

# Shire of Shark Bay

## Minutes of the Ordinary Council Meeting held on the 30 March 2016



*\* Courtesy of Tourism WA*

Shark Bay Stromatolites



30 MARCH 2016



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30 MARCH 2016

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 30 March 2016 commencing at 3.04 pm.

## TABLE OF CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING</b>	<b>3</b>
<b>2.</b>	<b>RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED</b>	<b>3</b>
<b>3.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE</b>	<b>3</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
<b>5.</b>	<b>APPLICATIONS FOR LEAVE</b>	<b>3</b>
<b>6.</b>	<b>PETITIONS</b>	<b>5</b>
<b>7.</b>	<b>CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 FEBRUARY 2016</b>	<b>5</b>
<b>8.</b>	<b>ANNOUNCEMENTS BY THE CHAIR</b>	<b>5</b>
<b>9.</b>	<b>PRESIDENT'S REPORT</b>	<b>5</b>
<b>10.</b>	<b>COUNCILLORS' REPORTS</b>	<b>7</b>
<b>11</b>	<b>ADMINISTRATION REPORT</b>	<b>10</b>
11.2	DENHAM MARITIME FACILITY PEN ALLOCATIONS	13
11.3	RESERVE 49809 - COMMON	42
12.1	SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED	54
12.2	FINANCIAL REPORTS TO 29 FEBRUARY 2016	62
<b>13.</b>	<b>TOWN PLANNING REPORT</b>	<b>93</b>
13.1	PROPOSED SINGLE HOUSE - LOT 17 (48A) HARTOG CRESCENT, DENHAM	93
13.2	SUBMISSION ON SCHEME REVIEW – WANNOO TOWNSITE	105
13.3	PROPOSED (TWO) GROUPED DWELLINGS – LOT 20 (44) DURLACHER STREET, DENHAM	113
<b>14.</b>	<b>BUILDING REPORT</b>	<b>119</b>
<b>15.</b>	<b>HEALTH REPORT</b>	<b>119</b>
16.1	HERITAGE WALK TRAIL	119
16.2	WASTE RECYCLING	123
<b>17</b>	<b>TOURISM, RECREATION AND CULTURE REPORT</b>	<b>130</b>
<b>18</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>130</b>
<b>19</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION</b>	<b>130</b>
19.1	TOWN PLANNING SCHEME AUTHORISATION	131
<b>20</b>	<b>MATTERS BEHIND CLOSED DOORS</b>	<b>134</b>
20.1	DESIGNATED SENIOR STAFF REMUNERATION	134
<b>21</b>	<b>DATE AND TIME OF NEXT MEETING</b>	<b>135</b>
<b>22</b>	<b>CLOSURE OF MEETING</b>	<b>135</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

**1. DECLARATION OF OPENING**

The President declared the meeting open at 3.04 pm.

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

**ATTENDANCES**

Cr C Cowell	President
Cr K Capewell	Deputy President
Cr L Bellottie	
Cr K Laundry	
Cr G Ridgley	
Cr B Wake	

Mr P Anderson	Chief Executive Officer
Ms C Wood	Executive Manager Finance and Administration
Ms L Butterly	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs F Hoult	Executive Administration Assistant

**APOLOGIES**

Cr M Prior	Leave of Absence granted Ordinary Council meeting 24 February 2016 Item 19.1
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**VISITORS**

1 Visitor in the gallery

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

There were no previous public questions on notice.

**4. PUBLIC QUESTION TIME**

The President opened Public Question Time at 3.05 pm.

Mr Hargreaves addressed Council regarding correspondence he had received from Council concerning the stall on the Council verge adjacent to his property.

The President advised Mr Hargreaves to put his proposal in writing regarding the utilisation of the Road Reserve for a stall and Council would consider his application.

The President closed Public Question Time at 3.13 pm.

**5. APPLICATIONS FOR LEAVE**

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR WAKE**  
GV00008

Author  
Executive Assistant

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

### Disclosure of Any Interest

Nil

Moved           Cr Bellottie  
Seconded       Cr Laundry

### Council Resolution

**Councillor Wake be 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 27 April 2016.**

**6/0 CARRIED**

### Background

Councillor Wake has applied for leave of absence from the ordinary meeting of Council scheduled for 27 April 2016. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

### Comment

Councillor Wake has advised the Chief Executive Officer due to personal commitments he will be unable to attend the Ordinary meeting of Council scheduled to be held on 27 April 2016 and has requested leave of absence be granted by Council for this meeting.

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

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

### Legal Implications

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

- ii) while proceedings in connection with the disqualification of the member have been commenced or are pending; or
- iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

Policy Implications

There are no Policy implications associated with this report

Financial Implications

There are no financial implications associated with this report

Strategic Implications

There are no Strategic implications associated with this report

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      30 March 2016

**6. PETITIONS**

There were no petitions presented to Council.

**7. CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 FEBRUARY 2016**

Moved              Cr Ridgley  
Seconded        Cr Capewell

**Council Resolution**

**That the minutes of the ordinary council meeting held on 24 February 2016, with as circulated to all councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**8. ANNOUNCEMENTS BY THE CHAIR**

Unfortunately Cr Ridgley's guests for the Ordinary Council meeting Mr H Cox and local Elders are unable to be here.

**9. PRESIDENT'S REPORT**

GV00002

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Council Committee Membership

Member	Audit Committee
Member (Chair)	Western Australian Local Government Association Country Zone – Gascoyne Region
Member	Development Assessment Panel
Member (Chair)	Shark Bay 2016 Commemoration Advisory Committee
Deputy Delegate	Works Committee
Deputy Delegate	Gascoyne Regional Collaboration Group
Deputy Delegate	The Aviation Community Consultation Group

Other Committee Membership

Member	Gascoyne Development Commission Board
Member (Chair)	Gascoyne Development Commission Audit and Risk Sub-Committee
Acting Chair	Ningaloo-Shark Bay National Landscapes Steering Committee
Member (Chair)	Local Emergency Management Committee
Member	Gascoyne Tourism Board
Delegate	Western Australian Local Government Association – State Council

Meeting Attendance

24 February 2016	Community Strategic Plan Workshop Council Audit Committee meeting
25	Shark Bay 2016 Commemoration Advisory Committee meeting
26	Gascoyne Regional Road Group meeting – Carnarvon Western Australian Local Government Association Gascoyne Zone meeting – Carnarvon
2 March	Western Australian Local Government Association State Council meeting – Perth
6	Clean-up Australia Day participant
16	Jimmy Pike exhibition welcome
17	Local Emergency Management Committee meeting
18	Official Opening Jimmy Pike's Artlines
21	Public Hearing – Department of Local Government
22	Community Forum – Update 2016 Events/ Strut and Fret
30	March Ordinary Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	15 March 2016

Moved Cr Capewell  
Seconded Cr Ridgley

Council Resolution

**That the President's activity report for March 2016 be received.**

**6/0 CARRIED**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

**10. COUNCILLORS' REPORTS**

10.1 Cr Prior  
GV00006

Committee Membership

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

Meeting Attendance

23 February 2016	Strategic Plan Community Workshop
24 Feb	Strategic Plan Councillor Workshop
	Audit Committee Meeting
1 March	Shark Bay Commerce and Tourism Committee meeting
10 March	Councillor Training in Exmouth - Landuse Planning
11 March	Councillor Training in Exmouth - Strategy & Risk Management
18 March	Jimmy Pike Exhibition opening
22 March	2016 Up-date meeting

Signatures

Councillor	<i>Councillor Prior</i>
Date of Report	19 March 2016

Moved	Cr Wake
Seconded	Cr Ridgley

**Council Resolution**

**That Councillor Prior's March 2016 report on activities as Council representative be received.**

**6/0 CARRIED**

10.2 Cr Bellottie  
GV00010

Cr Bellottie did not submit a written report for the March 2016 agenda.

10.3 Cr Capewell  
GV00005

Cr Capewell did not submit a written report for the March 2016 agenda.

10.4 Cr Ridgley  
GV00008

Cr Ridgley did not submit a written report for the March 2016 agenda.



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

10.5 Cr Laundry  
GV00013

Committee Membership

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

Meeting Attendance

10 March	Councillor Training in Exmouth - Landuse Planning
11 March	Councillor Training in Exmouth - Strategy & Risk Management

General Matters

Refer to Item 11.1 for my report on Councillor training on Landuse Planning and Strategy & Risk Management held in Exmouth

Signatures

Councillor	<i>Councillor Laundry</i>
Date of Report	17 March 216

Moved	Cr Wake
Seconded	Cr Capewell

Council Resolution

**That Councillor Laundry's March 2016 report on activities as Council representative be received.**

**6/0 CARRIED**

10.6 Cr Wake  
GV00007

Committee Membership

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

Meeting Attendance

26	Gascoyne Regional Road Group meeting – Carnarvon Western Australian Local Government Association Gascoyne Zone meeting – Carnarvon
30	March Ordinary Council meeting

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

General Matters

There has been a noticeable increase in traffic on the North West Coastal Highway and other roads as tourism businesses in the ward gear up for Easter and the start of the Tourist season.

The notable change in the weather means that pastoralists will be moving into a different stage of their work programs.

Signatures

Councillor

*Councillor Wake*

Date of Report

16 March 2016

Moved        Cr Bellottie  
Seconded    Cr Capewell

Council Resolution

**That Councillor Wake's March 2016 report on activities as Council representative be received.**

**6/0 CARRIED**

30 MARCH 2016

**11 ADMINISTRATION REPORT**

**11.1 Elected Member Training – Land Use Planning & Strategy and Risk Management  
GV00006**

Author

Councillor Laundry

Disclosure of Any Interest

Nil

Moved

Cr Wake

Seconded

Cr Capewell

**Council Resolution**

**That Council note the report from Councillor Laundry from Elected Member Training on Land Use Planning and Risk Management.**

**6/0 CARRIED**

Background

The two days of Member Training Sessions Held at Exmouth Council Chambers 10th & 11th March 2016 covered extensive training on Land Use Planning and Strategy & Risk Management and were vital in enhancing my knowledge and understanding of these two important subjects.

Day 1 on Land Use Planning included roles and responsibilities from the Minister for Planning to the role of Council and elected members under the Planning and Development Act 2005. This Act covers.... land use planning and land development, co-ordination of provision of transport and land development, local planning schemes and their amendments, when required, undertaking of Research and Development etc.

The setting up of Development Assessment Panels under the Amendment to the Planning and Development Act of 2010 to provide for the determination of applications for development approvals in place of the relevant decision-making authority with the intention of the Development Assessment Panels to provide more transparent ,consistent and reliable decision -making on complex and costly development applications.

Under the Local Govt. Act of 1995 local governments are responsible for planning the future development of their district including roads, drainage and refuse collection as well as the economic, health and welfare, social and environmental development of their community.

The course also covered Applications for Review {appeals}, by the State Administrative Tribunal and provides the applicant to have his case reviewed by the determining authority within 28 days of the decision notice. The Tribunal will make its decision after all parties have completed and lodged their statement of issues, facts, contentions and witness statements.

30 MARCH 2016

Day 2 was all about Strategy and Risk Management and highlighted the fact that Planning was an essential part of Council activity, recognising that planning for a district is holistic in nature and driven by the community. An important part of a Councillor's role is to drive and participate in planning covering infrastructure, service provision, facilities, land use planning etc. Councils that are actively engaged in planning will be able to eliminate inefficient service provision and mitigate the opportunity for some areas to 'fall thru' the cracks'.

Under the role of Council, Councilor's make decisions which are of a strategic, not operational, nature and are made within the legislated boundaries of the *Local Government Act 1995* and some other Acts. The Council should concentrate on the bigger picture and leave the operational matters to the control of the Chief Executive Officer.

Operating at a strategic level is to have a method or plan desired to bring about a desired future, such as achievement of a goal or solution to a problem.

Strategic Community Plans ensure that a communal district is covered for a period specified in the plans and is to be at least 10 years. A strategic community plan is to set out the vision, aspirations and objectives of the community and is to be reviewed at least every 4 years. The strategic community plan in review will take into consideration its current resources and the anticipated capacities of its future resources.

Strategic Community Planning allows local government to align itself with the services and facilities needed by the community at a particular point in time. It is measurable and task orientated ensuring that risks are identified and actioned and successes are celebrated.

The "PESTEL" analysis is a framework for reviewing a situation and progressing the Strategic Community Planning processing by Political...Government influence.

Economic...economy issues

Social....lifestyle, consuming, culture

Technological...emerging technology

Environmental, climate, location change

Legal...Government legislation & regulation.

A well designed Strategic Community Plan will explain clearly the strategic direction of the district, why this has been established, how it will be executed, what will be achieved and when the outcomes will be realised. Objectives are specific and achievable and provide the Local Government with ways to measure its performance against the goals of the Plan and, importantly, regardless of what terminology is used by Council, it is vital to ensure that the language used is consistent and explained so that the reader is not confused by the spiel.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

I know that I, and Councillor Prior, in her absence, have had our minds stimulated by the courses over the 2 days and although full on, we would recommend others who haven't participated in these 2 courses to do so.

### Legal Implications

There are no legal implications relative to this report

### Policy Implications

There are no policy implications relative to this report

### Financial Implications

The costs association with Councillor training involved the cost of flights, meals, accommodation, and training totalling \$3,150 inclusive of GST.

### Strategic Implications

4.2.2 Implement effective training programs for administration and councillors

### Risk Management

Low risk association with this report

### Voting Requirements

Simple Majority Required

### Signatures

Councillor

*Cr K Laundry*

Chief Executive Officer

*P Anderson*

Date of Report

17 March 2016

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

11.2 DENHAM MARITIME FACILITY PEN ALLOCATIONS  
LS00055

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
NIL

Officer Recommendation  
That Council:

- 1 Reaffirm the resolution of the meeting held in March 2016 in regard to the allocation of pens in the Denham Maritime facilities.

Or

- 2 Rescind in part the resolution of the March 2016 Council's resolution of 24 March 19.3 Denham Maritime Facility Pen Allocations as follows.

Approve the allocation of the three remaining pens at the Denham Maritime facility to the following Owners:

- |                  |                 |
|------------------|-----------------|
| 1. Mr E Gobby    | No Rehearsal    |
| 2. Mr J McGovern | To Be Confirmed |
| 3. Mr K Troy     | To Be Confirmed |

And

- 3 Reallocate the available three pens taking into consideration the additional submission from Prague Holdings.

Or

- 4 Note the information provided by Prague Holdings Pty Ltd and place the vessel Woomerangee first on the waiting list for future pen allocations.

Moved Cr Bellottie  
Seconded Cr Capewell

**Council Resolution**

**That Council note the correspondence submitted by Mrs G Francis on behalf of Prague Holdings Pty Ltd in relation to Council's resolution of 24 February 2016 – Item 19.3 Denham Maritime Facility Pen Allocations.**

**6/0 CARRIED**

30 MARCH 2016

Moved Cr Capewell  
Seconded Cr Laundry

**Council Resolution**

**That Council Suspend Standing Orders clause 9.5 Limitation on number of speeches at 3.34 pm for open discussion on Denham Maritime Facility Pen Allocations**

**6/0 CARRIED**

Moved Cr Capewell  
Seconded Cr Laundry

**Council Resolution**

**That Standing Orders be reinstated at 3.48pm**

**6/0 CARRIED**

Moved Cr Cowell  
Seconded Cr Laundry

**Council Resolution**

**Note the information provided by Prague Holdings Pty Ltd and place the vessel Woomerangee first on the waiting list for future pen allocations.**

**3/3 TIED**

**The votes were equally divided and the President exercised a casting vote which resulted in the vote being**

**4/3 CARRIED**

Cr Capewell and Cr Wake requested that their votes against the resolution be recorded.

**BACKGROUND**

Council at the Ordinary Council meeting held in February 2016 reviewed the allocations for pens in the Denham Maritime Facility.

The Council resolved in two parts the following allocation:

***Note the reallocation of the three pens at the Denham Maritime facility to the following Owners/Vessels***

- |                                   |                    |
|-----------------------------------|--------------------|
| <b>1. Mr R McMillian</b>          | <b>Alex Mac</b>    |
| <b>2. Volunteer Marine Rescue</b> | <b>Tamala Rose</b> |
| <b>3. Mr H Francis</b>            | <b>Equador</b>     |

**7/0 CARRIED**

And

***Approve the allocation of the three remaining pens at the Denham Maritime facility to the following Owners:***

- |                         |                        |
|-------------------------|------------------------|
| <b>1. Mr E Gobby</b>    | <b>No Rehearsal</b>    |
| <b>2. Mr J McGovern</b> | <b>To Be Confirmed</b> |
| <b>3. Mr K Troy</b>     | <b>To Be Confirmed</b> |

**7/0 CARRIED**

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Included in the report was correspondence from Mrs Glenda Francis representing Prague Holdings regarding the allocation of a pen for their vessel Woomerangee.

Mrs Francis has been advised of Councils decision and has advised (copy attached) that she considers the decision to exclude Woomerangee is unjust and asked the Chief Executive Officer what redress we have to dispute the Shire's decision.

The Chief Executive Officer has advised Mrs Francis that her objection to the resolution would be put to Council for further consideration.

Mrs Francis has provided additional information (attached) in regard to the matter.

The administration has not been able to identify any further documentation in regard to this matter.

### COMMENT

Mrs Francis has been advised that the objection and the additional information provided will be presented to Council for consideration.

Mrs Francis in the correspondence presented refers to the first area known then as pen 1 and indicates that in 2010 there were 5 vessels allocated to pens, being Woomerangee, Equador, Providence, VMR (Tamala Rose) and AlexMac.

While there may have been 5 vessels in the pen area there has only been facilities for 4 vessels.

Correspondence contained in the report previously presented to Council from Mr Heath Francis appears to indicate that they had the first pen in which they berthed Woomerangee and Equador. Mr Francis also states that the first pen was then taken off them and Equador was placed in the second pen.

The first pen that is being referred to by Mr H Francis and Mrs G Francis would appear to be the area adjacent to the rock wall which is outside of the designated pen areas.

There is little documented evidence to hand and the administration officer who dealt with matters relating to the pen fees cannot confirm the comments put forward by Mrs Francis in regard to this matter.

There may have been an oversight by both parties in the manner in which the desire for Woomerangee to be included on the wait list for an official pen was recorded in 2009/10 when Woomerangee vacated the front area.

However it would appear that the majority of evidence presented appears to be based on verbal discussions and the evidence now presented is predominately anecdotal which is difficult to substantiate.

In regard to the comments by Mrs Francis regarding Mr McGiveron there may be some conjecture as to when he officially applied for a pen. In the report presented in February 2016 it was indicated that Mr McGiveron applied on 1 January 2000, as previously indicated there is minimal recorded evidence for applications prior to 2011.



## MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

This date of application cannot be factually substantiated by the administration, however Mr McGivern has owned a property at 41 Brockman Street Denham since 1998.

The Council as the current manager of the facility can allocate pens to vessels as it sees fit and it what priority. However there is always a requirement for Councils to be transparent and accountable in their decision making process.

### **Options**

The Council has the following options:

- 1 Reaffirm the resolution of the meeting held in February 2016 in regard to the allocation of pens in the Denham Maritime facilities.

Or

- 2 Rescind the resolution of the February 2016 meeting of the Ordinary Council regarding the allocation of pens in the Denham maritime facility and reconsider the allocation of pens taking into account the additional submission from Prague Holdings.

Or

- 3 Consider the information provided by Prague holdings and place the vessel Woomerangee first on the waiting list for future pen allocations.

### **LEGAL IMPLICATIONS**

There are no legal implications relative to this report.

Council as the facility manager has the right to allocate pens as it see fit, whilst ensuring that the issues of transparency and accountability in the decision making process.

The pens are also charged on an annual basis and there are no other lease agreements in place for the use of a facility. This implies that the Council could exercise its rights as manager of the facility to reallocate the pens on an annual basis.

A decision to reallocate the pens on an annual basis would be strengthened by breaches of the Code of Conduct or breaches regarding the use of the facility.

Prague holdings may consider taking legal action if they consider they have been dealt with unjustly, however given that the vessel has not been in the area referred to or charged any fees for the area since 2010 it may be difficult to prove any liability on the Council's behalf.

### **POLICY IMPLICATIONS**

The Council has no policy in place relative to this area of operations.

### **FINANCIAL IMPLICATIONS**

There are no financial policy implications relative to this report

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

STRATEGIC IMPLICATIONS

Addresses Council's objective Outcome 1.6

To enhance the provision of adequate boating/recreational facilities that meets the needs of the general community.

RISK MANAGEMENT

Any approvals to utilise areas not designated, engineered or fit for purpose poses a significant ongoing risk to the Council.

Any risk associated with the management of the facility may be mitigated by the Department of Transport resuming management responsibility and ongoing maintenance liability for their assets.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

17 March 2016

*Prague Holdings Pty Ltd*

The Francis Family Trust  
T/AS Shark Bay Fishing & Eco Tours  
Brockman Street.  
WA 6537

A/T/F  
ABN 94 194 737 191  
50  
DENHAM

4<sup>th</sup> March 2016

Dear Paul,

I am in receipt of your letter 1<sup>st</sup> March 2016 re the Pen allocation here in Denham. I am writing to find out what redress to this decision do we have.

As is well know and documented Woomerangee is the longest occupier of a Pen, with Shire approval for the first area known then as Pen 1 in Denham and was only removed because the area silted up and was unusable. It was assumed rightly or wrongly that Woomerangee would be the next on a waiting list to have the next available Pen as it was removed through no fault of its own, or by us relinquishing the Pen.

Also refer back to the meeting on 8 June 2010 which confirms that Woomerangee was paying Pen fee until 2009/2010, which then was considered to be pen when the Vessel had to be removed. This would confirm that Woomerangee would be entitled to be on the list then for the next available Pen.

The Pens then in 2010 were Woomerangee , Equador, Providence, Vmr and AlexMac

MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

Our Company is the longest continuous Marine Charter business operating out of Denham and a pen offers, ease of operation and also safety for the Vessel and also importantly as a Tourist operator exposure and was previously in the pen for many years.

Pen allocation as per your letter. Mr Gobby with No Rehearsal is basically a tourist in Denham and quite regularly take the boat back to Bunbury. I do not know who Mr McGovern is. I can appreciate that they have been on the wait list since 2000 and are also entitled to a Pen. Mr Troy with Brockman has a residence in town and went on the list in 2012.

I feel that Woomerangee was entitled to be on the list from 2009/2010 as it had to vacate its pen through no fault of its own and should basically be in Pen 1 then with Equador in 2 VMR retain 3 and Alex Mac retain 4.

I do feel the decision to exclude Woomerangee is unjust.

So I am asking you Paul what redress we have to dispute the Shire decision

Kind regards

Glenda Francis

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

## **Rhonda Mettam**

---

**From:** Glenda Francis <glendafrancis@westnet.com.au>  
**Sent:** Monday, 14 March 2016 7:54 AM  
**To:** Paul Anderson  
**Subject:** re Pens

Hello Paul, I am emailing again re the Pens. In the minutes from previous meetings that you have enclosed with your letter the minutes from the meetings in 2009 states that Woomerangee was paying Pen fees and Equador would be on the waiting list, Equador moved into a Pen in 2009. Prior to that was sharing the front area. Wooma was in the front area Pen until it was usable. Therefore should have been on the list from 2009/2010 As I said before I do not know who Mr McGovern is, but I note that his name doesn't appear on the wait list for a Pen, on either 2007, 2009 or 2011 but now is on as waiting supposedly since 2000. We feel that Woomerangee should be in the first Pen Equador in the second VMR and Alex Mac remain unchanged. Kind regards Glenda

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

30 MARCH 2016

**BELOW IS AN ATTACHMENT OF THE AGENDA ITEM FROM THE ORDINARY COUNCIL MEETING HELD ON THE 24 FEBRUARY 2016 – ITEM 19.3**

Denham Maritime Facility Pen Allocations  
LS00055

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
Declaration of Interest:  
Nature of Interest:

Moved           Cr  
Seconded       Cr

**Officer Recommendation**  
**That Council:**

**Note the reallocation of the three pens at the Denham Maritime facility to the following Owners/Vessels**

- |                                   |                    |
|-----------------------------------|--------------------|
| <b>1. Mr R McMillian</b>          | <b>Alex Mac</b>    |
| <b>2. Volunteer Marine Rescue</b> | <b>Tamala Rose</b> |
| <b>3. Mr H Francis</b>            | <b>Equador</b>     |

**Approve the allocation of the three remaining pens at the Denham Maritime facility to the following Owners/Vessels**

- 1.**
- 2.**
- 3.**

**BACKGROUND**

The final modifications to the pens associated with the recreational jetty have now been finalised and vessels can be allowed back in their allocated area.

There has been an increase from 4 pens to 6 pens.  
All vessels that were in the pens previously were previously advised that they have a right to retain a pen allocation.

This includes the following

Mr R McMillian	Alex Mac
Volunteer Marine Rescue	Tamala Rose
Mr H Francis	Equador
Mr A Hipper	Providence II

All owners were contacted and three have indicated they wish to retain their pen with Mr Hipper advising they did not wish to retain the pen for Providence II.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

There is also correspondence (attached) from Mrs G Francis, referring to a first pen, from which a pontoon for the pearl farm was built in 1993/94. The photographs provided appears to indicate an area adjacent to the revetment wall outside of the designated pen area. The shire only took over the management of the maritime facilities in 2000 so it is unclear as to what permissions to utilise this area were in place.

There is also a reference to previously having the two pens with Woomerangee in the first and Equador in the second.

It would appear that a tie off point (bollard) was installed on the revetment wall to secure the vessel being referred (Woomerangee) to as in the first pen.

This has now been removed.

There is also some correspondence and discussions at the Maritime facilities committee meeting regarding the utilisation of the area by Mr Francis vessels and a charge was subsequently raised by the administration to Mr Francis.

The council has adopted the practise of leasing the pen to a specific vessel/owner and has not permitted the subleasing or utilisation of the pen of any other vessel.

The council has since taking over the management of the pens has maintained a list of individuals in date order that requested to lease a pens, the current updated list is as follows

Name	Boat Name	Date
Mr E Gobby	No Rehearsal	01/01/2000
Mr J McGiveron	To be Confirmed	01/01/2000
Mr K Troy	To be Confirmed	07/11/2012
Mr J Mcleary	To be Confirmed	11/01/2013
Mr G Dix	To be Confirmed	28/05/2013
Mr G Hawes	To be Confirmed	23/09/2014
Mr R Smith	Shezdon	01/10/2014
Mr C Cooper	Stargazer	23/03/2015
Mr Gascoyne Offshore Marine	Mac Attack	10/04/2015
Mr J Stewart	Just4Play	28/07/2015
Mr H Francis	Sea Jay	19/08/2015

### COMMENT

The allocation of pens has previously been presented to the Shark Bay Marine Facilities Management Committee for consideration and recommendation to Council for the final decision in accordance with the agreement with the Department of Transport.

This committee currently does not have a full membership and Council will dependent upon the ongoing management of the maritime area will need to reconsider the ongoing purpose and objectives of the committee.

The process adopted by the committee appears to have been to allocate according to the requests from individuals in the order the request was received, or to allocate a pen to a vessel under circumstances the committee deemed that were relevant at the time. This was the case in regard to the pen allocation for the Volunteer Marine Rescue vessel.

There also appears to have been some issues with the allocation for pens for Mr E Francis and the vessel Woomerangee utilising what has been referred to as the front pen.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

There is correspondence (attached) from Mrs Francis advising that that a pearl farm pontoon was built in the area between the pens and the revetment wall, following which they requested if they could utilise the area for the Vessel Woomerangee.

In February 2009 the Council received a request from Mr Francis (attached) which was discussed at the committee meeting held in May 2009, the recommendation was that the pen be allocated in accordance with the approved Council waiting list.

Correspondence was sent on 29 October 2009 advising of pens fees for Woomerangee and that Equador would remain on the waiting list and should be put back on the mooring. Further correspondence was sent on 30 November 2009 asking to remove Equador from a pen that had been allocated to another vessel.

On the 8 June 2010 the committee recommended that three vacant pens be allocated to Volunteer Marine Rescue- with charges to commence from 01/01/2010, Equador-with charges to commence from 01/07/2009 (back dated 12 months) and Providence II.

Alex Mac was occupying the fourth available pen.

Correspondence received on 19 February 2012 from Mr H Francis indicates that they had the *first pen which was used by both Equador and Woomerangee until this pen was taken off them and Equador went into the second pen.*

This aligns with the allocation by the committee at the meeting of 8 June 2010 of a pen to Equador and the back dated charges that were applied.

It would appear based on the available documented information available that the vessels occupied an area with Equador and Woomerangee, (pen 1), which was outside the actual designated 4 pens area.

The administration have charged a pen fee for Woomerangee from the 2003/04 year until the 2009/2010 year at which time the fee raised was reversed due to no useable pen being available.

Equador has continued to be charged the relevant pen fees.

### LEGAL IMPLICATIONS

There are no policy implications relative to this report

### POLICY IMPLICATIONS

The council has no policy in place relative to this area of operations.

### FINANCIAL IMPLICATIONS

There are no financial policy implications relative to this report

The Shire receives fees for leasing of the pens areas.

### STRATEGIC IMPLICATIONS

Addresses Council's objective Outcome 1.6

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

To enhance the provision of adequate boating/recreational facilities that meets the needs of the general community.

RISK MANAGEMENT

Any approvals to utilise areas not designated, engineered or fit for purpose poses a significant ongoing risk to the council.

Any risk associated with the management of the facility may be mitigated by the Department of Transport resuming management responsibility and ongoing maintenance liability for their assets.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

19 February 2016



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Mr Paul Anderson  
CEO Shark Bay Shire,  
63 Knight Tce,  
DENHAM 6537

Dear Paul

In answer to your correspondence re Pens. Dated 22<sup>nd</sup> October 2015

Initially the front pen storage areas what ever it is called we built a pontoon for our pearl farm in this pen. That was 1993 or 1994. We requested that after it was built we could put Woomerangee in the pen . We were told that Mr Les Fewster owner of Sea Eagle fishing charter boat was next in line for a pen. The Shire then informed us that once the pontoon was built that we would have to vacate the pen and Les got the pen and paid pen fees. We were told when a pen became available we were next in line. Pen 5 became available and Woomerangee went in there Being the last pen and Wooma being a small vessel it was getting battered so once sea eagle left we requested and got the first pen We had Woomerangee in that pen many years. We then added Equador to our business in 2009 and had both boats in the pen and paid for the two boats Once a second pen became available after much discussion with the Shire (Rhonda at that meeting) and Dept of transport with Aiden Tanzin he said that if we had being paying for two boat pens we should have two boat pens and Equador moved into the next pen. Then over the time the front pen silted up and the Shire lacked the finance to dredge so Wooma was removed to the mooring and was advised once a pen became available Woomerangee would be next in line. It is common knowledge that Equador and Woomerangee had a pen also with the owners of the other pens Macca, Barry Beales (who had a pen until his boat sank) this Pen was then taken by fisheries. I am sure Les Fewster will be able to confirm also. Barry Edwards also would be able to confirm this.

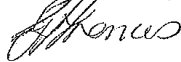
John Hanscombe ex Councillor also knows that Woomerangee and Equador were in the front pens.

We are the longest running business occupying the pens in Denham.

Unfortunately Errol is unwell in hospital in Perth I am sure on his return we will be able to supply more evidence of the above with Photographic evidence also .I have included some Photos of Woomerangee high and dry and of Equador in the first pen area.

I am sure the Shire would have a copy of the meeting with Aiden Tanzin I can contact him if you require and see if Dept of Transport have records of this also.

Kind regards

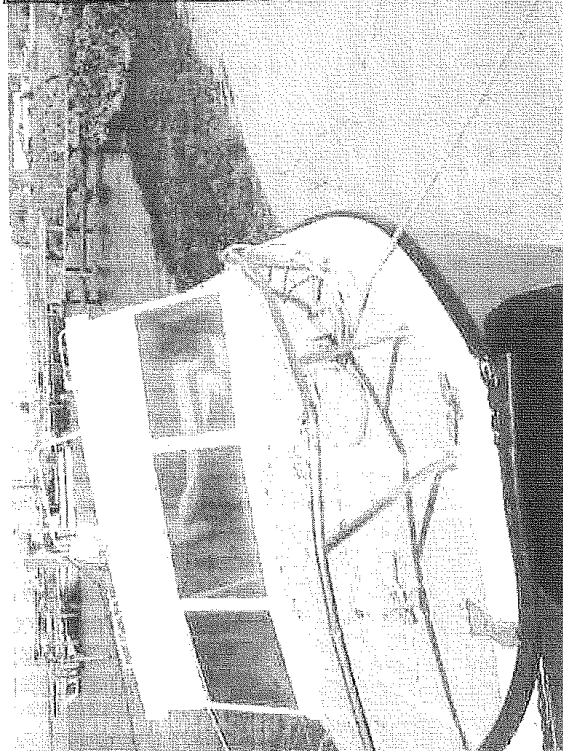
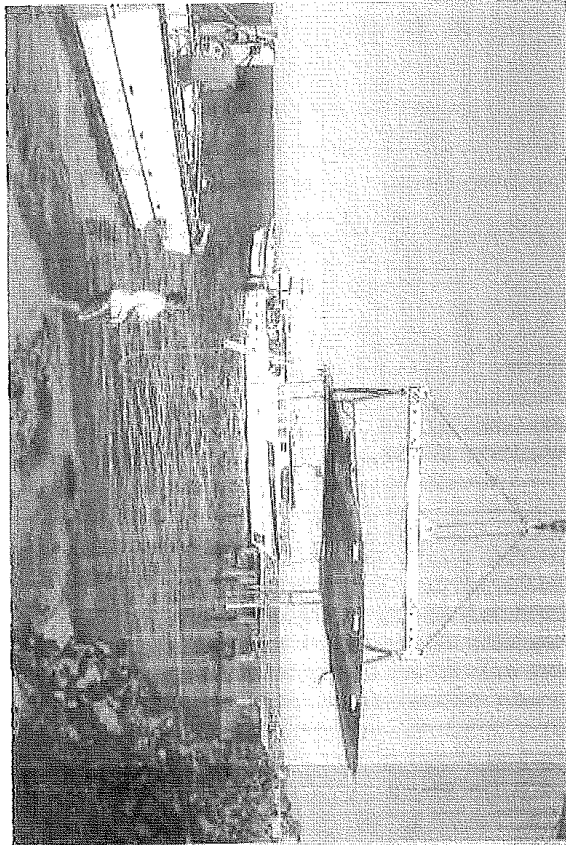


Glenda Francis

29<sup>th</sup> October 2015-10-29

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

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RC00003 / O-CR-15289  
Paul Anderson

22 October 2015

GK FRANCIS  
PO BOX 421  
DENHAM WA 6537

Dear Glenda

**PEN ALLOCATIONS**

I refer to your correspondence regarding a pen allocation for your vessel Woomerangee.

The Shire's records indicate that Woomerangee was occupying an area that was not a designated pen following the relinquishment of the allocated pen to Equador and as such has not been allocated a pen in the new facility construction.

If you have any further information that clearly indicates that Woomerangee was occupying one of the 4 previous designated pen areas following the allocation of a pen to Equador it would be appreciated if you could forward it for consideration.

Yours sincerely

Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

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## **Rhonda Mettam**

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**From:** Glenda Francis <glendafrancis@westnet.com.au>  
**Sent:** Wednesday, 30 September 2015 1:32 PM  
**To:** Rhonda Mettam  
**Subject:** re Pens

Hello Paul. I am emailing yourself re the Pens. Woomerangee has always had the first pen I believe that we have to confirm in writing that we still require the Pen We have the two pens Woomerangee in the first and Equador in the second. So I am confirming that we still require the two pens The pen fees were paid even though we were unable to use the pen once it stilted up.  
Kind regards Errol and Glenda Francis

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

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

O-FM-4272 MA100.04

MA100.04 – I-FM-10232  
Paul Anderson

2 March 2012

Mr H Francis  
Unreal Fishing Charters  
PO Box 421  
DENHAM WA 6537

Dear Heath

**RE: DENHAM MARINE FACILITIES**

I refer to your correspondence in regard to the pen and fees, and can advise that the Shire of Shark Bay is not the body responsible for the dredging of marine water ways. This is the responsibility of the Department of Transport.

I can advise that a dredging program was undertaken in January 2004 and is carried out every 7-10 years. I understand a dredging program is scheduled in the 2013 calendar year, however it is anticipated that the dredging may occur in conjunction with the replacement of the timber recreational jetty in late 2012.

I will raise your concerns with the Department of Transport to endeavour to have this addressed at the earliest opportunity.

If as you advise your current pen is not suitable for your boat can you please advise if you wish to relinquish the pen and a pro-rata refund will be made.

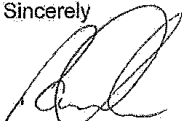
If you do not wish to relinquish the pen, options may be explored by the Shark Bay Marine Facilities Management Committee to reallocate the pens to alleviate your concern.

However any reallocation would be dependent upon the cooperation of the other users.

I can also advise the Shark Bay Marine Facilities Management Committee will be reviewing the fees associated with the overall facility which will be presented to the Council for consideration in the 2012/2013 budget deliberations.

If you require any further information relative to the above, please contact the undersigned at Council's administration office.

Yours Sincerely



Paul Anderson  
**CHIEF EXECUTIVE OFFICER**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

1-EM-10232 MAICO.04

Heath Francis  
Unreal fishing Charters  
P.O Box 421  
Denham W.A 6537

19February2012

RECEIVED

24 FEB 2012

Shire of Shark Bay

Dear Mr Paul Anderson,

I am writing to you regarding the Pen and Fees

Firstly, our pen is in desperate need of dredging, our boat Equador is sitting on the bottom as is all the boats in the pens. This is affecting the underneath of the vessels anti fowling and more importantly the rudder and steering. The pens have not been dredged for many years. We had the first pen for many years and were charged for two pens as we had both Woomerangee and Equador in it. Then the first pen was taken off us and Equador went into the second pen. We should have been entitled to two pens as we had paid for two pens. The first pen is still being used by a small vessel, which I assume they would be charged as we were for many years.

The fee has increased by 50% over the past 3 years and nothing has been done to justify this price increase. The pens need immediate dredging. We operate a Tourism marine business in Denham and have done for the past 15 years and the exposure from the pen is imperative to our business. We are coming into the high tourist season and some days we are unable to remove the boat from the pen.

The increase of fees while the facilities do not improve is unjustified and we are asking the Shire to dredge the pens as soon as possible while the tides are lower so that we can access our pen

Regards



Heath Francis  
Unreal Fishing Charters

MF 5.3 REVIEW OF ALLOCATION OF PENS

Author

Senior Finance Officer

Disclosure of Any Interest

Nil

Moved P Tiggemann  
Seconded P Ferrick

Recommendation

**That the Shark Bay Marine Facilities Management Committee Allocate Vacant Pens to:**

1. **VMR - Charges to commence from the 1 July 2010**
2. **Equador - Charges to commence from 1 July 2009**

**And**

3. **Providence II.**

**The motion was put forward and declared.**

**5/0 Carried**

Background

At the December 2009 meeting the committee was advised that three pens were vacant. This was incorrect as only two pens were vacant. The Shark Bay Marine Facilities Management Meeting held on the 20 May 2009 allocated a pen to No Rehersal.

Comment

The Committee now has to rescind the motion of the 14 December 2009 and re allocate the pens as recommended, deciding to either allocate the pen to No Rehersal or Bandelero

Equador charges are being applied from 1 July 2009 as Equador has had the use of the pen since this time. VMR will be charged from the 1 July 2010, No Rehersal has been utilising the pen for the last month and will be charged casual pen fees for that usage.

Legal Implications

Nil

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE MEETING MINUTES  
14 DECEMBER 2009

PAGE 4

Strategic Implications

Nil at this stage

Voting Requirements

Simple Majority Required.

Date of Report 5 May 2011

MF 5.2 Pen Allocations

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved P Tiggemann  
Seconded K J Matthews

Recommendation

**That the Shark Bay Marine Facilities Committee recommend to Council that the available vacant pens at the Recreation Jetty be allocated to –**

- 1.VMR Vessel**
- 2.Ecuador**
- 3.Bandeloro**

**The motion was put and declared**

**CARRIED UNANIMOUSLY**

Background

The Committee are advised that two pens have become available for allocation in accordance with the prescribed process normally undertaken by the Committee. The Waiting List for the allocation of pens by name and vessel is as follows –

- 1. John Webster - Bandeloro*
- 2. Tony Laraia - Attooma Makata*
- 3. Gregg Cliff - Warada*
- 4. Errol Francis - Equador*
- 5. VMR - VMR New Vessel*
- 6. Adrian Hipper - Providence II*
- 7. Jim Moore - 50 Foot Vessel in Process of buying*

Comment

The Committee can recommend to Council those vessels on the waiting list in the priority order as appears in the above background or allocate any pen to a vessel under circumstances the Committee determine are relevant to the requirement.

The Committee are advised that Council has received written request(s) from Shark Bay Volunteer Marine Rescue (VMR) and from Prague Holdings (Mr Errol Francis). VMR have advised that their new vessel will be available for by March 2010 while Mr Francis has made several previous applications to Council for pen allocation of Equador.

Legal Implications

Nil



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

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MA100  
Kelvin Matthews

30 November 2009

Mr E Francis  
PO Box 421  
DENHAM WA. 6537

Dear Mr Francis

**PEN ALLOCATION FOR EQUADOR**

I refer to Council's previous letter dated 29 October 2009, asking for the removal of Equador from Council's Boating Pens.

Equador remains in the pen and you are once again requested to remove the vessel by the 7 December 2009, as the pen has been allocated to another vessel.

As Council's previous letter states, you will remain on the wait list for a pen and as soon as the Marine Facilities meeting has been held you will be advised of your position and when you will have access to a pen for Equador.

If you require any further information, please do not hesitate to contact Mrs Rhonda Mettam at this office.

Yours sincerely

K J Matthews  
**CHIEF EXECUTIVE OFFICER**

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

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MA100  
Kelvin Matthews

29 October 2009

Mr E Francis  
PO Box 421  
DENHAM WA 6537

Dear Mr Francis

Please find attached invoice number 6464 for \$1,052.10 being pen fees for Woomerangee from 1 October 2009 to 30 June 2010,

Also attached is invoice number 6447 for \$474.53 being for Denham annual jetty fees for Equador from 1 October 2009 to June 2010.

Equador is no longer being charged for the use of any pen (which includes the pen the Woomerangee is presently using). Equador remains on the reservations waiting list and will be allocated a pen in accordance with the priority order of the list and as determined by the Denham Marine Facilities Management Committee. For this reason Equador should be placed back on her mooring.

If you require any further information, please do not hesitate to contact this office.

Yours Sincerely

K J Matthews  
**CHIEF EXECUTIVE OFFICER**

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE  
MINUTES - 20 MAY 2009

PAGE 2

**MF 1.0 DECLARATION OF OPENING**

The Chair Cr D Hoult declared the meeting open at 5:30pm

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

Attendances	Cr D O Hoult	Chair
	Cr R G Blennerhassett	
	Cr T W Hargreaves	(General Deputy)
	Mr M Sewell	
	Mr K J Matthews	Chief Executive Officer
	Mr G Brown	Works Manager
	Mrs R Mettam	Finance Officer
	Mrs K Blackman	Minute Taker
	Peter Tiggemann	Deputy Chief Executive Officer
Apologies	Nich Grundy	Dept for Planning and Infrastructure
	Cr B Eddington	Shire President
	Mr A Tansey	Regional Services Manager Carnarvon
		Dept for Planning and Infrastructure
	Mr P Ferrick	
Visitors	Errol Francis	

**MF 3.0 PUBLIC QUESTION TIME**

MF3.1 Errol Francis – I am still paying for 2 boat pens. I would like to know what the situation with the pens is.

Cr D Hoult – Question will be dealt with in the Agenda.

The public question time commenced at 5:30 pm. Public question time ceased at 5:34 pm.

**MF 4.0 CONFIRMATION OF MINUTES**

MF 4.1 Confirmation of the Minutes of the Denham Marine Facilities Management Committee meeting held on Tuesday 23 October 2008.

Moved Cr R Blennerhassett  
Seconded K Matthews

**Recommendation**

**That the minutes of the Denham Marine Facilities Management Committee meeting held on 23 October 2008 as circulated to all Committee members, be confirmed as a true and accurate record.**

**The motion was put forward and declared**

**CARRIED**

**MF 5.0 MATTERS FOR DISCUSSION**

MF 5.1 Marine Facilities Fees and Charges 2009/2010

BU 101 MA 100

Author  
Deputy Chief Executive Officer

Disclosure of Any Interest  
Nil

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE  
MINUTES - 20 MAY 2009

PAGE 9

## Background

The Shark Bay Marine Facilities Management Committee will be aware that some time ago it was proposed a specific Steering Committee be formed to address the issue of future marine facilities development in Denham. Due to change of State Government in late 2008 the proposal has not progressed any further.

## Comment

DPI Marine Officer's have indicated (and apologised) their unavailability to attend this meeting and have suggested that a Special Meeting be convened to address this specific issue. The officer's have indicated mid/late June 2009 to convene the Special Meeting for their attendance.

## Legal Implications

Nil

## Policy Implications

Nil to Council at this stage

## Financial Implications

Dependent on outcome of condition report but nil to Council due to ownership of recreation by DPI Marine

## Strategic Implications

Relevant to future proposed marine facilities development in Denham dependent on proposed Steering Committee outcome(s)

## Voting Requirements

Simple Majority Required.

Date of Report 14 May 2009

### **MF 6.1 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Moved R Mettam  
Seconded Cr D Hoult

#### Recommendation

**That the issue of Pen Allocation be included in the agenda as an urgent matter of business.**

**The motion was put forward and declared**

**CARRIED**

### MF 6.1 Pen Allocations

Moved M Sewell  
Seconded G Brown

#### Recommendation

**That the current vacant pen be allocated in accordance with the approved council waiting list and that the matter of silting up of the first pen be raised with Department for Planning and Infrastructure for action before 30/06/09**

**The motion was put forward and declared**

**CARRIED**

30 MARCH 2016

Mr Kelvin Matthews  
Shire of Shark Bay  
P O.Box 126  
DENHAM 6537

10<sup>TH</sup> February 2009

Mr Errol Francis  
P O Box 421  
DENHAM 6537

Dear Mr Matthews

I am writing to you to ask for consideration re the Boat Pens.  
As you are aware we have the front boat pen which  
unfortunately is not accessible to us because of the sand build  
up and the low tides and we have had to remove Woomerangee  
to avoid damage to the hull.

Mr Edwards has sold Spaniard and no longer requires a pen and  
he suggested that we approach you for this vacant pen, as we are  
unable to at this stage access ours and are paying for a service.

Looking forward to your reply



ERROL FRANCIS

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE MINUTES  
23 OCTOBER 2008

PAGE 6

## Background

The committee is advised that the commercial use of the "finger" jetty by Aqua Rush for loading/unloading passengers has been occurring for some time. Approaches have been made to the proprietor of the Aqua Rush in regard to payment of fees for use of the finger jetty as a commercial activity. The finger jetty is not utilised for any other commercial activity (at this stage) and the proprietor disputes whether he should incur any fees for the use of the finger jetty. Council's fees and charges (as per budget) are for the *Denham Marina* but does not specifically classify the "finger" jetty. The fee applied to the Aqua Rush is at the annual fee.

## Comment

Nil

## Legal Implications

Nil

## Policy Implications

Nil

## Financial Implications

Nil

## Strategic Implications

Nil

## Voting Requirements

Simple Majority Required.

Date of Report 5 May 2011

## MF 5.4 USE OF RECREATION JETTY

### MF 5.4.1 VACANT ALLOCATED PEN

File No MA100

#### Author

Chief Executive Officer

#### Disclosure of Any Interest

Nil

Moved Cr Robert Blennerhassett  
Seconded Kelvin Matthews

#### Recommendation

**That the Shark Bay Marine Facilities Management Committee recommends to Council that use of an allocated temporary vacant pen be permitted providing permission is given by council and that the prescribed fee is applied for such time the pen is used.**

# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE MINUTES  
23 OCTOBER 2008

PAGE 7

## The motion was put and declared

CARRIED

### Background

Council has received a written request from the proprietor of *Woomeragee* to use the pen allocated to *Ocean Invader* that is currently vacant. The CEO has replied to the written request advising that the matter will be raised and discussed at this meeting.

Council has no specific policy in regard to the matter other than the Code of Conduct applicable to users of the facility. This however governs more the use of the jetty facilities rather than addressing any specific policy position the committee (and council) may have in regard to the use of the facilities. It is noted and recommended in item 5.7 below that council address the matter of having no specific policy for the use of the Shark Bay Marina facilities (such as exists for the Monkey Mia jetty).

Accordingly it is recommended that the use of a vacant pen to another allocated user be by written permission from that owner where the pen is allocated and that a casual daily fee applies.

### Comment

Nil

### Legal Implications

Nil

### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

Nil

### Voting Requirements

Simple Majority Required.

Date of Report 5 May 2011

## MF 5.4.2 USE OF JETTY FOR TYING VESSELS

File No MA100

### Author

Chief Executive Officer

### Disclosure of Any Interest

Nil

Moved Cr Robert Blennerhassett

Seconded Mark Sewell

- 8 Rubbish must be placed in correct bins – ie oil in tanks, oil filters in drums, rubbish in trailer for general dry goods, offal to offal pit.
- 9 Any rubbish left on jetty will be removed and vessel charged \$50.00.
- 10 Parking in car park as per signs.
- 11 No vehicle parking on jetty unless directly loading or unloading goods. Beware of pedestrians, bikes etc.
- 12 Maximum of 5 knots in channel and basin. Also reduce speed within 300 metres of moored boats to prevent damage.
- 13 Your assistance is encouraged to help implement this code of conduct.

Code of Conduct number 14 could include breakdown of vessels not paying annual jetty fees to be levied a fee for the duration of the breakdown. This should clearly distinguish between genuine short term emergency breakdown and long term refits.

*Legal Implications*  
Nil.

*Policy Implications*  
Nil.

*Financial Implications*  
Nil.

*Strategic Implications*  
Nil.

*Recommendation*

***That the Denham Marine Facilities Management Committee recommends to Council that Council amend the Code of Conduct for the Maritime Facility at Denham to include the following as Code of Conduct number 14 and vessels that are broken down and do not pay an annual jetty fee be levied a fee for the duration of the breakdown.***

*Voting Requirements*  
Simple Majority Required.

Date of Report 12 April 2007 –

Moved Cr Hoult  
Seconded Mr Matthews

***That the Denham Marine Facilities Management Committee recommends to Council that Council amend the Code of Conduct for the Maritime Facility at Denham to include the following as Code of Conduct number 14 –***

- 14 ***In the event of any vessels that are broken down and that do not pay an annual jetty fee, a daily fee of \$100.00 (or part thereof) is to be levied for the duration of the breakdown and that this fee be included in Council's 2007/08 budget.***

CARRIED UNANIMOUSLY

MF 5.4 Allocation of Vacant Pen

MA 100

*Author*  
Chief Executive Officer

*Disclosure of Any Interest*  
Nil



*Background*

Mr Barry Beales has indicated that he will no longer require his boat pen as from the 30 June 2007.

*Comment*

There are nine (9) applicants for this pen.

- 1 Jim Moore \*
- 2 Aqualib Marine Charters \*
- 3 Fisheries WA \*
- 4 Eddie Gobby
- 5 John Webster
- 6 Tony Laraia
- 7 Gregg Cliff
- 8 Errol Francis \*
- 9 Volunteer Marine Rescue \*

\* Is for further clarification to be provided at the Denham Marine Facilities Management Meeting.

*Legal Implications*

Nil.

*Policy Implications*

Nil.

*Financial Implications*

Nil.

*Strategic Implications*

Nil.

*Recommendation*

That the Denham Marine Facilities Management Committee recommends to Council that -

- 1 Fisheries WA (Shark Bay) is offered the boat pen currently utilised by Mr Barry Beales when it becomes available after 30 June 2007.
- 2 That the waiting list be updated and done on an annual basis.

*Voting Requirements*

Simple Majority Required.

Date of Report 12 April 2007

Moved Mr Matthews

Seconded Mr Ridgely

**That the recommendation be adopted.**

CARRIED UNANIMOUSLY

MF 5.5 Denham Marine Facilities Fuel Lease - Oregon Nominees Pty Ltd MA 100

*Author*

Chief Executive Officer

*Disclosure of Any Interest*

Nil

*Background*

The Denham Marine Facilities fuel lease was discussed at the previous meeting on the 1 December 2006. Work needed to be completed on the fuel facility area

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE MINUTES  
12 DECEMBER 2007

PAGE 5

**MF 7.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**MF 7.1 Pen Facility for Shark Bay Volunteer Marine Rescue**

It was agreed that when a pen becomes vacant that this be advertised and expressions of interest be called for the Shark Bay Marine Facilities Management Committee to recommend to Council the allocation of the vacant pen.

Recommendation

**That the Shark Bay Marine Facilities Management Committee recommends to Council that when a pen becomes available that this be advertised for expressions of interest with the Shark Bay Marine Facilities Management Committee making recommendation to Council the allocation of the pen.**

Voting Requirements

Simple Majority Required.

Moved Cr Blennerhassett

Seconded Mr Ferrick

**That the recommendation be adopted.**

CARRIED UNANIMOUSLY

**MF 8.0 NEXT MEETING**

**MF 8.1** The next meeting of the Shark Bay Marine Facilities Management Committee will be held in the Meeting Room in the Shire Office on a date to be decided.

**MF 9.0 CLOSE**

The meeting closed at 6.47 pm.

30 MARCH 2016

11.3 RESERVE 49809 - COMMON  
RES49809

AUTHOR  
CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST  
Nil

Moved           Cr Capewell  
Seconded       Cr Wake

**Council Resolution**

**That Council accept the Application for Use of Portion of Reserve 49809 – Common, from Mrs Hargreaves and**

**That Council apply to the Minister for Lands for a Licence to Occupy a Portion of Reserve 49809 – Common for Mrs M Hargreaves for a period of 5 years.**

**4/2 CARRIED**

BACKGROUND

Mrs M Hargreaves has now presented a valid Application for Use of Portion of Reserve 49809 – Common. A copy of the application is attached.

The Shire Council at the ordinary meeting held on the 25 November 2015 resolved the following:

***That Council note the administration's actions in regard to the Council Resolution of October 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.***

***Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.***

An infringement has been issued and subsequently paid in full.

The Shire Council at the ordinary meeting held on 28 October 2015 resolved the following:

***Note the administration's actions in regard to the Council Resolution of September 2015 concerning the application from Mrs Hargreaves in relation to a licence to occupy a portion of Reserve 49809.***

***Instruct the administration to further assist Mrs Hargreaves in preparing an Application to occupy a section of Reserve 49809 including a valid Public Liability Policy to the value of \$10 million to be submitted to Council at the Ordinary meeting to be held on 25 November 2015 for consideration.***

30 MARCH 2016

Correspondence was sent to Mrs Hargreaves on the 2 November 2015 advising of the Council Resolution, and verbal advice by Council administration has been relayed to Mr Hargreaves.

COMMENT

A copy of the previous reports that have been presented to Council were circulated under separate cover at the November 2015 Ordinary Council meeting.

Mrs Hargreaves has provided evidence of the required Public Liability Policy which is attached with the application at the end of this report. It is also noted that the application is for one horse only to occupy the land.

The minimum tenure is one (1) year with a maximum up to five (5) years.

Mrs Hargreaves has asked for a licence to occupy for a period of 5 years. It is Council's prerogative as to how many years the licence is applied for to the Minister for Lands. EG. Council could apply for a one year licence, a two year licence etc.

The Council may also consider the information that Mrs Hargreaves has included in her correspondence that the horse is 36 years old and perhaps consider a reduced tenure on the licence to occupy.

**Options**

**The Council has the following options in regard to this matter:**

1. That Council accept the Application for Use of Portion of Reserve 49809 – Common, from Mrs Hargreaves

And

That Council apply to the Minister for Lands for a Licence to Occupy a Portion of Reserve 49809 – Common for Mrs M Hargreaves for a period of (nominated period) \_\_\_\_\_ year/s.

2. The Council resolution in part of 25 November 2015 being;

*Instruct the administration to issue an infringement to Mrs Hargreaves under Section 3.13(i) (o) of the Shire of Shark Bay Local Government Property Local Law and commence subsequent action in accordance with Councils Local Laws section 10 enforcement.*

Be affirmed and Mrs Hargreaves be advised that the Council resolution remains in force.

LEGAL IMPLICATIONS

The Council has a Management Order for Reserve 49809 in accordance with the *Land Administration Act 1997*.

The conditions of the Management Order

30 MARCH 2016

- (i) To be used for its designated purpose of “Common “only
- (ii) Power to license for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of license subject to the approval in writing of the Minister of lands being first obtained to each and every licence pursuant also to the provisions of section 19 of the *Land administration Act 1997*.

The Management Order enables the Council to grant individual licences and impose conditions in regard to the licence, which are then reviewed and ratified or amended by the Minister or their delegated officer.

The Shire of Shark Bay Local Government Property Local Law in part states:

### **2.1 Determinations as to Use of Local Government Property**

- (1) The Local Government may make a determination in accordance with Clause 2.2 -
  - (a) setting aside specified Local Government property for the pursuit of all or any of the activities referred to in Clause 2.7,

The Council has made the following determination

#### **Animals on local government property**

- a. Unless authorised by a written law, or by a permit or a determination, a person must not tether any animal to a tree, shrub, tree guard, wall or fence or permit any animal to enter on or into any local government property.
- b. This clause does not apply to a guide dog used for the assistance of visually impaired persons.
- c. Pursuant to clause 3.13(1)(o) of the local law, subject to the person in charge of the animals concerned obtaining a permit beforehand and compliance with any conditions listed in the permit or this determination, the following areas of local government property may be used to depasture, take on to, or allow to enter or remain upon, any animal as permitted:
  - i. Reserve 49809, known as the Denham Town Common.

### **3.1 Application of Part**

This Part does not apply to a person who uses or occupies Local Government property under a written agreement with the Local Government to do so.

### **3.2 Application for Permit**

- (1) Where a person is required to obtain a permit under this Local Law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this Local Law shall -
  - (a) be in the form determined by the Local Government,
  - (b) be signed by the applicant,
  - (c) provide the information required by the form, and
  - (d) be forwarded to the Chief Executive Officer together with any fee imposed and determined by the Local Government under and in accordance with Sections 6.16 to 6.19 of the Act.
- (3) The Local Government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

## MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

- (4) The Local Government may require an applicant to give local public notice of the application for a permit.
- (5) The Local Government may refuse to consider an application for a permit which is not in accordance with subclause (2).

### **3.3 Decision on Application for Permit**

- (1) The Local Government may -
  - (a) approve an application for a permit unconditionally or subject to any conditions, or
  - (b) refuse to approve an application for a permit.
- (2) If the Local Government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the Local Government.
- (3) If the Local Government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

### **3.4 Conditions which may be Imposed on a Permit**

- (1) Without limiting the generality of Clause 3.3(1) (a), the Local Government may approve an application for a permit subject to conditions relating to -
  - (a) the payment of a fee,
  - (b) compliance with a standard or a Policy of the Local Government adopted by the Local Government,
  - (c) the duration and commencement of the permit,
  - (d) the commencement of the permit being contingent on the happening of an event,
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application,
  - (f) the approval of another application for a permit which may be required by the Local Government under any written law,
  - (g) the area of the district to which the permit applies,
  - (h) where a permit is issued for an activity which will or may cause damage to Local Government property, the payment of a deposit or bond against such damage, and
  - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the Local Government.
- (2) Without limiting Clause 3.3(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire Local Government property may be issued -
  - (a) when fees and charges are to be paid,
  - (b) payment of a bond against possible damage or cleaning expenses or both,
  - (c) restrictions on the erection of material or external decorations,
  - (d) rules about the use of furniture, plant and effects,
  - (e) limitations on the number of persons who may attend any function in or on Local Government property,
  - (f) the duration of the hire,
  - (g) the right of the Local Government to cancel a booking during the course of an annual or seasonal booking, if the Local Government sees fit,

30 MARCH 2016

- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*,
- (i) whether or not the hire is for the exclusive use of the Local Government property,
- (j) the obtaining of a policy of insurance in the names of both the Local Government and the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer, and
- (k) the provision of an indemnity from the hirer, indemnifying the Local Government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the Local Government property by the hirer.

### **3.13 Activities Needing a Permit**

- (1) A person shall not without a permit -
  - (m) make any excavation on or erect or remove any fence on Local Government property,
  - (o) depasture, take on to, or allow to enter or remain upon Local Government property, any horse, sheep, cattle, goat, camel, ass or mule, unless the Local Government has made a determination under Clause 2.1(1) of this Local Law, in which event the provisions of the determination shall prevail

The penalty for not complying with clause 3.13(i) (o) of the local law is currently \$100.00.

In the event that an individual does not comply with the local law and continues the offence part 10 enforcement section of the local law can be applied

### **10.1 Offence to Fail to Comply with Notice**

Whenever the Local Government gives a notice under this Local Law requiring a person to do anything, if a person fails to comply with the notice, that person commits an offence.

### **10.2 Local Government May Undertake Requirements of Notice**

Where a person fails to comply with a notice referred to in Clause 10.1, the Local Government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

### **10.3 Offences and General Penalty**

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this Local Law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### FINANCIAL IMPLICATIONS

The Council recently imposed a fee of \$100 per annum for an approved licence for a section of the Reserve 49809.

If Council does not issue a Licence to Occupy the costs to remove any structures would be incorporated into the operation costs associated with the management of Council reserves and in accordance with the Local Laws would be recoverable from the person on whom the notice was given.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this report

### RISK MANAGEMENT

There are a number of risk factors associated with the licencing of areas of reserve to individuals for the keeping of animals.

This includes the environmental degradation of the licenced area, however given that the confinement of any animal will cause degradation of the environment, the licenced area could be viewed as the sacrificial site.

The issue of free roaming stock is also a risk factor, however Council would be mitigated due to the requirements of the policy and conditions of licence. The responsibility for wandering stock outside of the designated licence is a breach of Council Local Laws and would be the responsibility of the owner of the stock.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

22 March 2016





MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

FAX NUMBER:

**Reserve 49809-Common, Use**

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

1,500 metres square.

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

S.B. 3

S.B. 7777

**What infrastructure or stock control devices will be utilised?**

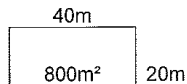
**Please tick appropriate box.**

Shed  Caravan  Shade structure  Internal fences  Gates

Location and Area in m<sup>2</sup> to be fenced

Example:

see attached map for fenced area.



Or None of the above

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

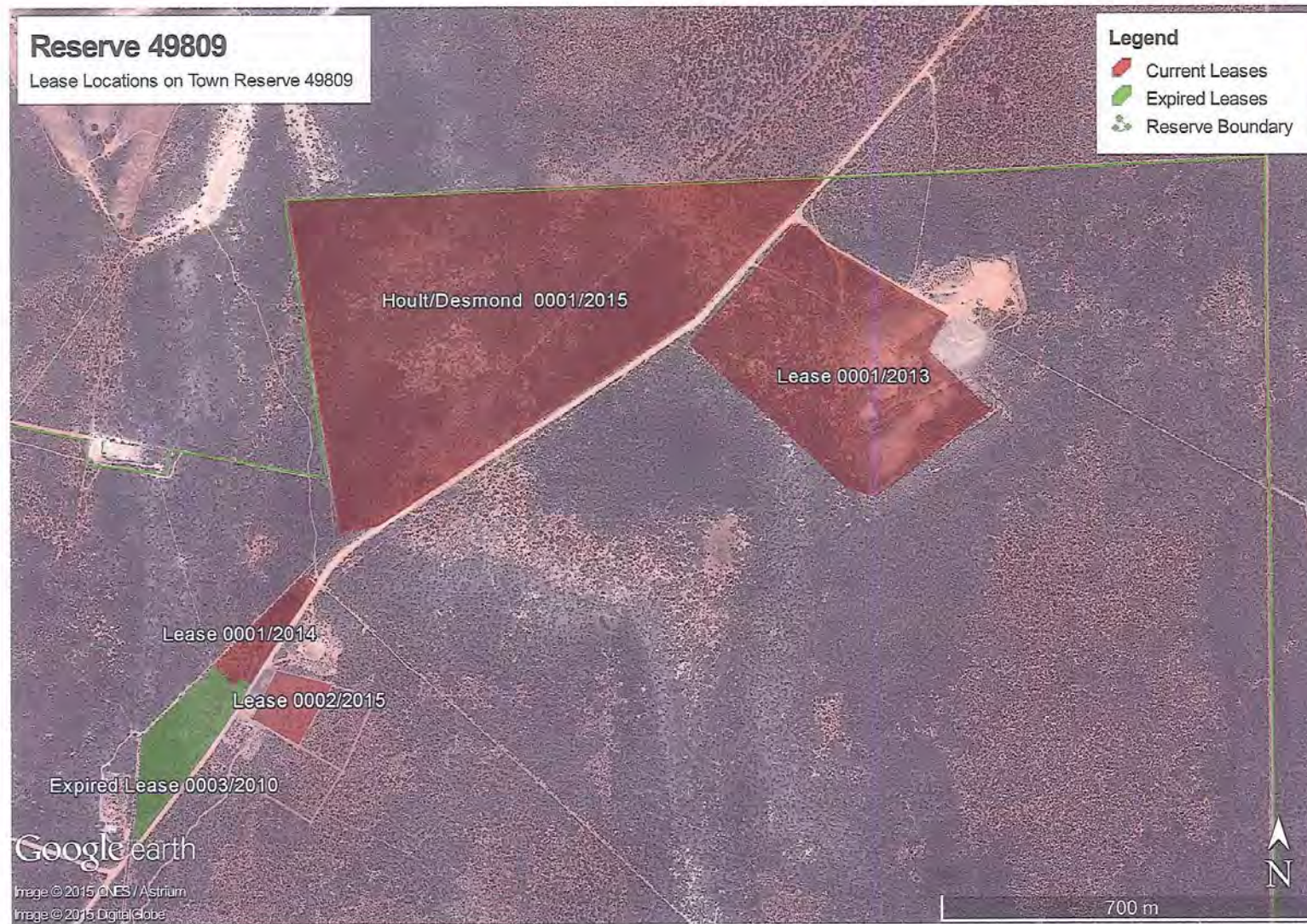
# MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

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

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

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



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

**Stock Application**

I herby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809 Common for the following stock:-

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

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

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

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

Signed By Lessee

Print full name: MARGARET HARGREAVES Margaret Hargreaves  
Signed: Margaret Hargreaves Date: 21/03/16

➤ **How to lodge this application**

**BY POST:**

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

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

**Electronically:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)

**Contact the Shire offices on:**  
**Phone:** 08) 9948 1218  
**Fax:** 08) 9948 1237  
**E-mail:** [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au)  
**Web:** [www.sharkbay.wa.gov.au](http://www.sharkbay.wa.gov.au)

3

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

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016



16 December 2015

Jardine Lloyd Thompson Pty Ltd  
ABN 69 009 098 864

Level 3, 170 Railway Pde  
West Leederville, WA 6007  
GPO Box E201  
Perth WA 6841

Tel 1300 883 146  
Direct +61 8 9426 0456  
Mob +61 412 394 058  
Fax +61 8 9426 0989  
Annie.Chan@jlt.com.au  
www.jlt.com.au

**Certificate of Currency**

**Our Ref HARGREA-183053**

<b>INSURANCE CLASS</b>	Public & Product Liability	
<b>INSURED NAME</b>	Mrs Margaret Hargreaves	
<b>POLICY EXPIRY DATE</b>	8 December 2016	
<b>SITUATION</b>	2.52 Ha portion of Lot 3005 on deposited plan 54344 "Common" Reserve 49809	
<b>INTEREST</b>	Legal liability to third parties for Injury and/or Damage to Property caused by an occurrence in connection with the Insured's business	
<b>LIMIT OF LIABILITY</b>	\$10,000,000	
<b>INSURER</b>	<b>PROPORTION</b>	<b>POLICY NUMBER</b>
QBE Insurance (Australia) Ltd through Thistle Underwriting - QBE EDI Sunrise	100.000%	1AJU135591BPK

This certificate of currency provides a summary of the policy cover and is current on the date of issue. It is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document. This certificate of currency is issued as a matter of information only and confers no rights upon the certificate holder. We accept no responsibility whatsoever for any inadvertent or negligent act, error or omission on our part in preparing these statements or in transmitting this certificate by email or for any loss, damage or expense thereby occasioned to any recipient of this letter.

Yours sincerely,

Annie Chan  
Account Manager - Consumer Business & Solutions

30 MARCH 2016

**12. FINANCE REPORT**

**12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED**  
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any interest

Nil

Moved        Cr Capewell  
Seconded    Cr Laundry

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$498,676.65 be accepted.**

**6/0 CARRIED**

Comment

The schedules of accounts for payment covering - Municipal fund account cheque numbers 26809 to 26810 totalling \$424.00

Municipal fund direct debits to Council for the month of February 2016 totalling \$16,349.35

Municipal fund account electronic payment numbers MUNI 19026 to 19130 totalling \$341,928.05

Municipal fund account for February 2016 payroll totalling \$98,231.00

There were no Trust fund account cheque's issued for February 2016

Trust fund account electronic payment numbers 19024, 19025, 19131 to 19150 totalling \$19,756.00 and

Trust fund Police Licensing for February 2016 cheque # 151608 totalling \$21,988.25

The schedule of accounts submitted to each member of Council on 24 March 2016 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.

LEGAL IMPLICATIONS

Section 13.3 of the Local Government (Financial Management) Regulations 1996, requires that a list of payments be presented to Council on a monthly basis.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

STRATEGIC IMPLICATIONS

Outcome 1.2 To improve fiscal management practices and procedures and maximise operating revenue and social capital.

RISK MANAGEMENT

These payments have been paid and are subject to internal checks and appraisals and therefore are considered a low risk to council.

Voting Requirements

Simple Majority Required

Signature

Author

*C Wood*

Chief Executive Officer

*P Anderson*

Date of Report

9 March 2016



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY – MUNI CHEQUES  
FEBRUARY 2016  
CHEQUE # 26809 TO 268410

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26809	10/02/2016	ELGAS LIMITED	GAS BOTTLES	-166.00
26810	23/02/2016	AUSTRALIAN COMMUNICATIONS	LICENCE RENEWAL NOTICE	-258.00
<b>TOTAL</b>				<b>\$424.00</b>

SHIRE OF SHARK BAY – DIRECT DEBITS  
FEBRUARY 2016

D/D	DATE	NAME	DESCRIPTION	AMOUNT
DD12739.1	04/02/2016	BANKWEST MASTERCARD	WEBSITE MONITORING SBDC	-79.38
DD12745.1	07/02/2016	WALGA SUPERANNUATION	PAYROLL DEDUCTIONS	-4159.98
DD12745.2	07/02/2016	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-378.34
DD12745.3	07/02/2016	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12745.4	07/02/2016	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12745.5	07/02/2016	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-375.28
DD12745.6	07/02/2016	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-198.90
DD12745.7	07/02/2016	REST	SUPERANNUATION CONTRIBUTIONS	-210.60
DD12745.8	07/02/2016	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1056.95
DD12745.9	07/02/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-412.70
DD12764.1	21/02/2016	WALGA SUPERANNUATION PLAN	PAYROLL DEDUCTIONS	-3889.20
DD12764.2	21/02/2016	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-378.34
DD12764.3	21/02/2016	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12764.4	21/02/2016	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-183.09
DD12764.5	21/02/2016	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-330.44
DD12764.6	21/02/2016	ONE STEP SUPER	SUPERANNUATION CONTRIBUTIONS	-198.90

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

<b>D/D</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD12764.7	21/02/2016	REST	SUPERANNUATION CONTRIBUTIONS	-210.60
DD12764.8	21/02/2016	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1114.85
DD12764.9	21/02/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-412.70
DD12745.10	07/02/2016	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-234.21
DD12745.11	07/02/2016	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-107.13
DD12745.12	07/02/2016	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-165.03
DD12745.13	07/02/2016	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-193.21
DD12745.14	07/02/2016	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-186.46
DD12745.15	07/02/2016	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-230.62
DD12764.10	21/02/2016	MTAA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-203.32
DD12764.11	21/02/2016	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	-113.03
DD12764.12	21/02/2016	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-166.53
DD12764.13	21/02/2016	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-193.21
DD12764.14	21/02/2016	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-186.46
DD12764.15	21/02/2016	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-230.62
<b>TOTAL</b>				<b>\$16,349.35</b>

SHIRE OF SHARK BAY – MUNI EFT  
FEBRUARY 2016 EFT 19026 TO 19130

<b>EFT</b>	<b>DATE</b>	<b>COMPANY</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT19024-	19025	TRUST		
EFT19026	10/02/2016	ALLELECTRIX PTY LTD	SWITCHBOARD FOR BBQ FACILITIES	-1888.89
EFT19027	10/02/2016	ALL DECOR	VINYL FLOORING – INSURANCE-UNIT 11	-1225.00
EFT19028	10/02/2016	BOOEASY AUSTRALIA PTY LTD	BOOEASY COMMISSION	-491.34
EFT19029	10/02/2016	BRIAN JOHN GALVIN	HORIZON POWER-REIMBURSEMENT	-594.05
EFT19030	10/02/2016	CONWAY Highbury	REVIEW OF LOCAL LAWS	-1685.75
EFT19031	10/02/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-341.25
EFT19032	10/02/2016	COVS AUTOMOTIVE,	TRIANGLE HAZARD SIGNS	-116.06
EFT19033	10/02/2016	EARTHCARE	FORESHORE REVITALISATION PROJECT	-63800.00
EFT19034	10/02/2016	DENHAM IGA X-PRESS	MONTHLY ACCOUNT	-951.67
EFT19035	10/02/2016	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT	-611.62

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

EFT19036	10/02/2016	SHARK BAY FUEL AND SERVICE	MONTHLY ACCOUNT	-88.77
EFT19037	10/02/2016	FLIGHTLINE TRAVEL	DONATION FOR BORNEO - SCHOLARSHIP	-2750.00
EFT19038	10/02/2016	GEARING BUTCHER'S	AUSTRALIA DAY - BREAKFAST	-309.62
EFT19039	10/02/2016	ATOM-GERALDTON INDUSTRIAL	MATERIALS	-63.80
EFT19040	10/02/2016	THINK WATER GERALDTON	REPAIRS TO FORESHORE AND OVAL PUMPS	-3775.75
EFT19041	10/02/2016	HORIZON POWER	STREET LIGHTING	-3377.47
EFT19042	10/02/2016	ROGER JOHN HEWITT	STAFF TRAINING - WHITE CARD	-80.00
EFT19043	10/02/2016	HITS RADIO PTY LTD	PROMOTION ON HOT HITS RADIO	-254.10
EFT19044	10/02/2016	HAMES SHARLEY PLANNING	PROJECT MANAGEMENT FOR FORESHORE	-2112.00
EFT19045	10/02/2016	TOLL IPEC PTY LTD	FREIGHT	-150.20
EFT19046	10/02/2016	KWIK KOPY-OSBORNE PARK	BUSINESS CARDS - LINDA BUTTERLY	-130.71
EFT19047	10/02/2016	LANDGATE	GRV VALUATION	-86.95
EFT19048	10/02/2016	MCLEODS BARRISTERS	LEASE SES, ST JOHN'S/EMERGENCY BUILDING	-2079.15
EFT19049	10/02/2016	TRUE VALUE HARDWARE	MONTHLY ACCOUNT	-1258.95
EFT19050	10/02/2016	MAX MARINE	MATERIALS	-629.84
EFT19051	10/02/2016	MAIN ROADS WA	HAMELIN POOL ROAD RESEAL	-25197.90
EFT19052	10/02/2016	MOORE STEPHENS	STRATEGIC COMMUNITY PLANNING	-4666.20
EFT19053	10/02/2016	PAPER PLUS OFFICE NATIONAL	STATIONERY	-1054.99
EFT19054	10/02/2016	MP ROGERS & ASSOCIATES	REVIEW DESIGN - PRECAST SLAB	-458.52
EFT19055	10/02/2016	RICOH	STATIONERY	-143.00
EFT19056	10/02/2016	SKIPPERS AVIATION	FLIGHT X 2 FOR SITE MEETING	-1884.00
EFT19057	10/02/2016	SHARK BAY TAXI SERVICE	SHIRE/OVERLANDER RUN	-1430.00
EFT19058	10/02/2016	SHARK BAY HOTEL MOTEL	HIRE OF BAIN-MARIE FOR AUSTRALIA DAY	-100.00
EFT19059	10/02/2016	SBSARA	DONATION AND FINANCIAL GRANT	-6000.00
EFT19060	10/02/2016	COMM RESOURCE CENTRE	SPORTS AND REC CENTRE MANAGEMENT-JAN 16	-8460.00
EFT19061	10/02/2016	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING JAN 16	-18194.19
EFT19062	10/02/2016	SHARK BAY FREIGHTLINES	FREIGHT	-1934.28
EFT19063	10/02/2016	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS	-4774.00
EFT19064	10/02/2016	MCKELL FAMILY TRUST	MONTHLY FOR REFUSE & STREET SWEEPING	-10984.15
EFT19065	10/02/2016	NORTHERN GLASS	SAPPIE PARK SIGN	-77.00
EFT19066	10/02/2016	SHARK BAY CAR HIRE	CAR HIRE TRANSPORT DOCTOR	-495.00
EFT19067	10/02/2016	TELSTRA CORPORATION	SBDC 1300 PHONE #	-28.31
EFT19068	10/02/2016	TOTAL UNIFORMS	UNIFORMS	-3101.90
EFT19069	10/02/2016	WA NEWSPAPERS	ADVERTISE NEW LOCAL LAWS	-145.60

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

EFT19070	10/02/2016	BRIAN WAKE	TRAVEL REIMBURSEMENT	-1188.12
EFT19071	12/02/2016	ASHDOWN INGRAM	MULTI METER	-202.40
EFT19072	12/02/2016	AUSTRALIA POST	POST FOR JAN 16	-592.19
EFT19073	12/02/2016	GEARING BUTCHER'S	SUPPLIES FOR OUTSIDE CREW	-350.12
EFT19074	12/02/2016	ATOM-GERALDTON INDUSTRIAL	ENGRAVER KIT	-198.53
EFT19075	12/02/2016	HARVEY NORMAN COMPUTER	LAP TOP CORD	-87.50
EFT19076	12/02/2016	HERITAGE RESORT	STAFF RECRUITMENT- ACCOMMODATION	-394.50
EFT19077	12/02/2016	LG ASSIST AUSTRALIA	ADVERT - SBIC CO-ORDINATOR	-275.00
EFT19078	12/02/2016	MCLEODS BARRISTERS	ANNUAL AUDIT 2015	-165.00
EFT19079	12/02/2016	PROFESSIONAL PC SUPPORT	WORKSTATION MONITORING	-44.00
EFT19080	12/02/2016	PAULS TYRES	REPAIRS TO GRADER TYRE TO P156	-395.50
EFT19081	12/02/2016	DPAW	250 ADULT DAY PASSES	-2250.00
EFT19082	12/02/2016	SHARK BAY HOTEL MOTEL	CATERING FUNCTION	-439.00
EFT19083	12/02/2016	COMM RESOURCE CENTRE	INSCRIPTION POST - FEBRUARY 2016	-12.00
EFT19084	12/02/2016	ST JOHN AMBULANCE ASSOC.	MOTORING OFF ROAD FIRST AID KIT	-175.00
EFT19085	12/02/2016	WEST-OZ WEB SERVICES	COMMISSION SBDC	-89.00
EFT19086	15/02/2016	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTION	-7700.00
EFT19087	15/02/2016	PHOTOGRAPHY PTY LTD	GRANT-2016 EXHIBITION FOR NINETY FIVE DEGREES	-16500.00
EFT19088	23/02/2016	BETTA ROADS	POLYCOM POLYMER STABILISING AID	-70092.00
EFT19089	23/02/2016	ASHDOWN INGRAM	THERMO FANS & CONVALUTE-P146, PP128	-377.31
EFT19090	23/02/2016	ANNABEL TRENDS	SBDC MERCHANDISE	-4411.88
EFT19091	23/02/2016	BUNNINGS BUILDING	CREAM CEMENT FOR RETAINING WALL	-224.00
EFT19092	23/02/2016	BOC LIMITED	CONTAINER RENTAL	-33.70
EFT19093	23/02/2016	BATTERY MART	BATTERY FOR HILUX SR5	-235.40
EFT19094	23/02/2016	BEST WESTERN HOSP INN	ACCOMM-COUNCILLOR TRAINING WALGA	-1438.00
EFT19095	23/02/2016	DPAW	HOLIDAY PASSES	-360.00
EFT19096	23/02/2016	CUTBACK PLUMBING	REPAIRS TO TOILETS - FORESHORE	-120.00
EFT19097	23/02/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-341.25
EFT19098	23/02/2016	GERALDTON AUTO	FILTERS FOR ISUZU D-MAX. OIL,FUEL & AIR	-239.62
EFT19099	23/02/2016	GERALDTON FUEL COMPANY	FUEL MONTHLY ACCOUNT	-7289.78
EFT19100	23/02/2016	GRAY & LEWIS LAND	PLANNING ADVICE - GENERAL	-2289.38
EFT19101	23/02/2016	GERALDTON TROPHY CENTRE	PLAQUES FOR SHARK BAY ART AWARDS	-114.00
EFT19102	23/02/2016	HERITAGE RESORT	ACCOMMODATION -RECRUITMENT	-332.00

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

EFT19103	23/02/2016	TOLL IPEC PTY LTD	FREIGHT	-313.09
EFT19104	23/02/2016	IT VISION	SUPPLY SYNERGY EMAIL DEBTORS MODULE	-850.30
EFT19105	23/02/2016	LASER CORPS WA	NATIONAL YOUTH WEEK-EVENT	-2100.00
EFT19106	23/02/2016	LANDGATE	LANDGATE-MAPS	-589.30
EFT19107	23/02/2016	COASTAL MARINE & RIGGING	INSTALL ROPE SAVES ON NEW MM JETTY	-2480.05
EFT19108	23/02/2016	PEST-A-KILL	PEST CONTROL	-325.80
EFT19109	23/02/2016	PAPER PLUS OFFICE NATIONAL	STATIONERY	-116.26
EFT19110	23/02/2016	SKIPPERS AVIATION	FLIGHTS- G GODWIN & M MORGAN-AUDIT	-3454.00
EFT19111	23/02/2016	SHARK BAY FREIGHTLINES	FREIGHT	-106.48
EFT19112	23/02/2016	SUNPRINTS CLOTHING	SBDC MERCHANDISE	-4372.62
EFT19113	23/02/2016	WALGA	WALGA REGIONAL COUNCILLORS TRAINING	-300.00
EFT19114	23/02/2016	WELLARD CONTRACTING	LABOUR, PRIME MOVER, SIDE TIPPER HIRE	-6652.25
EFT19115	23/02/2016	WESTRAC EQUIPMENT PTY LTD	MATERIALS	-300.83
EFT19116	29/02/2016	P.G & S. J WOOD	PROJECT MANAGE FOR WIRELESS CONNECTION	-1800.00
EFT19117	29/02/2016	ALLELECTRIX PTY LTD	PENSIONER UNIT REPAIRS	-864.60
EFT19118	29/02/2016	FLAGWORLD	10 X AUSTRALIAN FLAGS	-827.00
EFT19119	29/02/2016	DONNELLE OAKLEY	REIMBURSEMENT FOR TRAINING	-637.52
EFT19120	29/02/2016	GASCOYNE TOURISM BOARD	CONTRIBUTION -GASCOYNE TOURISM STRATEGY	-5500.00
EFT19121	29/02/2016	THE MURRAY HOTEL	ACCOMMODATION STAFF TRAINING	-1931.00
EFT19122	29/02/2016	OUTBACK COAST	REPLACE WINDOW- RAV4 REGO 46SB	-694.69
EFT19123	29/02/2016	OCEANSIDE VILLAGE	3 NIGHTS ACCOMMODATION - ALAN HEPPELL	-600.00
EFT19124	29/02/2016	RICHARD CLAUDE MORONEY	CLEAN UP AND REMOVE RUBBISH AROUND SBIC	-32.00
EFT19125	29/02/2016	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-530.64
EFT19126	29/02/2016	SALTWATER CAFE	LUNCHEON CATERING FOR COUNCIL MEETING	-275.00
EFT19127	29/02/2016	TELSTRA CORPORATION	MONTHLY ACCOUNT	-2319.16
EFT19128	29/02/2016	TELEMALL AUDIO	MESSAGE ON HOLD QUARTERLY SERVICE FEE	-355.30
EFT19129	29/02/2016	USELESS LOOP SCHOOL	FINANCIAL ASSISTANCE GRANT RD 2 2015-16	-3164.00
EFT19130	29/02/2016	WALGA	SUPERVISOR TRAINING	-3498.00
EFT19131-	19150	TRUST	<b>TOTAL</b>	<b>\$341,928.05</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY – TRUST EFT

FEBRUARY 2016 - EFT19024, 19025, 19131 TO 19150

EFT19024	04/02/2016	RICHARD GRAHAM	GYM CARD REFUND	-20.00
EFT19025	04/02/2016	BRITTANY MCINTOSH	GYM CARD REFUND	-20.00
EFT19131	29/02/2016	CCONSTRUCTION TRAINING FUND	BCITF FEB 2016	-91.75
EFT19132	29/02/2016	DEPARTMENT OF COMMERCE -	BUILDING SERVICES LEVY FEB 2016	-63.50
EFT19133	29/02/2016	AHKEEM RAWLINSON	GYM CARD DEPOSIT REFUND	-20.00
EFT19134	29/02/2016	SHIRE OF SHARK BAY	COLLECTION FEE FEB 2016	-13.25
EFT19135	29/02/2016	JAMES SNR POLAND	BOOKEASY FEBRUARY 2016	-32.00
EFT19136	29/02/2016	BAY LODGE MIDWEST OASIS	BOOKEASY FEBRUARY 2016	-1054.00
EFT19137	29/02/2016	SHARK BAY COASTAL TOURS	BOOKEASY FEBRUARY 2016	-2045.10
EFT19138	29/02/2016	HARTOG COTTAGES	BOOKEASY FEBRUARY 2016	-893.20
EFT19139	29/02/2016	HAMELIN POOL CARAVAN PARK	BOOKEASY FEBRUARY 2016	-76.50
EFT19140	29/02/2016	MONKEY MIA YACHT CHARTERS	BOOKEASY FEBRUARY 2016	-1951.84
EFT19141	29/02/2016	MONKEYMIA WILDSIGHTS	BOOKEASY FEBRUARY 2016	-3835.20
EFT19142	29/02/2016	WA OCEAN PARK PTY LTD	BOOKEASY FEBRUARY 2016	-751.40
EFT19143	29/02/2016	RAC TOURISM ASSETS	BOOKEASY FEBRUARY 2016	-1485.44
EFT19144	29/02/2016	SHARK BAY HOTEL MOTEL	BOOKEASY FEBRUARY 2016	-106.25
EFT19145	29/02/2016	SHARK BAY COACHES AND TOURS	BOOKEASY FEBRUARY 2016	-250.36
EFT19146	29/02/2016	SHARK BAY AIR CHARTER	BOOKEASY FEBRUARY 2016	-343.20
EFT19150	29/02/2016	WULA GUDA NYINDA	BOOKEASY FEBRUARY 2016	-2452.25
<b>TOTAL</b>				<b>\$19,756.00</b>

SHIRE OF SHARK BAY – TRUST CHEQUE

FEBRUARY 2016

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
151608	29/02/2016	COMMISSIONER OF POLICE	POLICE LICENSING FEBRUARY 2016	-21,988.25



30 MARCH 2016

**SHIRE OF SHARK BAY**

**MONTHLY FINANCIAL REPORT**

**For the Period Ended 29 February 2016**

**LOCAL GOVERNMENT ACT 1995**

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

**TABLE OF CONTENTS**

Compilation Report

Monthly Summary Information

Statement of Financial Activity by Program

Statement of Financial Activity By Nature or Type

Statement of Capital Acquisitions and Capital Funding

Statement of Budget Amendments

Note 1 Significant Accounting Policies

Note 2 Explanation of Material Variances

Note 3 Net Current Funding Position

Note 4 Cash and Investments

Note 6 Receivables

Note 7 Cash Backed Reserves

Note 8 Capital Disposals

Note 9 Rating Information

Note 10 Information on Borrowings

Note 11 Grants and Contributions

Note 12 Trust

Note 13 Capital Acquisitions



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 29 February 2016							
	Note	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Operating Revenues</b>							
Governance		50,388	50,388	45,488	(4,900)	(9.72%)	▼
General Purpose Funding - Rates	9	1,214,780	1,227,435	1,184,262	(43,173)	(3.5%)	▼
General Purpose Funding - Other		1,000,973	966,326	832,148	(134,178)	(13.9%)	▼
Law, Order and Public Safety		85,125	72,399	45,196	(27,203)	(38%)	▼
Health		750	750	751	1	0.13%	▲
Housing		86,110	56,544	57,518	974	1.7%	▲
Community Amenities		282,000	251,000	268,116	17,116	6.82%	▲
Recreation and Culture		222,900	148,942	167,431	18,489	12.4%	▲
Transport		464,056	443,486	405,883	(37,603)	(8.5%)	▼
Economic Services		738,380	512,160	402,741	(109,419)	(21.4%)	▼
Other Property and Services		25,000	12,500	26,983	14,483	115.9%	▲
<b>Total Operating Revenue</b>		<b>4,170,462</b>	<b>3,741,930</b>	<b>3,436,517</b>	<b>(305,413)</b>	<b>(8.16%)</b>	
<b>Operating Expense</b>							
Governance		(342,993)	(246,539)	(255,208)	(8,669)	3.5%	▼
General Purpose Funding		(138,795)	(85,028)	(84,069)	959	(1.1%)	▲
Law, Order and Public Safety		(359,490)	(284,450)	(306,935)	(22,485)	7.9%	▼
Health		(69,356)	(37,877)	(38,104)	(227)	0.6%	▼
Housing		(191,106)	(131,112)	(123,008)	8,104	(6.2%)	▲
Community Amenities		(604,665)	(411,328)	(375,074)	36,254	(8.8%)	▲
Recreation and Culture		(2,058,824)	(1,424,397)	(1,305,477)	118,920	(8.3%)	▲
Transport		(1,490,829)	(1,150,733)	(938,877)	211,856	(18.4%)	▲
Economic Services		(1,345,660)	(952,779)	(690,299)	262,480	(27.5%)	▲
Other Property and Services		(25,000)	(15,958)	(147,250)	(131,292)	822.7%	▼
<b>Total Operating Expenditure</b>		<b>(6,626,717)</b>	<b>(4,740,201)</b>	<b>(4,264,301)</b>	<b>475,900</b>	<b>(10.0%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,831,805	1,227,136	1,200,717	(26,419)		
Adjust (Profit)/Loss on Asset Disposal	8	39,165	39,165	36,747	(2,418)		
Adjust Provisions and Accruals		0	0	0			
<b>Net Cash from Operations</b>		<b>(585,286)</b>	<b>268,030</b>	<b>409,680</b>	<b>141,650</b>	<b>52.85%</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	7,488,610	2,571,054	711,884	(1,859,170)	(72.3%)	▼
Proceeds from Disposal of Assets	8	250,000	250,000	202,789	(47,211)	18.9%	▼
<b>Total Capital Revenues</b>		<b>7,738,610</b>	<b>2,821,054</b>	<b>914,673</b>	<b>(1,906,381)</b>	<b>(67.6%)</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(175,675)	(153,045)	(111,948)	41,097	26.9%	▲
Infrastructure - Roads	13	(1,146,642)	(560,883)	(291,703)	269,180	48.0%	▲
Infrastructure - Public Facilities	13	(7,817,630)	(1,370,715)	(529,833)	840,882	61.3%	▲
Infrastructure - Streetscapes	13	(50,000)	(41,165)	(3,709)	37,456	91.0%	▲
Infrastructure - Footpaths	13	(50,000)	(27,780)	(39,390)	(11,610)	(41.8%)	▼
Infrastructure - Drainage	13	(40,000)	(32,005)	(16,468)	15,537	48.5%	▲
Heritage Assets	13	(50,000)	(50,000)	(8,878)	41,122	0.0%	▲
Plant and Equipment	13	(819,000)	(729,000)	(580,764)	148,236	20.3%	▲
Furniture and Equipment	13	(24,500)	(19,500)	(6,550)	12,950	66.4%	▲
<b>Total Capital Expenditure</b>		<b>(10,173,447)</b>	<b>(2,984,093)</b>	<b>(1,589,243)</b>	<b>1,394,850</b>	<b>46.7%</b>	
<b>Net Cash from Capital Activities</b>		<b>(2,434,837)</b>	<b>(163,039)</b>	<b>(674,570)</b>	<b>(511,531)</b>	<b>(313.75%)</b>	
<b>Financing</b>							
Proceeds from New Debentures		0	0	0	0		
Transfer from Reserves	7	1,558,489	814,931	814,931	0	0.00%	
Repayment of Debentures	10	(111,745)	(104,263)	(90,542)	13,721	13.2%	▲
Transfer to Reserves	7	(859,190)	(448,948)	(448,948)	0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>587,554</b>	<b>261,720</b>	<b>275,441</b>	<b>13,721</b>	<b>(5.24%)</b>	
<b>Net Operations, Capital and Financing</b>		<b>(2,432,569)</b>	<b>366,711</b>	<b>10,551</b>	<b>(356,160)</b>	<b>97.12%</b>	<b>▼</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,432,569</b>	<b>2,432,569</b>	<b>2,432,569</b>	<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>0</b>	<b>2,799,280</b>	<b>2,443,120</b>	<b>(356,160)</b>	<b>12.72%</b>	<b>▲</b>

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

MINUTES OF THE ORDINARY COUNCIL MEETING

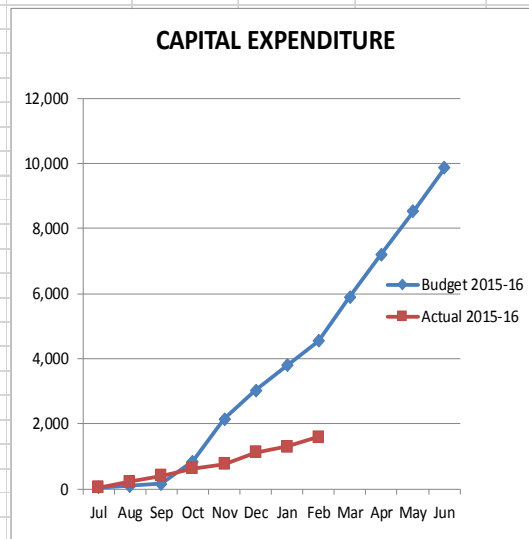
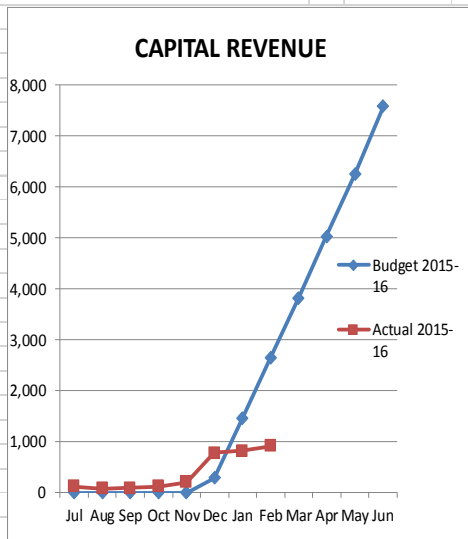
30 MARCH 2016

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 29 February 2016				
	Note	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>				
Rates	9	\$ 1,206,379	\$ 1,221,907	\$ 1,175,466
Operating Grants, Subsidies and Contributions	11	1,431,854	1,411,729	1,135,498
Fees and Charges		1,203,675	857,971	794,462
Interest Earnings		75,694	43,511	134,106
Other Revenue		209,175	163,128	152,841
Profit on Disposal of Assets	8	43,684	43,684	44,144
Total Operating Revenue		4,170,461	3,741,930	3,436,517
<b>Operating Expense</b>				
Employee Costs		(2,004,610)	(1,405,582)	(1,308,482)
Materials and Contracts		(2,163,725)	(1,581,921)	(1,278,158)
Utility Charges		(148,750)	(101,269)	(81,493)
Depreciation on Non-Current Assets		(1,831,805)	(1,227,136)	(1,200,717)
Interest Expenses		(20,433)	(10,217)	(9,118)
Insurance Expenses		(158,178)	(158,180)	(149,195)
Other Expenditure		(216,367)	(173,047)	(156,247)
Loss on Disposal of Assets	8	(82,849)	(82,849)	(80,891)
Total Operating Expenditure		(6,626,717)	(4,740,201)	(4,264,301)
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,831,805	1,227,136	1,200,717
Adjust (Profit)/Loss on Asset Disposal	8	39,165	39,165	36,747
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		(585,286)	268,030	409,680
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	7,488,610	2,571,054	711,884
Proceeds from Disposal of Assets	8	250,000	250,000	202,789
Total Capital Revenues		7,738,610	2,821,054	914,673
<b>Capital Expenses</b>				
Land Held for Resale		0	0	0
Land and Buildings	13	(175,675)	(153,045)	(111,948)
Infrastructure - Roads	13	(1,146,642)	(560,883)	(291,703)
Infrastructure - Public Facilities	13	(7,817,630)	(1,370,715)	(529,833)
Infrastructure - Streetscapes	13	(50,000)	(41,165)	(3,709)
Infrastructure - Footpaths	13	(50,000)	(27,780)	(39,390)
Infrastructure - Drainage	13	(40,000)	(32,005)	(16,468)
Heritage Assets	13	(50,000)	(50,000)	(8,878)
Plant and Equipment	13	(819,000)	(729,000)	(580,764)
Furniture and Equipment	13	(24,500)	(19,500)	(6,550)
Total Capital Expenditure		(10,173,447)	(2,984,093)	(1,589,243)
<b>Net Cash from Capital Activities</b>		(2,434,837)	(163,039)	(674,570)
<b>Financing</b>				
Proceeds from New Debentures		0	0	0
Transfer from Reserves	7	1,558,489	814,931	814,931
Repayment of Debentures	10	(111,745)	(104,263)	(90,542)
Transfer to Reserves	7	(859,190)	(448,948)	(448,948)
<b>Net Cash from Financing Activities</b>		587,554	261,720	275,441
<b>Net Operations, Capital and Financing</b>		(2,432,569)	366,711	10,551
<b>Opening Funding Surplus(Deficit)</b>	3	2,432,569	2,432,569	2,432,569
<b>Closing Funding Surplus(Deficit)</b>	3	(0)	2,799,280	2,443,120

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 29 February 2016								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)	
Land and Buildings	13	\$ 11,734	\$ 100,214	\$ 111,948	\$ 153,045	\$ 175,675	\$ 41,097	
Infrastructure Assets - Roads	13	0	291,703	291,703	560,883	1,146,642	269,180	
Infrastructure Assets - Public Facilities	13	92,901	436,932	529,833	1,370,715	7,817,630	840,882	
Infrastructure Assets - Footpaths	13	39,390	0	39,390	27,780	50,000	(11,610)	
Infrastructure Assets - Drainage	13	0	16,468	16,468	32,005	40,000	15,537	
Infrastructure Assets - Streetscapes	13	3,709	0	3,709	41,165	50,000	37,456	
Heritage Assets	13	0	8,878	8,878	50,000	50,000	41,122	
Plant and Equipment	13	0	580,764	580,764	729,000	819,000	148,236	
Furniture and Equipment	13	0	6,550	6,550	19,500	24,500	12,950	
<b>Capital Expenditure Totals</b>		<b>147,734</b>	<b>1,441,509</b>	<b>1,589,243</b>	<b>2,984,093</b>	<b>10,173,447</b>	<b>1,394,850</b>	



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES</b>					
<b>(a) Basis of Preparation</b>					
	This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.				
	Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.				
	<b>The Local Government Reporting Entity</b>				
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.				
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.				
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.				
<b>(b) Rounding Off Figures</b>					
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.				
<b>© Rates, Grants, Donations and Other Contributions</b>					
	Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.				
	Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.				
<b>(d) Goods and Services Tax (GST)</b>					
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).				
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.				
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.				
<b>€ Superannuation</b>					
	The Council contributes to a number of Superannuation Funds on behalf of employees.				
	All funds to which the Council contributes are defined contribution plans.				

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 29 February 2016				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(f) Cash and Cash Equivalents</b>				
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.				
Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.			1	
<b>(g) Trade and Other Receivables</b>				
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.				
Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.				
Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.				
<b>(h) Inventories</b>				
<b>General</b>				
Inventories are measured at the lower of cost and net realisable value.				
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.				
<b>Land Held for Resale</b>				
Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.				
Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.				
Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.				
<b>(i) Fixed Assets</b>				
Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.				
<b>Mandatory Requirement to Revalue Non-Current Assets</b>				
Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.				

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(j) Fixed Assets (Continued)</b>					
<b><i>Land Under Control</i></b>					
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.					
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.					
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.					
<b><i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i></b>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(j) Fixed Assets (Continued)</b>					
<b>Revaluation</b>					
Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.					
<b>Transitional Arrangement</b>					
During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.					
Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.					
Those assets carried at fair value will be carried in accordance with the <b>Revaluation Methodology</b> section as detailed above.					
<b>Land Under Roads</b>					
In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.					
Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.					
In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.					
Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.					
Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.					
<b>Depreciation</b>					
The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(j) Fixed Assets (Continued)</b>					
Major depreciation periods used for each class of depreciable asset are:					
Buildings					10 to 50 years
Furniture and Equipment					5 to 10 years
Plant and Equipment					5 to 10 years
Heritage					25 to 100 years
Sealed Roads and Streets					
- Subgrade					Not Depreciated
- Pavement					80 to 100 years
- Seal	Bituminous Seals				15 to 22 years
	Asphalt Surfaces				30 years
Formed Roads (Unsealed)					
- Subgrade					Not Depreciated
- Pavement					18 years
Footpaths					40 to 80 years
Drainage Systems					
- Drains and Kerbs					20 to 60 years
- Culverts					60 years
- Pipes					80 years
- Pits					60 years
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.					
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.					
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.					
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.					
<b>Capitalisation Threshold</b>					
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.					
<b>(k) Fair Value of Assets and Liabilities</b>					
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:					
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.					



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
	<b>(k) Fair Value of Assets and Liabilities (Continued)</b>				
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.				
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).				
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.				
	<b><i>Fair Value Hierarchy</i></b>				
	AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:				
	<b>Level 1</b>				
	Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.				
	<b>Level 2</b>				
	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.				
	<b>Level 3</b>				
	Measurements based on unobservable inputs for the asset or liability.				
	The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.				
	<b><i>Valuation techniques</i></b>				
	The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:				
	<b>Market approach</b>				
	Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.				

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>					
<b>Income approach</b>					
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.					
<b>Cost approach</b>					
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.					
Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.					
As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.					
<b>(l) Financial Instruments</b>					
<b>Initial Recognition and Measurement</b>					
Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).					
Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.					
<b>Classification and Subsequent Measurement</b>					
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.					
Amortised cost is calculated as:					
(a) the amount in which the financial asset or financial liability is measured at initial recognition;					
(b) less principal repayments and any reduction for impairment; and					
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(I) Financial Instruments (Continued)</b>					
<p>The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.</p>					
<i>(i) Financial assets at fair value through profit and loss</i>					
<p>Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.</p>					
<i>(ii) Loans and receivables</i>					
<p>Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>					
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>					
<i>(iii) Held-to-maturity investments</i>					
<p>Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>					
<p>Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.</p>					
<i>(iv) Available-for-sale financial assets</i>					
<p>Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.</p>					
<p>They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.</p>					
<p>Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.</p>					
<i>(v) Financial liabilities</i>					
<p>Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.</p>					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(l) Financial Instruments (Continued)</b>					
<b><i>Impairment</i></b>					
A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).					
In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.					
In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.					
For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.					
<b><i>Derecognition</i></b>					
Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.					
Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.					
<b>(m) Impairment of Assets</b>					
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.					
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.					
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(m) Impairment of Assets (Continued)</b>					
For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.					
<b>(n) Trade and Other Payables</b>					
Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.					
<b>(o) Employee Benefits</b>					
<b>Short-Term Employee Benefits</b>					
Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.					
The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.					
<b>Other Long-Term Employee Benefits</b>					
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.					
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(p) Borrowing Costs</b>					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
<b>(q) Provisions</b>					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
<b>(r) Current and Non-Current Classification</b>					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 29 February 2016					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(4,900)	(9.72%)	▼	Timing	Sale of vehicles still to be done.
General Purpose Funding - Rates	(43,173)	(3.52%)	▼	Permanent	Variance is due to Rates paid in advance being applied to this area.
General Purpose Funding - Other	(134,178)	(13.89%)	▼	Timing	YTD budget for Financial Assistance Grants includes final payment which is due in May. Cyclone Olwyn reimbursement received in June. Further funding to come
Law, Order and Public Safety	(27,203)	(37.57%)	▼	Timing	
Health	1	0.13%	▲	Permanent	No reportable variance
Housing	974	1.72%	▲	Timing	No reportable variance
Community Amenities	17,116	6.82%	▲	Permanent/Timing	Refuse site fees higher than expected and Main Roads Rubbish collection billed for full year.
Recreation and Culture	18,489	12.41%	▲	Permanent	Increase sales at Shark Bay Discovery Centre and annual Gym fees raised (Timing)
Transport	(37,603)	(8.48%)	▼	Timing	Payment for final instalment of Useless Loop maintenance funds yet to be received
Economic Services	(109,419)	(21.36%)	▼	Timing	MR Shark Bay Road receipts lower than expected at this time.
Other Property and Services	14,483	115.9%	▲	Permanent	Diesel fuel rebate and refunds income higher than expected
<b>Operating Expense</b>					
Governance	(8,669)	3.52%	▼	Permanent	Staff Housing costs less than expected
General Purpose Funding	959	(1.13%)	▲	Permanent	No reportable variance
Law, Order and Public Safety	(22,485)	7.90%	▼	Permanent	SES charges to be recovered higher than expected
Health	(227)	0.60%	▼	Permanent	No reportable variance
Housing	8,104	(6.18%)	▲	Timing	Less cost of staff housing
Community Amenities	36,254	(8.81%)	▲	Timing	Refuse Site operational expenses and Planning Scheme costs less than expected at this time
Recreation and Culture	118,920	(8.35%)	▲	Timing	Cape Inscription Maintenance and Contribution to Museum yet to be expended and less costs associated with the Discovery Centre.
Transport	211,856	(18.41%)	▲	Timing	Useless Loop maintenance budget under spent at this time
Economic Services	262,480	(27.55%)	▲	Timing	Less costs associated with the 2016 celebrations, tourism promotion and Monkey Mia and Shark Bay Roads
Other Property and Services	(131,292)	822.73%	▼	Timing	Under recovery in labour and plant overheads - will be corrected in March.
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(1,859,170)	(72.31%)	▼	Timing	Less grants received for capital projects
Proceeds from Disposal of Assets	(47,211)	18.9%	▼	Permanent	Plant replacement program yet to be completed
<b>Capital Expenses</b>					
Land and Buildings	41,097	26.85%	▲	Timing	Admin office carpark yet to commence and Staff housing walls to be finished.
Infrastructure - Roads	269,180	47.99%	▲	Timing	Road projects yet to be commenced
Infrastructure - Public Facilities	840,882	61.35%	▲	Timing	Foreshore and recycling projects to be commenced
Infrastructure - Footpaths	(11,610)	(41.8%)	▼	Timing	Footpath project progressing
Infrastructure - Drainage	15,537	48.5%	▲	Timing	Project progressing
Heritage Assets	41,122	0.0%	▲	Timing	Refurbishment of Old Jail and Stables progressing
Plant and Equipment	148,236	20.3%	▲	Timing	Community Bus replacement to be assessed
Furniture and Equipment	12,950	66.4%	▲	Timing	Speaker system for Council Chambers being assessed.
<b>Financing</b>					
Loan Principal	13,721	13.16%	▲	Timing	YTD budget too high

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

MINUTES OF THE ORDINARY COUNCIL MEETING

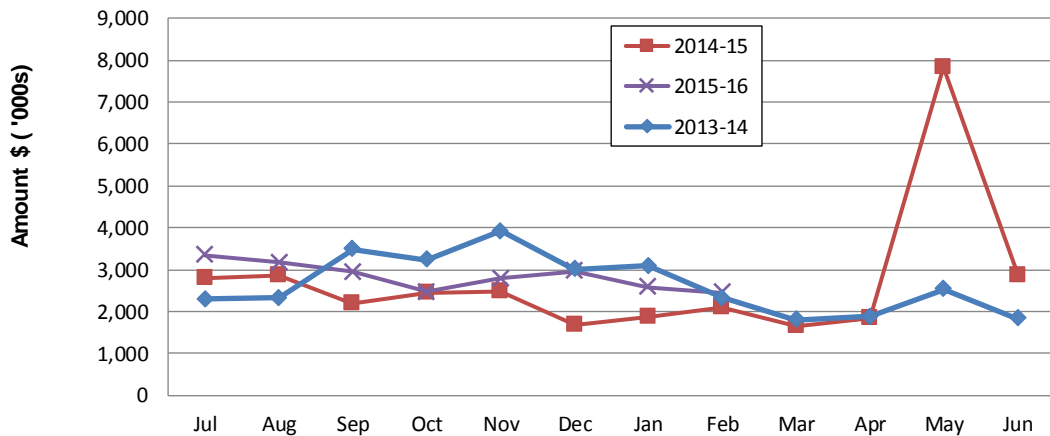
30 MARCH 2016

Shire of Shark Bay  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
 For the Period Ended 29 February 2016

**Note 3: NET CURRENT FUNDING POSITION**

	Note	Positive=Surplus (Negative=Deficit)		
		YTD 29 Feb 2016	30th June 2015	29 Feb 2015
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	7,634,435	2,225,145	1,988,552
Cash Restricted	4	1,069,521	7,744,335	1,682,003
Receivables - Rates	6	185,339	12,610	166,004
Receivables -Other	6	151,373	505,672	98,379
Interest / ATO Receivable		16,565	5,522	15,726
Inventories		101,434	110,379	144,100
		9,158,667	10,603,663	4,094,763
<b>Less: Current Liabilities</b>				
Payables		(219,081)	(208,647)	(68,593)
Provisions		(226,944)	(226,944)	(249,152)
		(5,200,000)	(5,700,000)	0
		(5,646,025)	(6,135,591)	(317,744)
Less: Cash Reserves	7	(1,069,521)	(2,035,504)	(1,682,003)
<b>Net Current Funding Position</b>		<b>2,443,120</b>	<b>2,432,569</b>	<b>2,095,016</b>

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

Liquidity is higher due to the receipt of funds for the Denham Foreshore project.



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 29 February 2016

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	240,033			240,033	Bankwest	At Call
Reserve Bank Account	0.00%		19,521		19,521	Bankwest	At Call
Telenet Saver	1.80%	860,088			860,088	Bankwest	At Call
Trust Bank Account	0.00%			6,494	6,494	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
WATC Grant Funding	1.95%	5,283,514			5,283,514	WATC	At Call
Muni Term Deposit No 4	2.70%	750,000			750,000	Bankwest	May 2016
Muni Term Deposit No 5	2.75%	500,000			500,000	Bankwest	May 2016
Trust	2.70%			94,071	94,071	Bankwest	Mar 2016
Reserve Investment No 4	2.70%		1,050,000		1,050,000	Bankwest	May 2016
Reserve Investment No 5	2.70%		600,000		600,000	Bankwest	May 2016
<b>Total</b>		<b>7,634,435</b>	<b>1,069,521</b>	<b>100,565</b>	<b>8,804,521</b>		
<b>Comments/Notes - Investments</b>							
Surplus funds invested for terms conducive to cashflow requirements							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

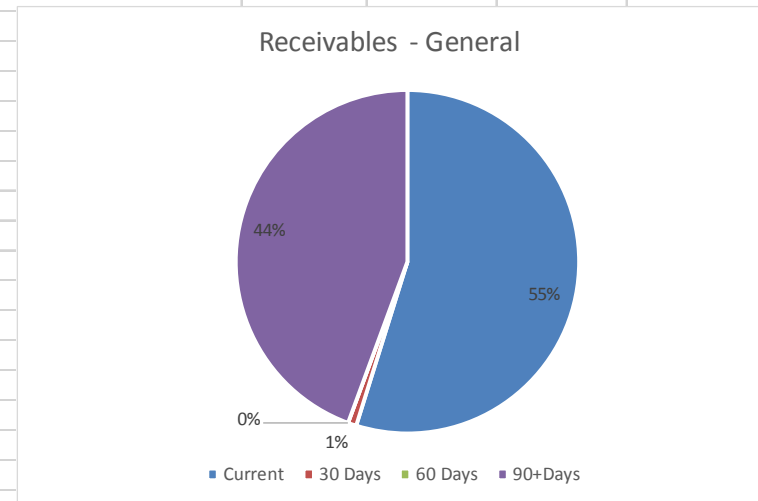
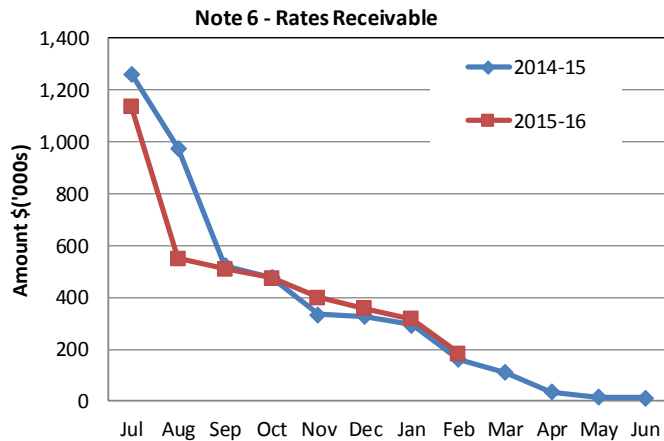
For the Period Ended 29 February 2016

**Note 6: RECEIVABLES**

Receivables - Rates Receivable	YTD 29 Feb 2016	30 June 2015
	\$	\$
Opening Arrears Previous Years	5,744	6,217
Levied this year	1,175,951	1,119,537
Less Collections to date	(996,355)	(1,120,010)
Equals Current Outstanding	<b>185,340</b>	<b>5,744</b>
<b>Net Rates Collectable</b>	<b>185,340</b>	<b>5,744</b>
% Collected	84.32%	99.49%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	81,272	1,178	0	65,776
<b>Total Receivables General Outstanding</b>				<b>148,226</b>

Amounts shown above include GST (where applicable)



**Comments/Notes - Receivables Rates**

Rates collection is at a similar level to last year

No major issues at this time - major debtors are Department of Parks and Wildlife

MINUTES OF THE ORDINARY COUNCIL MEETING

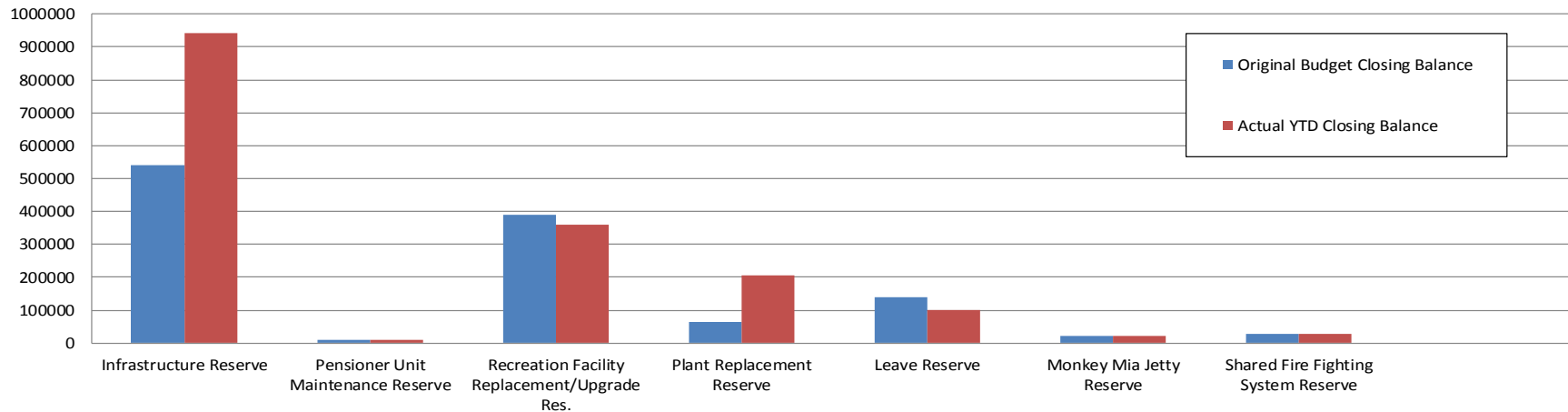
30 MARCH 2016

Shire of Shark Bay  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 29 February 2016

**Note 7: Cash Backed Reserve**

2015-16										
Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Amended Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 1,279,923	\$ 23,880	\$ 21,735	\$ 397,944	\$ 0	\$ (938,614)	\$ (358,656)		\$ 763,133	\$ 943,002
Pensioner Unit Maintenance Reserve	28,049	709	632	10,000	10,000	(28,675)	(28,675)		10,083	10,006
Recreation Facility Replacement/Upgrade Res.	401,657	8,505	9,060	0	0	(70,200)	(49,500)		339,962	361,217
Plant Replacement Reserve	152,853	3,824	3,624	400,000	400,000	(493,000)	(350,100)		63,677	206,377
Leave Reserve	126,569	3,163	2,851	10,000	0	(28,000)	(28,000)		111,732	101,420
Monkey Mia Jetty Reserve	19,866	498	447	0	0	0	0		20,364	20,313
Shared Fire Fighting System Reserve	26,587	667	599	0	0	0	0		27,254	27,186
	<b>2,035,504</b>	<b>41,246</b>	<b>38,948</b>	<b>817,944</b>	<b>410,000</b>	<b>(1,558,489)</b>	<b>(814,931)</b>		<b>1,336,205</b>	<b>1,669,521</b>

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



MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 29 February 2016					
<b>Note 7a: Cash Backed Reserve Detail</b>					
2015-16					
Name	Opening Balance	Source of Funds	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$		\$	\$	\$
<b>Infrastructure Reserve</b>	<b>1,279,923</b>				
Interest		Investment	23,880		
Transfer of funds		General Revenue	397,944		
Foreshore project				516,458	
Admin Office Carpark				30,000	
Staff Housing				27,000	
Gazebo Reroofing				10,000	
Recreation Boat Ramp Denham				29,156	
Valsheda Shade cover				10,000	
Footpath Upgrades				50,000	
Drainage Upgrades				40,000	
Town oval Bore				30,000	
Information Signage				50,000	
Shade Shelters Eastern Foreshore				20,000	
Denham Hall				20,000	
Charlie Sappie Park				28,500	
Town Oval Bore 14-15 CFWD				27,500	
Old Jail and Stables 14-15 CFWD				50,000	
	<b>1,279,923</b>		<b>421,824</b>	<b>938,614</b>	<b>763,133</b>
<b>Pensioner Unit Maintenance Reserve</b>	<b>28,049</b>				
Interest		Investment	709		
Transfer of Funds		General Revenue	10,000		
Upgrade to Units				28,675	
	<b>28,049</b>		<b>10,709</b>	<b>28,675</b>	<b>10,083</b>
<b>Recreation Facility Replacement/Upgrade Res.</b>	<b>401,657</b>				
Interest		Investment	8,505		
Childcare Centre Softfall				10,000	
Rectification Works Rec Centre				10,000	
Nettas Upgrade 14-15 CFWD				9,200	
Sound Proofing Rec Centre				41,000	
	<b>401,657</b>		<b>8,505</b>	<b>70,200</b>	<b>339,962</b>
<b>Plant Replacement Reserve</b>	<b>152,853</b>				
Interest		Investment	3,824		
Depreciation		General Funds	400,000		
5 ton Truck				65,000	
Major Plant items				20,000	
3 Ton Truck				40,000	
Bobcat and Trailer				100,000	
Refuse Site Loader				155,000	
CEO Vehicle				27,000	
EMFA Vehicle				17,000	
EMCD Vehicle				17,000	
Gardener Vehicle				25,000	
Country Supervisor Vehicle				27,000	
	<b>152,853</b>		<b>403,824</b>	<b>493,000</b>	<b>63,677</b>
<b>Leave Reserve</b>	<b>126,569</b>				
Interest		Investment	3,163		
Transfer of Funds		General Funds	10,000		
LSL Taken				28,000	
	<b>126,569</b>		<b>13,163</b>	<b>28,000</b>	<b>111,732</b>
<b>Monkey Mia Jetty Reserve</b>	<b>19,866</b>				
Interest		Investment	498	0	
	<b>19,866</b>		<b>498</b>	<b>0</b>	<b>20,364</b>
<b>Shared Fire Fighting System Reserve</b>	<b>26,587</b>				
Interest		Investment	667	0	
	<b>26,587</b>		<b>667</b>	<b>0</b>	<b>27,254</b>
<b>Total</b>	<b>\$2,035,504</b>		<b>\$859,190</b>	<b>\$1,558,489</b>	<b>\$1,336,205</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 29 February 2016							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 29 02 2016		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
					\$	\$	\$
				<b>Plant and Equipment</b>			
				<b>Governance</b>			
66,264	(22,112)	50,909	6,757	CEO Vehicle	6,757	6,757	0
				EMFA Vehicle	5,381	0	(5,381)
160,825	(90,345)	0	(70,480)	Furniture & Equipment	(70,500)	(70,480)	20
				<b>Recreation and Culture</b>			
1,921	(332)		(1,589)	SBDC Furniture & Equipment	(2,000)	(1,589)	411
				<b>Transport</b>			
26,134	(13,452)	16,364	3,682	Ute - Ranger	7,318	3,682	(3,636)
40,050	(12,703)	27,789	442	Ute - Country Supervisor	440	442	2
55,667	(29,991)	38,182	12,506	5 Tonne Tip Truck	(1,621)	12,506	14,127
43,757	(21,171)	24,545	1,959	Truck - Gardeners	1,960	1,959	(1)
25,000	(11,260)	12,000	(1,740)	Case Tractor	(2,480)	(1,740)	740
2,500	(1,126)	0	(1,374)	Slasher	(1,248)	(1,374)	(126)
0	0	0	0	Road Broom	0	0	0
0	0	0	0	Auger	0	0	0
26,667	(12,464)	33,000	18,797	Front end Loader	18,788	18,797	9
8,589	(2,881)	0	(5,708)	Plant and Equipment	(5,000)	(5,708)	(708)
				<b>Economic Services</b>			
				EMCD Vehicle	3,040		(3,040)
<b>457,372</b>	<b>(217,836)</b>	<b>202,789</b>	<b>(36,747)</b>		<b>(39,165)</b>	<b>(36,747)</b>	<b>2,418</b>
<b>Comments - Capital Disposal/Replacements</b>							
Some disposals relate to the tidy up of the assets register, and relate to assets that are no longer held or are of a minor value. eg Furniture and Equipment These disposals result in a loss on sale.							

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 29 February 2016											
Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$	
<b>Note 9: RATING INFORMATION</b>											
<b>Rate Type</b>											
<b>Differential General Rate</b>											
GRV Rateable Property	8.8769	276	3,270,517	273,135		273,135	290,321	1,000		291,321	
GRV Vacant	8.8769	22	605,530	53,752		53,752	53,752			53,752	
GRV - Commercial	8.8769	43	2,088,443	181,182		181,182	185,389			185,389	
GRV - Industrial/Residential	8.8769	44	673,769	55,579		55,579	59,810			59,810	
GRV Industrial /Residential Vacant	8.8769	1	12,150	1,079		1,079	1,079			1,079	
GRV Rural Commercial	8.8769	5	316,160	28,065		28,065	28,065			28,065	
GRV Resort	8.8769	2	1,220,800	108,369		108,369	108,369			108,369	
UV General	19.5858	5	691,348	135,406	(485)	134,921	135,406	1,000		136,406	
UV Mining	19.5858	1	21,362	4,185		4,185	4,184			4,184	
UV Pastoral	12.5412	12	654,760	82,115		82,115	82,115			82,115	
UV Exploration	19.5858	10	650,624	139,593		139,593	142,399			142,398	
<b>Sub-Totals</b>		421	10,205,463	1,062,460	(485)	0	1,061,975	1,090,889	2,000	0	1,092,888
<b>Minimum Payment</b>											
GRV Rateable Property	800.00	91	709,717	72,800		72,800	72,800			72,800	
GRV Vacant	800.00	82	308,670	64,800		64,800	65,600			65,600	
GRV - Commercial	800.00	26	177,274	20,800		20,800	20,800			20,800	
GRV - Industrial/Residential	800.00	4	31,263	3,200		3,200	3,200			3,200	
GRV Industrial /Residential Vacant	800.00	1	7,850	800		800	800			800	
Rural Commercial	800.00		0	0		0	0			0	
GRV Resort	800.00		0	0		0	0			0	
UV General	800.00	5	7,858	4000		4,000	4,000			4,000	
UV Mining	800.00	3	3,063	2,400		2,400	2,400			2,400	
UV Pastoral	800.00		0	0		0	0			0	
UV Exploration		0	0	800		800	0			0	
<b>Sub-Totals</b>		212	1,245,695	7,200		0	169,600	169,600			169,600
Concessions							(94,577)			(94,577)	
<b>Amount from General Rates</b>							<b>1,136,998</b>			<b>1,167,911</b>	
Specified Area Rates							38,468			38,468	
<b>Totals</b>							<b>1,175,466</b>			<b>1,206,379</b>	
<b>Comments - Rating Information</b>											
The variance between the budget and the actual amounts is due to the transfer of rates paid in advance in 2014/15 being applied to 2014/15 and reversed in 2015/16. Should the same trend of excess payments continue in 2015/16 then the level of rates received should reach the budgeted amount.											

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 29 February 2016								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Amended Budget \$	Actual \$	Amended Budget \$	Actual \$	Amended Budget \$
Loan 48 - McCleary Property	27,749	0	27,749	27,749	0	0	530	488
Loan 48 - Shire Office	23,638	0	23,638	23,638	0	0	452	415
Loan 53 - Staff Housing	81,389	0	18,444	18,444	62,945	62,945	2,649	4,382
Loan 56 - Staff Housing	94,377	0	7,371	14,962	87,006	79,415	2,444	5,437
Loan 57 - Monkey Mia Bore	249,239	0	13,341	26,952	235,898	222,287	3,043	9,710
	476,392	0	90,543	111,745	385,849	364,647	9,118	20,432

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





MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 29 February 2016				
<b>Note 12: TRUST FUND</b>				
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:				
Description	Opening Balance 1 Jul 15	Amount Received	Amount Paid	Closing Balance 29-Feb-16
	\$	\$	\$	\$
BCITF Levy Income	0	967	(967)	0
Library Card Bond	200	350	(400)	150
Kerb/Footpath Deposit	4,200	1,000	(1,700)	3,500
Election	0	480	(480)	0
Bond Key	2,310	1,160	(1,440)	2,030
Police Licensing	2,386	186,148	(186,683)	1,851
Marquee Deposit	700	0	(700)	0
Building Licence Levy	41	1,480	(1,520)	0
Sunter Place - Recreation Reserve	92,320	1,751	0	94,071
Billabong Tickets	0	300	(180)	120
Bookeasy Sales	0	331,752	(331,752)	0
	<b>102,157</b>	<b>525,388</b>	<b>(525,822)</b>	<b>101,722</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

CAPITAL WORKS PROGRAM 2015/16								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Amended Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Governance</b>								
Admin Office Carpark	3.7.1	WKM	(30,000)	(25,035)	(3,936)	(21,099)	3,936	Footpath to records room completed
<b>Governance Total</b>			<b>(30,000)</b>	<b>(25,035)</b>	<b>(3,936)</b>	<b>(21,099)</b>		
<b>Buildings</b>								
<b>Health</b>								
Demolition of Ambulance Building	3.7.1	WKM	(12,000)	(12,000)	(11,734)	(266)		Project complete
<b>Health Total</b>			<b>(12,000)</b>	<b>(12,000)</b>	<b>(11,734)</b>	<b>(266)</b>		
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(3,500)	(3,500)	0	(3,500)	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	(10,000)	(6,807)	(3,193)	6,807	Wall affected by Cyclone Olwyn to be completed
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	(10,000)	(13,585)	3,585	13,585	Major work done on retaining walls damaged through Cyclone Olwyn
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(3,500)	(3,500)	(1,859)	(1,641)	1,859	Airconditioner upgrade
Pensioner Units Capital	3.7.1	EMCD	(43,675)	(33,895)	(28,439)	(5,456)	28,439	Project complete
<b>Housing Total</b>			<b>(70,675)</b>	<b>(60,895)</b>	<b>(50,690)</b>	<b>(10,205)</b>		
<b>Recreation and Culture</b>								
Denham Town Hall	3.7.1	EMCD	(20,000)	(12,115)	(2,475)	(9,640)	2,475	Footpath project being developed.
Overlander Hall - c/fwd	3.7.1	WKM	0	0	(355)	355	355	Project complete
Recreation Centre - Sound Proofing - c/fwd	3.7.1	EMCD	(41,000)	(41,000)	(40,802)	(198)	40,802	Project complete
<b>Recreation and Culture Total</b>			<b>(61,000)</b>	<b>(53,115)</b>	<b>(43,632)</b>	<b>(9,483)</b>		
<b>Transport</b>								
Replacement of Depot Air Conditioners	3.7.1	WKM	(2,000)	(2,000)	(1,956)	(44)	1,956	Project complete
<b>Transport Total</b>			<b>(2,000)</b>	<b>(2,000)</b>	<b>(1,956)</b>	<b>(44)</b>		
<b>Land and Buildings Total</b>			<b>(175,675)</b>	<b>(153,045)</b>	<b>(111,948)</b>	<b>(41,097)</b>		
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	3.7.1	WKM	(40,000)	(32,005)	(16,468)	(15,537)	16,468	Project progressing
<b>Transport Total</b>			<b>(40,000)</b>	<b>(32,005)</b>	<b>(16,468)</b>	<b>(15,537)</b>		
<b>Drainage/Culverts Total</b>			<b>(40,000)</b>	<b>(32,005)</b>	<b>(16,468)</b>	<b>(15,537)</b>		
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction	3.7.1	WKM	(50,000)	(27,780)	(39,390)	11,610		Footpath replacement program progressing
<b>Transport Total</b>			<b>(50,000)</b>	<b>(27,780)</b>	<b>(39,390)</b>	<b>11,610</b>		
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>(27,780)</b>	<b>(39,390)</b>	<b>11,610</b>		

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
Office Furn & Equipment		EMFA	(2,500)	(2,500)	(2,475)	(25)	2,475	Airconditioner replacement required
Council Chambers - Speaker System	1.2.1	EMFA	(12,000)	(12,000)	0	(12,000)		Being assessed
<b>Governance Total</b>			<b>(14,500)</b>	<b>(14,500)</b>	<b>(2,475)</b>	<b>(12,025)</b>		
<b>Recreation And Culture</b>								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	(5,000)	(4,075)	(925)	4,075	Ongoing
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>(5,000)</b>	<b>(4,075)</b>	<b>(925)</b>		
<b>Furniture &amp; Office Equip. Total</b>			<b>(24,500)</b>	<b>(19,500)</b>	<b>(6,550)</b>	<b>(12,950)</b>		
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Refurbishment of Old Jail and Stables - c/fwd	2.2.2	WKM	(50,000)	(50,000)	(8,878)	(41,122)	8,878	Work is progressing on this project.
<b>Recreation And Culture Total</b>			<b>(50,000)</b>	<b>(50,000)</b>	<b>(8,878)</b>	<b>(41,122)</b>		
<b>Heritage Assets Total</b>			<b>(50,000)</b>	<b>(50,000)</b>	<b>(8,878)</b>	<b>(41,122)</b>		
<b>Plant , Equipment and Vehicles</b>								
<b>Recreation and Culture</b>								
Community Bus	1.1.6	WKM	(120,000)	(120,000)	0	(120,000)	0	Requirement to replace being assessed
<b>Recreation and Culture</b>			<b>(120,000)</b>	<b>(120,000)</b>	<b>0</b>	<b>(120,000)</b>		
<b>Transport</b>								
CEO Vehicle	1.1.6	WKM	(71,000)	(71,000)	(62,993)	(8,007)	62,993	Purchase complete
EMFA Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	Will be done later in financial year
EMCD Vehicle	1.1.6	WKM	(45,000)	0	0	0	0	Will be done later in financial year
5 Tonne Truck	1.1.6	WKM	(90,000)	(90,000)	(100,625)	10,625	100,625	Purchase complete
3 Tonne Truck	1.1.6	WKM	(45,000)	(45,000)	(57,239)	12,239	57,239	Purchase complete
Town Gardeners Ute	1.1.6	WKM	(45,000)	(45,000)	(32,418)	(12,582)	32,418	Project complete
Major Plant Items	1.1.6	WKM	(20,000)	(20,000)	0	(20,000)	0	Items being considered
Bobcat and Trailer	1.1.6	WKM	(110,000)	(110,000)	(102,000)	(8,000)	102,000	Purchase complete
Refuse Site Loader	1.1.6	WKM	(180,000)	(180,000)	(187,984)	7,984	187,984	Purchase complete
Utility - Country	1.1.6	WKM	(48,000)	(48,000)	(37,505)	(10,495)	37,505	Purchase complete
<b>Transport Total</b>			<b>(699,000)</b>	<b>(609,000)</b>	<b>(580,764)</b>	<b>(28,236)</b>		
<b>Plant , Equipment and Vehicles Total</b>			<b>(819,000)</b>	<b>(729,000)</b>	<b>(580,764)</b>	<b>(148,236)</b>		

Confirmed at the Ordinary Council meeting held on the 90 27 April – Signed by the President Cr Cowell \_\_\_\_\_

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Town Oval Bore - c/fwd	3.7.1	WKM	(27,500)	(27,500)	(27,500)	0	27,500	Project complete
Town Oval Bore	3.7.1	WKM	(30,000)	(27,155)	(5,961)	(21,194)	5,961	Project complete
Refuse Tip and Recycling	2.4.2	WKM	(378,341)	(126,114)	0	(126,114)		Project manager appointed
<b>Community Amenities Total</b>			<b>(435,841)</b>	<b>(180,769)</b>	<b>(33,461)</b>	<b>(147,308)</b>		
<b>Recreation And Culture</b>								
Recreation Grounds	1.6.7	WKM	(55,000)	(18,334)	(3,055)	(15,279)	3,055	Project being developed
Denham Recreational Boat Ramp	3.7.1	WKM	(145,781)	(15,000)	(15,840)	840	15,840	Preliminary planning started for this project
Foreshore Revitalisation	3.7.1	CEO	(6,966,458)	(952,062)	(291,220)	(660,842)	291,220	Planning and foreshore design costs
Western Foreshore Gazebo Reroofing	3.7.1	WKM	(10,000)	(10,000)	0	(10,000)	0	Project assessment being done
Replacement Gazebo - Nettas c/fwd			(9,200)	(9,200)	(9,174)	(26)	9,174	Project complete
Replace Shade shelters - Eastern Foreshore	3.7.1	WKM	(20,000)	(20,000)	(12,355)	(7,645)	12,355	Project progressing
Childcare Centre Softfall	3.7.1	WKM	(10,000)	0	0	0	0	Investigations into appropriate surface continuing
Charlie Sappie Park - c/fwd	3.7.1	WKM	(28,500)	(28,500)	(28,058)	(442)	28,058	Project completed.
<b>Recreation And Culture Total</b>			<b>(7,244,939)</b>	<b>(1,053,096)</b>	<b>(359,702)</b>	<b>(693,394)</b>		
<b>Transport</b>								
Monkey Mia Jetty - c/fwd	1.6.5	WKM	(92,850)	(92,850)	(92,901)	51	0	Project completed.
Monkey Mia Boat Ramp Carpark - c/fwd	1.6.5	WKM	(44,000)	(44,000)	(43,769)	(231)	43,769	Project completed
<b>Transport Total</b>			<b>(136,850)</b>	<b>(136,850)</b>	<b>(136,670)</b>	<b>(180)</b>		
<b>Public Facilities Total</b>			<b>(7,817,630)</b>	<b>(1,370,715)</b>	<b>(529,833)</b>	<b>(840,882)</b>		

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
Woodleigh-Bryo Floodway RRG	1.1.6	WKM	(137,712)	(137,710)	(11,069)	(126,641)	11,069	Project progressing
Useless Loop Road - RRG 14/15	1.1.6	WKM	(75,800)	(75,800)	(75,800)	0	75,800	Project complete
Useless Loop Road - RRG 15/16	1.1.6	WKM	(303,500)	(117,495)	(181,927)	64,432	181,927	Project progressing
Hamelin Pool - Repair seal, shoulders etc	1.1.6	WKM	(30,000)	(30,000)	(22,907)	(7,093)	22,907	Project complete
Road Projects R2R 14/15	1.1.6	WKM	(199,877)	(66,626)	0	(66,626)	0	Plan being developed
Road Projects R2R 15/16	1.1.6	WKM	(399,753)	(133,252)	0	(133,252)	0	Plan being developed
<b>Transport Total</b>			<b>(1,146,642)</b>	<b>(560,883)</b>	<b>(291,703)</b>	<b>(269,180)</b>		
<b>Roads (Non Town) Total</b>			<b>(1,146,642)</b>	<b>(560,883)</b>	<b>(291,703)</b>	<b>(269,180)</b>	<b>0</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Tourism and Information Bay Signage	2.1.3	EMCD	(50,000)	(41,165)	(3,709)	(37,456)		Decals for Overlander Information Bay. Further expenditure dependant on signage concept approval.
<b>Economic Services Total</b>			<b>(50,000)</b>	<b>(41,165)</b>	<b>(3,709)</b>	<b>(37,456)</b>		
<b>Streetscapes Total</b>			<b>(50,000)</b>	<b>(41,165)</b>	<b>(3,709)</b>	<b>(37,456)</b>		
<b>Capital Expenditure Total</b>			<b>(10,173,447)</b>	<b>(2,984,093)</b>	<b>(1,589,243)</b>	<b>(1,394,850)</b>		

30 MARCH 2016

**13. TOWN PLANNING REPORT**

**13.1 PROPOSED SINGLE HOUSE - LOT 17 (48A) HARTOG CRESCENT, DENHAM P4286**

AUTHOR

LIZ BUSHBY, GRAY & LEWIS

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gay & Lewis

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

Moved            Cr Laundry

Seconded       Cr Cowell

**Council Resolution**

**That Council:**

1. **Defer determination of the application lodged by AK Homes for a single dwelling and retaining walls on Lot 17 (48A) Hartog Crescent, Denham for the following reasons:**
  - (i) **Consultation undertaken by the owner and applicant has only occurred with the owner of Lot 15 Hughes Street (to the south).**

There is a minor privacy setback encroachment affecting Lot 18 Hartog Crescent which was not shown on the applicants' original 'cone of vision' plan. The owner/applicants consultation did not include the affected landowner of Lot 18.
  - (ii) **Public consultation with the owner of Lot 18 Hartog Crescent is being undertaken by the Shire, however advertising does not close until the 5 April 2016.**
2. **Resolve to grant delegated authority to the Chief Executive Officer in accordance with Regulation 82 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to determine the application for a single house and retaining walls on Lot 17 (48A) Hartog Crescent, Denham and advise council of the outcome.**
3. **Note that any resolution to grant delegated authority to the Chief Executive Officer must be by Absolute Majority in accordance with Regulation 82 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
4. **Authorise the Chief Executive Officer to advise the applicant and the owner (of Lot 17) of this Council resolution.**

**6/0 CARRIED BY AN ABSOLUTE MAJORITY**



30 MARCH 2016



View of battle-axe leg access to Lot 17 (right hand side). Lot 17 located to the rear of Lot 18.

### Revised Plans

The Shire requested additional information be provided by the applicant on the 29 January 2016 as the plans were insufficient to conduct a complete planning assessment.

Gray & Lewis has liaised with the applicant several times since lodgement to:

- (i) Ensure Natural Ground Levels and retaining wall heights are shown (due to topography) on both the site plan and elevations.
- (ii) Obtain a new Cone of Vision plan as two previous plans submitted were incorrect.

The applicant provided a revised Cone of Vision plan on the 17 March 2016 - refer Plan 1 in this report.

### COMMENT

- Description of Application

The applicant proposes a single house (with alfresco area) on the lot – refer Plan 1.

The site works include a retaining wall along the south and east boundary (not more than 500mm above Natural Ground Level). The ground level adjacent to the proposed dwelling will be graded down to the 500mm retaining walls.

A condition will be imposed on any development approval limiting the height of the retaining to a maximum of 500mm.



30 MARCH 2016

- Residential Design Codes ('the Codes')

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

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

The application complies with the 'Deemed to Comply' requirements for building setbacks, site open space, building height, retaining walls, carparking and outdoor living areas.

Aspects of the application are discussed in more detail below:

- Privacy and Overlooking (Privacy Setbacks)

The Finished Floor Level of the proposed house will be between 0.65m to 1.4m higher than Natural Ground Level. This means that the application has to be assessed in accordance with the privacy requirements of the Codes.

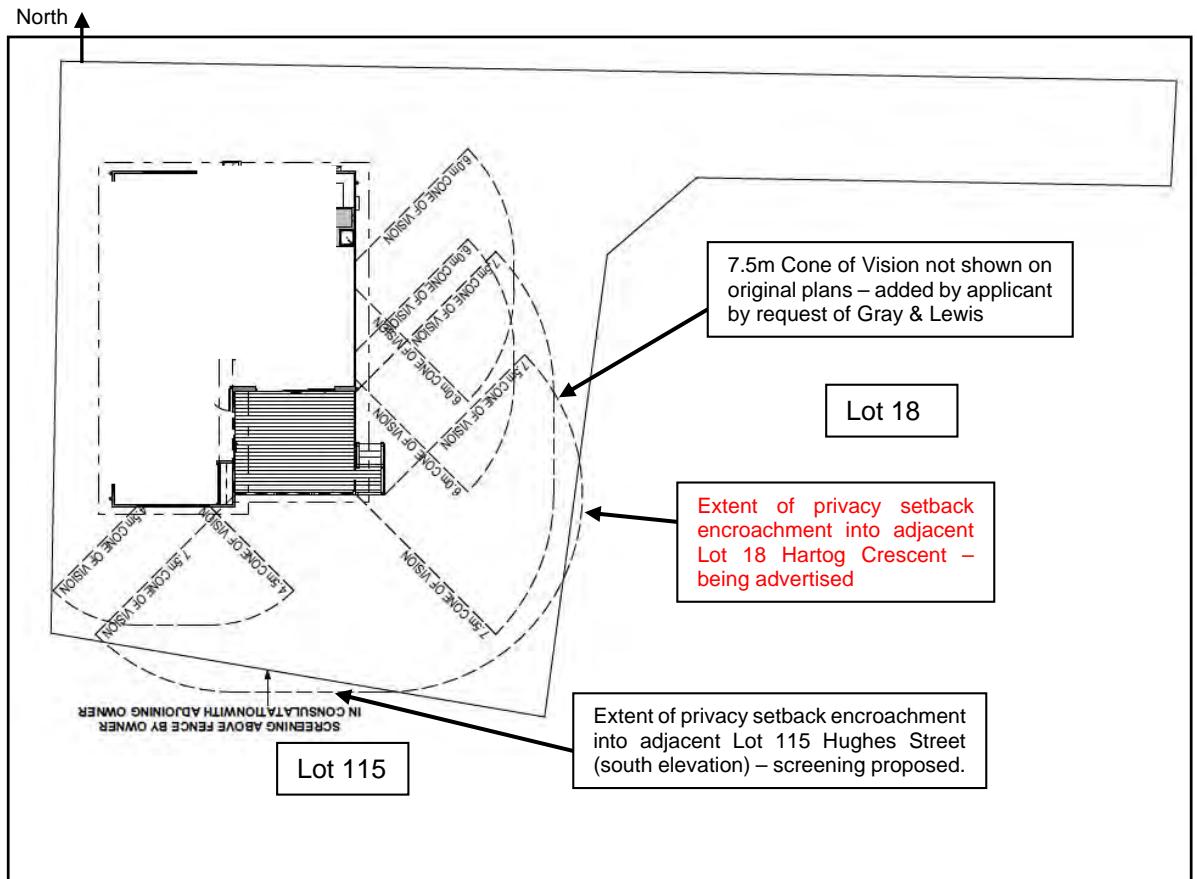
The Codes include 'deemed to comply' requirements for major openings and unenclosed habitable spaces (verandahs, decks, alfresco) which have a minimum floor level of more than 0.5m above natural ground level.

The 'deemed to comply' requirements of the Codes include meeting minimum setbacks between windows and boundaries, providing screening devices, and/or achieving minimum window sill heights. The minimum privacy setbacks are summarised below:

Major Openings to bedrooms and studies	4.5 metres
Major openings to other habitable rooms	6 metres
Unenclosed habitable spaces	7 metres

The privacy setbacks are measured using a 'cone of vision' – refer Plan 1 below.

30 MARCH 2016



**PLAN 1 – Cone of Vision Plan (received 17 March 2016)**

The application complies with the ‘deemed to comply’ privacy setbacks of the Codes, with the exception of the following:

Elevation room type /	Min privacy setback	Provided	Comment
South Elevation, Alfresco	7.5 metres	6.2 to 7.5 metres	The encroachment is minor and the applicant proposes a permanent screen adjacent to the existing fence to interrupt sightlines to adjacent Lot 115 – refer Plan 2.  The applicant liaised with the owner of Lot 115 who has not raised objection to the development – Attachment at end of this report.
East Elevation, Alfresco	7.5 metres	7.2 metres	Not identified by applicant on original plans – requires neighbour consultation.

30 MARCH 2016



**PLAN 2 – Proposed Screening device (independent of fence)  
View from east (looking south) towards Lot 115 Hughes Street boundary**

Gray & Lewis recommends that the proposed screening device south of the alfresco area be supported as it is line with 'deemed to comply' requirement C1.1 (ii) of the Codes which states:

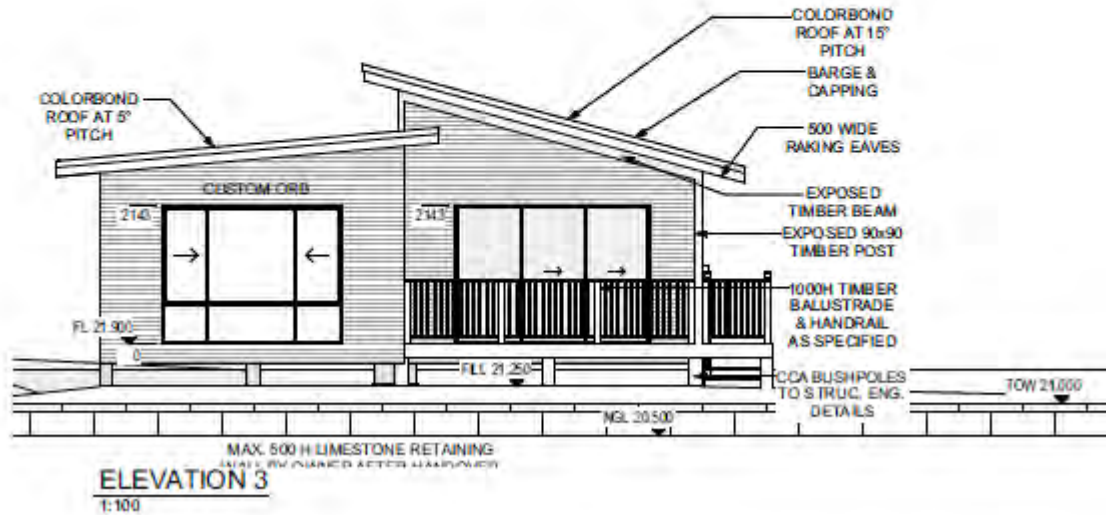
*'are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space'.*

As consultation is being undertaken with the owner of Lot 18 to the east, it is not recommended that Council determine the application at this stage.

The South and East elevations are included overpage for ease of reference.

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016



ELEVATION 3 – SOUTH ELEVATION: FRONTING LOT 115 HUGHES STREET



ELEVATION 2 – EAST ELEVATION: FRONTING LOT 18 HARTOG CRESCENT

- Privacy and Overlooking (Highlight Windows)

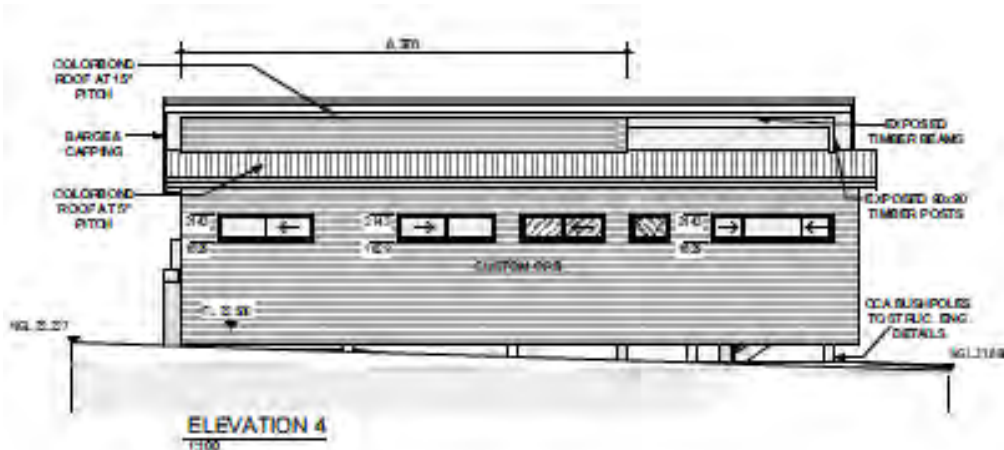
Clause C1.2 of the Codes allows the following as 'deemed to comply' with privacy requirements:

*'Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters to be at least 1.6m in height at*

30 MARCH 2016

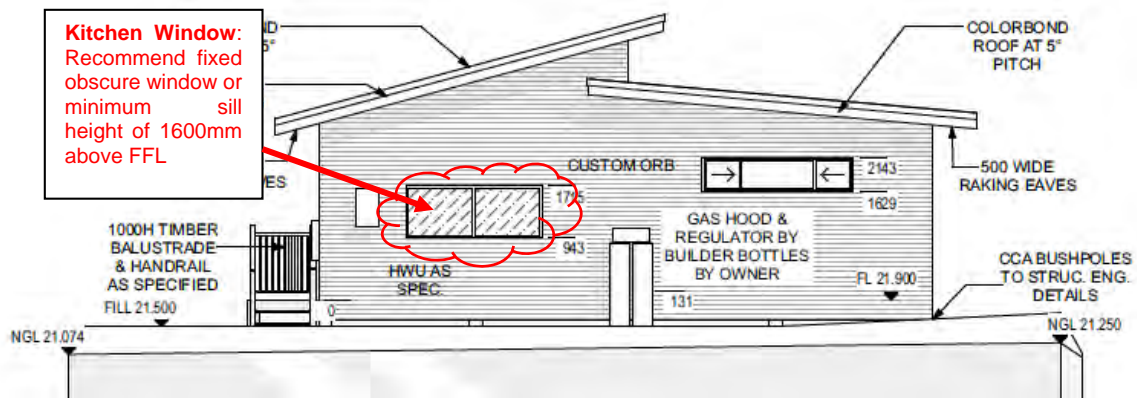
*least 75% obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property’.*

The design includes a number of windows which have a sill height of 1600mm + from the finished floor level. The privacy setbacks do not apply to these windows which includes Bedroom 2 on the North Elevation, and all the windows on the West Elevation.



ELEVATION 4 – WEST ELEVATION: SILL HEIGHTS ABOVE 1600mm

Gray & Lewis recommends a condition be imposed on any approval (if granted) requiring the kitchen window (North Elevation) to be fixed obscure glass or increase the sill height to 1600mm from the finished floor level to prevent overlooking to adjacent Lot 77 Hartog Crescent.



ELEVATION 1 – NORTH ELEVATION

- *Retaining Walls*

The applicant proposes a 0.5 metre high retaining wall along the south and east boundary (shared with adjacent Lot 115 Hughes Street and Lot 18 Hartog Crescent).

Under Clause 5.3.8 C8.1 of the Codes retaining walls are required to be setback from lot boundaries (similar to buildings). The Explanatory Guidelines of the Codes state

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

that 'retaining walls, unless they are 0.5m in height or less, should be treated as though they were building walls and should be set back from property boundaries accordingly.'

Retaining walls less than 0.5 metres high may be located up to a lot boundary (or within 1 metre of a lot boundary) to 'allow for an area of landscaping' under Clause 5.3.8 C8.2 of the Codes.

Although the Codes discuss permitting retaining walls than are less than 0.5 metres, there is clear intention to permit retaining walls up to 500mm on lot boundaries.

It is therefore recommended that the proposed retaining walls be supported as they meet the 'deemed to comply' requirements of the Codes.

It is also recommended that a condition be imposed to limit the retaining wall height to a maximum of 500mm high.

- Public Consultation

Under the Residential Design Codes neighbour consultation can be conducted by the applicant or the Shire.

Gray & Lewis emailed the owner of Lot 115 on the 10 March 2016 seeking clarification they have no objections, however they have not responded – as attachment at the end of this report.

The applicant undertook consultation with the owner of Lot 115 to the south, and they have lodged an email which expresses some concern over screening but does not specifically object to the application – as attachment at the end of this report.

Consultation with the owner of Lot 18 Hartog Crescent has been initiated by the Shire, however advertising does not close until the 4 April 2016.

- Options Available to Council

Council has two options as this application cannot be determined until advertising has been completed on the 4 April 2016.

**Option1** – A second report on the application can be referred to the April Council meeting for determination.

**Option 2** – Council can grant delegated authority to the Chief Executive Officer to determine the application following completion of advertising.

The Shire Chief Executive Officer would only exercise the delegation if no valid objections are received from the owner of Lot 18 Hartog Crescent.

Gray & Lewis recommends option 2 simply as it expedites the planning process.

### LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015 :*

## MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

The proposal requires planning approval in accordance with Regulation 61(c) in Schedule 2 (deemed provisions) as it entails variations to the 'deemed to comply' requirements of the Residential Design Codes.

In accordance with Regulation 67 (f) in Schedule 2 the '*matters to be considered by the local government*' includes '*any approved State Planning Policy*'. The Residential Design Codes operate as State Planning Policy 3.1.

Regulation 82 (1) in Schedule 2 allows Council to delegate any function under the Scheme to the Chief Executive Officer.

Regulation 82 (2) in Schedule 2 requires an Absolute Majority of Council for any delegation of authority to the Chief Executive Officer.

Shire of Shark Bay Local Planning Scheme No 3 – the zoning has been discussed in the background section of this report.

### POLICY IMPLICATIONS

State Planning Policy 3.1 – Residential Design Codes – explained in the body of this report.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

There are no know strategic implications associated with the development.

### RISK MANAGEMENT

There is a privacy encroachment affecting adjacent Lot 18 Hartog Crescent. If the Shire determines the application without taking into consideration any comments by the Lot 18 there is a risk of complaint over due process as the applicant:

- (i) Has consulted with the owner of Lot 115 for a similar R Code variation; and
- (ii) There are grounds for advertising in accordance with Clause 4.1.2 of the Codes due to proposed variations to the privacy setback (affecting Lot 18).

### VOTING REQUIREMENTS

Simple Majority Required for Option 1 outlined in this report.

Absolute Majority required for Option 2 outlined in this report (to grant delegated authority to the Chief Executive Officer)

### SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	17 March 2016

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

**From:** Liz  
**To:** "rocky@wn.com.au"  
**Cc:** "Rhonda Mettam"  
**Subject:** FW: Maynard - 48A Hartog Crescent - Gray & Lewis for Shire of Shark Bay  
**Date:** Thursday, 10 March 2016 3:12:00 PM  
**Attachments:** WA636\_WDS\_03.pdf

Dear David,

We act as planning consultants for the Shire of Shark Bay. The purpose of this email is to advise

that we are in the process of assessing the application for Lot 17 Hartog Crescent in Denham.

The applicant has provided our firm with a copy of your email below, which indicates you have

no objections subject to screening on the existing fence being provided. The applicant has provided revised plans which show screening on the fence, which we attach to ensure it is in line

with your discussions with AK Homes.

We will be preparing a report on the proposal and are aiming to complete it by the 14/15 March

2016 so that it will go to the Council meeting scheduled for the 25 March 2016.

As the consultation has been conducted by the applicant, we wanted to keep you informed regarding the application. You are welcome to contact us if you have any queries.

Regards

**Liz Bushby**

**Gray & Lewis Land Use Planners**

5 / 2 Hardy Street

South Perth WA 6151

T 9474 1722

F 9474 1172

E [liz@graylewis.com.au](mailto:liz@graylewis.com.au)

This email and any attachments may be confidential. Please notify the sender immediately if you

have received this message in error. Please do not alter or delete this advice.

**From:** David Reed [<mailto:david@akhomes.com.au>]

**Sent:** Tuesday, 8 March 2016 8:15 AM

**To:** 'Liz'

**Subject:** FW: Maynard

Hi Liz,

Please see approval from neighbour for screening to fence.

Cheers

Kind Regards,

David Reed

Drafting & Contracts Manager

AK Homes Construction Pty Ltd

32 Wellington Street,

Bunbury WA 6230

Phone: (08) 9721 7425

Fax: (08) 9791 5651

[david@akhomes.com.au](mailto:david@akhomes.com.au)

**From:** David Rock

**Sent:** Monday, February 29, 2016 3:47 PM

**To:** 'Julian Pryde'



MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

Cc: [kylie.rta@westnet.com.au](mailto:kylie.rta@westnet.com.au)

Subject: RE: AK Homes

Hi Julian

Spoke with my tenant (Kylie Eastough) and we both agree that the proposed screen will help, but

it does seem rather inadequate with only 3 rails.

Other than that, enjoy.

Regards

Dave Rock

From: Julian Pryde [<mailto:julian@lionsshareinvestments.com>]

Sent: Monday, 29 February 2016 2:56 PM

To: [rocky@wn.com.au](mailto:rocky@wn.com.au)

Subject: Fw: AK Homes

Hi David

If you are happy with the proposed can you please drop me a quick email so I can pass on

to shire to help with the process

Thanks

Julian

From: Julian Pryde

Sent: Thursday, February 18, 2016 2:59 PM

To: [rocky@wn.com.au](mailto:rocky@wn.com.au)

Subject: AK Homes

Hi David

Thanks for getting back to me,

Please see attached new plans and a photo of the screening as discussed

If you could please let me know if this address your concerns.

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2016.0.7442 / Virus Database: 4537/11716 - Release Date: 02/28/16

30 MARCH 2016

13.2 SUBMISSION ON SCHEME REVIEW – WANNOO TOWNSITE  
LP00001 / P2027

AUTHOR

Liz Bushby, Gray & Lewis

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Gray and Lewis

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

Declaration of Interest: Cr Wake

Nature of Interest: Proximity Interest as his business is run on North West Coastal  
Highway.

Cr Wake requested to be present during the discussion

Cr Wake left Council Chambers at 4.21pm

Moved            Cr Ridgley  
Seconded       Cr Capewell

**Council Resolution**

**That Cr Wake be allowed to return to Council Chambers to address Council only.  
5/0 CARRIED**

Cr Wake returned at 4.25pm

Cr Wake left Council Chambers at 4.26pm

Moved            Cr Capewell  
Seconded       Cr Bellottie

**Council Resolution**

**That Council:**

1. **Note the submission lodged by the owner of Lot 2 North West Coastal Highway, Wannoo requesting review of town planning requirements for Wannoo Townsite and deferral of determination of an application lodged for adjacent Lot 3 North West Coastal Highway, Wannoo.**
2. **Authorise the Chief Executive Officer to advise the submitter (Mr Tranquille) that:**
  - (i) **The Shire has already reviewed zonings throughout Shark Bay and finalised a Local Planning Strategy (endorsed by the Western Australian Planning Commission). The Shire is not in a position to justify further review based on the submission and has already lodged a Draft Local Planning Scheme No 4 with the Western Australian Planning Commission seeking consent to advertise.**
  - (ii) **The Shire is in not in a position to defer determination of the application for Lot 3 as it is proper and reasonable for the application to be considered on its merit within the statutory**

30 MARCH 2016

**timeframes outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

- (iii) In regards to liquor licencing, the Shire has no jurisdiction over liquor licences so this matter has no impact on the current planning application for Lot 3. The Department of Racing, Gaming and Liquor is responsible for administering the [Liquor Control Act 1988](#).

The onus is on the owner of Lot 2 to ensure any new development does not negatively impact on their own liquor licence. The Shires planning consultant, Gray & Lewis, has verbally advised the owner of Lot 2 that they should check the service station application will not impact on their liquor licence.

- (iv) Issues of business viability and supply and demand of petroleum are not planning considerations.

3. Authorise the Chief Executive Officer to advise the owner of Lot 3 that Council has considered an unsolicited submission seeking a review of Wannoo townsite planning requirements, and notify them of the Council decision.

**5/0 CARRIED**

Cr Wake returned to Council Chambers 4.35pm

#### BACKGROUND

##### Scheme Review

The Shire has a Local Planning Strategy which has been endorsed by the Western Australian Planning Commission, and provides the strategic direction on which a scheme review has been based.

The Local Planning Strategy was developed in close consultation with the Shire, and was informally and formally advertised for public comment.

A Draft Local Planning Scheme No. 4 has been lodged with the Western Australian Planning Commission. The format was based on the Draft Planning and Development (Local Planning Schemes) Regulations 2015.

The Western Australian Planning Commission require the Draft Scheme document to be modified to reflect changes that formed part of the final gazetted Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regulations').

Gray & Lewis has had ongoing liaison with the Department of Planning and the Minister for Planning's office to advocate retention of planning controls over second hand transportable dwellings in the Shire's Draft Scheme. This has been partially resolved and Gray & Lewis will actively progress the changes requested by the Western Australian Planning Commission by the end of March 2016.

It should be noted that the Western Australian Planning Commission has only assessed the format of the draft Scheme and has not assessed the content. The

30 MARCH 2016

Western Australian Planning Commission consent is required before the Draft Scheme can be advertised.

Relevant Planning Application

A planning application has been lodged for replacement of accommodation units and a proposed service station on Lot 3 North West Coastal Highway in Wannoo.

Currently the applicant proposes 2 multi fuel bowsers (diesel, octane and high octane) and 1 high flow diesel bowsers, all of which will be connected to a card operated OPT management system (ie self-fuelling).

The applicant has been requested to provided additional information (in accordance with the deemed provisions of Regulation 63 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations')).

Once additional information is received to allow a planning assessment, the application will be referred to a future Council meeting (following consultation with Main Roads Western Australia).

The application will be assessed in accordance with the requirements of the Scheme and the Regulations. Issues such as traffic, truck movements, parking, loading etc will be taken into account as part of the assessment, as is the normal process.

Gray & Lewis has not recommended that the application be advertised for public comment for the following reasons:

- Lot 3 is zoned 'Special Use – No 7' under the Scheme. The Special Use zone specifically allows for service station and limited short term accommodation.
- Applications for adjacent Lot 2 North West Coastal Highway have simply been assessed in accordance with the Scheme and have not been advertised to the owner of Lot 3.
- The issue of commercial viability and business competitiveness is not a valid planning consideration.
- Main Roads will assist in assessment of traffic and truck movements, as the North West Coast Highway falls under their jurisdiction.

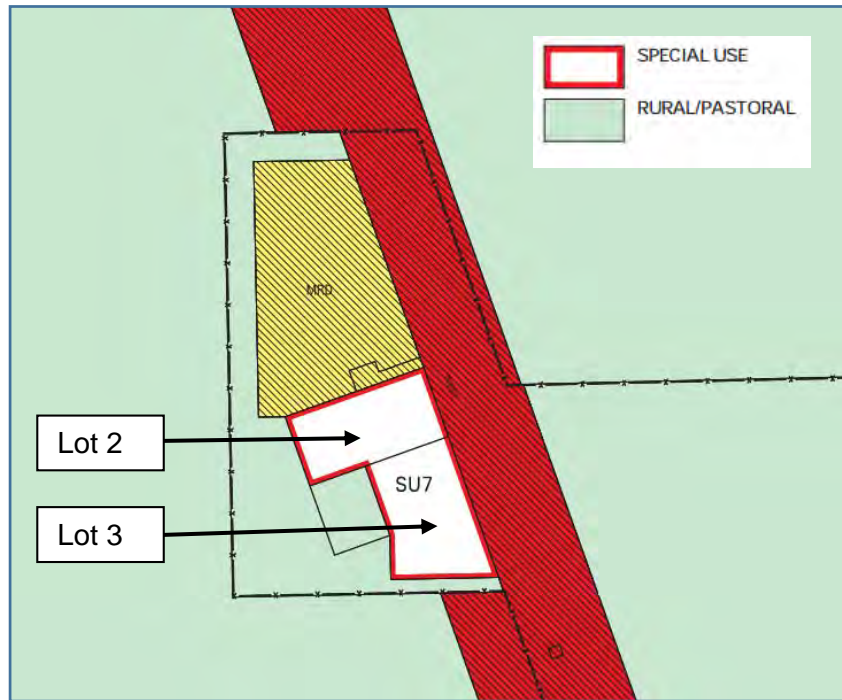
Wannoo Townsite Zoning & Scheme requirements

The majority of Wannoo townsite (east of the North West Coastal Highway) is zoned 'Rural/ Pastoral' under the Scheme.

Lots 2 and 3 North West Coastal Highway are zoned 'Special Use' (SU7) for '*roadhouse, limited short term accommodation, wayside hotel, caravan park, service station, bulk fuel depot, shop, restaurant, and transport depot*'.

In accordance with Clause 4.7.2 of the Scheme '*a person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4*'.

30 MARCH 2016



Extract Shire of Shark Bay Local Planning Scheme No 3

Wannoo Townsite – Existing development

Lot 2 North West Coastal Highway has been developed with the Billabong Roadhouse, and includes short term accommodation.

Lot 3 North West Coastal Highway contains the Billabong Homestead Hotel Motel and caravan park.

COMMENT

• **Scheme Review**

The owner of the Billabong Roadhouse (Lot 2) has lodged a submission requesting that the Shire review the long term planning requirements of Wannoo Township.

In summary the owner advises as follows:

- The current Scheme allows both Lots 2 and 3 to be developed with the same landuses (eg hotel, roadhouse, service station etc) as both lots were historically under one land ownership.
- The owners of the Billabong Homestead Hotel Motel are planning to install a petrol dispensing operation to increase their business turnover, and the broad planning laws allow it under the 'Special Use' zone.
- The zoning should be reviewed to best serve the general public and the Shires future needs. Both businesses provide two services being food and accommodation.
- The doubling of a major service such as petroleum reduces both businesses ability to provide quality products and services.
- The review is requested to create better future for the town, and create business stability for future growth of the area.

30 MARCH 2016

Gray & Lewis offers the following advice:

- The threat of commercial competition is not a planning consideration. This issue will be appropriately managed through market forces, the *Western Australian Free Trading Act 1987* and the *Competition and Consumer Act 2010* (previously named the '**Trade Practices Act 1974**').
- Services within commercial areas and zones are often duplicated by different businesses. In this case, it is not the Shires role to assess business viability, competition or duplication of services in a free market.

For example, several supermarkets or delis can operate within the Town Centre zone in Denham townsite.

- *Kentucky Fried Chicken Pty v Gantidis (1979) 140 CLR 675* was a decision of the high court. In that decision Justice Stephen's stated '*...the mere threat of competition to existing businesses, if not accompanied by a prospect of an overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.*'
- The submitter has in the past applied for short term accommodation (October 2014) which somewhat duplicates accommodation services already provided by the Billabong Motel Hotel on Lot 3. The application was not advertised and non-planning matters such as competition or existing accommodation supply in Wannoo were not considered.
- It may be difficult to justify any zoning review that would take away existing property owner rights. The existing Special Use zone over Lots 2 and 3 has been established for an extended time period, and any purchaser of either lot would be aware of the restrictions if due diligence was followed prior to any change of ownership.
- Gray & Lewis is of the view that alternative zonings for Lots 2 and 3 (such as commercial) would be difficult to justify due to waste management issues associated with existing businesses and isolation of the town. The existing Scheme limits the landuses permitted for both lots.
- The Shire advertised the Draft Local Planning Strategy several times prior to finalisation. No submissions were lodged during development of the strategy which provides the strategic basis to changes being introduced as part of the Scheme Review.
- The Shire of Shark Bay Local Planning Strategy does not recommend any major changes for the zoning over Lots 2 and 3. The Strategy has been adopted by both the Shark Bay Council and the Western Australian Planning Commission. Any review of Special Use zone No. 7 has potential to jeopardise the Scheme review which is substantially progressed.

It is recommended that the submitter be advised that the Shire has already reviewed zonings throughout Shark Bay and finalised a Local Planning Strategy (endorsed by the Western Australian Planning Commission). The Shire is not in a position to justify

30 MARCH 2016

further review based on the submission and has already lodged a Draft Local Planning Scheme No 3 with the Western Australian Planning Commission.

- **Determination Period for Planning Application (Lot 3)**

As outlined in the background section of this report, a planning application has been lodged for new development on Lot 3 North West Coastal Highway in Wannoo.

Once additional information is received, the Shire is required to determine the application within 60 days in accordance with Regulation 75(1)(b) of the Regulations.

If Council does not determine the application within 60 days then ‘the local government is to be taken to have refused to grant the development approval’ under the regulations, and the applicant would have a right of appeal to the State Administrative Tribunal.

Gray & Lewis is of the view that:

1. It would not be reasonable to defer determination of the application for Lot 3 based on the neighbours objection (which does not raise significant planning issues); and
2. State Administrative Tribunal would likely take a poor view of the Shire’s actions if the application for Lot 3 was not determined simply based on a submission request by the owner of Lot 2.

Whilst it is unusual, the State Administrative Tribunal can award costs where a local government has made inappropriate decisions based on political grounds / community opposition.

- **Request for deferral of application (owner of Lot 2)**

It should be noted that the owner of the Billabong Roadhouse has not been invited to make any comment on the application lodged for a service station on Lot 3, therefore the submission on the application has been unsolicited.

The request is summarised below:

Submission : Billabong Roadhouse (Mr Jaques Tranquille)	Gray & Lewis Comment	Gray & Lewis Recommendation
<p><b>A. Deferral Request</b></p> <p>Request to defer decision on any new developments in Wannoo, pending a study on long term planning requirements for the future of Wannoo Townsite.</p>	<p><b>A.</b></p> <p>The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> contain ‘deemed provisions’ that apply state wide and override parts of the Shire of Shark Bay Local Planning Scheme No 3.</p> <p>Once the owner of Lot 3 lodges additional information to accompany the existing application, the Shire is required to</p>	<p><b>A.</b></p> <p>That the submitter be advised that the Shire is in not in a position to defer determination of the application for Lot 3 as it is proper and reasonable for the application to be determined on its merit within the statutory timeframes outlined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

	<p>determine the application within 60 days in accordance with Regulation 75(1)(b) of the Regulations.</p>	
<p><b>B. Liquor Licencing</b></p> <p>The submitter advises he has written to the Director of Liquor and Gaming due to concerns over the flow on availability of liquor from a petroleum purchase.</p> <p>The submitter acknowledges that <i>'this is not a Shire issue'</i> however raises concern that the liquor licencing laws make references to petrol stations not to be established on premises where packaged liquor is sold.</p> <p>To entice a fuel purchase where there is only a small café encompassing a liquor outlet is to entice the purchase of alcohol.</p> <p>The Billabong Roadhouse has been operating for over 50 years and with the current flow of traffic is quite able to handle demand in the areas.</p> <p>Locating a petrol outlet so close to, and in financial partnership with the hotel motel, would encourage consumption of alcohol by drivers whilst driving long distances.</p> <p>The only possible outcome of such a development is to sell more alcohol to the driving public creating dangerous road conditions.</p>	<p>The submitters assertion that the small scale petrol station will encourage drink driving is unsubstantiated.</p> <p>Issues relating to Liquor Licencing do not fall under the Shires jurisdiction. In any event, the submitter has advised they are liaising direct with the Director of Liquor and Gaming.</p>	<p><b>B.</b></p> <p>That the submitter be advised that:</p> <p>(i) The Shire has no jurisdiction over liquor licences so this matter has no impact on the current planning application for Lot 3. The Department of Racing, Gaming and Liquor is responsible for administering the <a href="#">Liquor Control Act 1988</a>.</p> <p>(ii) The onus is on the owner of Lot 2 to ensure any new development does not negatively impact on their own liquor licence. Gray &amp; Lewis has verbally advised the owner of Lot 2 that they should check the service station application will not impact on their liquor licence.</p> <p>(iii) Allegations that the service station will cause drink driving are unsubstantiated.</p> <p>(iv) Issues of business viability and supply and demand of petroleum are not planning considerations.</p>

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015* – explained in the body of this report.

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

POLICY IMPLICATIONS

There are no policy implications relative to this report.



MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Only minor changes are proposed to the provisions for Special Use zone (No 7) as part of the Scheme Review (to ensure the permissible landuses terminology aligns with landuse definitions).

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

10 March 2016

30 MARCH 2016

13.3 PROPOSED (TWO) GROUPED DWELLINGS – LOT 20 (44) DURLACHER STREET, DENHAM P1176

AUTHOR

Liz Bushby, Gray & Lewis Landuse Planners

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

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

Moved           Cr Laundry  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

- A. Approve the application lodged by Front Door Building Design for two grouped dwellings on Lot 20 (44) Durlacher Street, Denham subject to the following conditions:**
- (i) Landscaping, plants and reticulation shall be installed in accordance with a landscaping plan to be submitted to the Shire of Shark Bay and approved by the Chief Executive Officer. Landscaping to be in accordance with Clause 5.3.2 C2 of the Residential Design Codes and include the street setback area in front of the proposed dwelling units.**
  - (ii) Vehicle parking and driveways shall be designed and constructed in accordance with the approved plan (2 spaces per dwelling unit under carports) to the satisfaction of the Chief Executive Officer. The width of each driveway is limited to 4.5 metres and the aggregate width of combined driveways are limited to 9 metres in accordance with the plans submitted.**
  - (iii) Prior to occupation or use of the development, vehicle crossovers shall be constructed to the satisfaction of the Shire's Works Manager and comprise of either:**
    - A 150 mm compacted and water bound road base driveway, sealed with two coat of bitumen and topped with an approved aggregate; or**
    - A minimum of 100 mm reinforced concrete over a compacted sub-base; or**
    - A minimum of 50 mm thick brick pavers.**
  - (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.**

30 MARCH 2016

- (v) Each dwelling unit is to be provided with a 4m<sup>2</sup> storeroom as shown on the approved plans.
- (vi) No clothes drying devices shall be erected or clothes dried outside in any area which is visible from a street or public place.
- (vii) A bin storage area shall be provided for each unit in an area screened from view of the street.
- (viii) The development shall be connected to the reticulated sewerage system.
- (ix) *Any front fencing is to comply with the provisions of the Residential Design Codes, which require fencing in the front setback area to be visually permeable above 1.2 metres.*
- (x) This development has been approved as residential grouped dwellings only and no consent has been granted for short term or holiday home use.
- (xi) The plans lodged with this application (Revision 6) dated 24 February 2016 shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.
- (xii) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

**B. Include the following advice notes on the application:**

- (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.
- (b) The applicant is advised of the need to ensure adequate dust mitigation measures are undertaken during all phases of construction to ensure neighbours are not affected by dust nuisance. It is the owner's responsibility to take measures to prevent wind erosion or sand drift as a result of any works.

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

- (b) No retaining walls on any common boundary (with adjacent lots) have been shown on the plans submitted. This approval does not include any retaining walls on common lot boundaries. The internal retaining wall between the grouped dwellings form part of the approval.

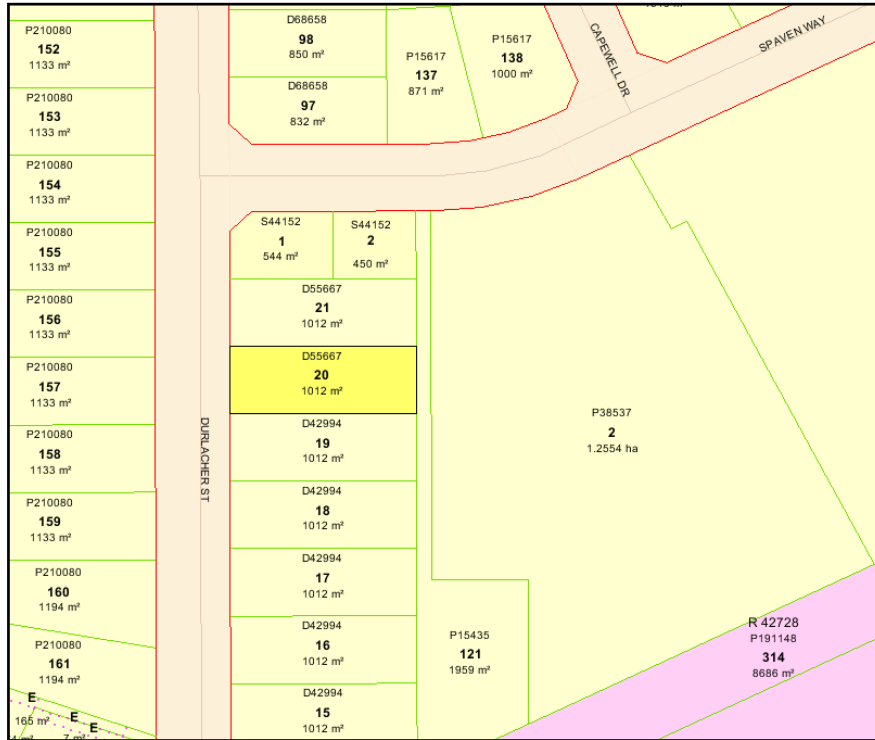
**6/0 CARRIED**

30 MARCH 2016

BACKGROUND

Lot 20 is zoned Residential with a flexible density code of 'R12.5/30'. The lot has an approximate area of 1012m<sup>2</sup> and the development proposes an average area of 506m<sup>2</sup> per dwelling unit, which is most comparable to an R20 density. The application has been assessed in accordance with the R20 density requirements of the Residential Design Codes ('the Codes').

A location plan is included below for ease of reference.



Location Plan

The lot is not within a designated Bushfire Prone Area, is vacant and is relatively flat.

A copy of the site plan and frontage design is attached under confidential cover.

COMMENT

- Description of Application

The applicant proposes two grouped dwellings on the existing lot. A 'grouped dwelling' is defined as 'a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertical above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property'.

30 MARCH 2016

- Residential Design Codes ('the Codes')

The Residential Design Codes have two separate options for the assessment of development including 'deemed to comply' criteria and 'design principles'.

Where an application proposes a variation to the 'deemed to comply' criteria of the Codes, a more detailed assessment is conducted based on alternative 'design principles' in the Codes.

The application complies with the 'deemed to comply' requirements of the Codes for site areas, building site open space, building height, carparking, driveways, street surveillance and storerooms.

Compliance with the main Code requirements is discussed in more detail below.

Variations are only proposed for a side setback and the minimum outdoor living area.

- Density of Development

The Codes outline minimum and average site areas for dwelling units based on density. Development is proposed at an R20 density:

	Minimum site area per dwelling Required	Average site area per dwelling required
Code requirement	350m <sup>2</sup>	450m <sup>2</sup>
Provided	505.91m <sup>2</sup>	506m <sup>2</sup>

Under the Shire of Shark Bay Local Planning Scheme No 3, Council has discretion to support a higher density above the base code of R12.5 (up to a maximum of R30) as long as the development is connected to sewer.

A condition is recommended to require a sewer connection.

- Building Setbacks

The grouped dwellings comply with the 'deemed to comply' building setbacks of the Codes, with the exception of a side variation to the south boundary. A 1 metre side setback is proposed in lieu of 1.5 metres.

Setback	Permitted (metres)	Proposed (metres)
Front	6m	12 metres to carport and 18 metres to dwelling
Side - North	1.5m	1.5m
Side - South	1.5m	1m
Rear	1.5m	10.2m

The side setback is supported as it is a minor variation, the affected neighbour has not objected and it will not negatively impact on amenity.

The 1 metre setbacks for the proposed outbuildings / storerooms comply with the 'deemed to comply' requirements of the Codes.

MINUTES OF THE ORDINARY COUNCIL MEETING

30 MARCH 2016

- Open Space

The Codes require 50% of the lot to be retained as site open space. Site open space includes outdoor areas not occupied by buildings or carports, and alfresco areas that are open on 2 or more sides.

The application complies as it incorporates 59% site open space. The alfresco and carport are not included in the site open space calculation.

- Driveway widths

The Codes limit the width of any one driveway to 6 metres and the aggregate to no more than 9 metres at the street boundary (Clause 5.3.5 C5.2).

The applicant lodged a revised site plan on the 26 February 2016 that complies with the driveway limitations of the Codes. Two 4.5 metre driveways are proposed.

Minimum Outdoor Living area – Variation

Under the 'deemed to comply' requirements of the Codes, each dwelling unit is required to include a 30m<sup>2</sup> minimum outdoor area (similar to a courtyard).

The application entails variations to the deemed to comply requirements below.

Clause 5.3.1 C1.1 Outdoor Living Areas which provide spaces:	Comment
Minimum of 30m <sup>2</sup>	Variation – 27.6m <sup>2</sup> proposed.
A minimum width and length of 4 metres	Complies – 6m x 4.6m
Direct access from a habitable room	Complies – alfresco areas accessible from kitchens
Have at least two-thirds of the required area without permanent roof cover	Variation – Complete roof cover.

The rear yard for each unit has an area of 103.41 m<sup>2</sup> however does not meet the 'deemed to comply' minimum outdoor living areas requirements as it has no direct access from a habitable room.

It is recommended that the alfresco areas be supported as the outdoor living areas in accordance with alternative Design Principle 5.3.1 P1.1 of the Codes which allows for:

5.3.1 P1.1 Outdoor Living Areas which provide spaces:	Comment
Capable of use in conjunction with a habitable room of the dwelling	Complies – alfresco areas accessible from kitchens
Open to winter sun and ventilation	Complies – has northern exposure and is open on one side for ventilation.
Optimise use of the northern aspect of the site.	Complies – both alfresco areas face north.

- Consultation

The Shire referred the application to the owner of adjacent Lot 42 Durlacher Street due to the south side setback variation proposed. No comments or objections have been received.

30 MARCH 2016

LEGAL IMPLICATIONS

*Planning and Development (Local Planning Schemes) Regulations 2015*

The proposal requires planning approval in accordance with Regulation 61(c) in Schedule 2 (deemed provisions) as it entails variations to the 'deemed to comply' requirements of the Residential Design Codes.

In accordance with Regulation 67 (f) in Schedule 2 the 'matters to be considered by the local government' includes 'any approved State Planning Policy'. The Residential Design Codes operate as State Planning Policy 3.1.

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

Clause 5.4.1 of the Scheme states as follows:

*'Within areas that are dual coded on the Scheme Map development in accordance with the higher code shall only be permitted if such development:*

- a) is to be provided with reticulated sewerage or the Health Department of Western Australia forms the view that there are exceptional circumstances to warrant a variation to the requirements for reticulated sewerage; and*
- b) is generally consistent with the design criteria in Council Policy relating to higher density residential uses in residential areas. '*

Note: There is no relevant Local Planning or Council Policy.

POLICY IMPLICATIONS

State Planning Policy 3.1 – Residential Design Codes – explained in the body of this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Grouped dwelling developments provide increased housing choice for the local community.

RISK MANAGEMENT

There is no known risk associated with this development.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

16 March 2016

30 MARCH 2016

14. **BUILDING REPORT**

There is no Building Report for this agenda

15. **HEALTH REPORT**

There is no Health Report for this agenda.

16. **WORKS REPORT**

16.1 **HERITAGE WALK TRAIL**  
RC00032

AUTHOR

WORKS MANAGER

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

- 1 That Council consider and endorse the proposal to construct new walk trails from the Denham Townsite in a westerly direction towards Nicholson point and the little lagoon entrance to the west and upgrade the existing Heritage walk trails.
- 2 Endorse administration pursuing grant applications for the new and reconstruction works associated and to consider funding in future budgets to undertake the proposed works.

**AMENDMENT TO OFFICERS RECOMMENDATION**

Reason: The Council considered that an additional walk trail be investigated to link the proposed trails from the end of Knight Terrace and amended the recommendation to include this consideration.

Moved Cr Bellottie

Seconded Cr Cowell

**Council Resolution**

- 1 That Council consider and endorse the proposal to construct new walk trails from the Denham Townsite in a westerly direction towards Nicholson point and the little lagoon entrance to the west and upgrade the existing Heritage walk trails.**
- 2 Endorse administration pursuing grant applications for the new and reconstruction works associated and to consider funding in future budgets to undertake the proposed works.**



30 MARCH 2016

- 3 The Administration to investigate the option to add an additional component to the walk trails proposed commencing from the end of Knight Terrace in a westerly direction adjacent to the foreshore to join the proposed new walk trails.**

**6/0 CARRIED**

BACKGROUND

The Shire of Shark Bay has had in the past walk trails out to Nicholson Point and Little Lagoon. These walk trails started from a location about 150 metres north along Freycinet Drive. With the advent of the Landcorp subdivision being developed there is now no connectivity between the existing walk trails.

COMMENT

It is proposed to construct new walk trails linking the existing walk trails thus enabling the walk trail network to be functional once again.

The proposed walk trails could possibly include but not be limited to;

- 1 A walk trail from Nicholson Point to the Little Lagoon Creek and up to the walk trail crossover.
- 2 From the Stella Rowley Drive lookout to the shade shelter on top of Nicholson Point along the cliff face.
- 3 A walk trail linking the trail from the Seaside Caravan Park to the Stella Rowley Drive look out to the walk trail from Nicholson Point to the Landcorp subdivision.

The above mentioned proposals can be seen on Attachment A.

It is believed that these new walk trails would increase the connectivity to a standard that would make the existing paths functional and enjoyable for both the locals and tourists whom visit our pristine world heritage area.

In conjunction with the installation of the new paths the original walk trails would need to have reconstruction work done to bring them up to an acceptable standard.

It is proposed to seek grant funding to upgrade and repair the existing walk trail and to also fund the planning, construction and promotion of additional walk trails.

The awareness of Aboriginal culture by the inclusion of interpretive trails, signage and local history including flora and fauna found in the area could be enhanced with the construction of the proposed or other new walk trails.

The administration are planning to seek advice and approvals from the local Yadgalah Aboriginal Corporation, Department of Parks, Wildlife and the Shark Bay World Heritage Committee and other departments as deemed necessary .

Appropriate approvals and plans will need to be implemented before any grant applications can take place

## MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

Attachment A shows the red paths as our existing and the blue paths being the proposed new.

### LEGAL IMPLICATIONS

Approvals from the appropriate departments will need to be obtained before any grant applications or earthworks will be able to be implemented.

### POLICY IMPLICATIONS

There are no policy implications associated with this report.

### FINANCIAL IMPLICATIONS

There is a budget amount of \$6,000.00 in the 2015/16 budget.

This could be used to start the reconstruction of the walk trails and to help with the grant application process. New walk trails would need to be funded through grants available to the administration.

The Council could also consider allocating funding in future budgets to undertake the works required and to strengthen any funding submissions.

### STRATEGIC IMPLICATIONS

Construction of the new walk trails would need to be undertaken over a predetermined time frame.

Complies with the Shires Strategic Community plan.

Objective 2 – Environment – Protecting our precious natural environment and retaining our lifestyle values and community spirit.

Outcome 2.4 – Enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community.

Action 2.4.1 – Promote world heritage values through tourism strategies.

### RISK MANAGEMENT IMPLICATIONS

There are no risks associated with this report.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author

*B Galvin*

Chief Executive Officer

*P Anderson*

Date of Report

17 March 2016

30 MARCH 2016



30 MARCH 2016

16.2 WASTE RECYCLING  
WM00006

AUTHOR

Works Manager

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley

Seconded Cr Wake

**Council Resolution**

- 1 That Council receive and note the Report produced by Ask Waste Management “Waste Data and Estimated Cash Flows – Regional Waste Infrastructure Project”.**
- 2 Instruct the administration to continue investigations regarding the Regional Waste Management and Recycling initiative and a further report be bought back to Council for consideration.**

**6/0 CARRIED**

BACKGROUND

The Shires of Shark Bay, Exmouth and Carnarvon entered into a collaborative program to commence a Regional Waste Management and Recycling initiative program in 2011.

Funding for this initiative was supplied through the Department of Regional Development.

Cardno prepared the original Waste Management Infrastructure Cost Benefit Analysis in January 2012.

Funding holdups have necessitated placing this project on hold. Funding approval for this initiative came through on 17 April 2015. It was agreed between the three Shires involved to appoint a waste management company to project manage the implementation of this project.

Tenders were called and Ask Waste Management were awarded the contract to project manage this project.

As there had been considerable time since the original cost benefit analysis was published it was agreed to direct Ask Waste Management to review the original analysis.

Ask Waste Management found the reported figures in the original report to be outdated and advised it would be prudent to reassess and produce current data to make informed decisions.

The three Shires agreed to engage Ask Waste Management to reinvestigate and produce a current and more accurate report.

30 MARCH 2016

The document produced: "Waste Data and Estimated Cash Flows – Regional Waste Infrastructure Project" accompanies this report to Councillors for their consideration.

COMMENT

The report produced by Ask Waste Management has found some recommendations presented in the original report to be financially impracticable now, in particular the mobile shredder that was originally intended to be shared between the three Shires involved.

*Multi-material shredder*

*The cost of maintaining and transporting a larger shredder between the Shires is significant and the ownership of the plant would include the risk of unforeseen events such as damage or failure of the machine. Further, while the first shredder would be purchased with the grant, this asset would need to be replaced once it reached its end of life, for the service to continue.*

*When the cost of asset depreciation is included in the costings, it is more cost effective to process the concrete by engaging a contractor with mobile concrete crushing equipment. This provides the same service (i.e. processing waste concrete to produce recycled concrete aggregate) but without a significant capital cost or on going operational risk.*

*Therefore, during the discussion at the meeting the group felt that engaging a contractor to process the concrete was a lower risk option when compared to owning and operating a shredder between the group, this does however rise the question about how to process the glass, tyres and greenwaste*

Works Managers Comment:

The Shire of Shark Bay agrees with this report on the viability of the mobile multi material shredder considering the amounts of material that would need to be shredded. As the Shire has an excavator situated on site at the refuse site it would be more prudent to have implements attached to the excavator to improve its versatility with minimal capital outlay.

Other comments contained within the report relate to mulching green waste, crushing class and shredding tyres

*Greenwaste*

*The group agreed that there was only a small demand for mulched greenwaste in the region as there are no commercial composting businesses. Each Shire already had contractors or equipment available to produce smaller quantities of mulch, while amending the landfill licences to allow the controlled burning of excess greenwaste would result in preserving void space and avoiding the generation of methane that occurs when green waste is buried. Thus this would provide a lower cost option to the modelling and in some cases the current operations.*

Works Managers Comment:

The Shire of Shark Bay has no way of producing chipped green waste at the moment. This issue would be addressed if Council intends to continue with this waste and recycling initiative.

30 MARCH 2016

**Glass**

*There are several ways to crush any glass that is collected. The simplest option is to crushed the glass using a tracked machine over a concrete pad, alternatively small – medium sized glass crushers are available, such as the Komplet Mill Track 5000 shown below (list price \$89,000 ex GST or \$69,000 ex GST for static model). This model has been provided to at least three WA local governments under a APC funding program.*

**Works Managers Comment:**

Crushed glass at this point in time would only be beneficial as reduced volume entering the landfill although there is growing interest in using this product for road construction.

**Tyres**

*As each Shire has an excavator already at their landfills or available from the Shire Depot a tyre shear attachment for the excavators would allow the Shire's to cut tyres in half. This makes the landfilling of the tyres easier and utilises less void space for their disposal, the cost of tyre shears varies depending upon their size, but are in the range of \$25,000 - \$50,000 ex GST.*

*Tyres are a controlled waste and thus any commercial transportation of used tyres (from tyre companies to the Shire's landfills) must be completed with registered vehicles and accompanying paperwork. ASK has worked with other Shires in regional WA to liaise with local tyre companies resulting in these companies back loading used tyres to Perth for recycling rather than local disposal, thus the Shires experienced a 70% - 80% reduction in the number of tyres drop-off at the landfills.*

**Works Managers Comment:**

Agree with the statement, it must be noted that tyres are a controlled waste and as such transporting of tyres can only be performed by a registered company. This will restrict the opportunities to transport tyres out of area.

The report also contains the following Economic summary and comments regarding recycling.

**8 ECONOMIC SUMMARY & COMMENTS**

*The modelling shows that recycling is a costly exercise and only becomes economically viable when waste disposal has a higher cost. In regional Western Australia it is far more cost effective to recycle materials that have large annual quantities and can be used in local markets, as the transport cost to markets in Perth and / or overseas is prohibitively expensive.*

**8.1 COST FOR ALL SERVICES**

*The cost to provide the services is most likely to be met by the residential ratepayers of each Shire, especially as the provision of the Bring Centre accounts for approximately 80% of the cost. The Shire may need to consult with their communities to determine if they value the option to recycle packaging material given the likely increases in rates would be approximately \$20 - \$65 per rateable property.*

30 MARCH 2016

**Works Managers Comment:**

Administration believes this cost to be the worst case scenario, however there is some concern as to the availability for markets for recyclable products and the costs associated to deliver them to markets. The cost of disposal when markets are not favourable is also a long term consideration.

**8.2 BRING CENTRES**

*The Bring Centre service has the highest costs due to the high staffing and transport costs. With a cost to the ratepayer of approximately \$18 - \$46 per rateable property, the Shires should not offer this service to commercial organisations at anything below breakeven cost (approximately \$160 per tonne). The estimated quantities of packaging material used in the modelling do include approximately 35% commercial waste, however if this was paid for by organisations dropping off the materials, the operational cost per rateable property would improve by about the same proportion, hence reduced to \$12 - \$30 per rateable residential property.*

**Works Managers Comment:**

As the proposal is to locate the Bring site at the Shire Depot, this will reduce Bring site costs as the manning of the Bring site can be achieved with the existing outside works staff and the processing of the recyclables will be performed by the refuse site attendant inside of his normal working hours.

**8.3 CONCRETE SHREDDING**

*The processed concrete, known as recycled concrete aggregate (RCA) has a local market (the Shire's engineering / roads departments) and a value of approximately \$20 per tonne. Based on the operational cost estimates, the concrete crushing service would approximately breakeven, together with the additional benefit of preserving void space at the landfill and avoiding the quarrying of virgin materials.*

*To ensure that purchasing a concrete processor by the Shires was the best economic option ASK contacted a contractor near Bunbury that specialise in concrete crushing for local governments. Based on a scenario of the contractor mobilising to the region every five years with a jaw crusher, excavator (with rock hammer) and visiting all three facilities the net cost per tonne of material produced would be \$2.00 - \$2.50 per tonne (allowing for a value of \$20 per tonne of the crushed concrete produced).*

*ASK have identified at least one contractor within the region with a suitable mobile concrete crusher, therefore with lower mobilisation costs it is likely that this contractor would be able to process the material at a lower unit cost, probably at a breakeven value and possibly at a profit for the Shire (allowing for the value of the RCA produced).*

*The contractor's costs include capital depreciation, but are comparable with the Shire's operational unit cost (without an allowance for capital depreciation). Using a contractor would mean the grant would not be utilised for the shredder, but would remove the risk of an unforeseen serious breakdown or failure of the shredder and the associated costs.*

**Works Managers Comment:**

The Shire of Shark Bay has minimal concrete to deal with. An excavator based crusher with a hammer attachment would easily accommodate the requirements.

30 MARCH 2016

8.4 GREENWASTE PROCESSING

*The mulched green waste is unlikely to have an economic value, therefore none of the shredding cost can be recovered, resulting in a processing cost of \$3 - \$15 per rateable property. While shredding the green waste preserves void space, minimises leachate generation and avoids methane production; the decision to produce a product that has no market could be questioned, especially if the mulched green waste has to be landfilled if large unused stockpiles become a fire risk.*

Works Managers Comment:

The Shire of Shark Bay already burns all of its green waste that is not used for rehabilitation purposes although it is believed we would be able to utilise a certain amount of chipped green waste.

These findings can be found in the report.

It is the Officers understanding that to secure this funding from the Department of Regional Development, at least two of the three Shires need to be willing to continue with the Waste and Recycling Management initiative.

Conversations with the Shire of Exmouth have indicated their intentions to continue although the final decision will not be made until this month's (March) Council meeting.

As suggested in the report, the cost for all services would be in the vicinity of \$20-\$60 dollars per rateable property. It is understood that these figures are worst case scenario.

The report also states that the Bring site will have the highest costs due to high staffing and transport costs. It is believed that the staffing requirements associated with manning a Bring site situated within the Shire of Shark Bay's depot will be minimal and processing recyclables at the refuse site can be absorbed within the refuse site attendant's usual hours of work. This would decrease the overall costs associated with operating a Bring site considerably.

Costs associated with transporting of recyclables to Perth maybe circumvented to some extent with the opportunity to back load earthmoving contractors vehicles going south empty.

However the sale of recyclables has always been a volatile market and the council may have to pay to dispose of recyclables at a receive point. This cost is difficult to predict due to the large number of factors associated with the worldwide market and only a select number the lack of recycling facilities in Western Australia.

There are other issues that need to be addressed such as the impact upon the waste disposal facility and the fees charged for disposal.

The possible recycling of materials by commercial properties is an issue that also needs to be explored further, as a redirection of this material to a free recycling facility would impact on income through the waste facility gate.

This can be addressed by an increased waste service fee that is based upon the use of the property, or a general increase in rates to cover the cost of the service.



## MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

There are inequities in a flat rate of service for waste collection or the inclusion of the cost of service in the general rate that would need to be considered by the council.

The Shire currently charges a flat rate per bin for collection and a user's pay system for disposal of refuse at the waste site.

The impact of any variation to the current system would need to be investigated further to ascertain the financial impact upon the residents.

### LEGAL IMPLICATIONS

There are no legal implications associated with this report

### POLICY IMPLICATIONS

There are no policy implications associated with this report

### FINANCIAL IMPLICATIONS

The Department of Regional Development are the source of funding for this initiative. The total funding to the Shire of Shark Bay is \$378,341.00. This funding is for the purchase and installation of infrastructure not for running costs.

As stated in the report, there is a cost associated with recycling.

Ask Management suggest that there would be a cost of \$20.00 to \$60.00 per rateable property. As there are 633 rateable properties in Shark Bay the figure is estimated to be \$12,660.00 to \$37,980.00.

This scenario is based upon a charge being included in the general rate in the dollar. While this is compensated by the valuation of the property, higher valued properties would pay for any service.

If council considers this not to be the model to proceed with the cost will be significantly more for each individual resident that receives the service.

The impact of commercial properties utilising a free bring recycling service must also be considered, as this will reduce the waste site gate takings and increase the costs associated with the delivery of the service.

Most of the labour costs associated with the Bring site and processing of the recyclables at the refuse site would be absorbed with existing work hours.

Council will need to determine if it proposes to fully recover the ongoing cost of recycling or to what extent Council is willing to subsidise the recycling initiative.

Any reduction of landfill at the refuse site will increase the longevity of the available landfill area decreasing the whole of life costs associated with the refuse site.

Any proposed infrastructure would be funded by the Department of Regional Development.

### STRATEGIC IMPLICATIONS

Objective 2 - Environment - Protecting our precious natural environment and retaining our lifestyle values and community spirit

MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

Outcome 2.4 - Enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community

Action 2.4.2 - Develop a recycling service

RISK MANAGEMENT

There is a risk associated with this report:

The funding available to the Shire of Shark Bay for Waste and Recycling infrastructure is \$378,341.00.

If Council decide not to continue the Shire loses the opportunity to improve our waste and recycling practices.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*B Galvin*

Chief Executive Officer

*P Anderson*

Date of Report

23 March 2016

30 MARCH 2016

**17 TOURISM, RECREATION AND CULTURE REPORT**

There is no Tourism, Recreation and Culture report for this meeting.

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

There are no Motions of which previous notice having been given for this meeting.

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

Moved            Cr Wake  
Seconded       Cr Ridgley

**Council Resolution**

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

**19.1 Town Planning Scheme Authorisation**

**6/0 CARRIED**

30 MARCH 2016

19.1 TOWN PLANNING SCHEME AUTHORISATION

LP00002

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Laundry  
Seconded       Cr Capewell

**Council Resolution**

**That in accordance with the Shire of Shark Bay Town Planning Scheme number three Part 11 Enforcement and Administration**

**Section 11.1.2 powers of the Local Government**

**Council authorise the following staff:**

**Chief Executive Officer  
Executive Manager Finance and Administration  
Works Manager  
Shire Ranger**

**To enter any building or land for the purposes of ascertaining whether the provisions of the scheme are being observed.**

**6/0 CARRIED BY AN ABSOLUTE MAJORITY**

Background

Section 5.42 of the **Local Government Act 1995** (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in Section 5.43.

Any decision to make, amend or revoke a delegation is to be by an absolute majority - see Section 5.45(1) (b) below.

**5.45. Other matters relevant to delegations under this Division**

**(1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 –**

**(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.**

The Register of Delegations is required to be reviewed once every financial year, as required by Section 5.46(2) of the Act. The Register of Delegations was last reviewed in full at the Ordinary Council meeting held on August 2015.

30 MARCH 2016

The register of delegations includes sections of the Town Planning Scheme in regard to approving applications, however does not deal with issues of enforcement. Part 11 Enforcement and Administration of the Town Planning Scheme number three has the following clause;

#### **11.1.2 Powers of the Local Government**

An employee of the Local Government authorised by the Local Government May at all reasonable times and with such assistance as may be required enter any building or land for the purposes of ascertaining whether the provisions of the scheme are being observed.

#### Comment

The purpose of the authorising employees of the Local Government under the Town planning Scheme Part 11 Enforcement and Administration is to enable the administration to undertake inspections and to enter onto properties to gather evidence.

This would be required in regard to any inspections to ensure compliance with conditions imposed by council or issues that may result in enforcement action that may be considered by the council.

Any inspections would predominately be undertaken in conjunction with either legal advice or planning consultants who could direct the employee in what is required to undertake a successful inspection.

It is proposed to put to council for consideration to authorise the chief executive officer, executive manager Finance and administration, the works manager and the ranger in accordance with section 11.1.2 of the town planning scheme.

#### Legal Implications

Employees need to be authorised by council in accordance with the Town Planning Scheme number 3 to enter buildings and Land.

#### Policy Implications

There are no policy Implications relative to this report.

#### Financial Implications

There are no Financial Implications relative to this report.

#### Strategic Implications

There are no Strategic Implications related to this report.

#### Risk Management

Low risk issue for council in appointing officers.

## MINUTES OF THE ORDINARY COUNCIL MEETING

---

30 MARCH 2016

Risk increases if officers not appointed and action is taken or considered.

The risk associated with this matter relates to the non-compliance and enforcement of conditions relating to planning approvals.

Officers need to be authorised to undertake any inspections and enter onto premises to gather evidence to enable enforcement through the courts.

### Voting Requirements

Absolute Majority Required

### Signatures

Chief Executive Officer

*P Anderson*

Date of Report

30 March 2016

30 MARCH 2016

**20**     **MATTERS BEHIND CLOSED DOORS**

Moved           Cr Ridgley  
Seconded       Cr Capewell

**Council Resolution**

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

**6/0 CARRIED**

Ms Wood, Ms Butterly, Mrs Houlton and Mr Galvin left Council Chamber at 5.15 pm.

The Chief Executive Officer left Council Chambers at 5.23pm  
The Chief Executive Officer returned to Council Chambers at 6.05pm

20.1     **DESIGNATED SENIOR STAFF REMUNERATION**

**Author**

Chief Executive Officer

**Disclosure of Any Interest**

Nil

**Officers Recommendation**

That Council receive and endorse the confidential report on designated senior staff remuneration presented by the Chief Executive Officer and include funding in the 2016/2017 budget to facilitate the proposals contained within the report.

**AMENDMENT TO OFFICERS RECOMMENDATION**

Reason: The Council considered the Council's budgetary constraints and amended the proposals contained within the confidential report for budget consideration.

Moved           Cr Laundry  
Seconded       Cr Wake

**Council Resolution**

**That Council receive and endorse the confidential report on designated senior staff remuneration presented by the Chief Executive Officer and include funding in the 2016/2017 budget to facilitate the proposals as amended by Council.**

**4/2 CARRIED**

MINUTES OF THE ORDINARY COUNCIL MEETING

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30 MARCH 2016

Moved Cr Capewell  
Seconded Cr Wake

**Council Resolution**

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

**6/0 CARRIED**

**At 6.40 pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).**

**21 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 27 April 2016 commencing at 3.00 pm.

**22 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 6.40pm.