropolitan areas have made a genuine commitment to explore and define structural reform – expecting imminent change.
2. Western Australian Local Government Association is a big ticket, advocacy group.
3. New building in Railway Parade.
4. Rating of exempt mining leases.
5. Street lighting technology.
6. Upgrading Dog Act.
7. Training as an important focus of Local Government.
8. Community campaigning using Olympic themes

The Minister for Local Government, John Castrilli and the Leader of the Opposition, Mark McGowan addressed the convention.

Motions carried, related to the following:-

1. Transport contributions for heavy vehicle users. This is relevant to all Shark Bay country roads.
2. Consultation process with state government (extension of the consultation timeframe with the minister where formal responses are required).
3. Re-evaluation of Unimproved Valuation (UV) land. Aiming for legislation amendments to allow local Government the option of requesting not to have a valuation in any one year.
4. Grant applications – the introduction of a one stop shop for Local Government grant applications

Annual Western Australian Local Government Association Convention 2012

This year's conference theme was "**New opportunities, new ground**". The focus of the program was community engagement, leadership, resilience in times of trial, an update on sector reform and a look at the political landscape in the lead up to both State and Federal elections.

OPENING SPEAKER:

Jackie Stewart was piped to the podium with flames coming from bagpipes! This amazing individual with 27 Formula One Grand Prix wins from 99 starts (30%), including 3 driver's World Championships, was also European champion clay pigeon shooter and never raced until he was 24 years old! His words included:-

I am very dyslexic. I don't know the alphabet and I cannot learn it. I don't know my words to my national anthem because I can't learn them. The humiliation it causes you as a child is unbelievable. I was a complete disaster at school.

Jackie has devoted his life to improving safety in racing (e.g. a spanner attached to the steering column to remove the steering wheel when a crash occurred so that the driver could get out of the car). Two out of three drivers died when he started driving. He has also been committed to improving education standards in Scotland, particularly for students with learning difficulties. Stewart said that when he found something he was good at, he worked hard. He fraternized with people who were smarter than he was and was never prepared to bow to vested interest. His glowing moment was to be the first person to spray champagne on a winners' podium!

Fly In Fly Out:

This is changing WA communities, regions and demographics. It is being discussed, criticized and planned for. D.I.D.O is evolving. Who pays? Why do companies adopt this policy? What is the social cost? Many isolated Shires are very unhappy.

Other issues raised throughout the conference, highlighting the theme:-

CHANGING NATURE OF COMMUNITIES:

There has been huge change in the last 20 years.

- Provision for remote communities
- State Government has delegated services to not for profit services
- Aging population – longevity. Different population groups have different values, demanding different things.
- People are nomadic, no tap root.
- Fly In Fly Out. – stress on families and resources.
- Joint sharing of community facilities – in many instance, locked out.
- Royalties for Regions is ongoing. Management costs?
- Hub of town centre needs to be welcoming. Vital to have places for young people.
- Are you welcome and safe?
- Build hardy people to cope with change
- Cost of landfill is too cheap to encourage recycling.

POLITICAL STRATEGY FOR SUCCESS CAMPAIGN

What is the political cost of not listening? How do you change local behaviour?

Promote regional guardians of the outback. Use high profile celebrities. Use emotional language. Be disciplined. Get local. Know your media and your local MP. Stay on message. Develop a profile. Write letters to MPs. Be a resource. Develop a 2 way relationship.

LOCAL GOVERNMENT AMALGAMATION - VICTORIA

16 000 people left local government. Lacked financial modelling. Rates cut 30%. Led to underspending on infrastructure. Reserves were liquidated. Brain drain. Wrong people left. Too many metropolitan councils.

Tips:

1. Be part of the solution, not the problem. Wind up old debts/assets. Have a duty to cause reform
2. Understand the tension of reform. Speed v Rigor
3. Reform means on the job learning. It is very complex. To assist with this you need to over communicate. Leave no room for rumour.
4. Don't blame the past – cheap shot. Don't rubbish the past.
5. Use the period of reform to forge good habits. Gives much better basis to tackle reforms of 20th Century.
6. The major change was “Compulsory competitive tendering”
7. Retain assets – plant and machinery.

DEVASTATING NATIONAL EVENTS

Focus on leadership and training. Need to write community plans to meet community needs. Need common language across the country / common system of response. Recognise public are an asset and not a liability.

Traumatized Community e.g. 2010 flood and 2012 fires, Carnarvon, Upper Gascoyne & Shark Bay Shires

- A. Recovery. Gaining control.
Be good at providing information – good communication, open, relevant and 2 way.
Stages of grief, pretty tricky.
- B. Resilience. Shared control – Giving up control. Get on front foot.
 - Business and community continuity
 - Help for community groups – practical assistance
 - Support for small business
 - Everyone is affected – have survivors

- Imposed time frames
- Natural LEADERS – UTILIZE
- Good skills in recovery teams
- Utilize Western Australian Local Government Association media training

POLITICAL COMMENTATORS

Graham Richardson (Shark Bay visitor) and Gen Milne delivered a no holds barred assessment of today's political climate, confirming all current media stories and predictions.

KEY NOTE SPEAKER

Captain Richard de Crespigny a Qantas pilot gave the keynote address. His story is available by reading his recently published book.

Report by Cr Brian Wake

Moved Cr McLaughlin
Seconded Cr Capewell

Council Resolution

That Councillor Wake's August 2012 report on activities as Council representative is received.

6/0 CARRIED

10.2 Cr Capewell
CO 516

Wednesday 1st August

1-3 August Attended Western Australian Local Government Association
Convention in Perth
9 August Attended Council Budget Workshop

Western Australian Local Government Association Annual General Meeting

Day 1: Opening session from Sir Jackie Stewart presenting on how he made it in Formula one racing. One of his interesting stories was about how he sent his children to the best school and when they came home with poor reports he had them assessed and found they were diagnosed with dyslexia. At the same time, he also found that he was diagnosed with dyslexia at the age of 42.

Day 2: I attended the Elected Member "Chief Executive Officer Relationships" session which was interesting. This session was mostly comprised of Chief Executive Officers. It was interesting to see how the Mayors and Chief Executive Officers operated from Bunbury and the City of Cambridge. Mayor Ian Carpenter's presentation was focused on how well amalgamation is working in Geraldton.

Day 3: Former Australian rules footballer and the former coach of the Australian Football League Mick Malthouse delivered very motivating presentation. Then we continued with presentations from various people, a presentation from former Federal Minister Graham Richardson where he spent most of the time bagging the Prime-Minister.

Most interesting presentation was from Qantas Pilot, Captain Richard De Crespigny who gave a presentation on how the crew handled the emergency landing in Singapore 2010, after an uncontained engine explosion of an Airbus A380 carrying 400 passengers.

I have also attended the Trade exhibition which provided me with a great opportunity to network with other councillors.

I fully recommend councillors attending the annual conference.

Moved Cr McLaughlin
Seconded Cr Hanscombe

Council Resolution

That Councillor Capewell's August 2012 report on activities as Council representative is received.

6/0 CARRIED

10.3 Cr Hanscombe
CO 514

9 August Attended Council Budget Workshop
9 August Attended Shark Bay Prawn Trawler Association consultation meeting with Phil Bruce
22 August Attended St John Ambulance meeting

Moved Cr Prior
Seconded Cr McLaughlin

Council Resolution

That Councillor Hanscombe's August 2012 report on activities as Council representative is received.

6/0 CARRIED

10.4 Cr McLaughlin
CO 512

9 August 2012 Attended Council Budget Workshop
9 August Attended Shark Bay Prawn Trawler Association consultation meeting with Phil Bruce
24 August Western Australian Local Government Association Zone meeting in Carnarvon
24 August Regional Road Group meeting in Carnarvon

Moved Cr Prior
Seconded Cr Capewell

Council Resolution

That Councillor McLaughlin's August 2012 report on activities as Council representative is received.

6/0 CARRIED

10.5 Cr Ridgley
CO 511

Nil

10.6 Cr Prior
CO 517

9 August Attended Council Budget Workshop
9 August Attended Shark Bay Prawn Trawler Association consultation meeting
 with Phil Bruce
24 August Western Australian Local Government Association Zone meeting in
 Carnarvon
24 August Regional Road Group meeting in Carnarvon

Moved Cr Wake
Seconded Cr Capewell

Council Resolution

That Councillor Prior's August 2012 report on activities as Council representative is received.

6/0 CARRIED

Mr Barry Underwood, the Useless Loop Salt Mine manager addressed Council.

The President adjourned the Council meeting at 10.27 am.

The President reconvened the Council meeting at 10.47 am.

Mr Vince Catania addressed the Council meeting about a resident Doctor for Denham, Flight Services to the Gascoyne region, Denham Marina issues with Royalties for Regions monies.

The President thanked Mr Catania for addressing Council.

11. ADMINISTRATION REPORT

Nil

12. FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved Cr Capewell

Seconded Cr Prior

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$920,276.58 be accepted.

6/0 CARRIED

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers MUNI CHQS 26164-26191 totalling \$32,469.11.

Municipal fund account electronic payment numbers MUNI EFT 12072 to 12079, 12081 to 12158, 12160 to 12172, 12174 to 12219 totalling \$741,712.97.

Trust fund account cheque numbers TRUST CHQS 879 to 881 totalling \$1,169.60.

Trust fund account electronic payment numbers TRUST EFT 12080, 12173, 12220 to 12246 totalling \$51,553.90.

Municipal fund account for payroll periods beginning 16 July to 29 July 2012 totalling \$46,368.00 and from 30 July to 12 August 2012 totalling \$47,003.00.

The schedule of accounts submitted to each member of Council on 25 August 2012 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

25 August 2012

29 AUGUST 2012

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 29 AUGUST 2012
MUNI CHQS 26164-26191**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26164	16/07/2012	WATER CORPORATION	ANNUAL SERVICE FEES	-3056.85
26165	23/07/2012	ATCO STRUCTURES PTY LTD	UPGRADE FOR TAMALA CAMP	-17297.50
26166	23/07/2012	ELGAS LIMITED	GAS BOTTLES	-301.60
26167	23/07/2012	PIVOTEL SATELLITE PTY LTD	SATELLITE PHONE	-25.00
26169	31/07/2012	AUSTSAFE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-119.04
26170	31/07/2012	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-251.94
26171	31/07/2012	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-237.06
26172	31/07/2012	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	-328.88
26173	31/07/2012	BT BUSINESS SUPER	SUPERANNUATION CONTRIBUTIONS	-323.30
26174	31/07/2012	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-384.44
26175	31/07/2012	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1026.42
26176	31/07/2012	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-331.82
26177	31/07/2012	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1213.68
26178	31/07/2012	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-333.44
26179	31/07/2012	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-328.87
26180	31/07/2012	REST	SUPERANNUATION CONTRIBUTIONS	-780.91
26181	31/07/2012	SMA SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-236.68
26182	31/07/2012	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-328.88
26183	02/08/2012	SHIRE OF SHARK BAY	PAYROLL DEDUCTIONS	-640.00
26184	03/08/2012	DENHAM ENGINEERING PTY LTD	REPAIRS TO SEAM	-352.00
26185	03/08/2012	TELSTRA CORPORATION LIMITED	ANTENNA – TRANSMITTER	-2221.59
26186	03/08/2012	WATER CORPORATION	ANNUAL SERVICE CHARGES	-962.55
26187	03/08/2012	SHARK BAY FUEL & SERVICE CENTRE	FILTER	-124.46
26188	03/08/2012	KEN'S TENDER JOINT	MESS ACCOUNT	-731.55
26189	03/08/2012	TELSTRA CORPORATION LIMITED	1300 PHONE #	-31.14
26190	20/08/2012	PIVOTEL SATELLITE PTY LTD	PHONE ACCOUNT SES DENHAM	-37.51
26191	20/08/2012	TERRA TEMPTATIONS	MERCHANDISE FOR RESALE	-462.00
TOTAL				\$32,469.11

29 AUGUST 2012

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 29 AUGUST 2012
MUNI EFT 12072-12079, 12081-12158, 12160-12172, 12174-12219**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12072	13/07/2012	SHARK BAY AIR CHARTER	FLIGHT TO CAPE INSCRIPTION	-330.00
EFT12073	16/07/2012	CUTBACK PLUMBING & GAS	REPAIRS	-214.50
EFT12074	16/07/2012	GRAY & LEWIS	CONSULTANT PLANNING - GENERAL	-3712.50
EFT12075	16/07/2012	SKIPPERS AVIATION	FLIGHTS SB/RETURN CONSULTANTS	-1220.00
EFT12076	16/07/2012	SHARK BAY HOTEL MOTEL	STAFF FUNCTIONS	-159.00
EFT12077	16/07/2012	SBSARA	ROUND 1 SHIRE DONATION	-4200.00
EFT12078	16/07/2012	SHARK BAY COMMUNITY RESOURCE	PHOTOCOPYING	-32.30
EFT12079	16/07/2012	SHERIDAN'S FOR BADGES	COUNCILLOR BADGES	-100.21
EFT12081	23/07/2012	DUN & BRADSTREET	CHARGES PAID	-1.83
EFT12082	23/07/2012	FASCINE LODGE	ACCOM & MEALS-TRAINING	-541.98
EFT12083	23/07/2012	TOLL IPEC PTY LTD	FREIGHT	-71.68
EFT12084	23/07/2012	SHARK BAY CLEANING SERVICE	CLEANING CONTRACT	-5482.35
EFT12085	23/07/2012	SHIRE OF SHARK BAY	BUS HIRE SCHOOL	-15.00
EFT12086	23/07/2012	WALGA	457 BUSINESS - APPLICATION FEES	-835.00
EFT12087	23/07/2012	UNIVERSAL CARTRIDGES PTY LTD	PRINTER CARTRIDGES	-610.50
EFT12088	23/07/2012	GRAHAME VINSON	REPAIR OF WORKSHOP COMPUTER	-100.00
EFT12089	23/07/2012	JOJUNICA PTY LTD	BATTERIES	-102.82
EFT12090	25/07/2012	P.G & S. J WOOD	TEST CAT 5 CABLE	-100.00
EFT12091	25/07/2012	ARTCRAFT PTY LTD	DELINIATERS	-297.00
EFT12092	25/07/2012	ACE STATIONERY	XEROX CARTRIDGES	-570.00
EFT12093	25/07/2012	BLACKWOODS ATKINS	TOOLS	-1248.50
EFT12094	25/07/2012	DELLROY PTY LTD	DESIGN FOR NEW ARTESIAN BORE	-5450.00
EFT12095	25/07/2012	GRAHAME VINSON	INSTALL ACER DESKTOPS, PRINTER	-400.00
EFT12096	25/07/2012	HITS RADIO PTY LTD	RADIO ADVERTISING	-396.00
EFT12097	25/07/2012	JOHN TAYLOR ARCHITECT	CAPE INSCRIP QTRS ARCH FEES	-8140.00
EFT12098	25/07/2012	NDOFU ART	POSTCARDS	-286.50
EFT12099	25/07/2012	NOVUS AUTOGLASS	SUPPLY& FIT WINDSCREEN 1DTU780	-393.80
EFT12100	25/07/2012	ROBBRO WA PTY LTD	MAINTENANCE GRADE ROADS	-15554.00
EFT12101	25/07/2012	SUNDAY TIMES	ADVERTISING	-504.00

MINUTES OF THE ORDINARY COUNCIL MEETING

29 AUGUST 2012

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12102	25/07/2012	VISIT MERCHANDISE	2000 FRAMED PRINTS SB -SPACE	-5152.40
EFT12103	25/07/2012	WALGA	SPONSORSHIP JOE CURRAN	-6600.00
EFT12104	26/07/2012	LGIS PROPERTY	PROPERTY INSURANCE 12/13	-26644.20
EFT12105	26/07/2012	LGIS WORKCARE	WORKERS COMP. INSURANCE	-25967.60
EFT12106	26/07/2012	LGIS LIABILITY	PUBLIC LIABILITY INSURANCE 12/13	-13280.40
EFT12107	26/07/2012	LGIS RISK MANAGEMENT	BUSHFIRE INSURANCE 12/13	-2189.52
EFT12108	31/07/2012	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-328.88
EFT12109	31/07/2012	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-686.19
EFT12110	31/07/2012	WA LOCAL GOV	SUPERANNUATION CONTRIBUTIONS	-8347.13
EFT12111	01/08/2012	SHARK BAY BAKERY	MORNING TEA-USELESS LOOP	-28.00
EFT12112	01/08/2012	BATAVIA COAST TRIMMERS	REPAIR SHADE SAIL	-495.00
EFT12113	01/08/2012	BAJA DATA & ELECTRICAL SERVICES	SBIC	-337.69
EFT12114	01/08/2012	BRIKLAY PTY LTD	PROGRESS CLAIM # 12	-278256.62
EFT12115	01/08/2012	DEC	DAY PASSES MM	-6300.00
EFT12116	01/08/2012	CHERYL COWELL	MEETING ATTENDANCES	-1248.00
EFT12117	01/08/2012	CUTBACK PLUMBING & GAS	MAINT -PENSIONER UNIT 13	-1361.91
EFT12118	01/08/2012	RUSSELL TODD CHAMBERLAIN	RENT - 39 DURLACHER	-1042.25
EFT12119	01/08/2012	DENHAM VILLAS	ACCOM FOR LIZ BUSHBY	-780.00
EFT12120	01/08/2012	GOLDEN WEST NETWORK	JUNE 2012 ADVERTISING	-431.20
EFT12121	01/08/2012	HODGE & COLLARD ARCHITECTS	COMP OF CONT SB REC CENTRE	-12602.16
EFT12122	01/08/2012	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE	-516.50
EFT12123	01/08/2012	HERITAGE RESORT SHARK BAY	COUNCIL MEETING LUNCHEON	-198.00
EFT12124	01/08/2012	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE FEE	-379.00
EFT12125	01/08/2012	LGIS INSURANCE BROKING	MOTOR VEHICLE INSURANCES 12/13	-35581.46
EFT12126	01/08/2012	LGIS PROPERTY	MARINE HULL INSURANCE 12/13	-798.44
EFT12127	01/08/2012	LGIS LIABILITY	COUNCILLORS & OFFICERS LIAB INS	-12973.95
EFT12128	01/08/2012	LOCAL GOVERNMENT MANAGERS	2012-13 MEMBER SUBSCRIPTION	-418.00
EFT12129	01/08/2012	JOE MCLAUGHLIN	MEETING ATTENDANCE	-379.00
EFT12130	01/08/2012	MARGARET PRIOR	MEETING ATTENDANCE	-379.00
EFT12131	01/08/2012	ROBBRO WA PTY LTD	USELESS LOOP ROAD RRG	-89523.50
EFT12132	01/08/2012	GREGORY LEON RIDGLEY	MEETING ATTENDANCE FEES	-379.00
EFT12133	01/08/2012	RICHARD CLAUDE MORONEY	CLEAN UP-REMOVE RUBBISH SBIC	-30.00
EFT12134	01/08/2012	RAY WHITE REAL ESTATE	RENT ON 34 HUGHES ST	-1105.00
EFT12135	01/08/2012	SHARK BAY BOWLING CLUB INC.	FINANCIAL ASSISTANCE GRANT 12/13	-2985.60
EFT12136	01/08/2012	TOTAL UNIFORMS	UNIFORMS	-161.50
EFT12137	01/08/2012	BRIAN WAKE	MEETING ATTENDANCES	-379.00

MINUTES OF THE ORDINARY COUNCIL MEETING

29 AUGUST 2012

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12138	01/08/2012	YADGALAH ABORIGINAL CORP	BUS HIRE FOR BAREFOOT BLACK TIE	-75.00
EFT12139	03/08/2012	MAKE BADGES	200 BADGES - GASCOYNE GAMES	-187.00
EFT12140	03/08/2012	CUMMINS SOUTH PACIFIC PTY LTD	FILTERS	-724.50
EFT12141	03/08/2012	CUTBACK PLUMBING & GAS	CDO RESIDENCE	-700.70
EFT12142	03/08/2012	RUSSELL TODD CHAMBERLAIN	DESALINE	-359.65
EFT12143	03/08/2012	BRADLEY DALY	FUEL - USELESS LOOP SES	-120.03
EFT12144	03/08/2012	GMS PRODUCTIONS	50% DEPOSIT FOR BAND	-1990.00
EFT12145	03/08/2012	GNG PLUMBING CO	REDIRECTION - FIRE FIGHTING SBIC	-5408.70
EFT12146	03/08/2012	HODGE & COLLARD ARCHITECTS	SB REC CENTRE INSP T WHELAN	-2349.39
EFT12147	03/08/2012	JONNY TAYLOR MUSIC	50% DEP-JONNY TAYLOR G-GAMES	-737.50
EFT12148	03/08/2012	LANDGATE	RURAL UV GEN VALS - 12/13	-279.65
EFT12149	03/08/2012	PLAY HARD SPORTS EQUIPMENT	SPORTS EQUIPMENT	-4587.00
EFT12150	03/08/2012	PAPER PLUS	STATIONARY	-374.10
EFT12151	03/08/2012	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-1062.88
EFT12152	03/08/2012	SHARK BAY CLEANING SERVICE	ANNUAL CLEANING CONTRACT SBIC	-10319.57
EFT12153	03/08/2012	SHARK BAY SKIPS	SUPPLY AND LIFT OF SKIP BINS	-1828.00
EFT12154	03/08/2012	MCKELL FAMILY TRUST	RUBBISH COLLECTION	-9667.97
EFT12155	03/08/2012	SHARK BAY CAR HIRE	AIRPORT TRANSFERS - JULY	-495.00
EFT12156	03/08/2012	SHARK BAY TOWN AND COUNTRY	REIMB OF COSTS-BOOK LAUNCH	-917.60
EFT12157	03/08/2012	BAJA DATA & ELECTRICAL SERVICES	BOLLARD - REPAIRS	-157.85
EFT12158	03/08/2012	BATTERY MART	BATTERIES	-255.20
EFT12159		CANCELLED		
EFT12160	03/08/2012	DENHAM PAPER	GAS REFILLS	-61.90
EFT12161	03/08/2012	TOLL IPEC PTY LTD	FREIGHT- B/C TRIMMERS SHADESAIL	-209.26
EFT12162	03/08/2012	LGIS INSURANCE BROKING	MOTOR VEHICLE SES U/LOOP	-658.35
EFT12163	03/08/2012	SKIPPERS AVIATION	G MCBRIDE TRAVEL DENHAM	-305.00
EFT12164	03/08/2012	SHARK BAY FREIGHTLINES	FREIGHT - GLDTN AG SERVICES HOSE	-180.78
EFT12165	03/08/2012	STEVE FULLSTON	FORM/LAY CONCRETE BOAT RAMP	-4500.00
EFT12166	03/08/2012	MITRE 10 SHARK BAY SES	CORD STARTER NYLON - MCLJ	-58.99
EFT12167	03/08/2012	WALGA	ASSOC MEMBERSHIP SUBSCRIPTION	-17712.17
EFT12168	03/08/2012	WEST COAST POLY PTY LTD	SUPPLY 3 WATER TANKS	-8800.00
EFT12169	08/08/2012	COURIER AUSTRALIA ** DO NOT USE	FREIGHT - GERLDTN TOYOTA PARTS	-10.74
EFT12170	10/08/2012	THINK WATER GERALDTON	FIREFIGHTING FITTINGS	-294.55
EFT12171	10/08/2012	HITS RADIO PTY LTD	ADVERTISING ON RADIO	-508.20
EFT12172	10/08/2012	WESTRAC EQUIPMENT PTY LTD	PAD BOLTS	-254.50
EFT12174	20/08/2012	DEP. OF THE PREMIER AND CABINET	ADVERTISING IN THE GOV GAZETTE	-213.60

MINUTES OF THE ORDINARY COUNCIL MEETING

29 AUGUST 2012

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12175	20/08/2012	GERALDTON TOYOTA	FILTERS	-97.64
EFT12176	20/08/2012	THE AUSTRALIAN SENIOR	ADVERTISING JUNE/JULY 2012	-537.90
EFT12177	20/08/2012	BAB ALUMINIUM PTY LTD	3 X 2M 4 TIER STANDS	-7148.08
EFT12178	20/08/2012	BAJA DATA & ELECTRICAL SERVICES	SOLAR LIGHT-LITTLE LAGOON	-6954.75
EFT12179	20/08/2012	BOC LIMITED	OXY & ARGON GAS	-71.65
EFT12180	20/08/2012	CHERYL COWELL	MEETING FEES AUGUST 2012	-1232.00
EFT12181	20/08/2012	DAVRIC AUSTRALIA PTY LTD	MERCHANDISE - SBIC	-315.04
EFT12182	20/08/2012	WESTERN AUSTRALIAN ELECTORAL	EXTRAORDINARY ELECTION COUNCIL	-4506.80
EFT12183	20/08/2012	SHARK BAY SUPERMARKET	LOOP RD SUPPLIES	-482.24
EFT12184	20/08/2012	HARE & FORBES PYT LTD	PARTS	-2975.50
EFT12185	20/08/2012	JOHN JOSEPH HANSCOMBE	MEETING ATTENDANCE AUGUST 2012	-498.50
EFT12186	20/08/2012	HORIZON POWER-STREET LIGHTING	STREET LIGHTING	-2839.09
EFT12187	20/08/2012	HORIZON POWER-MAIN USAGE	U6/34 HUGHES STREET	-88.98
EFT12188	20/08/2012	SCOTT HUMPHREYS	REIMBURSEMENT DIESEL FOR SES	-100.00
EFT12189	20/08/2012	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE FEE AUGUST	-610.29
EFT12190	20/08/2012	KOALA MARKETING	PEWTER PINS	-399.30
EFT12191	20/08/2012	KEN'S TENDER JOINT	MEAT FOR SES TRAINING EXERCISE	-271.15
EFT12192	20/08/2012	LOCAL GOVERNMENT MANAGERS	LGMA NATIONAL- CONFERENCE 2012	-1788.00
EFT12193	20/08/2012	LOCAL HEALTH AUTH ANALYTICAL	ANNUAL SERVICES FOR 2012/2013	-441.39
EFT12194	20/08/2012	MARKET FORCE ADVERTISING LTD	DIFFERENTIAL RATES IN WEST AUST	-511.73
EFT12195	20/08/2012	MCLEODS BARRISTERS	LEASE REVIEWS	-1607.88
EFT12196	20/08/2012	JOE MCLAUGHLIN	MEETING ATTENDANCE AUGUST 2012	-361.00
EFT12197	20/08/2012	OCLC (UK) LTD	REMOTE TECHNICAL ASSISTANCE	-825.00
EFT12198	20/08/2012	PRESTIGE INSTALLATIONS	PENSIONER UNITS 7 & 13 A/CON	-176.00
EFT12199	20/08/2012	PEST-A-KILL	PEST CONTROL	-506.00
EFT12200	20/08/2012	MARGARET PRIOR	MEETING ATTENDANCE FEE AUGUST	-361.00
EFT12201	20/08/2012	PASCAL PRESS	BOOKS AS PER PROFORMA INVOICE	-137.90
EFT12202	20/08/2012	PROFESSIONAL PC SUPPORT	SECURITY AS SERVICE LICENSES	-281.25
EFT12203	20/08/2012	PAPER PLUS	BROTHER TONER CARTRIDGES	-454.35
EFT12204	20/08/2012	REPCO AUTO PARTS	INITIAL OPENING FEE OF REPCO	-2.20
EFT12205	20/08/2012	GREGORY LEON RIDGLEY	MEETING ATTENDANCE AUGUST	-361.00
EFT12206	20/08/2012	SHARK BAY CLEANING SERVICE	CLEANING CONTRACT	-5645.75
EFT12207	20/08/2012	SHARK BAY ARTS COUNCIL INC	SHARK BAY ARTS COUNCIL ROUND 1	-6000.00
EFT12208	20/08/2012	SHARK BAY SKIPS	SKIP BINS FOR USELESS LOOP ROAD	-3626.00
EFT12209	20/08/2012	MCKELL FAMILY TRUST	PAINTING-PENSIONER UNITS	-2456.00
EFT12210	20/08/2012	SHIRE OF SHARK BAY	DENHAM SENIORS BUS HIRE	-1117.50

MINUTES OF THE ORDINARY COUNCIL MEETING

29 AUGUST 2012

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12211	20/08/2012	TRUCKLINE PARTS CENTRE	FREIGHT ON PART RETURNED	-18.15
EFT12212	20/08/2012	TIM DAVIES LANDSCAPING	CLAIM # 2 REC CENTRE	-7718.70
EFT12213	20/08/2012	TRISH MILBURN ART- PHOTOGRAPHY	BOOKS - BAREFOOT VIBES	-110.00
EFT12214	20/08/2012	VISIT MERCHANDISE	BULK SUPPLY CHILDREN'S HATS	-2364.83
EFT12215	20/08/2012	WALGA	COSTS CONFERENCE-COUNCILLORS	-3885.00
EFT12216	20/08/2012	W.A ACCOM & TOURS LISTING	ADVERTISEMENT	-400.00
EFT12217	20/08/2012	BRIAN WAKE	MEMBER TRAVEL TO LOCAL GOV	-950.28
EFT12218	20/08/2012	WEST-OZ WEB SERVICES	COMM ON BOOKEASY	-186.25
EFT12219	20/08/2012	AUSTRALIAN TAXATION OFFICE	REVERSE BAS PAYMENT IN AUGUST	-4590.00
TOTAL				\$741,712.97

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 29 AUGUST 2012
TRUST CHQS 879-881**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
879	12/07/2012	T & R HOMES	BUILDING COMP LOT 223 FRANCIS ST	-500.00
880	20/08/2012	DENHAM SENIORS	BUS BOND REFUND	-600.00
881	21/08/2012	ROGER WINSTON CHRISTISON	ART SALES JULY 12	-69.60
TOTAL				\$1,169.60

29 AUGUST 2012

**SHIRE OF SHARK BAY
ORDINARY COUNCIL MEETING 29 AUGUST 2012
TRUST EFT 12080, 12173, 12220-12246**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT12080	16/07/2012	PAUL JAMES NORMAN	REFUND ON BUS BOND	-800.00
EFT12173	20/08/2012	MYLES KEOGH	GYM KEY REFUND	-20.00
EFT12220	21/08/2012	PRIORITY SHARK BAY PTY LTD	TOURS JULY 2012	-2247.65
EFT12221	21/08/2012	AUSSIE OFFROAD TOURS	TOURS JULY 20112	-657.72
EFT12222	21/08/2012	BLUE LAGOON PEARLS	TOURS JULY 20112	-796.05
EFT12223	21/08/2012	BAY LODGE	BOOKEASY JULY 2012	-2165.55
EFT12224	21/08/2012	CORAL COAST TOURIST PARK	BOOKEASY JULY 2012	-395.25
EFT12225	21/08/2012	DENHAM VILLAS	BOOKEASY JULY 2012	-2789.50
EFT12226	21/08/2012	GASCOYNE OFFSHORE	TOURS JULY2012	-3445.20
EFT12227	21/08/2012	INTOWN APARTMENTS	BOOKEASY JULY 2012	-110.50
EFT12228	21/08/2012	MONKEY MIA YACHT CHARTERS	TOURS JULY 2012	-7472.19
EFT12229	21/08/2012	MAC ATTACK FISHING CHARTERS	BOOKEASY JULY 2012	-140.25
EFT12230	21/08/2012	ASPEN MONKEY MIA PTY LTD	BOOKEASY JULY 2012	-1963.50
EFT12231	21/08/2012	MONKEYMIA WILDSIGHTS	TOUR JULY 2012	-6406.87
EFT12232	21/08/2012	WA OCEAN PARK PTY LTD	TOURS JULY 2012	-522.00
EFT12233	21/08/2012	OCEANSIDE VILLAGE	BOOKEASY JULY 2012	-637.50
EFT12234	21/08/2012	PAULS GALLERY	ART SALES JULY 2012	-287.10
EFT12235	21/08/2012	POTSHOT HOTEL RESORT	BOOKEASY JULY 2012	-408.00
EFT12236	21/08/2012	ROCKINGHAM HOLIDAY VILLAGE	BOOKEASY JULY 2012	-306.00
EFT12237	21/08/2012	SHARK BAY HOTEL MOTEL	BOOKEASY JULY 2012	-187.00
EFT12238	21/08/2012	SHARK BAY HOLIDAY COTTAGES	BOOKEASY JULY 2012	-790.50
EFT12239	21/08/2012	SHARKBAY CARAVAN PARK	BOOKEASY JULY 2012	-760.75
EFT12240	21/08/2012	CARNARVON SECRET GARDEN	BOOKEASY JULY 2012	-110.50
EFT12241	21/08/2012	SHIRE OF SHARK BAY	COMM JULY TOURS 12	-6896.27
EFT12242	21/08/2012	SHARK BAY SCENIC QUAD BIKE	TOURS JULY 2012	-2897.10
EFT12243	21/08/2012	THREE ISLANDS WHALE SHARK DIVE	BOOKEASY JULY 2012	-750.00
EFT12244	21/08/2012	TRADEWINDS SEAFRONT	BOOKEASY JULY 2012	-2590.25
EFT12245	21/08/2012	UNREAL FISHING CHARTERS	TOURS JULY 2012	-4345.00
EFT12246	21/08/2012	WULA GUDA NYINDA (CAPES)	TOURS JULY 2012	-655.70
TOTAL				\$51,553.90

12.2 FINANCIAL REPORTS TO 31 JULY 2012

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Prior
Seconded Cr Capewell

Council Resolution

That the monthly financial reports to 31 July 2012 will be presented to the Council at the ordinary meeting of the Council in September 2012.

6/0 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 2012, 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 2012 will be submitted to council at the September council meeting in accordance with part (ii) of regulation 34.

Voting Requirements

Absolute Majority Required.

Date of Report

25 August 2012

12.3 ADOPTION OF RATES FOR THE 2012/2013 FINANCIAL YEAR

RA 106

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Hanscombe

Seconded Cr Wake

Council Resolution

- 1 That Council set the rate in the dollar of:
7.5679 cents for Gross Rental Value (GRV) properties,
16.9988 cents for General Unimproved Value (UV) land and
2.9231 cents for Pastoral Unimproved Value land,
be adopted for 2012/2013.
- 2 That a minimum rate of
\$672.00 Gross Rental Value (GRV) properties,
\$672.00 General Unimproved Value (UV General)
be adopted for 2012/2013.
- 3 That interest at a rate of 11% apply for the late payment of a rate or service charge and that the late payment penalty to accrue daily as follows -
 - a) No instalment option taken - Interest shall begin to accrue on rates and/or charges that remain unpaid by the due date. Eligible pensioners are exempt on rates only.
 - b) Instalment option taken - Interest shall begin to accrue daily on any instalment payment that remains unpaid after the due date of the instalment and continue to accrue until such time as the instalment is paid. Eligible pensioners are exempt on rates.
 - c) Arrears - Interest shall begin to accrue at 1 July 2012 on all rates and/or charges, including previous interest charges that remain in arrears. Eligible pensioners are exempt on rates.

6/0 CARRIED

Background

At the ordinary council meeting held on 27 June 2012 Council adopted the following recommendation:

That council -

1. Advertise in The West Australian the Shire of Shark Bay's Notice of Intention to Levy the following Differential Rates in accordance with Section 6.36 of the Local Government Act 1995.

<i>Rates Category</i>	<i>Minimum Rates</i>	<i>Rate in the Dollar</i>
	(\$)	(¢)
<i>Gross Rental Value (GRV)</i>	672.00	7.5679
<i>Unimproved Value (UV)</i>	672.00	16.9988
<i>Unimproved Pastoral</i>	672.00	2.9231

2. *If no submissions are received after the expiration of the 21 days required for the public to make submissions on the above advertisement, council seek Ministerial approval for differential rating in accordance with Section 6.33 of the Local Government Act 1995.*

These differential rates resulted in the rates model below.

Non Minimum Rates – Insert full table Correction

Land Category	Rate in the Dollar	Number Of Properties	Percentages of Properties in Category	Rates Levied	Average Rates per Assessment	Percentage Increase in Average per Assessment
GRV	7.5679¢	395	66%	\$646,111	\$1,295	2.72%
UV	16.9988¢	20	74%	\$222,187	\$8,403	-2.78%
UV Pastoral	2.9231¢	12	100 %	\$22,156	\$1,846	5.00%
	Total	427		\$882,454		

Minimum Rates

Land Category	Minimum	Number of Properties	Percentage of Properties in Category	Rates Levied
GRV	\$672.00	203	34%	\$136,416
UV	\$672.00	7	26%	\$4,704
	Total	210		\$141,120

Total rates levied on 637 properties will be **\$1,028,574**

Please note that the correct chart is inserted below.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 AUGUST 2012

<u>RATE TYPE</u>	Rate in \$	Number of Properti es	Rateable Value \$	2012/13 Budget ed Rate Revenu e \$	2012/13 Budget ed Interim Rates \$	2012/13 Budget ed Back Rates \$	2012/13 Budget ed Total Revenu e \$	2011/1 2 Actual \$
Differential General Rate								
Gross Rental Value	7.5679	395	9,623,435	638,111	6,000	2,000	646,111	585,845
Unimproved Value	16.9988	20	1,313,918	222,187	0	0	222,187	213,783
Unimproved Value Pastoral	2.9231	12	757,960	22,156	0	0	22,156	21,101
Sub-Totals		427	11,695,313	882,454	6,000	2,000	890,454	820,729
Minimum Rates	Minimum \$							
Gross Rental Value	672	203	0	136,416	0	0	136,416	155,520
Unimproved Value	672	7	0	4,704	0	0	4,704	3,200
Sub-Totals		210	0	141,120	0	0	141,120	158,720
Ex-Gratia Rates							1,031,574	979,449
Specified Area Rates (Note 9)							0	0
							0	0
							1,031,574	979,449
Discounts							0	(37,574)
Write Offs							(3,000)	(2,536)
Totals							1,028,574	939,339

Comment

No submissions were received and Ministerial approval has been granted 28 August 2012.

The Shire has now discontinued the early payment discount incentive.

Legal Implications

Section 6.32 *Local Government Act 1995* - Rates and Services Charges

Section 6.35 *Local Government Act 1995* - Minimum Payment

Section 6.51 *Local Government Act 1995* - Accrual of Interest

Regulation 23 (b) (i) and (ii) of the *Local Government (Financial Management) Regulations 1996* - Rates Information

Policy Implications

Division 6 - Finance - Section 6.3 - Rates Collection - Procedure

Financial Implications

Total rates levied on 637 properties will be \$1,028,574

Strategic Implications

Rates revenue makes up approximately 23.0% of the Shire's total operating revenue and as such has an impact on the Shire's strategic planning.

Voting Requirements

Absolute Majority Required

Date of Report

3 October 2012

12.4 RATE INSTALMENTS ARRANGEMENTS FOR THE 2012-2013 FINANCIAL YEAR

RA 101

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Prior
 Seconded Cr McLaughlin

Council Resolution

That Council adopt the following options for payment of 2012/13 rates for which the issue date will be 3 September 2012 -

1.	Single Payment		Due Date	8 October 2012
2.	Two Instalments	First	Due Date	8 October 2012
		Second	Due Date	11 February 2013
3.	Four Instalments	First	Due Date	8 October 2012
		Second	Due Date	10 December 2012
		Third	Due Date	11 February 2013
		Fourth	Due Date	11 April 2013

and;

That an administration fee of \$8.75 per instalment apply to instances where either options 2 or 3 are chosen.

6/0 CARRIED

Background

Section 6.45 of the *Local Government Act 1995* makes provisions for rates to be paid by instalments.

If the shire wishes to make payment by instalments available to rate payers, Council needs to adopt the due dates for the instalment options made available.

Comment

The shire will be ready to raise rates once the rates in the dollar are adopted. The proposed date of issue on the notices will be Monday 3 September 2012.

It is recommended an administration charge of \$8.75 per instalment be charged as outlined in the 2012/2013 Fees and Charges.

Within the shire's adopted fees and charges is a Payment Arrangement Fee for those ratepayers who do not make payment on time but still wish to make regular payments on their outstanding rates. The fee adopted is \$130.00 per arrangement for the 2012/2013 financial year. This fee is designed to cover the administration of those ratepayers who have opted to make a manual payment arrangement with the shire.

Legal Implications

Section 6.45 *Local Government Act 1995* - Options for payment of rates or service charges and imposition of additional charge for collection.

Policy Implications

Division 6 - Finance - Section 6.3 - Rate Collection Procedure

Financial Implications

The administration charge and instalment arrangement fee compensate the shire for the additional administrative and processing work involved in processing instalment arrangements.

Strategic Implications

Nil

Voting Requirements

Simple Majority Required.

Date of Report

3 October 2012

12.5 RATES – WRITE-OFFS FOR THE 2012/2013 FINANCIAL YEAR

RA 101

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Capewell

Seconded Cr Prior

Council Resolution

That the 2012/13 pastoral rates write offs be undertaken as per the following table –

**Shire of Shark Bay
Rate Write Offs Other UV 2012/13**

Percentage Write off	Ass No	Property Detail	UV Rates Raiseable	Write Off	Rates After Write Off	Last Years Rates
100%	2071	Faure Island - landing	2,805	(2,805)	0.00	0.00
		Totals	2,805	(2,805)	0.00	0.00

6/0 CARRIED

Background

Due to the inequities in the valuation system for pastoral land, one assessments was granted a write off in last financial year as per the following table –

**Shire of Shark Bay
Rate Write Offs Other UV 2011/12**

Percentage Write off	Ass No	Property Detail	UV Valuation	UV Rates Raiseable	Write Off	Rates After Write Off	Last Year's Rates
100%	2071	Faure Island - landing	16,500	2,536	(2,536)	0	0
		Totals		2,536	(2,536)	0	0

This write off has been in place for several years and relate to the above property not being used for income producing activities.

Comment

As the practice has been in place for several years it is suggested that the shire only write off the landing parcel of the rates for Faure Island in the 2012-2013 financial year

Legal Implications

Section 6.12 of the *Local Government Act 1995* - Power to defer, grant discounts, waive or write off debts.

Policy Implications

Nil

Financial Implications

Total pastoral rates write offs proposed for 2012/13 amount to \$2,805.

Strategic Implications

Nil

Voting Requirements

Absolute Majority Required

Date of Report

3 October 2012

12.6 RATES PAYMENT INCENTIVE PRIZE FOR THE 2012/2013 FINANCIAL YEAR
RA 101

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Hanscombe
Seconded Cr Prior

Officer Recommendation

That Council grant an incentive for the early payment of the 2012/13 rates and charges by way of a lottery draw for the prizes of:

- **First Prize – Gift Voucher of \$500 to be spent at any Shark Bay business.**
- **Second Prize – Framed NASA photo of Shark Bay, donated by the Shire of Shark Bay.**
- **Third Prize – Hard copy of Shark bay, Through Four Centuries 1616 to 2000, donated by the Shire of Shark Bay.**

AMENDMENT

Reason: Council felt that the choice of either book should be offered to the winner of the third prize.

Moved Cr Hanscombe
Seconded Cr Prior

Council Resolution

That Council grant an incentive for the early payment of the 2012/13 rates and charges by way of a lottery draw for the prizes of:

- **First Prize – Gift Voucher of \$500 to be spent at any Shark Bay business.**
- **Second Prize – Framed NASA photo of Shark Bay, donated by the Shire of Shark Bay.**
- **Third Prize – Hard copy of Shark bay, Through Four Centuries 1616 to 2000, donated by the Shire of Shark Bay or a copy of the Pastoral Voices book.**

6/0 CARRIED

Background

In the 2011/12 final year the Shire awarded a \$500 gift voucher for an early rate payment incentive to be spent at any Shark Bay business to keep the ratepayers monies in the Shark Bay area.

Further a second and third prize has been awarded, being a framed NASA photo of Shark Bay and a hard copy of Shark Bay, Through Four Centuries 1616 to 2000.

Comment

It is proposed to continue the incentive on the same basis as the 2011/12 financial year. The terms and conditions proposed to apply to the 2012/13 rates incentive prize are -

- To be eligible for the draw all outstanding rates and charges must be received on or before the due date 8 October 2012.
- All ratepayers are eligible.

The drawing of the winners for the above prizes will take place during the Council meeting on the 31 October 2012.

Legal Implications

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

Policy Implications

Nil

Financial Implications

Encourages the early payment of rates, which contributes to an improved cash flow for the shire. Value of donations of prizes by the Shire is approximately \$910.00

Strategic Implications

Nil

Voting Requirements

Simple Majority Required

Date of Report

17 August 2012

12.7 ADOPTION OF THE SHIRE OF SHARK BAY 2012/2013 MUNICIPAL FUND BUDGET AND SIGNIFICANT ACCOUNTING POLICIES

BU101.01

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Capewell
Seconded Cr Cowell

Council Resolution

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council adopt the Municipal Fund Budget, including significant accounting policies for the Shire of Shark Bay for the 2012/2013 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 of Section 2 showing a net result for the year of \$4,927,539.
- Statement of Comprehensive Income by Program on page 3 of section 2 showing a net result for the year of \$4,927,539.
- Statement of Cash Flows on page 4 of section 2.
- Rate Setting Statement on page 5 of section 2 showing an amount required to be raised from rates of \$1,028,574.
- Notes to and forming part of the budget on pages 6 to 28 of section 2.

5/1 CARRIED

Moved Cr Wake
Seconded Cr **Motion Lapsed due to want of a seconder**

Councillor Recommendation

The Reserve Funds Budgeted to be transferred and utilised in the construction of a new administration building be deferred until a confirmed strategy is in place.

Background

The 2012-2013 budget document, including all statutory reports has been circulated under separate cover.

On adopting the 2012/13 statutory budget the auditors recommend including a motion adopting the accounting policies contained within the budget and updating the Policy register accordingly.

SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which Council adopts in the preparation of this

years financial report are:

Basis of Preparation

The financial report is to be a general purpose financial report and be prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

The report has also been prepared on the accrual basis under the convention of historical cost accounting as modified by the accounting treatment relating to the revaluation of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.

Critical Accounting Estimates

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

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

(b) The Local Government Reporting Entity

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

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears in the financial report.

(c) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the Balance Sheet are stated inclusive of applicable GST.

(d) Cash and Cash Equivalents

Cash and cash equivalents in the balance sheet comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts.

Bank overdrafts are included as short-term borrowings in current liabilities on the balance sheet.

(e) Trade and Other Receivables

Trade receivables, which generally have 30 - 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(f) Inventories

General

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated

selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the Income Statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on Council's intention to release for sale.

(g) Fixed Assets

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Revaluation

Certain asset classes may be re-valued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current

replacement cost of an asset less, where applicable, accumulated depreciation calculated on a basis to reflect the already consumed or expired future economic benefits. Those assets carried at a re-valued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be re-valued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at reporting date.

Land under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 - Land under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

All non-current assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

<i>Buildings</i>	<i>25 to 50 years</i>
<i>Furniture and Equipment</i>	<i>5 to 15 years</i>
<i>Plant and Equipment</i>	<i>5 to 15 years</i>
<i>Heritage Assets</i>	<i>25 to 50 years</i>
<i>Computer Equipment</i>	<i>5 years</i>
<i>Mobile Plant</i>	<i>5 to 10 years</i>
<i>Roads</i>	<i>25 years</i>
<i>Footpaths</i>	<i>50 years</i>
<i>Sewerage Piping</i>	<i>75 years</i>
<i>Water Supply Piping & Drainage Systems</i>	<i>75 years</i>
<i>Construction other than Buildings (Public Facilities)</i>	<i>5 to 50 years</i>

(i) Investments and Other Financial Assets

Classification

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments and available-for-sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

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

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the balance sheet.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity. If Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale. Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iv) Available-for-sale financial assets

Available-for-sale financial assets, comprising principally marketable equity securities, are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the balance sheet date. Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date – the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of

ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

Subsequent measurement

Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method.

Available-for-sale financial assets and financial assets at fair value through profit and loss are subsequently carried at fair value. Gains or losses arising from changes in the fair value of the financial assets at fair value through profit or loss category are presented in the income statement within other income or other expenses in the period in which they arise. Dividend income from financial assets at fair value through profit and loss is recognised in the income statement as part of revenue from continuing operations when Council's right to receive payments is established. Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

Impairment

Council assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired. In the case of equity securities classified as available-for-sale, a significant or prolonged decline in the fair value of a security below its cost is considered as an indicator that the securities are impaired. If any such evidence exists for available-for-sale financial assets, the cumulative loss- measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit or loss – is removed from equity and recognised in the income statement. Impairment losses recognised in the income statement on equity instruments classified as available-for-sale are not reversed through the income statement.

(j) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(k) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired. Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 'Impairment of Assets' and appropriate adjustments made

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the Income Statement.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

(l) Trade and Other Payables

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

(m) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

(ii) Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised

as a current liability.

(n) *Interest-bearing Loans and Borrowings*

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(o) *Provisions*

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

(p) *Leases*

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the company, are classified as finance leases. Finance leases are capitalised recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual value. Leased assets are amortised over their estimated useful lives. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Lease payments under operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

(q) *Joint Venture*

The municipality's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the relevant items reported in the Balance Sheet and Income Statement. Information about the joint venture is set out in Note 16.

(r) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2(c). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

(s) Superannuation

The Council contributes to the Local Government Superannuation Scheme and the Occupational Superannuation Fund. Both funds are defined contribution schemes.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

(t) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's intentions to release for sale.

(u) Rounding Off Figures

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

(v) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

(w) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

Comment

Required by legislation

Legal Implications

Local Government Financial Regulations

Policy Implications

New Policy Adopted

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority Required

Date of Report

20 August 2012

12.8 LEVEL OF MATERIALITY

FI 100

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr McLaughlin

Seconded Cr Prior

Council Resolution

1. Council adopt a materiality level of \$5,000 or 5%, whichever amount is greater, for the purposes of regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
2. If the materiality level exceeds \$5,000 or 5%, whichever amount is greater, an explanation is to be provided to council detailing the particulars of and the reasons for the variance.

6/0 CARRIED

Background

Regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996* states that in each financial year, a local government is to adopt a percentage value or amount, calculated in accordance with Australian Accounting Standard 5 (AAS 5), to be used in the statements of financial activity for reporting material variances.

Comment

In determining whether a variance is material, council needs to determine a percentage or a value for reporting material variances.

Actual amounts of expenditure and revenue to the end of the month to which the financial activity statement report relates are to be compared to the annual budget estimates. If the difference between the comparable amounts is above the level of materiality an explanation of the material variance is provided to council.

In previous financial years the shire has adopted a materiality level of \$5,000. In assessing the shire's revenue and expenditure items it appears that it would be more appropriate to use a level of materiality of either \$5,000 or 5%, whichever happens to be greater. Any account balance that differs by an amount of \$5,000 or more or 5% of the budget, whichever is greater, will be reported to council along with an explanation of the material variance.

Legal Implications

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Implications

Nil

Financial Implications

Councillors are made aware of, and the reasons for, any significant variances in the Shire of Shark Bay's accounts.

Strategic Implications

Nil

Voting Requirements

Absolute Majority Required.

Date of Report

3 October 2012

13. TOWN PLANNING REPORT

**13.1 RETROSPECTIVE PLANNING APPROVAL – EXISTING MOTOR VEHICLE REPAIR BUSINESS:
LOT 245 (112) DAMPIER ROAD, DENHAM**

P 1341

Author

Liz Bushby, Gray & Lewis Landuse Planners

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

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

Moved Cr Hanscombe

Seconded Cr McLaughlin

Council Resolution

That Council:

- 1. Approve the application lodged by P & RJ Mettam for retrospective planning approval for Motor Vehicle Repair on Lot 245 (112) Dampier Road, Denham subject to the following conditions:**
 - (i) An informal carparking area with capacity to accommodate a minimum of 10 carparking bays is to be provided on site to the satisfaction of the Shire’s Chief Executive Officer.**
 - (ii) Lodgement of a detailed, scaled carparking layout plan (with dimensions) for separate written approval by the Shire Chief Executive Officer. The detailed, scaled carparking layout plan shall be lodged within 3 months of the date of this planning consent, and demonstrate compliance with Condition (i) and Schedule 1 of the Shire of Shark Bay Local Planning Scheme No 2 to the satisfaction of the Shire Chief Executive Officer.**
 - (iii) The plans lodged with this application and approved separately in writing (for condition ii) by the Chief Executive Officer shall form part of this planning approval. All development shall be in accordance with the approved plans.**
 - (iv) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - (v) No storage or servicing shall be carried in the front setback area (between the front building line and the street frontage).**
 - (vi) A maximum of four workshop bays (for motor vehicle repairs) to be accommodated in the existing building(s) at any one time.**

- (vii) **A bunded area shall be provided for all drum storage (including diesel waste) that sufficiently caters for potential spill to the satisfaction of the Chief Executive Officer.**
 - (viii) **All existing trees and landscaping in the front setback area (between the front building line and the street frontage) to be maintained to the satisfaction of the Shires Chief Executive Officer. No trees or landscaping in the front setback area shall be removed unless approved in writing by the Shire.**
 - (ix) **This approval is for the use of the existing building for motor vehicle repairs which includes electrical and mechanical repairs, or overhauls, to vehicles, or repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.**
 - (x) **The owner / applicant to maintain the existing crossover to a satisfactory standard.**
- 2. Include a footnote / advice note on any planning approval to advise the applicant that:**
- (a) **The owner / applicant is advised of the need to comply with all conditions of planning approval. Any non compliance with the planning approval would be construed as non compliance with the Shire of Shark Bay Local Planning Scheme No 3.**
 - (b) **The owner/ applicant is advised that a separate motor vehicle licence is required from the Department of Consumer Affairs. The Shire of Shark Bay fully supports the motor vehicle repair use operation as a suitable landuse in the Industrial zone.**
 - (b) **In regards to Condition (ix), the owner / applicant is advised that this simply refers to the existing landuse definition of motor vehicle repairs in the Shires Town Planning Scheme. The other landuses on site would fall under the light or general industry landuse definition which are permitted in the Industrial zone.**

6/0 CARRIED

Précis

Council is to consider an application for retrospective planning approval for an existing motor vehicle repair business located on Lot 245 (112) Dampier Road, Denham ('the subject land').

BACKGROUND

- *Relevant information : Motor Vehicle Repair licence*

An existing motor vehicle repair business has operated from the subject land for some years.

The *Motor Vehicle Repairers Act 2003* requires each applicant for a motor vehicle repair business licence to operate from premises suitable for the business the licence is sought. Premises are 'suitable' if they are approved by the Local Government Authority.

Unfortunately the Shire has no record of any planning application being lodged or approved for a motor vehicle repair business to operate from the subject land.

The Shire is not in a position to certify that the business operates legally in compliance with the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') until a valid planning consent is issued.

To rectify this situation, the owner has lodged a formal planning application seeking retrospective planning approval for the existing motor vehicle repair business.

- *Existing Development*

The subject land has been developed with a shed / workshop, an office, amenities, and a tyre fitting area. The applicant advises that Paul's Tyres, Shark Bay Auto Wreckers and Shark Bay Septics also operate from the site.

COMMENT

- *Proposed Development*

The applicant advises that the motor vehicle repair business has operated from the subject land for approximately 20 years and is known as 'Shark Bay Mechanical and Towing Service'.

The applicant has advised as follows:

- (a) The existing sheds have capacity for 2 working bays inside the front portion of the shed, and 2 working bays in the area referred to as the 'tyre' shed.
- (b) There is a bay outside of the shed with a tyre hoist and the concrete apron has enough area to park an additional 2 cars for repairs.
- (c) The business generally operates between 8.00 am to 5.00 pm weekdays and 8.00 am to 1.00 pm on Saturdays. Times can vary as the business is a contractor for the Royal Automobile Club so is on call 24 hours per day, 7 days per week for towing and breakdowns.
- (d) Currently there are two contractors working for the business.
- (e) A crossover has been constructed and completed with Council approval in November 2009.
- (f) Storage of old oils is contained in old drums and disposed of when the licenced oil removalist comes to town.
- (g) The property is landscaped with Olive trees at the front.

The applicant has also submitted a series of photographs of the site showing carparking areas. Photographs are available to Councillors on request.

- *Zoning*

The subject land is zoned 'Industrial' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The landuse of 'Motor Vehicle Repair' is defined as '*means premises used for in connection with:*

- a) *electrical and mechanical repairs, or overhauls, to vehicles; or*
- b) *repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.'*

The Scheme includes a table (Table 1 – Zoning Table) which shows the permissibility of different landuses in different zones. The landuse of 'motor vehicle repair' is 'D' in

the Industrial zone which means that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval'*.

The objective of the Industrial zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas. The zone also provides for light and service industries and associated uses.

- *Parking Provision and Assessment*

The applicant has lodged a site plan which shows an informal carparking area in front of the existing building, with two rows of carparking.

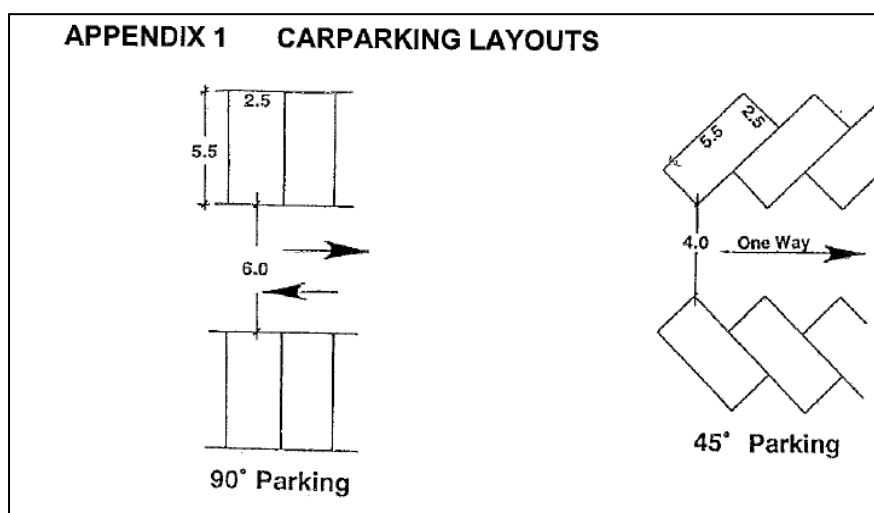
Under Clause 5.14.4 of the Scheme, carparking is required to be provided, constructed and maintained in accordance with the provisions of the Scheme, and the number of bays is specified in Table 2 : Carparking.

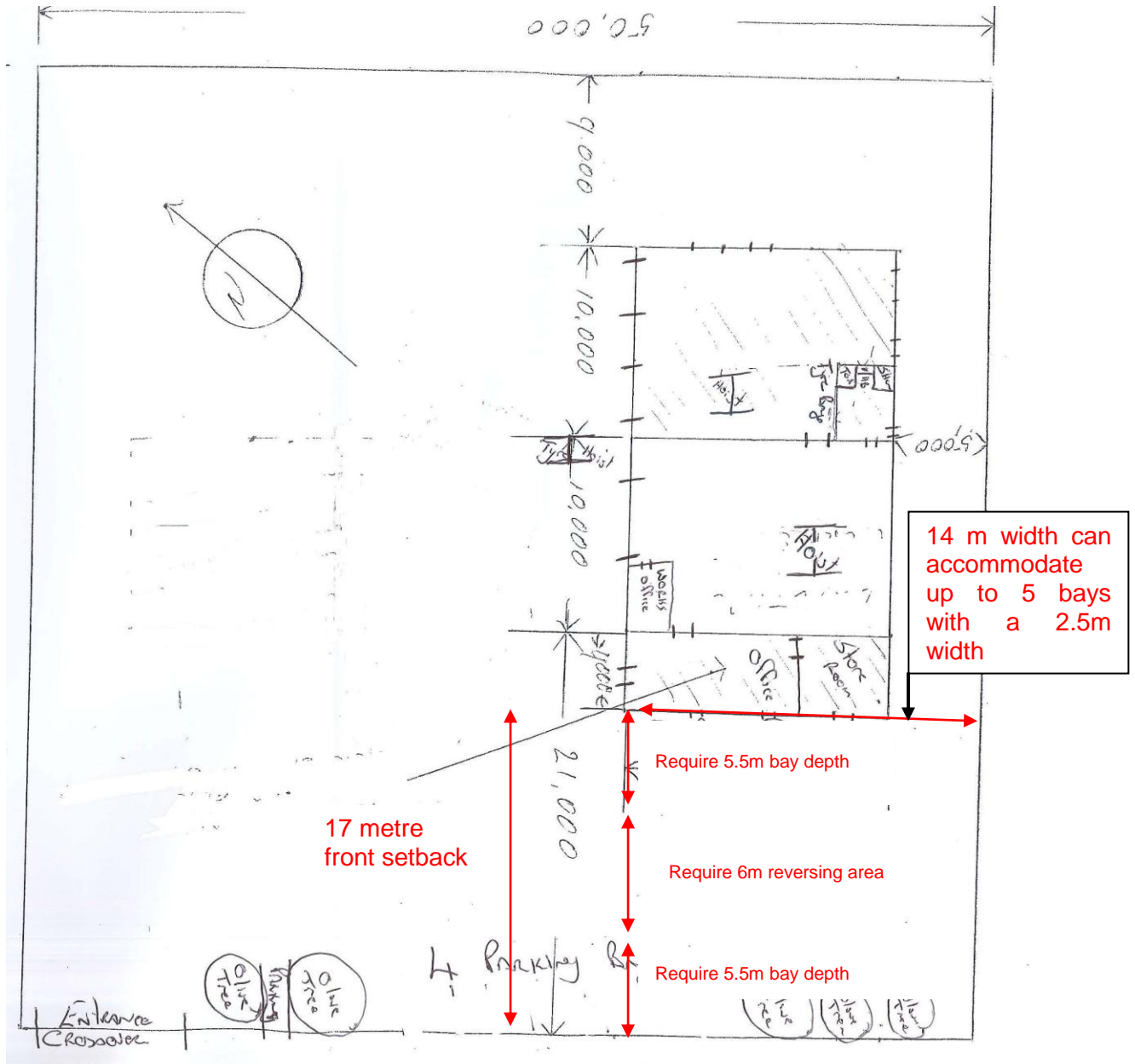
Under Table 2, two carparking bays are required for every working bay, and one bay per employee.

It is construed that carparking can comply based on the following:

- The scheme requires a total of 10 carparking bays (8 car bays for the 4 work bays, and 2 car bays for the two contractors / employees).
- Although the applicant indicates only 7 bays can be accommodated on the site plan, the plan dimensions show that more car bays can be accommodated. In addition the site has an area of 5000 m² so there are other parking areas available to the side of the building.
- The plan shows that there is a 17 metre setback in front of the existing building, which can accommodate two rows of bays with bay depth of 5.5 metres, and an additional 6 metre reversing area.
- The building width is shown as 13.5 metres therefore at least 5 bays can be accommodated immediately adjacent to the building (at a 2.5 metre width).
- Gray & Lewis has marked the available parking area in red on the site plan overpage. Some potential bays will be affected by the location of existing trees.

It is important to note that the Scheme includes acceptable parking bay layouts and dimensions in Appendix 1 – refer extract below.





Whilst Gray & Lewis is satisfied that there is sufficient area on the lot to accommodate 10 carparking bays, the sketch plan is not sufficient and has no scale.

It is recommended that a condition be placed on the development requiring the applicant to lodge a scaled, accurate carparking plan with a minimum of 10 carparking bays and a layout that conforms with Schedule 1 of the Scheme.

- *Carparking construction standards*

Gray & Lewis has not recommended a condition be imposed requiring the car park to be fully constructed and drained, as it appears that the majority of Industrial lots have been provided with informal gravel carparking areas. Gray & Lewis is not privy to the type of carparking conditions and construction standards that Council has imposed on development in the Industrial area.

Council can require carparking areas to be fully constructed and drained, with line marked car bays. It is clear that carparking in the Denham Town Centre has been required to be constructed to a high standard. Council may be prepared to accept a

lesser standard for carparking in the Industrial area, having regard for the nature of Industrial uses, and lower amenity expectations.

- *Crossover*

The Shire of Shark Bay Policy Manual has minimum construction standards for crossings under Policy 2.1 and requires bitumen (over roadbase), concrete, brick pavers or '*other as approved by Council*'.

Some of the crossovers for Industrial lots are constructed out of concrete, and others are more informal.

The applicant has lodged a photograph which shows that they have installed a concrete crossover to the lot.

- *Storage areas*

It is recommended that a condition be imposed requiring a suitable bunded area for the on site storage of waste, including oil drums, to the satisfaction of the Chief Executive Officer.

- *Landscaping*

Clause 5.11.4 of the Scheme includes landscaping requirements for the Industrial zone, and specifies landscaping should be provided in the front setback area.

The subject land has already been developed and there are some olive trees contained in front of the existing building. Accordingly, a condition is recommended simply to require the existing vegetation to be maintained.

It is open to Council to require a landscaping plan or upgrading of existing landscaping.

LEGAL IMPLICATIONS

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

- Clause 5.11 of the Scheme outlines development requirements for the Industrial zone.
- Clause 5.14 of the Scheme outlines carparking requirements.
- Clause 10.2 of the Scheme outlines matters to be considered by the local government including things such as the compatibility of a use or development with its setting, preservation of amenity, relationship to development on adjacent land etc.
- Clause 8.4 of the Scheme provides Council with the power to grant planning approval for a use or development already commenced.

POLICY IMPLICATIONS

The Shire of Shark Bay Policy Manual (amended December 1997) includes a '2.1 – Crossings' Policy as explained in the body of this report. Gray & Lewis is not privy as to whether the Policy accurately reflects the Shires requirements, and understands that existing policies may be subject to review.

In the future, Council may seek to develop a policy that addresses minimum requirements for crossovers, carparking and drainage.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire has a Draft Local Planning Strategy however it has no major implications for this development.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

14 August 2012

13.2 PROPOSED ABOVE GROUND FUEL TANK FOR OVERLANDER ROADHOUSE – LOT 174
NORTH WEST COSTAL HIGHWAY, HAMELIN POOL
P 2003

AUTHOR

Liz Bushby, Gray & Lewis Landuse Planners

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

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

Disclosure of Interest: Cr Wake

Nature of Interest: Proximity Interest as neighbouring property

Cr Wake left the Council meeting at 12.06pm

Moved Cr Capewell
Seconded Cr McLaughlin

Council Resolution

That Council:

1. **Approve the application lodged by Russell and Carol Aughey for an above ground fuel tank (bulk fuel and service station) on Lot 174 North West Coastal Highway, Hamelin Pool subject to the following conditions:**
 - (i) **All stormwater from roofed and paved areas shall be collected and disposed of on-site unless otherwise approved in writing by the Chief Executive Officer.**
 - (ii) **The plans dated February 2012 (SD-00082) shall form part of this planning approval. No modifications can occur to the approved plans unless specifically agreed to in writing by the Shire's Chief Executive Officer.**
 - (iii) **All structures to be fully contained within the property boundaries of Lot 174.**
 - (iv) **The proposed tank to be self bunded as stated in the application, and the owner/ applicant to undertake reasonable measures to ensure no potential spillage occurs in the road reserve to the satisfaction of the Shire's Chief Executive Officer.**
2. **The applicant is advised that:**
 - (a) **This is planning consent only, and is not authorisation to commence any on site work or construction. You are required to obtain a separate building licence prior to any works commencing.**
 - (b) **It is recommended that the owner / applicant consider upgrading of the existing crossovers to a higher construction standard as part of the development.**

- (c) **Main Roads Western Australia has made comments on the application, and recommended upgrading of crossovers be considered. Main Roads Western Australia also seeks assurances that that spills will not adversely impact on the road reserve. The Shire recommends that you advise Main Roads Western Australia of proposed construction works prior to commencement.**

5/0 CARRIED

Précis

The proposed above ground tank will service the existing Overlander Roadhouse. The original application form was incomplete, however Gray & Lewis has obtained an application form signed by the owner of the land (received 27 July 2012).

BACKGROUND

The Overlander is a roadhouse located approximately 705 kilometres North of Perth, right on the junction of the Monkey Mia turnoff. It is located on Lot 174 which has an approximate area of 2.2 hectares.

COMMENT

- *Zoning*

Lot 174 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). The Special Use zone allows for a range of uses including Service Station, Bulk Fuel, Shop, Restaurant, Transport Depot, Caravan Park, Camping Areas and Limited Transient Accommodation.

- *Description of Development*

The applicant proposes to install an above ground tank for diesel storage and dispensing equipment to service increasing heavy vehicle traffic travelling north.

The tank has an appearance of a 'sea container' shape and will measure 12.188mm length, 2.438mm width and 2.896mm height. The applicant has provided a photograph showing the appearance of an aboveground tank, which is available to Councillors on request.

- *Officer comment*

The proposed development is ancillary to existing development already contained on the site. The new storage tank is effectively 'bulk fuel' and the sale of petroleum forms part of the existing 'service station' use.

The new tank location will not unduly interfere with carparking or vehicle manoeuvring areas on the lot.

It is noted that the tank is proposed south of the existing road house, immediately adjacent to an informal parking area.

- *Consultation*

The North West Coastal Highway is identified and reserved as 'Major Highways' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

Although the applicant has indicated that the new tank is needed to service existing traffic, the application was referred to Main Roads Western Australia for comment.

Main Roads Western Australia has confirmed they have no objection to the development however offer the following comments for Council consideration:

- a. Main Roads has no objection to the proposed fuel storage facility to cater for the increased heavy vehicle movements.
- b. While the location of the tank and dispensing equipment are to be located on Lot 174, the tank is proposed to be self bunded; Main Roads seeks assurances that spills will not adversely impact on the road reserve.
- c. There are currently no formal arrangements between Main Roads and the proprietors of the roadhouse in relation to the easement / access to the property to the south.
- d. The potential increase use of this southern and the existing access points to the north end of the parking area, will result in additional maintenance requirements. Given the construction of Main Roads, this could present Council with an opportunity to improve the condition of driveways.

Given that the applicant has indicated that there has been an increase in traffic to the site which the proposed tank will accommodate, it is open to Council to impose a condition on the development requiring the upgrading of existing crossovers (at the owner / applicants cost). Upgrading can be to a trafficable standard such as compacted gravel, or sealed (bitumen).

If Council wishes to impose any conditions requiring upgrading of crossovers then Gray & Lewis would recommend the condition only be applied to the southern crossovers that directly relate to the proposed development.

Notwithstanding the above, having regard for the minor nature and scale of the development, that there is not a clear crossover / driveway configuration, and that all of the existing crossovers and accesses on the lot are informal areas, Gray & Lewis recommends that a footnote advice be included on any planning consent to encourage the applicant to consider crossover upgrading.

In making a recommendation on this matter, Gray & Lewis notes that Main Roads Western Australia has only suggested the Council could take the opportunity to require crossover upgrading, but Main Roads Western Australia has not specifically recommended that upgrading is necessary.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

The Shire of Shark Bay Policy Manual (amended December 1997) includes a '2.1 – Crossings' Policy. Gray & Lewis is not privy as to whether the Policy accurately reflects the Shires requirements, and understands that existing policies may be subject to review.

In the future, Council may seek to develop a policy that addresses minimum requirements for crossovers, carparking and drainage. This would provide better

guidance for future planning conditions and the minimum standards that the Shire Council seek to implement for development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The working document of the Draft Local Planning Strategy is currently being advertised for informal preliminary public comment. The Draft Local Planning Strategy recommends retention of the existing 'Special Use' zone for the Overlander, however recommends that the landuses and conditions in the Scheme be improved.

For example, the Scheme only allows for a 'service station' to operate on the site however there should be flexibility to also allow for a roadhouse (consistent with Special Use zone 7 which is the Billabong Roadhouse). The Scheme has two separate definitions for service station and roadhouse.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

21 August 2012

Cr Wake returned to the Council meeting at 12.15 pm

The President adjourned the Council meeting at 12.15 pm.

The Deputy President reconvened the Council meeting at 1.00 pm with Cr Cowell absent.

13.3 PROPOSED SUBDIVISION APPLICATION – LOT 1 SHARK BAY ROAD / CORNER MONKEY MIA ROAD, DENHAM (WESTERN AUSTRALIAN PLANNING COMMISSION REFERENCE: 146345)

Author

Liz Bushby, Gray & Lewis Landuse Planners

Disclosure of any Interest

Disclosure of Interest: Gray & Lewis

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

It should be noted that Gray & Lewis wrote the scheme amendment for Sigma Syon Pty Ltd which amended the scheme provisions for Lot 1 (prior to undertaking work for the Shire directly). Since being engaged by the Shire, Gray & Lewis no longer does any work for private landowners in the Shire local government boundary area.

Moved Cr McLaughlin
Seconded Cr Wake

Cr Cowell entered the Council meeting at 1.05 pm and assumed the chair.

Council Resolution

That Council:

- A. Recommend that the Western Australian Planning Commission approve the application lodged by Sigma Syon Pty Ltd on Lot 1 Shark Bay Road, Denham (Western Australian Planning Commission Reference : 146345) subject to the following conditions:**
- (i) The Monkey Mia Road / Shark Bay Road intersection being widened to the satisfaction of Main Roads Western Australia and the applicant/owner transferring the land required to the Crown free of cost.**
 - (ii) All shared crossover, egress and ingress locations and widths to be approved by Main Roads Western Australia. Limiting the number of crossovers to available street frontages is supported by the Shire.**
 - (iii) A public easement in gross is to be provided as depicted on the plan submitted for the purpose of providing shared vehicular access for the proposed lots. The easement on proposed Lot 2 and 3 should be widened to a minimum of 11.5 metres to provide flexibility to possibly accommodate a 5.5 metre wide car bay length and 6 metre reversing area.**
 - (iv) The lots being provided with adequate services as deemed necessary by the Western Australian Planning Commission and relevant service providers.**
 - (v) The applicant/owner of the land shall make adequate arrangements to the satisfaction of the Shire to ensure that prospective purchasers of the proposed lots are advised in writing that:**
 - The subject land is zoned Special Use under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). There are specific conditions and provisions that apply to future development of the land.**

- The Shire has discretion to consider a range of landuses on the subject land, however any future development will require specific planning approval. Support for the subdivision should not be construed as support for future development as matters such as carparking, truck movements, traffic, loading areas, building presentation etc need to be addressed with any planning application lodged.

- The subject land is in close proximity to an existing cemetery on adjacent Reserve No. 8886. Landscaping will be required along the east boundary of proposed Lot 4 at development stage.

- The building envelope nominated on the subdivision plan is not an indication of the permissible floor area which is contingent on providing adequate on site access ways, carparking, landscaping, truck movement and loading areas.

- The Shire may refer future development applications to Main Roads Western Australia for comment.

B. Advise the Western Australian Planning Commission and applicant as follows:

(i) Support for the application to subdivide Lot 1 should not be construed as an approval to commence development on any of the lots proposed, or any support for future carparking layouts or building floor areas. The ultimate layout of development will be affected by truck movements, loading areas, the size of the development etc.

(ii) It is recommended that the applicant review the easement width for both entry/exit points to ensure that the width can cater for adequate truck movements, such as a petrol fuel tanker truck entering and egressing the land. The Shire reserves the right to require future changes and modifications to easements as part of the normal development process.

(iii) The easement location only allows for a 1 metre landscaping area along both road frontages. The applicant may review the adequacy of this width to accommodate good quality landscaping. The Shire may require additional landscaping areas for future development in the building envelope area. It is recommended that the applicant review the adequacy of the landscaping strip as 1.5 metres would provide greater flexibility for a mixture of plant types and to accommodate trees for visual relief of any hardstand front carparking area.

(iv) The Shire seeks to work with future owners and applicants to achieve a good quality development outcome for future development of this land, as it is a high profile and prominent site.

6/0 CARRIED

Précis

This application has been lodged with the Western Australian Planning Commission who is the determining authority. The Western Australian Planning Commission has referred the application to the Shire for recommendation and comment.

The Western Australian Planning Commission has also referred the proposal to the Department of Environment and Conservation, Department of Water, Fire and

Emergency Service Authority, Health Department of Western Australia, Horizon Power and Water Corporation.

The Shire was requested to provide advice to the Western Australian Planning Commission by the 14 August 2012. Gray & Lewis has notified the Western Australian Planning Commission that there will be a late response after the August 2012 Council meeting.

Background

The subject land is zoned 'Special Use' and is subject to specific provisions in Schedule 4 of the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

Amendment 2 to the Scheme was gazetted on the 25 January 2011, and broadened the range of landuses that Council has discretion to consider for this site, listed as 'SU4' in the Scheme.

Council has discretion to consider the following uses: carpark, garden centre, hire service, Service industry, motor vehicle, boat or caravan sales, motor vehicle repair, office, restaurant, showroom, service station, convenience store, motor vehicle wash (car and boat wash) and laundrobar.

Specific objectives apply to the land under the Scheme as follows:

To ensure that any development is compatible with the Town Centre and surrounding zoning.

To provide for a wide range of compatible landuses and encourage opportunities for mixed use development.

To encourage development of an attractive place to work and conduct business.

To promote a high standard of development including buildings, landscaping and carparking.

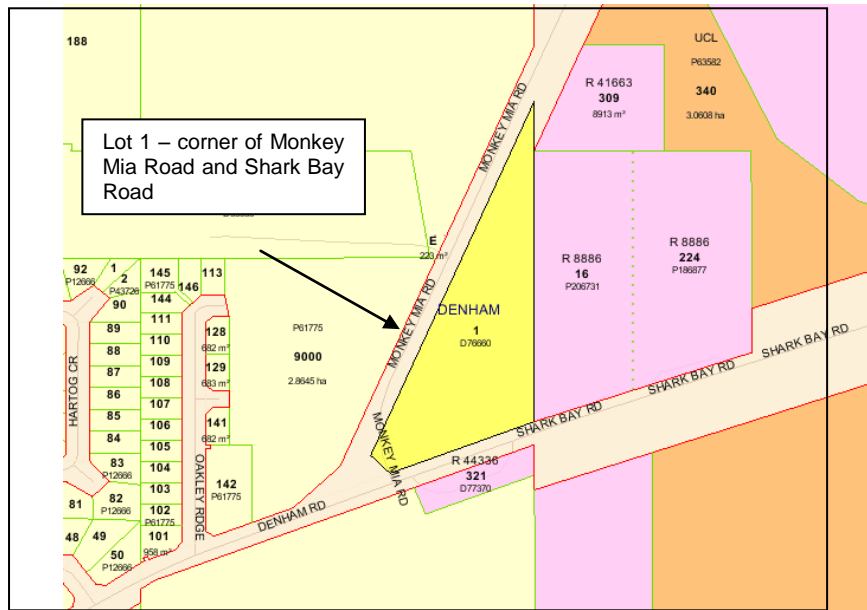
To ensure that all development presents a visually attractive appearance to Monkey Mia Road as a main gateway into the Denham Townsite.

The Scheme also outlines a number of conditions that may be placed on development including requirements for attractive building facades fronting both roads, setbacks, landscaping to the cemetery on adjacent Reserve 8886, lodgement of a landscaping plan as a condition, and specific requirements for any stand alone motor vehicle repair premises such as a 300m² workshop floor limitation.

Most relevant to this subdivision application is a condition requiring '*the layout of carparking areas shall be designed with high regard for traffic circulation between developments on the same lot, and shall be integrated to allow for good on site traffic management and flow.*'

Comment

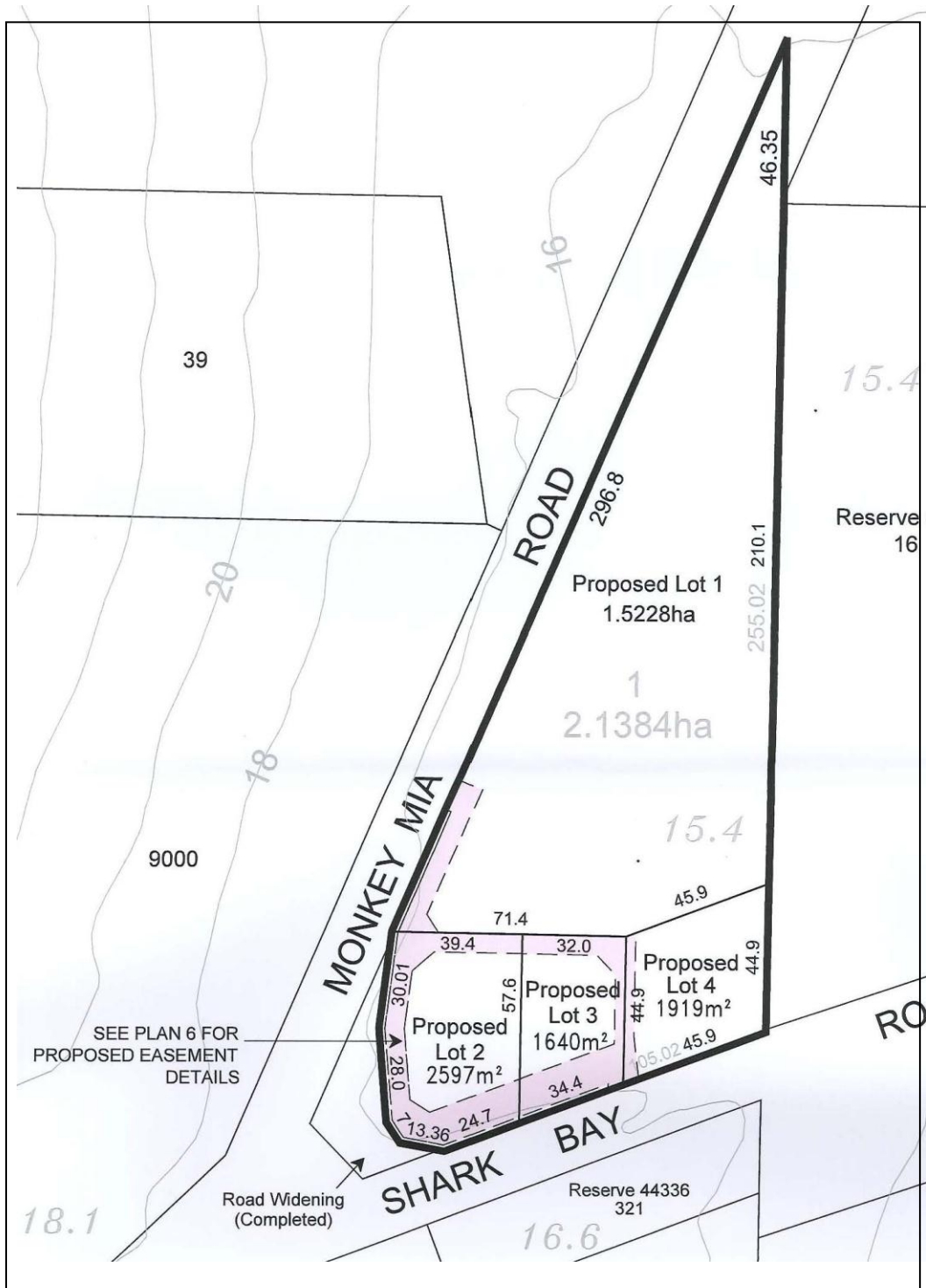
The existing lot is vacant and has an area of approximately 2.2359 hectares – refer location plan below.



Location Plan. Source: Landgate

- *Proposed Subdivision*

The application proposes to create three separate lots ranging from 937m² to 1773m² with frontage to Shark Bay Road, and a balance lot with an area of 1.5228 hectares – refer plan below.



The applicants submission is summarised below:

Sigma Syon Pty Ltd engaged Urban and Rural Perspectives to prepare the subdivision plan whereby proposed Lot 1 will be balance title, proposed Lot 2 would be a service station/ road house, proposed Lot 3 could accommodate a convenience store, and proposed Lot 4 would be set aside to cater for another landuse permissible by the Scheme.

The aerial shows that that the intersection at the corner of Denham Hamlin Road and Shark Bay Road has been constructed over the boundary of Lot 1. The subdivision proposes boundary changes to recognise the existing constructed road, and it is expected that the land will be required to be ceded free of cost.

Development of Lot 1 is to be undertaken in a manner to ensure the land is made available to the market on an as needs basis.

An easement plan is proposed to ensure traffic flows through the development without ad hoc access to Denham Hamlin Road (Shark Bay Road) and Monkey Mia Road.

The easements propose only one shared crossover to each road, located away from the intersection.

The owner and the Shire are keen to see quality development in this location and it is proposed that building quality and presentation be negotiated at development stage.

The subdivision will allow for the most pressing needs of a fuel outlet and a convenience store to be brought to the market as soon as practical, as existing fuel outlets have fuel storage located below sea level.

A full copy of the application and the applicants letter is available to Councillors on request.

- *Assessment Comments*

Gray & Lewis offers the following comments for Council consideration:

1. *Lot Sizes*

There are no minimum lot sizes specified for this Special Use zone under the Scheme.

Notwithstanding the above, Council and the Western Australian Planning Commission need to be satisfied that lots sizes are sufficient to accommodate the discretionary uses.

At development stage, Council will have regard for the floor areas proposed, scale of development, appearance of development, specific carparking layout, loading areas, truck movements, delivery areas, disabled parking provision and the like.

Gray & Lewis is reasonably supportive of the proposed lot sizes having regard for the following:

By comparison, the Scheme allows lot sizes for 850m² for service trades and 1000m² lot size for light and general industry.

The minimum easement width is 6 metres which is a sufficient reversing area and allows for two cars to pass.

Even though building envelopes are indicated on the plan, the reality is that building floor areas will be limited by factors such as carparking requirements.

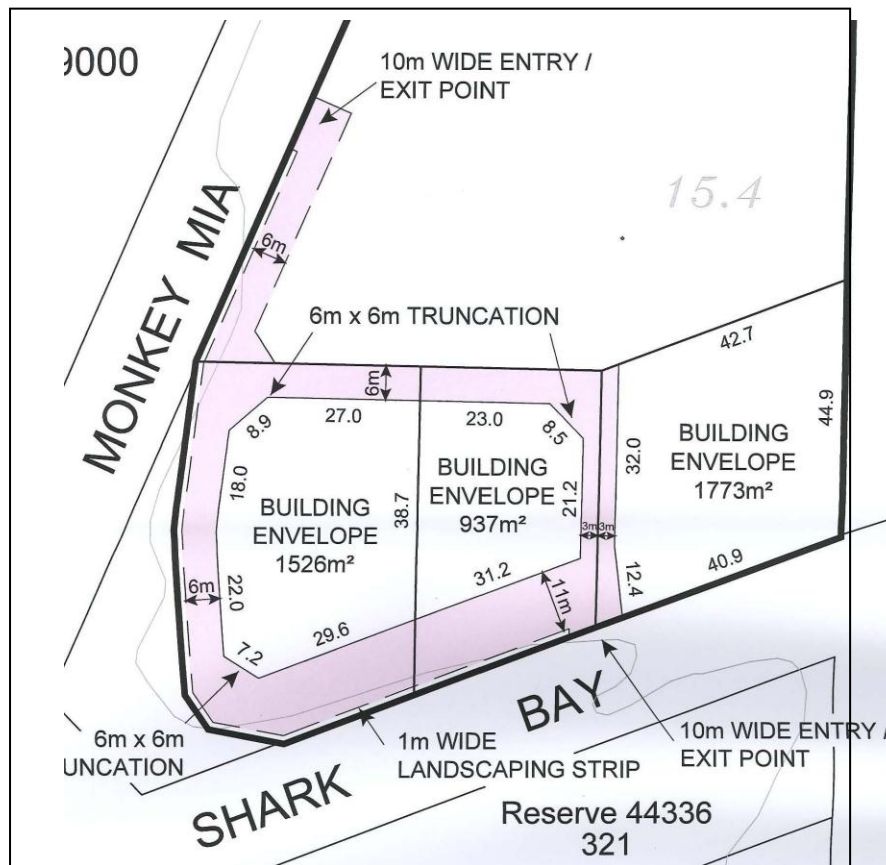
Any development will require separate Council approval.

2. Access and Carparking

As outlined in the background of this report, the Scheme requires that *'the layout of carparking areas shall be designed with high regard for traffic circulation between developments on the same lot, and shall be integrated to allow for good on site traffic management and flow.'*

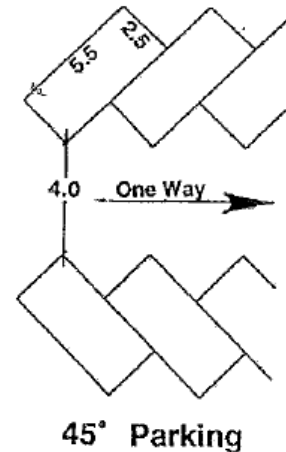
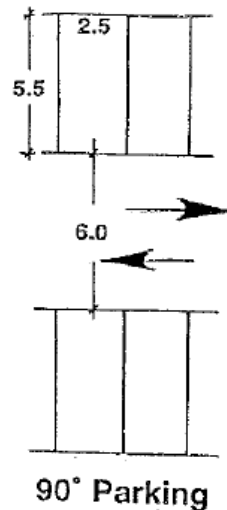
The carparking layout cannot be fully assessed until development applications for the lots are lodged separately.

The applicant proposes to implement easements to facilitate shared access ways and crossovers – refer plan below. The easements propose one crossover to each available street frontage, a front easement / access way width of 11 metres on Lots 2 and 3, and a shared access / driveway between Lots 3 and 4.



Gray & Lewis verbally consulted with the applicant to ascertain whether the easements are only proposed to accommodate shared access ways / internal driveways, or whether carparking may also be proposed in the easements. The applicant has advised that the front 11 metre easement may accommodate some carparking bays.

The Scheme has specific requirements for carparking layouts. For 90 degree parking, carparking bays are required to be 2.5 metres wide, 5.5 metres depth with a 6 metre reversing area (diagram over page).

APPENDIX 1 CARPARKING LAYOUTS

To provide flexibility for future carparking that may be accommodated in the front setback area of Lots 2 and 3, it is recommended that the applicant widen the easement from 11 metres to 11.5 metres (as this could cater for a 5.5m carpark bay length and 6 metre access way).

It should be noted that any support for the subdivision is not support for predetermined carparking layouts. Additional carparking can be provided in the nominated 'building envelope' at development stage, with the 6 metre easements being used as reversing areas.

Any carparking layout will be impacted on by the need to accommodate truck movements, loading and delivery bays. If any development application is lodged for a service station on proposed Lot 2, then a truck movement plan would be required showing the entry, loading area and egress for a tanker fuel truck. The front easement area adjacent to Shark Bay Road may be needed to cater for the fuel truck manoeuvring area. If a fuel truck enters the proposed Monkey Mia crossover, then the 6 metre easement may not be sufficient to accommodate the truck turning in area.

These matters can be resolved as part of the normal development application process, however it is recommended that the Shire provide advice to the WAPC and applicant that truck movements need to be considered relative to the easement width.

3. *Traffic*

The easements, to a certain extent, will address traffic flow, however the locations are being pre-determined prior to any known development layout. There is therefore the possibility that access way locations and easements may require adjustment at a later stage to suit specific development and carparking layouts.

If the Shire supports the subdivision, it is not support for any specific carparking layout, future development layout or the building envelopes.

4. *Road widening / Main Roads Western Australia*

Main Roads Western Australia previously lodged a submission on the Draft Local Planning Strategy in March 2012 advising of the need to amend the Monkey Mia road reserve boundary at the intersection with Shark Bay Road. Part of the constructed road is outside of the road reserve, and encroaches into Lot 1. The applicant proposes to cede the area of constructed road free of cost.

Gray & Lewis has referred a copy of the subdivision plan to Main Roads Western Australia for comment, and advised the Western Australian Planning Commission that the application should be formally referred to Main Roads Western Australia.

Conclusion

Gray & Lewis recommends conditional support for the proposed subdivision. The proposed subdivision may aid to facilitate new commercial development.

Legal Implications

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

Town Planning and Development Act 2005 – provides Western Australian Planning Commission with responsibility for subdivision applications. If an application is refused the applicant may lodge an application for review with the State Administrative Tribunal.

Planning and Development Regulations 2009 – outlines application requirements.

Policy Implications

Not applicable.

Financial Implications

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

Strategic Implications

The Shire has undertaken preliminary advertising of a Draft Local Planning Strategy. The Draft Strategy recognises Lot 1 as 'Area 11' and does recommend any zoning changes.

Voting Requirements

Simple Majority Required

Date of Report

8 August 2012

13.4 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE – NORTH WEST COASTAL HIGHWAY (ROAD RESERVE): SOUTH OF BILLABONG ROADHOUSE

AUTHOR

Liz Bushby, Gray & Lewis Landuse Planners

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

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

Disclosure of Interest: Cr Prior

Nature of Interest: Impartiality Interest as Air Charter Operator who may use the airstrip

Moved Cr Hanscombe

Seconded Cr Wake

Council Resolution

That Council:

1. **Approve the application lodged by Deighton Pty Ltd (acting on behalf of Aurecom as instructed by their client Telstra Corporation Limited) for telecommunications infrastructure in a portion of North West Coastal Highway road reserve (south of Billabong Roadhouse) subject to the following conditions:**
 - (i) **The plans dated July 2012 (Drawing No W107154) shall form part of this planning approval. No modifications can occur to the approved plans unless specifically agreed to in writing by the Shire's Chief Executive Officer.**
2. **Advise the applicant as footnotes to the planning approval that:**
 - (a) **This is a planning consent only and is not authorisation to commence any on site work or construction. You are required to obtain a separate building licence prior to any works commencing. The Shire also recommends that you advise Main Roads Western Australia of proposed construction works prior to commencement.**
 - (b) **If cranes are used for any part of installation, it is recommended that you notify Air Services Australia and Civil Aviation Safety Authority prior to construction.**
 - (c) **Please be advised that the Shire is not responsible for air safety matters and the application has been supported by Air Services Australia. Civil Aviation Safety Authority has advised the Shire that it would not recommend the chosen site due its proximity to the runway at Billabong Aeroplane Landing Area, however the review has identified that there is no legislative reason why the tower cannot be positioned as per the proposal. Civil Aviation Safety Authority has made a number of recommendations relating to duty of care to pilots. Accordingly the Shire recommends that Telstra review its duty to care having regard for**

Civil Aviation Safety Authority's advice and consider installing obstacle lighting on the tower.

3. **That a copy of Civil Aviation Safety Authority's advice be provided to the applicant as an attachment to formal correspondence on this application.**

6/0 CARRIED

Précis

The site is a regional mobile communications project and will be funded by the State Governments Royalties for Regions Program and is administered by the Western Australian Department of Commerce with the assistance of the Department of Regional Development and Lands. Telstra has been contracted to undertake construction of the project.

The road reserve is under the care and control of Main Roads Western Australia who have signed the application as the owner.

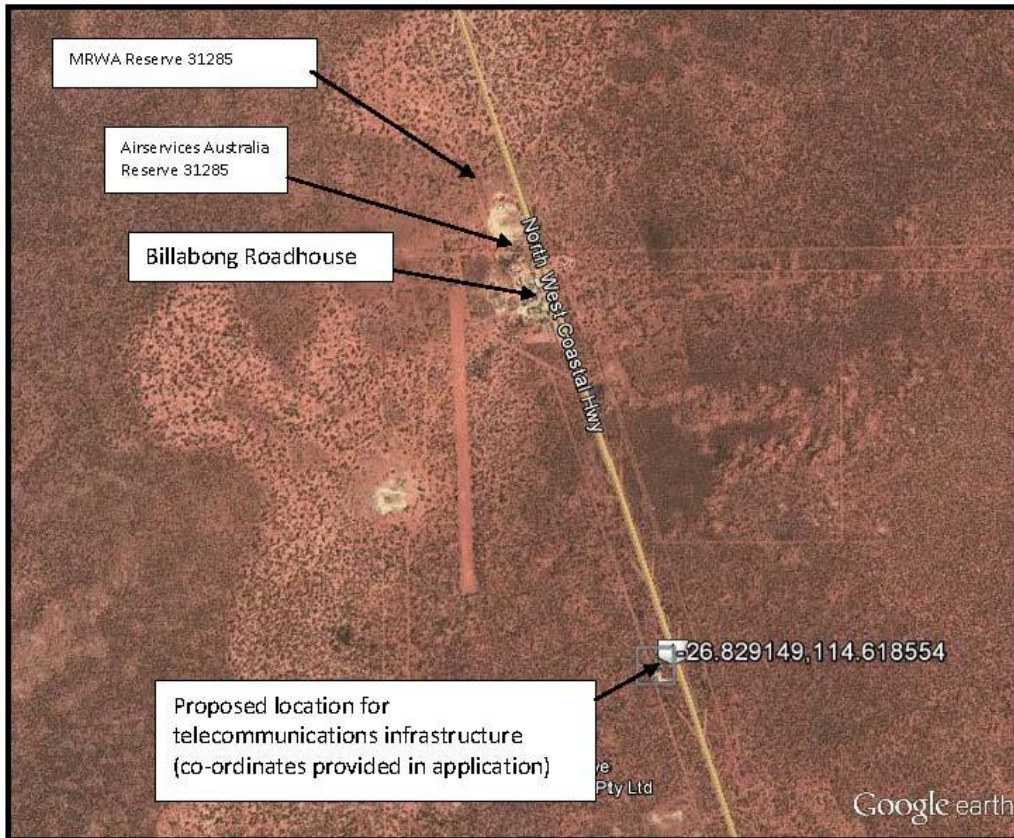
BACKGROUND

The Billabong Roadhouse is located approximately 145.7 kilometres south east of Denham. The road house is used as a reference point to describe the location of proposed Telecommunications Infrastructure.

COMMENT

- *Location*

The development is proposed to be located to the south of Billabong roadhouse within a portion of the North West Coastal Highway road reserve. Due to the extent of Highway road reserve, Gray & Lewis has compiled a location plan for ease of reference:



Source: Aerial from Google earth with comments marked by Gray & Lewis.

- *Description of Development*

Information on the development is summarised below:

- The application proposes to install (1) 60 metre high guyed mast, (2) antennas at the 58.8 metre level, and (2) remote radio units as close to the mast as possible, with a solar array and radio equipment which will be in a cabinet.
- A vehicle barrier is proposed around the anchor block which will be closest to the highway. The installation of the barrier, design, and location will be determined by Main Roads Western Australia on site.
- Selection of the site has been made utilising the policy provisions encompassed within the Western Australian Planning Commission Statement of Planning Policy No 5.2.
- Telstra has identified this location following intensive investigations between government emergency services agencies and Telstra utilizing radio frequency engineers, property and planning consultants and general engineering expertise.
- Telstra has negotiated an agreement with the Main Roads Department of Western Australia to allow construction within the Main Roads road reserve.
- The antennas will be installed using the colour as supplied by the manufacturer and fencing will be installed (as shown on the drawing).
- Telstra will comply with all applicable EME standards. Information on EME can be obtained on a website – www.acma.gov.au/consumer_info/fact_sheets/consumer_fact_sheets/fsc91.htm

A full copy of the application and applicants submission is available to Councillors on request.

- *Zoning & relevant Scheme provisions*

The North West Coastal Highway road reserve is reserved 'Major Highways' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

Part 3 of the Scheme deals with Reserves. Planning approval is required for development in a local reserve under Clause 3.2.1 (b) of the Scheme.

Under Clause 3.2.2, Council is to have due regard to (a) the matters set out in Clause 10.2 and (b) the ultimate purpose intended for the reserve.

In accordance with Clause 3.2.3, in the case of land reserved for the purpose of a public authority, the local government is to consult with that authority before determining an application for planning approval.

The subject land is located outside of the Special Control Area for the Shark Bay World Heritage Property.

- *Landuse Classification*

The proposed development is construed as 'Telecommunications Infrastructure' defined in Schedule 1 of the Scheme as '*means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structures used, or for use in or in connection with, a telecommunications network*'.

Council has broad discretion to approve any landuse in a local scheme reserve having regard for the purpose of the reserve, normal planning considerations, and following consultation with the relevant reserve authority (which is Main Roads WA in this case).

- *Consultation*

The application was referred to the Department of Regional Development and Lands, Main Roads Western Australia and Civil Aviation Safety Authority for comment. Letters were sent to adjacent owners with no response.

The submissions are summarised below:

Submitter	Comment
Department of Regional Development and Lands	The development is funded by Royalties for Regions and Regional Development and Lands fully supports it. It will be under a Land Administration Act lease for the portion of road reserve.
Main Roads WA Gascoyne Region	Main Roads Western Australia has previously been approached regarding the proposed mobile phone tower. We have no objections to the proposal and treatment for guy wires closest to the road. Given the distance is some 28 metres from the edge of sealed road the proposed Armco railing is considered adequate from Main Roads Western Australia perspective.
Civil Aviation Safety Authority	The details provided were reviewed by both the Aerodromes and Flight Operations

	<p>branches of Civil Aviation Safety Authority Western Australia. The review has identified that there is no legislative reason why the telecommunications tower cannot be positioned as per the proposal and therefore Civil Aviation Safety Authority cannot prevent the construction of the structure.</p> <p>The Shire of Shark Bay should note that Civil Aviation Safety Authority would not recommend the chosen site as being suitable due to its proximity to the runway at Billabong Aeroplane Landing Area.</p> <p>The Shire of Shark Bay should consider, as a duty of care to pilots:</p> <ul style="list-style-type: none">• whether a telecommunications tower positioned at the proposed site creates a hazard to aviation and whether the proposed location is therefore suitable;• contacting the Aerial Agriculture Association of Australia (02 6241 2100 – Mr Phil Hurst) to advise him of the proposal and gain comment;• note that aircraft are permitted to fly as low as 500ft, (152 m), and certain operations are permitted to fly below this height;• contacting Royal Flying Doctor Service Western Ops to advise of the proposal and gain comment on any impact it may have on Royal Flying Doctor Service operating into the aerodrome; and• if the tower is approved, advising the publisher of aerodrome information (AOPA/Country Airstrip Guide) to enable the mast to be identified during the next publication. <p>If the proposed tower be approved, the Shire of Shark Bay should consider installing obstacle lighting on the tower for the safety of aircraft operating into the Aeroplane Landing Area at night. Any lighting should be in accordance with Manual of Standards Part 139 – Aerodromes Section 9.4.2 (lighting should be medium intensity steady red as the tower is more than 45 m AGL).</p> <p>The tower will also require to be reported as a tall structure as per Advisory Circular 139-08 (0), a copy of which is attached.</p>
--	---

The application was referred to Civil Aviation Safety Authority due to the proximity of the site to local airstrips. Civil Aviation Safety Authority has raised concern over the tower location however has confirmed that that 'there is no legislative requirement preventing the location of the tower as proposed.'

Civil Aviation Safety Authority suggests that the Shire consider a duty of care to pilots, however Gray& Lewis considers that the issue of duty of care is to be borne by the applicant as they will be responsible for the lease of the land, construction and ongoing maintenance of the tower.

It should be noted that the applicant has liaised directly with Air Services Australia who have confirmed in writing that *'I refer to your request for Airservices assessment of a Telstra comms tower to be located at Billabong Roadhouse site in Western Australia. With respect to procedures promulgated by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a height of 200m (657ft) AHD the Telstra tower mast B will not affect any sector or circling altitude, nor any instrument approach or departure procedure at any aerodrome nor will it impact the performance of Precision / Non Provision Nav Aids, HF/VHF Comms, A-SMGG, Radar, PRM, ADS-B, WAM or Satellite Links'.*

Gray & Lewis does not consider there is any planning impediment to the proposed tower location given the support by Air Services Australia, and the lack of legislative control by Civil Aviation Safety Authority. The Shire does not have the expertise to deal with issues of air safety, however it is recommended that Civil Aviation Safety Authority's advice be provided to the applicant. Telstra can then consider its level of duty of care, and determine whether to install lights on the tower. It is understood that the nearby airstrips are unlit so cannot operate at night.

Gray & Lewis has informally discussed this matter with the applicant, who has confirmed they will investigate lighting of the tower with Telstra.

- *Relevant State Planning Bulletin No 46*

The Western Australian Planning Commission issued a State Planning Bulletin No. 46 on 'Applications for telecommunications infrastructure' in November 2000, which explains changes in procedures for dealing with applications as a result to changes to the Telecommunications Act 1997 which allows some exceptions for planning approval for 'low impact' infrastructure.

The Western Australian Planning Commission Planning Bulletin No 22 identified the considerations which should be taken into account in consideration applications including:

- The social and economic benefits of affordable and convenient access to modern telecommunications based services for people and businesses throughout the State
- Continuity of supply of telecommunication services
- Protection of the environment
- Safeguarding the visual amenity and streetscape
- Public safety and
- Co-ordination with other services.

- *Relevant State Planning Policy 5.2*

There is a State Planning Policy 5.2 which provides a framework for the preparation, assessment and determination of applications for planning approval of

telecommunications facilities within the context of the planning system of Western Australia.

The State Planning Policy also discusses the processes and matters for assessment of new applications such as affect on the landscape, maintaining existing streetscape, impact on environment, affect on areas of heritage cultural significance etc

A full copy of the State Planning policy is available to Councillors on request.

Summary

The proposed telecommunications tower will have a visual impact due to its size and height, however will assist to deliver valuable telecommunications services in a location which will not impact on any sensitive zone. The land surrounding the proposed location is Rural /Pastoral and the location is relatively remote.

It is recommended that the application be conditionally supported.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

Not Applicable. Relevant state planning documents have been explained in the body of the report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Not Applicable.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

17 August 2012

13.5 RETROSPECTIVE PLANNING APPROVAL – EXISTING MOTOR VEHICLE REPAIR BUSINESS - LOT 290 (52) VLAMINGH CRESCENT, DENHAM

P 1329

AUTHOR

LIZ BUSHBY, GRAY & LEWIS LANDUSE PLANNERS

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

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

Moved Cr McLaughlin

Seconded Cr Prior

Council Resolution

That Council:

1. **Approve the application lodged by Michael Ricetti for retrospective planning approval for Motor Vehicle Repair on Lot 290 (52) Vlamingh Crescent, Denham subject to the following conditions:**
 - (i) **An informal carparking area with capacity to accommodate a minimum of 10 carparking bays is to be provided on site to the satisfaction of the Shire’s Chief Executive Officer.**
 - (ii) **Lodgement of a detailed, scaled carparking layout plan (with dimensions) for separate written approval by the Shire’s Chief Executive Officer. The detailed, scaled carparking layout plan shall be lodged within 3 months of the date of this planning consent, and demonstrate compliance with Condition (i) and Schedule 1 of the Shire of Shark Bay Local Planning Scheme No 2 to the satisfaction of the Shire’s Chief Executive Officer.**
 - (iii) **The plans lodged with this application and approved separately in writing (for condition ii) by the Chief Executive Officer shall form part of this planning approval. All development shall be in accordance with the approved plans.**
 - (iv) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Shire.**
 - (v) **A bunded area shall be provided for any drum or chemical storage (including diesel waste) that sufficiently caters for potential spill to the satisfaction of the Chief Executive Officer.**
 - (vi) **All existing trees and vegetation to be retained and maintained to the satisfaction of the Shire’s Chief Executive Officer. No vegetation shall be removed unless approved in writing by the Shire.**

- (vii) This approval is for the use of the existing building for motor vehicle repairs which includes electrical and mechanical repairs, or overhauls, to vehicles, or repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
 - (viii) The owner / applicant to upgrade and construct the existing crossover in accordance with the specifications of Policy 2.1 in the Shire of Shark Bay Policy Manual, within 12 months from the date of this planning consent.
 - (ix) All customer and employee vehicles are to be parked within the property boundaries at all times.
2. Include a footnote / advice note on any planning approval to advise the applicant that:
- (a) The owner / applicant is advised of the need to comply with all conditions of planning approval. Any non compliance with the planning approval would be construed as non compliance with the Shire of Shark Bay Local Planning Scheme No 3.
 - (b) The owner/ applicant is advised that the planning conditions must be complied with before the Shire would support any new motor vehicle licence from the Department of Consumer Affairs.
 - (c) In regards to Condition (viii), the owner / applicant is advised that once a crossover is constructed to the Shires requirements, an application can be lodged seeking a contribution from the Shire towards a portion of the construction cost.
 - (d) It is acknowledged that there is an existing panel beating and spray painting premises on the subject land. The landuse is construed as either a 'light' or 'general' industry which is a permitted use in the General Industry zone.

6/0 CARRIED

Précis

Council is to consider an application for retrospective planning approval for an existing motor vehicle repair business located on Lot 290 (52) Vlamingh Crescent, Denham ('the subject land').

BACKGROUND

- *Relevant information : Motor Vehicle Repair licence*

An existing motor vehicle repair business has operated from the subject land for some years.

The owner /operator has obtained a motor vehicle repair business licence from the Department of Consumer Affairs which is valid until 26 March 2015.

The *Motor Vehicle Repairers Act 2003* requires each applicant for a motor vehicle repair business licence to operate from premises suitable for the business the licence is sought. Premises are 'suitable' if they are approved by the Local Government Authority.

Unfortunately the Shire has no record of any planning application being lodged or approved for a motor vehicle repair business to operate from the subject land.

To rectify this situation, the owner has lodged a formal planning application seeking retrospective planning approval for the existing motor vehicle repair business.

- *Existing Development*

The subject land has been developed with a shed / workshop, an office, amenities and a panel and paint workshop.

The applicant has advised that there is a 'caretakers dwelling' located to the rear of the lot, although it has not been shown on the site plan submitted.

COMMENT

- *Proposed Development*

The applicant has verbally advised that the motor vehicle repair business has operated from the subject land for approximately 7 years, and it is operated by himself and one family member.

Gray & Lewis has queried the number of workbays in the workshop. The applicant has verbally advised that they currently have 4 workbays, and that all of the cars are kept on site and can be locked up on the property.

- *Zoning*

The subject land is zoned 'Industrial' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The landuse of 'Motor Vehicle Repair' is defined as '*means premises used for in connection with:*

- a) electrical and mechanical repairs, or overhauls, to vehicles; or*
- b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, penal beating, spray painting or chassis reshaping.*

The Scheme includes a table (Table 1 – Zoning Table) which shows the permissibility of different landuses in different zones. The landuse of 'motor vehicle repair' is 'D' in the Industrial zone which means that '*the use is not permitted unless the local government has exercised its discretion by granting planning approval*'.

The objective of the Industrial zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas. The zone also provides for light and service industries and associated uses.

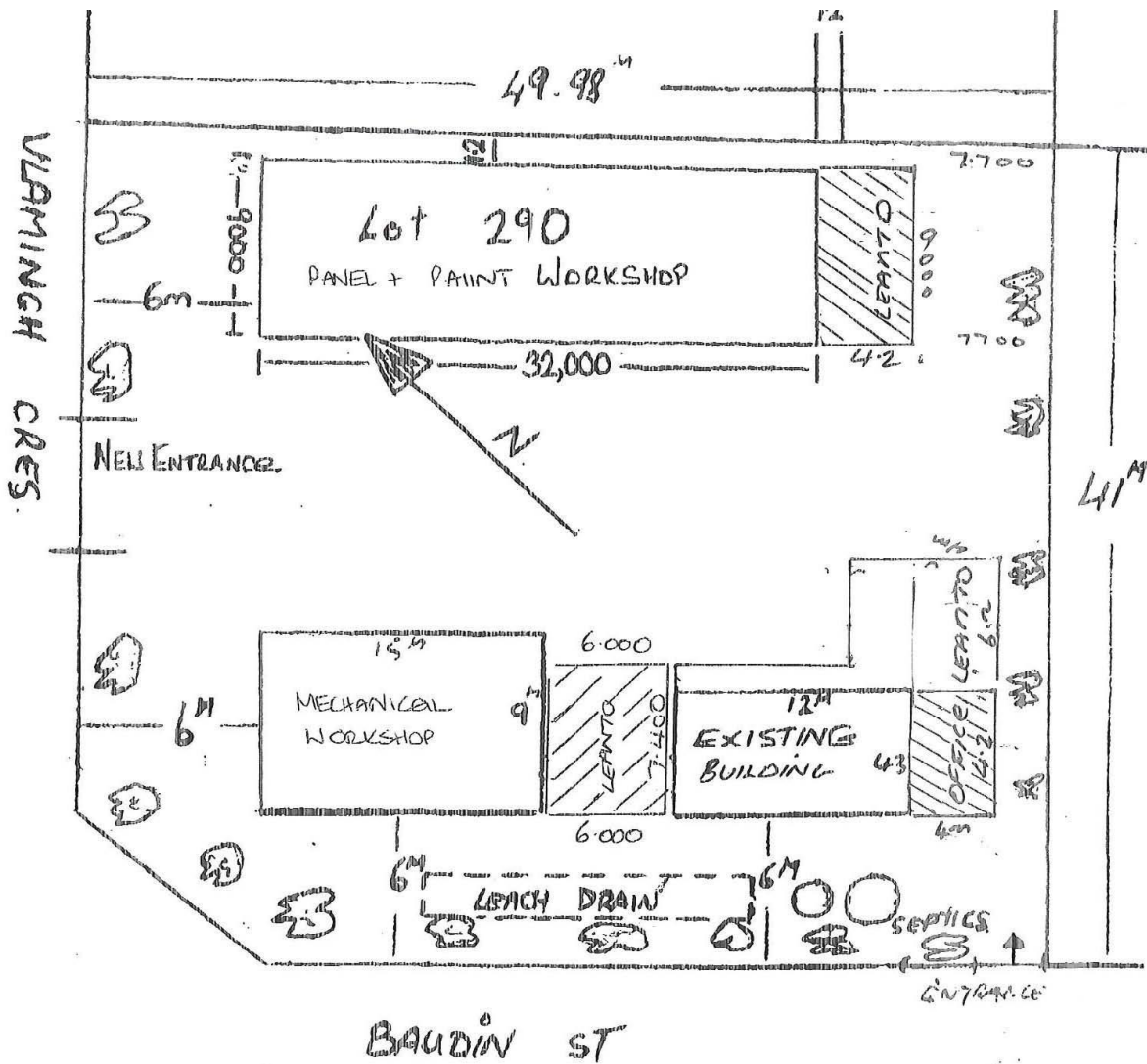
It should be noted that there is also an existing panel and paint workshop on the property, which appears to have been operating for some time without any known adverse emissions. The panel beating and spray painting use can be classified as either a 'Light Industry' or 'General Industry' – both of which are permitted landuses in the General Industry zone.

- *Parking Provision and Assessment*

The applicant has lodged a site plan which shows an informal carparking area.

Under Clause 5.14.4 of the Scheme, carparking is required to be provided, constructed and maintained in accordance with the provisions of the Scheme, and the number of bays is specified in Table 2 : Carparking.

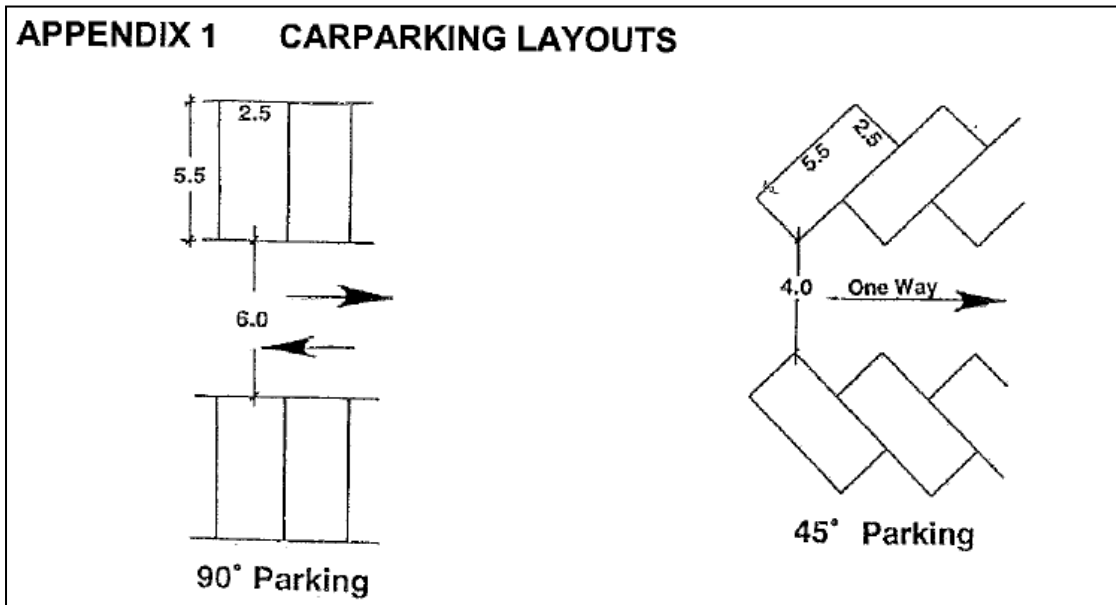
Under Table 2, two carparking bays are required for every working bay, and one bay per employee. The Scheme requires 10 carparking bays for this development, based on 4 working bays then one bay for each employee (2).



The site plan does not have any dimensions and is not to scale, therefore Gray & Lewis cannot estimate how many cars can be accommodated on site with any level of accuracy. Based on verbal advice by the applicant, it appears that they can accommodate at least 10 to 15 cars in the buildings and in the yard area.

It is considered that carparking could comply however it is recommended that a more detailed carparking plan be required as a condition of any approval.

It is important to note that the Scheme includes acceptable parking bay layouts and dimensions in Appendix 1 – refer extract below.



Whilst Gray & Lewis is reasonably satisfied that there is sufficient area on the lot to accommodate carparking, the sketch plan is not sufficient to determine that carparking dimensions comply with the Scheme.

It is recommended that a condition be placed on the development requiring the applicant to lodge a scaled, accurate carparking plan with a minimum of 10 carparking bays and a layout that conforms with Schedule 1 of the Scheme. A more informal carparking area/ storage area for cars can be accommodated on the site separately for other cars waiting to be worked on.

Gray & Lewis is not aware of any carparking issues associated with the existing business. Council can require a carparking plan and additional information 'up front' if there is any concern over carparking.

- *Carparking construction standards*

Gray & Lewis has not recommended a condition be imposed requiring the carpark to be fully constructed and drained, as it appears that the majority of Industrial lots have been provided with informal gravel carparking areas. Gray & Lewis is not privy to the type of carparking conditions and construction standards that Council has imposed on development in the Industrial area.

Council can require carparking areas to be fully constructed and drained, with line marked carbays. It is clear that carparking in the Denham Town Centre has been required to be constructed to a high standard. Council may be prepared to accept a lesser standard for carparking in the Industrial area, having regard for the nature of Industrial uses, and lower amenity expectations.

- *Crossover*

The Shire of Shark Bay Policy Manual has minimum construction standards for crossings under Policy 2.1 and requires bitumen (over roadbase), concrete, brick pavers or '*other as approved by Council*'.

Some of the crossovers for Industrial lots are constructed out of concrete, and others are more informal.

If Council has consistently required crossovers to Industrial lots to be constructed to a certain standard (eg concrete), then a condition should be applied to this development requiring the crossover to be upgraded to comply with the standards in the Shire of Shark Bay 2.1 crossing policy.

Gray & Lewis has included a crossover condition in the officer recommendation, however it can be deleted by Council if not required. It is understood that once a new crossover is installed, owners can apply for a rebate from the Shire towards a portion of the crossover cost.

- *Storage areas*

It is recommended that a condition be imposed requiring a suitable bunded area for the onsite storage of waste, including oil drums, to the satisfaction of the Chief Executive Officer.

- *Landscaping*

Clause 5.11.4 of the Scheme includes landscaping requirements for the Industrial zone, and specifies landscaping should be provided in the front setback area.

The subject land has already been developed and there is some vegetation along Baudin Street and to a lesser effect Vlamingh Crescent. Accordingly, a condition is recommended simply to require the existing vegetation to be maintained.

It is open to Council to require a landscaping plan or upgrading of existing landscaping.

LEGAL IMPLICATIONS

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

- Clause 5.11 of the Scheme outlines development requirements for the Industrial zone.
- Clause 5.14 of the Scheme outlines carparking requirements.
- Clause 10.2 of the Scheme outlines matters to be considered by the local government including things such as the compatibility of a use or development with its setting, preservation of amenity, relationship to development on adjacent land etc.
- Clause 8.4 of the Scheme provides Council with the power to grant planning approval for a use or development already commenced.

POLICY IMPLICATIONS

The Shire of Shark Bay Policy Manual (amended December 1997) includes a '2.1 – Crossings' Policy as explained in the body of this report. Gray & Lewis is not privy as to whether the Policy accurately reflects the Shires requirements, and understands that existing policies may be subject to review.

In the future, Council may seek to develop a policy that addresses minimum requirements for crossovers, carparking and drainage.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire has a Draft Local Planning Strategy however it has no major implications for this development.

VOTING REQUIREMENTS

Simple Majority Required

Date of Report

17 August 2012

14. BUILDING REPORT

Nil

15. HEALTH REPORT

Nil

16. WORKS REPORT

Nil

17. TOURISM, RECREATION AND CULTURE REPORT

17.1 TOURIST CAMPING – FREE CAMP SITES

CA 100.03

Author

Executive Manager
Tourism, Community and Economic Development

Disclosure of Any Interest

Nil

Moved Cr Hanscombe
Seconded Cr Prior

Council Resolution

That Council introduce a \$10 administration fee payable for the issuing of permits to the free camping sites at Whalebone, Fowler’s Camp, Eagle Bluff and Goulet Bluff.

5/1 CARRIED

Background

The operation of the four free camping sites has been contentious for many years with agenda items being presented to Council as far back as November 1997 when new Caravan Parks and Camping Grounds Regulations were introduced.

In July 2003 Council unanimously resolved

1. That permits for camping at Eagle Bluff, Fowler’ Camp, Whalebone Road and Goulet Bluff be issued for overnight only.
2. That appropriate signage be erected at all times.
3. That the Shire of Shark Bay vigorously organise Ranger patrols in all areas.

Four sites are available at each camp with permits being issued by the Shark Bay World Heritage Discovery and Visitor Centre however many “free” campers state that they were unable to obtain a permit due to lack of phone reception, or that the Centre was closed when they arrived in town. Despite this, all of the available sites are generally booked by mid-morning each day with over 22 contacts per day either over the counter or by phone regarding permits. In the period May – July 2012, 1083 permits were issued. During the same period 392 vehicles without permits were moved on to caravan parks.

Ranger patrols have re-commenced since May resulting in these move-ons as well as cleaning up rubbish, toilet paper and the removal of fireplaces. Education of campers regarding permit conditions is the major focus of ranger activities when visiting these sites.

The Shark Bay World Heritage Discovery and Visitor Centre research has shown that no permit holders paid to enter the Discovery Centre or bought tour tickets and do not significantly contribute to the town’s economy. Despite this, considerable staff time is spent answering queries about camping and the issuing of permits.

Comment

By introducing a \$10 administration fee to issue the permits, staff cost can be partially offset and the Shark Bay World Heritage Discovery and Visitor Centre

running costs reduced. Although some travellers may choose not to pay the administration fee, Centre staff currently turn away many travellers wanting to stay at the camps so if sites are kept full a maximum income of \$10,830 could have been achieved between May and July 2012.

Policy Implications

Nil

Financial Implications

New income stream would become available to offset part of the Shark Bay World Heritage Discovery and Visitor Centre losses and to contribute towards the cost of employing a ranger to inspect those areas.

Legal Implications

Complies with Local Government Act 1995 regulation 6.16

- (2) A fee or charge may be imposed for the following —
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

Strategic Implications

Provide the means for more effective use of the camp sites and management of tourists wishing to camp outside of the townsite.

Voting Requirements

Simple Majority Required

Date of Report

20 August 2012

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

20. MATTERS BEHIND CLOSED DOORS

Nil

21. DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of Council will be held on the 26 September 2012 in Council Chambers commencing at 9.00 am

22. CLOSURE OF MEETING

The President closed the meeting at 2.00 pm