

# SHIRE OF SHARK BAY MINUTES

30 August 2017

## ORDINARY COUNCIL MEETING



Banners in the Terrace –  
Winner of Professional/Digital  
And OVERALL WINNER



30 AUGUST 2017



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# MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

The minutes of the Ordinary meeting of the Shark Bay Shire Council held at Hamlin Pool Station, via Denham, commencing at 9.30 am.

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**1.0 DECLARATION OF OPENING**

The President declared the Ordinary Council meeting open at 9:30 am.

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

**ATTENDANCES**

Cr C Cowell                      President

Cr L Bellottie

Cr E Fenny

Cr K Laundry

Mr P Anderson                      Chief Executive Officer

Ms L Butterly                      Executive Manager Community Development

Mr B Galvin                      Works Manager

Mrs R Mettam                      Executive Assistant

Ms J Yorke                      Records / Administration Officer

**APOLOGIES**

Cr K Capewell                      Deputy President – Leave of Absence granted at the Ordinary Council meeting held on the 28 June 2017 Item 5.1

Cr G Ridgley                      Application for Leave of Absence Item 5.2 of this agenda

VISITORS                      3

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

There are no previous public questions on notice.

**4.0 PUBLIC QUESTION TIME**

The President declared public question time open at 9:31am

Agenda Item 13.1 – Public Question by Maria Mogg

Question 1.

Can you please explain what has changed since the last LOCAL PLANNING STRATEGY – FORMAL ADVERTISING, TABLE 1 – SCHEDULE OF SUBMISSIONS, dated 16/04/2015 published on your website, under item 9b and 20f where you quote “There is potential for conflict between tourist accommodation and residential as tourists do not have the same routines as residents” when mixing residential and tourism zonings!

There has not been any change in position between the Local Planning Strategy and the Draft Scheme No 4. The proposed zonings for Denham Townsite under Draft Scheme No 4 are consistent with the zonings earmarked by the Local Planning Strategy that was adopted by Council and endorsed by the WA Planning Commission.

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The only change was that the 'Town Centre' had to be renamed 'Commercial' to be consistent with generic zonings under the Model Scheme Text contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

The quote cited by Maria Mogg relates to conflicts that can occur when residential development and tourist developments occur in the same zone. It is not a comment on residential zones being adjacent and separate to tourism zones.

The quote is an explanation of why lots in the existing Town Centre are being separated into 3 different zones with a greater focus on landuse separation for the new Commercial zone, Tourism zone and Residential zone.

The recommendation in the Table of Submissions for Submission 9 and 20 related to a proposed Tourism zone under the Local Planning Strategy for Lot 112 Knight Terrace, Lot 113 Knight Terrace and Lot 23 Hughes Street (Caravan Park). The submissions were not upheld.

A Tourism zone is proposed for Lots 112 and 113 Knight Terrace under Draft Scheme 4, consistent with the Tourism zone cited in the Local Planning Scheme.

A Tourism zone is also proposed for Lot 23 under Draft Scheme 4, consistent with the Tourism zone cited in the Local Planning Scheme.

Home Business In relation to individual residences, Council will still consider any future proposals via development applications.

Question 2.

Why are you now proposing that our Lot 50 (2 Hughes Street) becomes residential even though it is abutting a potential tourist development immediately in front and below us?

Lot 50 is located on the corner of Hughes Street and Stella Rowley Road, although there is no vehicular connection.

The Local Planning Strategy endorsed by the Western Australian Planning Commission on the 2 September 2013 proposed a Residential zone for Lot 50. The Local Planning Scheme included a 'summary of proposed changes' and Lot 50 was included in Precinct 3. The Local Planning Scheme stated '*existing Town Centre zone with R50 density code. Recommend Precinct 3 be rezoned to residential with an R50 code*'.

Draft Scheme 4 proposes a Residential zone for Lot 50, consistent with the approved Local Planning Strategy.

Question 3.

What is the rationale of totally contradicting your previous views?

There has been no change of view over the zoning proposed in the approved Local Planning Strategy for Denham Town Centre. Draft Local Planning Scheme No 4 implements the zoning changes contained in the Local Planning Strategy.

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Question: J & M. Sellenger

It has come to our attention that there is a proposal to change Hughes Street from town centre and residential, to just residential. I find this a very alarming proposal. This town with all its new and most impressive infrastructure will certainly encourage tourists and new residents to come to the bay who may want to set up exciting new businesses.

If this proposal goes ahead it is a huge step backwards for the town and community. I trust you will think very carefully on this most delicate matter.

Answer:

The approved Local Planning Strategy identified the need to provide increased landuse separation between zones catering for commercial development, tourist development/ accommodation and residential.

Hughes Street has been substantially developed with single houses and has become an established residential area. The Draft Scheme proposes a residential zone for parts of Hughes Street consistent with the Local Planning Strategy endorsed by the Western Australian Planning Commission. The strategy was widely advertised for public comment and lays the strategic bases for the Draft Scheme.

Question : Mary Barrett-Gelu

Question 1

I would like to question who will actually benefit from the proposed changes? My husband and I purchased our property for the reason that it had Town Centre zoning, with the intention of opening a small business from home, in the future. Will a change in zoning restrict future land use and development options for this land and for us? The proposal appears to put the current homeowners of Hughes Street at a disadvantage.

Town Planners for the Shark Bay Shire have previously stated that '*A mixture of residential development and potential commercial development along Hughes Street would result in an undesirable land use mix*'.

Answer

The proposed zonings for Denham Townsite under Draft Scheme No 4 are consistent with the zonings earmarked by the Local Planning Strategy that was adopted by Council and endorsed by the Western Australian Planning Commission.

The quote cited by Mary Barrett Gelu relates to conflicts that can occur when residential development and commercial developments occur in the same zone. It is not a comment on residential zones being adjacent and separate to tourism zones or commercial zones.

The quote is an explanation of why lots in the existing Town Centre are being divided into 3 different zones with a greater focus on landuse separation for the new Commercial zone, Tourism zone and Residential zone.

Landuse compatibility will still be examined for all planning proposals.

Question 2.



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Currently my property is situated next to only Town Centre zoned properties as well as Unclaimed Crown Land. Doesn't the proposal to change my property to Residential zoning and then change the adjoining Shark Bay Cottages to Tourist zoning, fragment the area and achieve what the Shire objected to in their 2013 plan? In 2013, the plan mentions that there was one objection to the planned rezoning from Town Centre to Residential. How many objections have you now received?

Answer

The proposed zonings do not fragment the area. They recognise the core Town Centre area as Commercial, areas developed with housing as residential, and areas (such as the southern end of Knight Terrace) as Tourism.

The proposed zonings under the Draft Scheme are consistent with the 2013 Local Planning Strategy.

During formal advertising of Draft Scheme No 4, six submissions were received that objected to the change of zoning from 'town centre' to 'residential'. These are included as submissions numbers 2, 3, 5, 6, 14 and 24 in the 'Table of Submissions'.

The Shire only makes recommendations on submissions. Each submission will be sent to the Western Australian Planning Commission who will in turn provide recommendations to the Minister for Planning.

The proposed zonings have already been supported by the Western Australian Planning Commission as part of the Local Planning Strategy.

Question 3.

Shark Bay thrives on tourism and encouraging visitors as well as new businesses to the area. Reducing the size of the Town Centre and limiting it to Knight Terrace appears to contradict the Shire's plan for sustainable growth and progress. Surely it must reduce the potential that Shark Bay has to adapt to future development. Will this not hinder future expansion and improvement for the town?

Answer

The Draft Scheme is consistent with the Local Planning Strategy which earmarked a consolidated commercial zone with high commercial exposure to Knights Terrace. Any commercial development along Hughes Street has potential to cause landuse conflict with established dwellings. The Draft Scheme deliberately separates the Commercial zone, Tourism zone and Residential zone as recommended in the Strategy.

Question: Mr John Rundell

I would like to lodge my objection to the proposed rezoning of my property under the proposed "Draft Scheme 4".

My property is currently zoned town centre and is why I purchased the property. It allows me to be able to develop a business in the future so the rezoning of my property to residential takes this option away. With all other properties in this area also being town centre I don't see a need for this action.

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Question: Tim Hargreaves

Question 1.

New Town Planning Proposals

I have a Quandry. Two conflicts of interest: As a possible Christian I must, where possible be at peace with all men. (Both genders obviously).

Secondly the bible says I must render unto Caesar (That's the law of the land).

That which belongs to Caesar. But render unto god that which is god's.

Answer

The President advised that a public question had been received from Mr Hargreaves, However it was difficult to answer as there is no specific question.

The President Closed public question time at 9:56 am

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR CAPEWELL  
GV00005**

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**Councillor Capewell is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meeting of Council scheduled to be held on the 27 September 2017 and 25 October 2017.**

**4/0 CARRIED**

Background

Councillor Capewell has applied for leave of absence from the ordinary meeting of Council scheduled for the 27 September 2017 and 25 October 2017. 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 Capewell has advised the Chief Executive Officer due to personal commitments will be unable to attend the Ordinary meeting of Council scheduled to be held on 27 September 2017 and 25 October 2017 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.



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The Council may consider not granting Councillor Capewell 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 non attendance occurs while –
    - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
    - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
    - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

There are no financial implications relative to this report.

### Strategic Implications

There are no strategic implications relative to this report.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      22 August 2017

30 AUGUST 2017

5.2 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR RIDGLEY  
GV00008

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr Bellottie

Seconded Cr Fenny

**Council Resolution**

**Councillor Ridgley is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meetings of Council scheduled to be held on 30 August 2017.**

**4/0 CARRIED**

Background

Councillor Ridgley has applied for leave of absence from the ordinary meetings of Council scheduled for 30 August. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment

Councillor Ridgley has advised the Chief Executive Officer due to work commitments will be unable to attend the Ordinary meetings of Council scheduled to be held on 30 August 2017 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 Ridgley leave of absence but must include the reasons for the refusal for not granting the leave in the resolution.

Legal Implications

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

- (6) A council may, by resolution grant leave of absence to a member.
- (7) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (8) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (9) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (10) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –

MINUTES OF THE ORDINARY COUNCIL MEETING

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- c) If no meeting of the council at which a quorum is present is actually held on that day; or
- d) If the non attendance occurs while –
  - iv. 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)
  - v. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
  - vi. 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 relative to this report.

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      22 August 2017

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**6.0 PETITIONS**

**7.0 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JULY 2017**

Moved Cr Fenny  
Seconded Cr Laundry

**Council Resolution**

**That the minutes of the Ordinary Council meeting held on 26 July 2017, as circulated to all Councillors, be confirmed as a true and accurate record.**

**4/0 CARRIED**

**7.2 CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 10 AUGUST 2017**

Moved Cr Bellottie  
Seconded Cr Cowell

**Council Resolution**

**That the minutes of the Special Council meeting held on 10 August 2017, as circulated to all Councillors, be confirmed as a true and accurate record.**

**4/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

The President Thanked Bush Heritage for hosting the Ordinary Council Meeting. The President advised there would be a field trip to Overlander hall after the Council Meeting.

**9.0 PRESIDENT'S REPORT**

GV00002

**Council Committee Membership**

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

**Other Committee Membership**

Member (Chair)	Local Emergency Management Committee
Member (Vice Chair)	Gascoyne Tourism Board
Delegate	Western Australian Local Government Association – State Council Gascoyne Zone

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Meeting Attendance

28 July 2017	NAIDOC Flag Raising Ceremony
31	Destination Shark Bay teleconference
1 August	Aviation teleconference – Perth
	Resort Expansion update – RAC - Perth
	Mayors and Presidents Forum – Western Australian Local Government Association – Perth
	Western Australian Local Government Association Reception – Perth
2	Meeting with Minister for Tourism, Hon Paul Papalia
3	Destination Shark Bay community forum & presentations
4	Gascoyne Tourism Board meeting
5	Science Fair – Hamelin Reserve
8	Hon Ken Baston MLC – meeting
10	Special meeting of Council
25	Western Australian Local Government Association Gascoyne Zone teleconference
30	August Council meeting – Hamelin Pool Station
	2018 Festival Community meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	22 August 2017

Moved	Cr Fenny
Seconded	Cr Laundry

**Council Resolution**

**That the President's activity report for August 2017 be received.**

**4/0 CARRIED**

Councillor Laundry congratulated the Chief Executive Officer and President on their presentation to the Minister for Tourism.

**10.0 COUNCILLORS' REPORTS**

10.1 CR FENNY  
GV00017

Nil report for the July 2017 Ordinary Council meeting.

10.2 CR BELLOTTIE  
GV00010

Committee Membership

Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee
Deputy Delegate	3rd Deputy for Works Committee
Member	Development Assessment Panel

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### Other Committee Membership

Ministerial Appointment Gascoyne Development Commission Board

### Meeting Attendance

- |    |             |  |
|----|-------------|--|
| 1  | August 2017 | Attended Regional Air Services meeting with RAC representatives and phone conferencing with Rex Airline officials.                     |
| 2  |             | Meeting with Minister for Tourism, Hon Paul Papalia regarding principally air services to Monkey Mia and other Shire tourism concerns. |
| 3  |             | Attendance at the Western Australian Local Government Association Convention and Trade Exhibition                                      |
| 4  |             | Attendance at various conference sessions and Trade Exhibition.  |
| 4  |             | Convention breakfast with Matthew Pavlich then conference session to midday.   |
| 10 |             | Attended the Special Council meeting   |

### Signatures

Councillor	<i>Councillor Bellottie</i>
Date of Report	21 August 2017

Moved	Cr Fenny
Seconded	Cr Laundry

### Council Resolution

**That Councillor Bellottie's August 2017 report on activities as Council representative be received.**

**4/0 CARRIED**

10.3 CR CAPEWELL  
GV00005

Nil report for the July 2017 Ordinary Council meeting.

10.4 CR RIDGLEY  
GV00008

### Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee
Member	Shark Bay 2016 Commemoration Advisory Committee
Member	Regional Collaboration Group – Gascoyne
Member	Shark Bay Tourism Committee

### Meeting Attendance

- |    |             |  |
|----|-------------|--|
| 1  | August 2017 | Attended the Shark Bay Tourism Association meeting |
| 10 |             | Attended the Special Council meeting               |



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Signatures

Councillor

*Councillor Ridgley*

Date of Report

17 August 2017

Moved Cr Bellottie

Seconded Cr Laundry

**Council Resolution**

**That Councillor Ridgley's August 2017 report on activities as Council representative be received.**

**4/0 CARRIED**

10.5 CR LAUNDRY  
GV00013

Committee Membership

Member Audit Committee

Member Works Committee

Member Shark Bay Arts Council

Proxy Member For Cr Cowell on the Development Assessment Panel

Meeting Attendance

1 August 2017 Attended Regional Air Services meeting with RAC representatives and phone conferencing with Rex Airline officials.

2 Meeting with Minister for Tourism, Hon Paul Papalia regarding principally air services to Monkey Mia and other Shire tourism concerns.

Attendance at the Western Australian Local Government Association Convention and Trade Exhibition

3 Attendance at various conference sessions and Trade Exhibition.

4 Convention breakfast with Matthew Pavlich then conference session to midday.

10 Attended the Special Council meeting

Signatures

Councillor

*Councillor Laundry*

Date of Report

18 August 2017

Moved Cr Bellottie

Seconded Cr Fenny

**Council Resolution**

**That Councillor Laundry's August 2017 report on activities as Council representative be received.**

**4/0 CARRIED**

30 AUGUST 2017

**11.0 ADMINISTRATION REPORT**

**11.1 LIGHT HOUSE KEEPERS QUARTERS - DIRK HARTOG ISLAND**  
RES46663

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Employee of Biodiversity Conservation and Attractions - Parks and Wildlife Section

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That Council note the correspondence from the District Manager of the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Services.**

**That in consideration of the undertaking of an agreed maintenance programme for the Lighthouse Keepers Quarters and surrounds the Council consent to waive the fee to utilise the Lighthouse Keeper's Quarters by the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Services when undertaking work related activities.**

**4/0 CARRIED**

BACKGROUND

At the ordinary meeting held in March 2017 the Council resolved the following:

***That Council approve the utilisation of the Lighthouse Keepers Quarters on Dirk Hartog Island for all users on the following conditions:***

***Payment of a fee of \$10 per head per 24 hour period or part thereof.***

***The use of the premises to be conditional on a as is basis.***

***Any other conditions as determined by Council.***

A request has now come through from the District Manager for the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Service's regarding a request to waive the fee for overnight use of the Cape Inscription Lighthouse Keepers Quarters by Parks and Wildlife Services staff for work related activities.

COMMENT

The correspondence submitted by the District Manager Parks and Wildlife Services is attached for Councils consideration.

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Prior to the establishment of a fee for usage of the facility the Parks and Wildlife Services due to their increased presence on the island have assisted the Council in the ongoing maintenance and security of the building.

Due to the location of the Lighthouse Keepers Quarters it is a time consuming and costly exercise to have Council staff undertake the maintenance required to the building on a regular basis.

The proposal put forward by the District Manager in the Chief Executive Officers opinion has benefits to both parties and an agreed programmed maintenance plan could be put in place that ensures the building is maintained in an acceptable state.

The responsibility for the provision of consumables i.e. paint, decking oils and other materials would also need to be negotiated as would the undertaking of significant capital repairs when required.

There also would be an ongoing issue with pest eradication, predominately termites which requires an external operator. This task was undertaken in 2016 and an inspection is required in 2017, the frequency of treatments can then be extended following the 2017 inspection, with a full treatment being undertaken when the effectiveness of the initial treatment has diminished or signs of termite activity are identified.

### LEGAL IMPLICATIONS

The building is currently vested in Council as a purpose of a heritage precinct as a C Class Reserve.

The use of the building is in line with the draft Management Plan which was required in accordance with the vesting.

### POLICY IMPLICATIONS

There are no policy implications relative to this report

### FINANCIAL IMPLICATIONS

Any income received for the use of the building would offset the costs of maintenance which due to the location and environment are significant.

The maintenance costs of the building in 2016/2017 were \$27,533, which included a full termite treatment \$12,118, the budget allocation for 2017/2018 is \$28,000 of which \$15,760 is allocated for materials with the remainder being staff and plant costs.

### STRATEGIC IMPLICATIONS

There are no strategic implications to this report

### RISK MANAGEMENT

There are no strategic implications to this report

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer  
Date of Report

*P Anderson*  
9 August 2017

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I-PR-22933 LS00048



Department of Biodiversity,  
Conservation and Attractions

RECEIVED

4 AUG 2017

SHIRE OF SHARK BAY



Your ref:  
Our ref:  
Enquiries: Steve Nicholson  
Phone: 08 99482226  
Email: [steve.nicholson@dbcwa.gov.au](mailto:steve.nicholson@dbcwa.gov.au)

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

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

Dear Mr Anderson Paul.

**CAPE INSCRIPTION LIGHTHOUSE KEEPERS QUARTERS ACCOMMODATION FEES**

Further to our discussion last month, I am seeking Shire of Shark Bay (Shire) approval to waive fees for overnight use of the Cape Inscription Lighthouse Keepers Quarters by Parks and Wildlife Service staff for work related activities.

For many years our staff have had the privilege of using the facility on numerous occasions for a range of work related activities. This has been particularly important for us in undertaking our annual Loggerhead Turtle monitoring program in January each year.

As you would be aware, in return for the use of the facility, and as a gesture of good will, the Parks and Wildlife Service have regularly undertaken a range of maintenance activities on the building, such as painting, minor repairs, and cleaning etc., and have routinely cleaned up rubbish as well as notified the shire of any maintenance or safety issues as they have arisen.

More recently, this year we have put in place a comprehensive program of patrols and servicing of Dirk Hartog Island National Park that has seen a far greater staff presence on the island than ever before. As a result of this increased staff presence, we routinely include in our patrol program a visit to the Cape Inscription site and buildings and consistently clean up any rubbish left behind by visitors, as well as keeping an eye out for any evidence of vandalism or maintenance issues. We are also very willing to continue to undertake minor ongoing maintenance of the facility in conjunction with our other work activities, in consultation with the Shire.

As I am sure you would agree, the Shire and the Parks and Wildlife Service have developed an excellent collaborative working relationship over many years, and I am hopeful that in the spirit of this good will, the Shire will consider this request.

If you have any queries on the above matter please contact me on 9948 2226.

Yours sincerely

Steve Nicholson  
DISTRICT MANAGER  
Shark Bay District

4 August 2017

Shark Bay District / Midwest Region: 61-63 Knight Terrace, Denham 6537  
Phone: (08) 99482226  
[www.dbca.wa.gov.au](http://www.dbca.wa.gov.au)

30 AUGUST 2017

11.2 ANNUAL REVIEW OF REGISTER OF DELEGATIONS  
CM00039

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Fenny  
Seconded       Cr Cowell

**Council Resolution**

**That Council adopt the Delegations to the Chief Executive Officer as reviewed in this report in accordance with the *Local Government Act 1995*.**

**4/0 CARRIED BY 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 31 August 2016.

Comment

The purpose of the review is to consider the operational effectiveness of the current delegations, whether each delegation is necessary, whether each delegation is appropriate and whether legislative amendments necessitate any changes.

All delegations have been reviewed to ensure format consistency with other Shire documents (such as Policies) and with a view to ensuring consistency with references to statutory references and any changes to relevant legislation that describes the power or duty being delegated.

The only changes to the delegation to the Chief Executive Officer from the last review is the delegation of the Health Act 2016 as resolved by Council at the ordinary Council meeting held on the 19 December 2016 as follows:

30 AUGUST 2017

**Council Resolution**

***That Council pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016 resolves to delegate all the powers and duties conferred or imposed on the Shire of Shark Bay by the Public Health Act 2016 to the Chief Executive Officer.***

**4/0 CARRIED**

**Legal Implications**

Section 5.46 of the **Local Government Act 1995** states that -

- (1) *The Chief Executive Officer is to keep a register of the delegation made under this Division to the Chief Executive Officer and to the employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

**Policy Implications**

The Current Policy Manual adopted by Council at the Ordinary Council meeting held on the 27 August 2014, item 1.7 Instrument of Delegation (2) States: "When powers and duties are delegated by the Council to the Chief Executive Officer the Instrument of Delegation be signed by the President or the person presiding".

**Financial Implications**

This delegation will save Council the cost of gazetted staff to Ranger positions and Registration Officers for the receipting of dog and cat licencing.

**Strategic Implications**

There are not Strategic Implications related to this report.

**Risk Management**

This is a low risk item to Council.

**Voting Requirements**

Absolute Majority Required

**Signatures**

Chief Executive Officer

*P Anderson*

Date of Report

3 August 2017



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	To the Chief Executive Officer	Scope, conditions or Limitations
<b>Part 2 - Constitution of local government</b>			
2.8 (1)(f)	Representing the Shire - President liaises with the CEO on the local government's affairs and the performance of its functions	✓	The President and Chief Executive Officer may decide suitable functions for Council to meet and show hospitality to official visitors
2.8	Representing the Shire - use of Shire logo	✓	Chief Executive Officer may approve applications from all groups for the use of the Shire logo on promotional material, provided that the words "Shire of" must not be included for commercial use or products.
<b>Part 3 - Functions of local government</b>			
3.22(1)	A local government that causes damage through the performance of its function must pay compensation to the owner or occupier	✓	
3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner	✓	
3.26(2)	In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given	✓	
3.26(3)	A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt	✓	
3.27(1)	A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner	✓	
3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry	✓	
3.34(1)	A local government may enter land in an emergency without notice or consent	✓	
3.40A(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck	✓	
3.40A(4)	Local government may declare that a vehicle is an abandoned vehicle wreck	✓	
3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43	✓	
3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	✓	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>3.47(2a)</b>	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44	✓	
<b>3.47A(1)</b>	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	✓	
<b>3.48</b>	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	✓	
<b>3.50(1)</b>	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	✓	
<b>3.50(1a) and 3.50(4)</b>	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks	✓	
<b>3.50A</b>	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	✓	
<b>Functions &amp; General Reg 6(3)</b>	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive	✓	
<b>3.51(3)</b>	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	✓	
<b>3.53(3)</b>	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	✓	
<b>3.54(1)</b>	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓	
<b>3.57(1)</b>	A local government must invite tenders before it enters into a contract for goods or services with a value of \$150,000 or more (Functions and General Reg 11)	✓	
<b>Functions &amp; General Reg 14 (2a)</b>	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	✓	
<b>Functions &amp; General Reg 18 (4) &amp; (5)</b>	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender	✓	

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<b>Functions &amp; General Reg 20</b>	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓	
<b>Functions &amp; General Reg 20 (2)</b>	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer	✓	
<b>Functions &amp; General Reg 21 (1)</b>	A local government may seek expressions of interest before entering the tender process	✓	
<b>Functions &amp; General Reg 23 (3)</b>	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services	✓	
<b>Functions &amp; General Reg 24E(1)</b>	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓	
<b>Functions &amp; General Reg 24E(4)</b>	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓	
<b>Nil</b>	To make variation in the goods or services required, after it has entered into a contract for the supply of the goods or services required subject to such variations in the contract as may be agreed with the contractor.	✓	Approval of variations necessary to achieve the outcome of the scope of the project and within the adopted budget of the project
<b>3.58(2)</b>	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender	✓	
<b>3.58(3)</b>	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)	✓	
<b>Part 4 - Elections and other polls</b>			
<b>Part 5 – Administration</b>			
<b>5.18</b>	A local government must review all delegations made to a committee	✓	
<b>5.27(2)</b>	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓	
<b>5.37(1)</b>	A local government may designate any employee to be a senior employee	✓	
<b>Admin Reg 18(D)</b>	A local government is to consider, accept or reject a review of the CEO's performance	✓	

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5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy	✓	
5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given	✓	
5.53(1)	A local government must prepare an annual report for each financial year	✓	
5.56	A local government is to prepare a plan for the future	✓	
Admin Reg 19C(4)	A local government is to review its current plan for the future every 2 years	✓	
Admin Reg 29A(2)	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves	✓	
5.98(2)(b)	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]	✓	
5.98(4)	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case	✓	
5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees	✓	
5.103(2)	A local government must review its code of conduct within 12 months of every ordinary elections day	✓	
<b>Part 6 – Financial Management</b>			
Financial M'gment Reg 19(1)	A local government must establish and document internal control procedures to ensure control over investments	✓	
6.7(2) Financial M'gment Reg 12(1)	To make payments from the municipal fund or the trust fund for the performance of functions and exercise of powers	✓	(i) Payment of salaries up to the amount required to meet the Council's employee entitlements obligations; (ii) All other payments not to exceed \$150,000 unless approved by Tender process; (iii) In accordance with Council policies and adopted budget; and (iv) Payment within the scope of Budgeted project and within the adopted budget of the project.

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6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓	
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	✓	
6.12(3)	The local government may determine what conditions apply to the granting of a concession	✓	
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	✓	
6.49	A local government may make an agreement with a person to pay their rates and service charges	✓	
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	✓	
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	✓	
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	✓	
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓	
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	✓	
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or subject to transfer it to the Crown or itself 5.43(d)	✓ subject to 5.43 (d)	
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓	
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself subject to	✓ subject to 5.43 (d)	
6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years	✓	
Financial M'gment Reg 77(3)	Financial A local government must consider any objections it receives in relation to a reinvestment under regulation 77	✓	

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6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part	✓	
6.76(6)	The local government is to provide the person with notice of its decision	✓	
7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken Audit	✓	
7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister Audit	✓	
<b>Part 8 – Scrutiny of the affairs of local governments</b>			
8.14(3)	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report	✓	
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council	✓	
<b>Part 9 – Miscellaneous provisions</b>			
9.6(5)	The local government must give the person who made the objection notice of how it was disposed of and reasons why	✓	
9.10(1) & (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	✓	
9.60(4)	A local government is to administer any regulation made under section 9.60 as if it were a local law	✓	
9.56	Certain persons protected from liability for wrongdoing - legal costs indemnification	✓	Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000 provided that: (1) where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application; and (2) subject to any other conditions Council may set in its policy regarding costs indemnification for legal representation.
9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve	✓	
9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68	✓	



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<b>Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts</b>			
<b>11(2)</b>	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities	✓	
<b>Schedule 2.2 – Provisions about wards and representation</b>			
<b>8</b>	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards	✓	
<b>9</b>	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)	✓	
<b>Schedule 6.1 – Provisions relating to the phasing – in of valuation</b>			
<b>Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid</b>			
<b>1(1)</b>	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓ subject to 5.43 (d)	
<b>Schedule 6.3 - Provisions relating to the sale or transfer of land where rates or service charges are unpaid</b>			
<b>1(4)</b>	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more that 12 months from the service of the notice under clauses 1(1) or 1(2)	✓	
<b>2(3)</b>	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice	✓	
<b>4(1)</b>	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple	✓ subject to 5.43 (d)	
<b>Town Planning Scheme No. 3</b>			
<b>TPS3 CLAUSE 11.1.2</b>	That Council grant delegated authority to the Chief Executive Officer to enter any building or land for the purposes of ascertaining whether the provisions of the scheme are being observed	✓	
<b>TPS3 CLAUSE 11.3.1</b>	That Council grant delegated authority to the Chief Executive Officer to issue deemed refusal letters for applications where an application is deemed refused in accordance with 10.9.1 or 10.9.2 of the Scheme	✓	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<p><b>TPS3 CLAUSE 11.3.1</b></p>	<p>That Council grant delegated authority to the Chief Executive Officer to determine an application for planning approval where it is established prior to, or at, an Ordinary Council meeting that the minimum number of Councillors needed for a quorum will not be available to vote on an application at a scheduled Council meeting (due to absence or planned declaration of interest).</p>	<ol style="list-style-type: none"> <li>1. The use is a 'P' or 'D' use under the Shire of Shark Bay Local Planning Scheme no. 3 ('the Scheme'); or</li> <li>2. The proposed use or development is ancillary to existing development; or</li> <li>3. For residential development, the application complies with the 'deemed to comply' requirements of the Residential Design Codes or satisfies the 'Design Criteria' of the Residential Design Codes ; and</li> <li>4. The application generally complies with the Scheme with no major variations to setback, site coverage or car parking requirements; and</li> <li>5. The use or development complies with any relevant Local Planning Policy.</li> </ol> <p>This delegation must not be exercised the Delegated officer where:</p> <ol style="list-style-type: none"> <li>a) The development entails a variation to the Scheme or Residential Design Codes that is considered by the Delegate to be significant;</li> <li>b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality;</li> <li>c) The height of the development exceeds two storeys;</li> </ol> <p>✓</p>
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UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>TPS3 CLAUSE 11.3.1</b>	Conditions Continued		<p>d) A written objection has been lodged during a formal advertising period;</p> <p>e) The Delegate considers an application should be advertised for public comment and no advertising has been conducted;</p> <p>f) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest;</p> <p>g) The estimated cost of development exceeds \$500,000.00;</p> <p>h) The development is located in a Special Use zone; and</p> <p>i) The Delegate considers the proposal has potential to negatively impact on World Heritage values.</p>
<b>Dog Act 1976</b>		✓	
<b>10AA (1)</b>	A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its Chief Executive Officer any power or duty of the local government under another provision of this Act	✓	
<b>10AA (2)</b>	The delegation must be in writing	✓	
<b>10AA (3)</b>	The delegation may expressly authorise the delegate to further delegate the power or duty	✓	
<b>10AA (4)</b>	A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms or the delegation unless the contrary is shown	✓	
<b>10AA (5)</b>	Nothing in the section limits the ability of a local government's chief executive officer to perform a function through an officer or agent	✓	
<b>10AB (1)</b>	The Chief Executive Officer of a local government is to keep a register of: (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1).	✓	
<b>10AB (2)</b>	At least once every financial year - (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1), are to be reviewed by the delegator.		

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<b>Cat Act 2011</b>		✓	
<b>Section 3</b>	A local government may approve in writing an operator of a cat management facility	✓	
<b>Section 9</b>	A local government may grant, renew or refuse an application for cat registration	✓	
<b>Section 9(5)</b>	A local government may require an applicant to give documents or information relating to registration, within a specified time of not more than 21 days and may require information to be verified by statutory declaration	✓	
<b>Section 10</b>	A local government may cancel the registration of a cat	✓	
<b>Section 11</b>	A local government is to issue a registration number, certificate and tag, including a replacement certificate or tag	✓	
<b>Section 12</b>	A local government must keep a cat register	✓	
<b>Section 13</b>	A local government must notify the owner of cat the outcome of a decision	✓	
<b>Section 26</b>	A local government may issue a cat control notice	✓	
<b>Section 37</b>	A local government may grant, renew or refuse an approval to breed application	✓	
<b>Section 37(3)</b>	A local government may require an applicant to give document or information relating to a breeder application, within a specified time of not more than 21 days and may require information to be verified by statutory declaration	✓	
<b>Section 38</b>	A local government may cancel an approval to breed	✓	
<b>Section 39</b>	A local government must issue a certificate to an approved breeder	✓	
<b>Section 40</b>	A local government must notify the person affected by the decision in writing of the outcome	✓	
<b>Section 42</b>	A local government is to administer local laws	✓	
<b>Section 47</b>	A CEO needs to keep a register of delegations	✓	
<b>Section 48</b>	A local government may appoint, in writing, authorised persons	✓	
<b>Section 49</b>	A local government may recover the costs of having to destroy a cat	✓	
<b>Section 37, reg 22</b>	A local government may refuse an application to breed if the applicant has had an infringement in the past 12 months	✓	
<b>Health Act 2016</b>			
<b>Section 21(1)(b)(i)</b>	A power or duty conferred or imposed on an enforcement agency may be delegated if the enforcement agency is a local government, to the chief executive officer of the local government.	✓	Refer Ordinary Council meeting held on the 19 December 2016 Item 15.1 for delegation authority

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11.3 ELECTION OF CHAIRPERSON – ORDINARY COUNCIL MEETING 27 SEPTEMBER 2017  
GV00002

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Laundry  
Seconded       Cr Fenny

**Council Resolution**

**That Councillor Bellottie be elected chairperson for the Ordinary Council meeting scheduled to be held on the 27 September 2017.**

**4/0 CARRIED**

Background

At the Ordinary Council meeting held on the 28 June 2017 at item 19.1 Cr Cowell applied to Council for leave of absence from the Ordinary meeting of Council scheduled for the 27 September 2017, which Council approved.

At the current Ordinary Council meeting scheduled for the 30 August 2017 Cr Capewell, who is the Deputy President has applied for leave of absence from the Ordinary Council meeting scheduled for the 27 September 2017.

This leaves the meeting without a presiding person.

Comment

As the President, Cr Cowell and Deputy President Cr Capewell are both unable to attend the Ordinary Council meeting scheduled to be held on the 27 September 2017, Council needs to appoint a Chairperson to preside at this meeting.

Legal Implications

**Local Government Act 1995** Section 5.6 Who presides at council meetings states:

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and –
  - (a) The office of deputy mayor or deputy president is vacant; or
  - (b) The deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then, the council is to choose one of the councillors present to preside at the meeting.

Policy Implications

There are no policy implications relative to this report.

30 AUGUST 2017

Financial Implications

There are no financial implications relative to this report.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      22 August 2017

30 AUGUST 2017

**12.0 FINANCE REPORT**

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

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved            Cr Fenny  
Seconded       Cr Bellottie

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$1,009,511.37 be accepted.**

**4/0 CARRIED**

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of July 2017 totalling \$2,338.06

Municipal fund account cheque numbers 26859 to 26860 totalling \$39,838.57

Municipal fund direct debits to Council for the month of July 2017 totalling \$19,667.89

Municipal fund account electronic payment numbers MUNI 21698 to 21706, 21727 to 21755, 21765 to 21778 and 21782 to 21846 totalling \$835,472.85

Municipal fund account for July 2017 payroll totalling \$112,014.00

Trust fund account electronic payment numbers 21746 to 21847, 21779 to 21781, 21824 to 21826 and 21847 totalling \$180.00

Please note that Trust Police Licencing and Bookeasy payments were made on the 1 August 2017 and will show in the August 2017 payment in the September agenda.

The schedule of accounts submitted to each member of Council on 25 August 2017 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.

30 AUGUST 2017

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

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

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

22 August 2017



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

**SHIRE OF SHARK BAY – CREDIT CARD PERIOD  
JULY 2017**

**CREDIT CARD TOTAL \$ 2,338.06**

**CEO**

DATE	NAME	DESCRIPTION	AMOUNT
26/6/2017	WALDORF APARTMENTS GERALDTON	STAFF ACCOMMODATION (A PHILLIPPS) DEPARTMENT OF TRANSPORT TRAINING	154.00
			<b>\$154.00</b>

**EMCD**

3/7/2017	QANTAS	C COWELL-WALGA STATE COUNCIL MEETING IN PERTH 5/7/2017	197.60
3/7/2017	VIRGIN	RETURN FLIGHT FOR C COWELL-WALGA STATE COUNCIL MEETING	191.46
			<b>\$389.06</b>

**EMFA**

3/7/2017	GERALDTON'S OCEAN WEST APARTMENTS	C COWELL-WALGA STATE COUNCIL MEETING IN PERTH 5/7/2017	145.00
30/6/2017	MOORE STEPHENS	FINANCIAL MANAGEMENT REPORT AND BUDGET MANUALS FOR 17/18	1,650.00
			<b>\$1,795.00</b>

**SHIRE OF SHARK BAY – MUNI CHEQUES  
JULY 2017  
CHEQUE # 26859-26860**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26859	01/07/2017	SHIRE OF SHARK BAY	12 MONTH REGISTRATIONS FOR ALL SHIRE VEHICLES	-39776.80
26860	14/07/2017	WATER CORPORATION	WATER USAGE FISH CLEANING FACILITIES	-61.77
<b>TOTAL</b>				<b>\$39,838.57</b>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

**SHIRE OF SHARK BAY – DIRECT DEBITS  
JUNE 2017**

<b>DD</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD13766.1	05/07/2017	BANKWEST CORPORATE MASTERCARD	REFER PREVIOUS PAGE CREDIT CARD TRANSACTIONS	-2338.06
DD13793.1	09/07/2017	ING DIRECT	SUPERANNUATION CONTRIBUTIONS	-102.92
DD13793.2	09/07/2017	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-199.32
DD13793.3	09/07/2017	MACQUARIE ACCUMULATOR	SUPER PAYROLL DEDUCTIONS	-410.17
DD13793.4	09/07/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-239.96
DD13793.5	09/07/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-586.09
DD13793.6	09/07/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-921.45
DD13793.7	09/07/2017	AUSTRALIAN SUPERANNUATION	ETHICAL PAYROLL DEDUCTIONS	-377.42
DD13793.8	09/07/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-236.34
DD13793.9	09/07/2017	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-198.34
DD13818.1	21/07/2017	VIVA ENERGY AUSTRALIA	FUEL JUNE 17 - WORKS MANAGER & EMFA VEHICLES	-225.86
DD13823.1	23/07/2017	ING DIRECT	SUPERANNUATION CONTRIBUTIONS	-65.37
DD13823.2	23/07/2017	MACQUARIE ACCUMULATOR	SUPER PAYROLL DEDUCTIONS	-448.74
DD13823.3	23/07/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-218.24
DD13823.4	23/07/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-594.54
DD13823.5	23/07/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-1035.68
DD13823.6	23/07/2017	AUSTRALIAN SUPERANNUATION	ETHICAL PAYROLL DEDUCTIONS	-382.97
DD13823.7	23/07/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-191.48
DD13823.8	23/07/2017	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-211.17
DD13823.9	23/07/2017	REST	SUPERANNUATION CONTRIBUTIONS	-220.13
DD13793.10	09/07/2017	REST	SUPERANNUATION CONTRIBUTIONS	-217.05
DD13793.11	09/07/2017	WALGA	PAYROLL DEDUCTIONS	-3388.78
DD13793.12	09/07/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13793.13	09/07/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1392.70

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

DD13793.14	09/07/2017	IOOF SUPER	SUPERANNUATION CONTRIBUTIONS	-105.67
DD13793.15	09/07/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-234.07
DD13793.16	09/07/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-188.72
DD13793.17	09/07/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-144.77
DD13793.18	09/07/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-170.63
DD13823.10	23/07/2017	WALGA SUPER	PAYROLL DEDUCTIONS	-3199.64
DD13823.11	23/07/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13823.12	23/07/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1353.46
DD13823.13	23/07/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-237.16
DD13823.14	23/07/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-191.48
DD13823.15	23/07/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-165.29
DD13823.16	23/07/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-175.88
DD13823.17	23/07/2017	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.12
<b>TOTAL</b>				<b>\$19,667.89</b>

**SHIRE OF SHARK BAY – MUNI EFT**

**JULY**

**EFT 21698-21706, 21727-21755, 21765-21778, 21782-21846**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21698	03/07/2017	AUSTRALIAN WILDFLOWER SEEDS	MARCHANDISE SBDC	-282.00
EFT21699	03/07/2017	HUGGABLE TOYS	MERCHANDISE SBDC	-85.80
EFT21700	03/07/2017	MARKET FORCE ADVERTISING LTD	ADVERTISING OF DIFFERENTIAL RATES 17/18	-462.58
EFT21701	03/07/2017	MIDWEST FIRE PROTECTION	BI-YEARLY SERVICE & INSPECTION-SBDC	-1809.28
EFT21702	03/07/2017	PERTH STITCHINGS	SHARK BAY SHIRTS-MERCHANDISE SBDC	-753.50
EFT21703	03/07/2017	RICHARD CLAUDE MORONEY	CLEAN UP AROUND SBDC	-50.00
EFT21704	03/07/2017	SHARK BAY RESOURCE CENTRE	SPORTS & REC CENTRE MANAGEMENT - JUNE 17	-3742.65

## UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21705	03/07/2017	SHARK BAY CLEANING SERVICE	CLEAN- UNIT 6/34 HUGHES STREET JAN - JUNE 17	-1237.50
EFT21706	03/07/2017	1616 SALT CO. PTY LTD	MERCHANDISE-SBDC	-1086.00
EFT21727	04/07/2017	ENVIRONMENTAL HEALTH AUSTRALIA	ANNUAL SAFETY PROGRAM - SUBSCRIPTION 17/18	-330.00
EFT21728	04/07/2017	ITVISION	ANNUAL LICENSE RENEWAL FEES - SYNERGYSOFT	-41200.50
EFT21729	04/07/2017	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES ST - JULY 17	-1170.00
EFT21733	05/07/2017	MCLEODS BARRISTERS	LEGAL COSTS TO THE 30 JUNE 2017	-4898.80
EFT21734	05/07/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-105.00
EFT21735	05/07/2017	STAPLES AUSTRALIA PTY LTD	STATIONARY	-1675.28
EFT21736	05/07/2017	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR - JUNE 17	-495.00
EFT21737	05/07/2017	LAURENCE BELLOTTIE	MEETING FEES	-1954.00
EFT21738	05/07/2017	CHERYL LORRAINE COWELL	MEETING FEES	-6446.00
EFT21739	05/07/2017	EDMUND GEORGE FENNY	MEETING FEES	-1954.00
EFT21740	05/07/2017	KEITH MICHAEL CAPEWELL	MEETING FEES	-2702.75
EFT21741	05/07/2017	KEVIN LAUNDRY	MEETING FEES	-1954.00
EFT21742	05/07/2017	GREGORY LEON RIDGLEY	MEETING FEES	-1954.00
EFT21743	06/07/2017	DENHAM PAPER AND CHEMICAL	BROWN PAPER BAGS FOR MERCHANDISE	-121.94
EFT21744	06/07/2017	HORIZON POWER	STREET LIGHTING - JUNE	-3095.73
EFT21745	06/07/2017	SCIENCE AND NATURE PTY LTD	MARINE FOSSILS KIT-MERCHANDISE-SBDC	-253.22
EFT21746	21747	TRUST		
EFT21748	07/07/2017	OAKLEY EARTHWORKS PTY LTD	SUPPLY CONCRETE FOOTPATHS-KNIGHT TERRACE	-35156.00
EFT21749	10/07/2017	AIR LIQUIDE	RENTAL OF CYLINDERS	-87.53
EFT21750	10/07/2017	DENHAM IGA X-PRESS	MONTHLY ACCOUNT JUNE	-1094.47
EFT21751	10/07/2017	REFUEL AUSTRALIA	MONTHLY ACCOUNT JUNE	-24684.96
EFT21752	10/07/2017	ATOM INDUSTRIAL SUPPLIES	MATERIALS FOR TOWN OVAL BORE MAINTENANCE	-962.50
EFT21753	10/07/2017	TOLL IPEC PTY LTD	FREIGHT- ETCHED GLASS, PARKER BLACK AND JASON SIGNS	-56.45

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21754	10/07/2017	RED DUST HOLDINGS PTY LTD	HIRE-2 SEMI SIDETIPPERS WITH OPERATORS - USELESS LOOP RD MAINTENANCE	-11220.00
EFT21755	10/07/2017	SHARK BAY SKIPS	SKIP BIN MONTHLY ACCOUNT	-3773.00
EFT21756	-21764	CANCELLED		
EFT21765	10/07/2017	ART ON THE MOVE	ANNUAL MEMBERSHIP FEE	-220.00
EFT21766	10/07/2017	BAKERS AMUSEMENTS PTY LTD	HIRE OF FUN RIDES-WINTER MARKETS JULY 17	-1900.00
EFT21767	10/07/2017	DEPT OF BIODIVERSITY, CONSERVATION ATTRACTIONS	MERCHANDISE SBDC	-112.08
EFT21768	10/07/2017	HAVLIN'S AMUSEMENTS	HIRE OF TUMBLER FOR WINTER MARKETS JULY 17	-1500.00
EFT21769	10/07/2017	LANDGATE	RURAL UV'S CHARGEABLE 2/4/16 - 9/6/17	-64.70
EFT21770	10/07/2017	THE MURRAY HOTEL	ACCOMMODATION-C. COWELL WALGA STATE COUNCIL MEETING 5 JULY 17	-149.00
EFT21771	10/07/2017	TELSTRA CORPORATION LIMITED	SBDC 1300 NUMBER	-27.57
EFT21772	10/07/2017	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES	-9028.32
EFT21773	10/07/2017	JEANETTE COOKE	LIBRARY CARD DEPOSIT REFUND	-50.00
EFT21774	11/07/2017	ANTON BLUME	GREETING CARDS WITH ENVELOPES	-1669.00
EFT21775	11/07/2017	AUSTRALIA POST	LOCAL POST	-137.51
EFT21776	11/07/2017	LANDGATE	GRV VALUATION	-257.40
EFT21777	11/07/2017	SHARK BAY CLEANING SERVICE	MONTHLY ACCOUNT JUNE 17	-21275.53
EFT21778	11/07/2017	WESTERN AUSTRALIAN	HOUSING INTEREST LOANS	-1096.05
EFT21779	-21781	TREASURY TRUST		
EFT21782	13/07/2017	GRIFFIN CIVIL	KNIGHT TERRACE UPGRADES	-358880.95
EFT21783	13/07/2017	PASCAL PRESS	MERCHANDISE SBDC	-239.95
EFT21784	13/07/2017	SHARK BAY FREIGHTLINES	MONTHLY ACCOUNT	-273.60
EFT21785	13/07/2017	TRUCKLINE PARTS CENTRE	PARTS FOR COUNTRY MANAGER'S UTE	-135.49
EFT21786	13/07/2017	WILD REPUBLIC AUSTRALASIA PTY LTD	MERCHANDISE SBDC	-469.70
EFT21787	13/07/2017	SHARK BAY FUEL FISHING	MONTHLY ACCOUNT JUNE 17	-76.00
EFT21788	13/07/2017	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT JUNE 17	-1117.98
EFT21789	13/07/2017	TOLL IPEC PTY LTD	FREIGHT-LIBRARY, 1616 SALT AND JASON SIGNS	-111.51

## UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21790	13/07/2017	TRUE VALUE HARDWARE	MONTHLY ACCOUNT JUNE 17	-620.45
EFT21791	13/07/2017	POLYWELD MACHINERY PTY LTD	MATERIALS TOWN OVAL BORE MAINTENANCE	-4109.09
EFT21792	13/07/2017	STRAYA CONTRACTING PTY LTD	TO INSTALL FOOTPATHS - KNIGHT TERRACE	-19980.00
EFT21793	13/07/2017	ST JOHN AMBULANCE	HEARTSTART DEFIBRILLATOR REMOTE CAMP	-1500.00
EFT21794	14/07/2017	BURTON TILING MAINTENANCE	REFURBISHMENT PENSIONER UNIT 9	-6894.72
EFT21795	14/07/2017	ETCHED GLASS DESIGN	MERCHANDISE SBDC	-531.30
EFT21796	14/07/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-210.00
EFT21797	14/07/2017	SKIPPERS AVIATION	FLIGHTS. PAUL ANDERSON, KEVIN LAUNDRY, LAWRENCE BELLOTTIE WALGA CONFERENCE	-2154.00
EFT21798	14/07/2017	SHARK BAY BOWLING CLUB INC.	SHARK BAY COMMUNITY GRANT ROUND 1	-2310.00
EFT21799	14/07/2017	SUE MAYNARD	REIMBURSEMENT OF COSTS CROSSOVER	-828.75
EFT21800	14/07/2017	WALGA	ASSOCIATION MEMBERSHIP	-26490.49
EFT21801	14/07/2017	SHIRE OF CARNARVON	CONTRIBUTION-EMERGENCY SERVICES MANAGER	-8594.52
EFT21802	18/07/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE	-470.57
EFT21803	18/07/2017	THINK WATER GERALDTON	SUPPLY WATER FILTERS FOR LOOP RD CAMP	-1199.55
EFT21804	18/07/2017	KOMATSU AUSTRALIA	SUPPLY FILTERS – VARIOUS MACHINES	-140.72
EFT21805	18/07/2017	OUTBACK COAST AUTOMOTIVES	SUPPLY TYRE FOR THE BUSH SUPERVISOR UTE	-308.00
EFT21806	18/07/2017	PURCHER INTERNATIONAL PTY LTD	SUPPLY TANK FOR THE DUAL CAB TRUCK	-905.58
EFT21807	19/07/2017	LGIS WORKCARE	INSURANCE - LIABILITY COVER	-89809.22
EFT21808	19/07/2017	LGIS LIABILITY	INSURANCE - MANAGEMENT LIABILITY	-36819.21
EFT21809	21/07/2017	SHIRE OF NORTHAMPTON	HEALTH/BUILDING INSPECTIONS - G BANGAY	-6195.75
EFT21810	21/07/2017	BANYAN CREATIVE	HIRE OF GAMES & STAFF WINTER FESTIVAL 2017	-9031.00
EFT21811	21/07/2017	BRIAN JOHN GALVIN	REIMBURSEMENT ELECTRICITY	-363.26
EFT21812	21/07/2017	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MONKEY MIA ALL PARK PASS	-1683.00
EFT21813	21/07/2017	COUNTRYWIDE PUBLICATIONS	ADVERTISEMENT IN GUIDE TO WESTERN AUSTRALIA-PROMOTION SBDC	-750.00

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21814	21/07/2017	DEPARTMENT OF TRANSPORT	MONTHLY VEHICLE SEARCH FEES	-26.40
EFT21815	21/07/2017	FINN FILMS	AERIAL SHOTS OF DENHAM FOR ECONOMIC PROSPECTUS	-200.00
EFT21816	21/07/2017	HORIZON POWER	ELECTRICITY ACCOUNT	-8432.17
EFT21817	21/07/2017	HERITAGE RESORT	CATERING FOR STAFF WORKSHOP 20/7/17	-60.00
EFT21818	21/07/2017	OUTBACK COAST AUTOMOTIVES	SERVICE TO CEO VEHICLE	-690.80
EFT21819	21/07/2017	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MONKEY MIA PASSES	-3780.00
EFT21820	21/07/2017	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	SHARK BAY GRANT ROUND 1 2017/18	-6000.00
EFT21821	21/07/2017	SHOPS FOR SHOPS	MERCHANDISE SBDC	-4228.10
EFT21822	21/07/2017	TELSTRA CORPORATION LIMITED	MOBILE PHONE ACCOUNT – JUNE 17	-420.80
EFT21823	21/07/2017	WA MUSEUM	STROMATOLITES - KEN MC NAMARA-	-93.24
EFT21824	21826	TRUST	MERCHANDISE - SBDC	
EFT21827	28/07/2017	GERALDTON TOYOTA	SUPPLY 1 L/H TAIL LIGHT LENS-WORKS SUPERVISOR VEHICLE	-60.96
EFT21828	28/07/2017	REBECCA STANLEY	REIMBURSEMENT FOR R STANLEY – WINTER FESTIVAL	-45.13
EFT21829	28/07/2017	BURTON TILING MAINTENANCE	REFURBISHMENT PENSIONER UNIT 9	-616.00
EFT21830	28/07/2017	DENHAM DIESEL SERVICES	FREIGHT TO PERTH TO FOR 30 KVA GENSET AT ALLIGHT, 12 HOSKIN ROAD LANSDALE (PERTH)	-550.00
EFT21831	28/07/2017	FIRE & EMERGENCY SERVICES	ANNUAL MONITORING 2017-18 SBDC	-1794.14
EFT21832	28/07/2017	ELGAS LIMITED	ANNUAL SERVICE CHARGE	-514.80
EFT21833	28/07/2017	GASCOYNE OFFICE EQUIPMENT	SERVICE OFFICE PHOTOCOPIER - JULY 2017	-490.00
EFT21834	28/07/2017	HORIZON POWER	ELECTRICITY - SES	-537.55
EFT21835	28/07/2017	TOLL IPEC PTY LTD	BLACKWOODS, JASON SIGNS	-1028.86
EFT21836	28/07/2017	J & T FREIGHT	BATAVIA COAST TRIMMERS, ATOM, THINKWATER, KOMATSU, BUNNINGS & GERALDTON TOYOTA	-331.50
EFT21837	28/07/2017	JOHANNA RAMSAY	REGIONAL AIR TRAVEL COST SUBMISSION	-2750.00
EFT21838	28/07/2017	LOCAL GOVERNMENT PROFESSIONALS	MEMBERSHIP 2017/18	-521.00



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21839	28/07/2017	LOCAL HEALTH AUTH ANALYTICAL COMM	ANALYTICAL SERVICES 2017/18	-388.85
EFT21840	28/07/2017	SHARK BAY P & C	GRANT ROUND 1 2017/18	-1100.00
EFT21841	28/07/2017	SKIPPERS AVIATION	FLIGHTS AUDITORS G GODWIN AND I ASTUTI	-2154.00
EFT21842	28/07/2017	SHARK BAY SPEEDWAY CLUB (INC)	ROUND 1 GRANT 2017/18	-5555.00
EFT21843	28/07/2017	TELSTRA CORPORATION LIMITED	MONTHLY ACCOUNT - LANDLINES	-1427.83
EFT21844	28/07/2017	TPG TELECOM PTY LTD	WIFI INSTALLATION & INTERNET CHARGES - 12 MONTHS - SBDC	-7807.01
EFT21845	28/07/2017	WALGA	TENDER MANAGEMENT SERVICES EXPRESSION OF INTEREST	-4677.75
EFT21846	28/07/2017	SHARK BAY YOUTH GROUP	ROUND 1 GRANT 2017/18	-1645.00
EFT21847	21847	TRUST		
			<b>TOTAL</b>	<b>\$835,472.85</b>

**SHIRE OF SHARK BAY – TRUST EFT  
JULY 2017**

**EFT 21746-21847, 21779-21781, 21824-21826, 21847**

<b>EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT21746	07/07/2017	ADAM KELLY	GYM CARD DEPOSIT REFUND	-20.00
EFT21747	07/07/2017	MYLES DAVIS	GYM CARD DEPOSIT REFUND	-20.00
EFT21779	11/07/2017	CORINA ROBINS	GYM CARD DEPOSIT REFUND	-20.00
EFT21780	13/07/2017	DEBORAH COURT	GYM CARD DEPOSIT REFUND	-20.00
EFT21781	13/07/2017	JAKE RIZZI	GYM CARD DEPOSIT REFUND	-20.00
EFT21824	25/07/2017	CHLOE MARTIN	GYM CARD DEPOSIT REFUND	-20.00
EFT21825	25/07/2017	SHIRE OF SHARK BAY	GYM CARD DEPOSIT FORFEIT-LOST CARD	-20.00
EFT21826	25/07/2017	SHARNA TIMMER	GYM CARD DEPOSIT REFUND	-20.00
EFT21847	28/07/2017	LUC VECCHIO	GYM CARD REFUND	-20.00
			<b>TOTAL</b>	<b>\$180.00</b>



30 AUGUST 2017

12.2 FINANCIAL REPORTS TO 31 JULY 2017  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That the monthly financial report to 31 July 2017 as attached be received.**

**4/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 July 2017** are attached.

LEGAL IMPLICATIONS

Section 34 of the *Local Government (Financial Management) Regulations 1996*, requires a financial report to be submitted to Council on a monthly basis.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The financial report shows that the finances of the Shire are in line with its adopted budget.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

The financial report reports on the current financial status and this is currently viewed as a low risk to Council.

Voting Requirements

Simple Majority Required

Signature

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
24 August 2017

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>	
<b>MONTHLY FINANCIAL REPORT</b>	
<b>For the Period Ended 31 July 2017</b>	
<b>LOCAL GOVERNMENT ACT 1995</b>	
<b>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</b>	
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UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 July 2017							
		Annual	YTD	YTD	Var. \$	Var. %	Var.
	Note	Budget	Budget (a)	Actual (b)	(b)-(a)	(b)-(a)/(a)	
		\$	\$	\$	\$	%	
<b>Operating Revenues</b>							
Governance		26,092	1,333	752	(581)	(43.59%)	▼
General Purpose Funding - Rates	9	1,261,908	1,261,908	(22,549)	(1,284,457)	(101.79%)	▼
General Purpose Funding - Other		951,069	5,379	5,136	(243)	(4.5%)	▼
Law, Order and Public Safety		74,560	12,881	15,858	2,977	23%	▲
Health		2,450	732	820	88	12.02%	▲
Housing		86,210	6,801	13,225	6,424	94.5%	▲
Community Amenities		277,400	204,617	10,720	(193,897)	(94.76%)	▼
Recreation and Culture		264,077	26,977	48,611	21,634	80.2%	▲
Transport		424,858	64,944	100,650	35,706	55.0%	▲
Economic Services		857,420	131,921	109,631	(22,290)	(16.9%)	▼
Other Property and Services		48,000	4,300	2,475	(1,825)	(42.4%)	▼
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>1,721,793</b>	<b>285,329</b>	<b>(1,436,464)</b>	<b>(83.43%)</b>	
<b>Operating Expense</b>							
Governance		(316,123)	(156,182)	(54,680)	101,502	(65.0%)	▲
General Purpose Funding		(120,131)	(10,344)	(11,932)	(1,588)	15.4%	▼
Law, Order and Public Safety		(369,108)	(51,619)	(30,639)	20,980	(40.6%)	▲
Health		(64,505)	(5,051)	(5,699)	(648)	12.8%	▼
Housing		(174,554)	(17,589)	(14,538)	3,051	(17.3%)	▲
Community Amenities		(646,090)	(66,059)	(68,213)	(2,154)	3.3%	▲
Recreation and Culture		(2,320,535)	(358,229)	(143,877)	214,352	(59.8%)	▲
Transport		(1,513,695)	(143,199)	(88,179)	55,020	(38.4%)	▲
Economic Services		(1,161,813)	(163,447)	(47,386)	116,061	(71.0%)	▲
Other Property and Services		(47,500)	(35,821)	(63,844)	(28,023)	78.2%	▼
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(1,007,540)</b>	<b>(528,987)</b>	<b>478,553</b>	<b>(47.5%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,689,050	140,753	0	(140,753)		
Adjust (Profit)/Loss on Asset Disposal	8	53,802	0	0	0		
Adjust Provisions and Accruals		0	0	0			
<b>Net Cash from Operations</b>		<b>(717,158)</b>	<b>855,006</b>	<b>(243,658)</b>	<b>(1,098,664)</b>	<b>(128.50%)</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	902,247	419,107	268,804	(150,303)	(35.9%)	▼
Proceeds from Disposal of Assets	8	245,000	0	0	0		▲
<b>Total Capital Revenues</b>		<b>1,147,247</b>	<b>419,107</b>	<b>268,804</b>	<b>(150,303)</b>	<b>(35.9%)</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(140,000)	(18,890)	0	18,890	100.00%	▲
Infrastructure - Roads	13	(1,092,536)	(242,821)	(83,726)	159,095	65.5%	▲
Infrastructure - Public Facilities	13	(624,121)	(12,342)	(1,670)	10,672	86.5%	▲
Infrastructure - Streetscapes	13	(7,500)	0	(300)	(300)		▼
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.00%	▲
Infrastructure - Drainage	13	(44,715)	(12,893)	(705)	12,188	0.00%	▲
Heritage Assets	13	(20,000)	(4,000)	0	4,000	100.0%	▲
Plant and Equipment	13	(758,000)	(154,667)	0	154,667	100.0%	▲
Furniture and Equipment	13	(21,000)	(11,833)	0	11,833	0.00%	▲
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(457,446)</b>	<b>(86,401)</b>	<b>371,045</b>	<b>81.1%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(38,339)</b>	<b>182,403</b>	<b>220,742</b>	<b>575.76%</b>	
<b>Financing</b>							
Proceeds from Self Supporting Loans		5,342	0	0	0	0.00%	
Transfer from Reserves	7	640,581	0	0	0	0.00%	
Repayment of Debentures	10	(67,020)	(10,310)	(10,310)	0	0.0%	▼
Transfer to Reserves	7	(479,050)	(1,046)	(1,046)	0	0.0%	
Loans to Community Groups					0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>(11,356)</b>	<b>(11,356)</b>	<b>0</b>	<b>0.00%</b>	
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>805,311</b>	<b>(72,611)</b>	<b>(877,922)</b>	<b>109.02%</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,227,930</b>	<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>3,033,241</b>	<b>2,155,319</b>	<b>(877,922)</b>	<b>28.94%</b>	<b>▲</b>

Note: Depreciation has not been run until 16/17 Financial Year is finalised

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

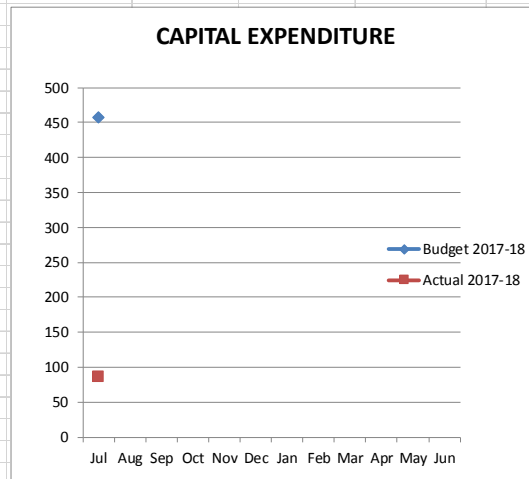
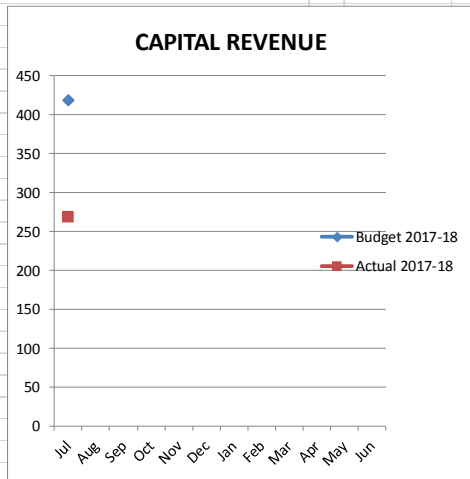
30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>				
<b>STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>(By Nature or Type)</b>				
<b>For the Period Ended 31 July 2017</b>				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,261,908	1,261,908	(22,549)
Operating Grants, Subsidies and Contributions	11	1,400,524	146,882	139,475
Fees and Charges		1,395,260	296,233	151,977
Interest Earnings		47,060	3,600	3,744
Other Revenue		159,200	13,170	12,682
Profit on Disposal of Assets	8	10,092	0	0
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>1,721,793</b>	<b>285,329</b>
<b>Operating Expense</b>				
Employee Costs		(2,224,126)	(216,280)	(153,625)
Materials and Contracts		(2,227,667)	(482,151)	(240,313)
Utility Charges		(172,022)	(13,749)	(12,083)
Depreciation on Non-Current Assets		(1,689,050)	(140,753)	0
Interest Expenses		(14,360)	2,500	3,194
Insurance Expenses		(162,150)	(93,325)	(93,660)
Other Expenditure		(180,785)	(63,782)	(32,500)
Loss on Disposal of Assets	8	(63,894)	0	0
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(1,007,540)</b>	<b>(528,987)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,689,050	140,753	0
Adjust (Profit)/Loss on Asset Disposal	8	53,802	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(717,158)</b>	<b>855,006</b>	<b>(243,658)</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	902,247	419,107	268,804
Proceeds from Disposal of Assets	8	245,000	0	0
<b>Total Capital Revenues</b>		<b>1,147,247</b>	<b>419,107</b>	<b>268,804</b>
<b>Capital Expenses</b>				
Land Held for Resale			0	0
Land and Buildings	13	(140,000)	(18,890)	0
Infrastructure - Roads	13	(1,092,536)	(242,821)	(83,726)
Infrastructure - Public Facilities	13	(624,121)	(12,342)	(1,670)
Infrastructure - Streetscapes	13	(7,500)	0	(300)
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(44,715)	(12,893)	(705)
Heritage Assets	13	(20,000)	(4,000)	0
Plant and Equipment	13	(758,000)	(154,667)	0
Furniture and Equipment	13	(21,000)	(11,833)	0
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(457,446)</b>	<b>(86,401)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(38,339)</b>	<b>182,403</b>
<b>Financing</b>				
Proceeds from Self Supporting Loans		5,342	0	0
Transfer from Reserves	7	640,581	0	0
Repayment of Debentures	10	(67,020)	(10,310)	(10,310)
Transfer to Reserves	7	(479,050)	(1,046)	(1,046)
Loans to Community Groups				
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>(11,356)</b>	<b>(11,356)</b>
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>805,311</b>	<b>(72,611)</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,227,930</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>3,033,241</b>	<b>2,155,319</b>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 31 July 2017								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)	
Land and Buildings	13	\$ 0	\$ 0	\$ 0	\$ 18,890	\$ 140,000	\$ 18,890	
Infrastructure Assets - Roads	13	0	83,726	83,726	242,821	1,092,536	159,095	
Infrastructure Assets - Public Facilities	13	1,670	0	1,670	12,342	624,121	10,672	
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0	
Infrastructure Assets - Drainage	13	705	0	705	12,893	44,715	12,188	
Infrastructure Assets - Streetscapes	13	300	0	300	0	7,500	(300)	
Heritage Assets	13	0	0	0	4,000	20,000	4,000	
Plant and Equipment	13	0	0	0	154,667	758,000	154,667	
Furniture and Equipment	13	0	0	0	11,833	21,000	11,833	
<b>Capital Expenditure Totals</b>		<b>2,675</b>	<b>83,726</b>	<b>86,401</b>	<b>457,446</b>	<b>2,757,872</b>	<b>371,045</b>	



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 31 July 2017</b>	
<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>(c) 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>(e) 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.

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 31 July 2017</b>	
<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.
<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.

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 July 2017</b>					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
	<b>(j) Fixed Assets (Continued)</b>				
	<b><i>Land Under Control</i></b>				
	In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.				
	Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.				
	Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.				
	<b><i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i></b>				
	All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.				
	In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.				
	Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.				



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>				
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>For the Period Ended 31 July 2017</b>				
<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.				

## UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>			
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>			
<b>For the Period Ended 31 July 2017</b>			
<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.			

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 31 July 2017</b>	
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>	
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>	
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.
	<b><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.

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<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 July 2017</b>					
<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.					

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SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 July 2017	
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>
<b>(I)</b>	<b>Financial Instruments (Continued)</b>
	The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.
	<i>(i) Financial assets at fair value through profit and loss</i>
	Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.
	<i>(ii) Loans and receivables</i>
	Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.
	<i>(iii) Held-to-maturity investments</i>
	Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.
	Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.
	<i>(iv) Available-for-sale financial assets</i>
	Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.
	They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.
	Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.
	<i>(v) Financial liabilities</i>
	Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

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SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2017				
	<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.			

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>SHIRE OF SHARK BAY</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 July 2017</b>					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(m)</b>	<b>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)</b>	<b>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)</b>	<b>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.				

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SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2017					
<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.					



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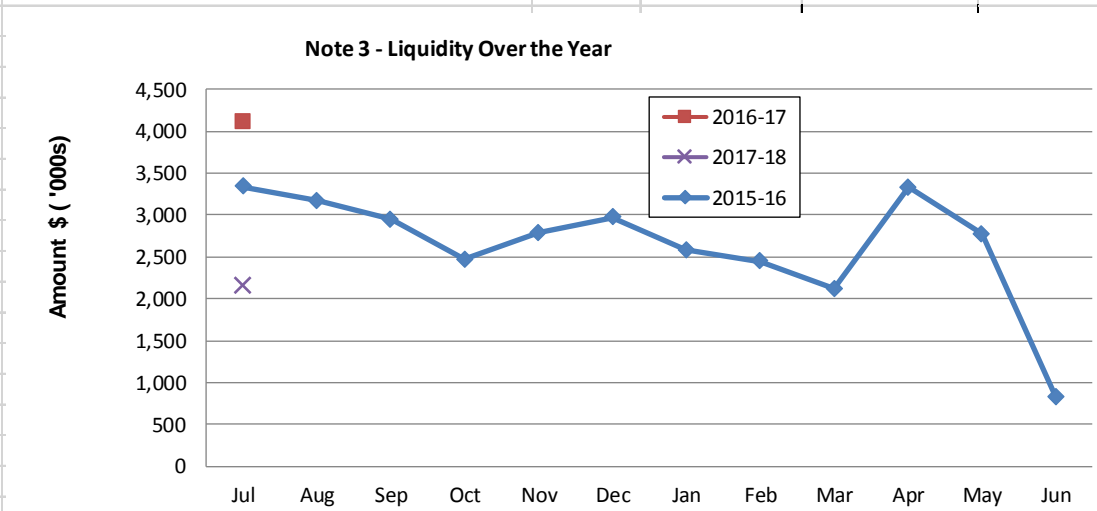
30 AUGUST 2017

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 July 2017					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(581)	(43.6%)	▼	Timing	Variance due to nominal reimbursements as budget estimated
General Purpose Funding - Rates	(1,284,457)	(101.8%)	▼	Timing	Variance due to reversal of prepaid rates from 2016/17 and Rates issued in August 2017
General Purpose Funding - Other	(243)	(4.5%)	▼	Timing	No Reportable Variance
Law, Order and Public Safety	2,977	23.1%	▲	Timing	Variance due to timing of SES Reimbursements
Health	88	12.0%	▲	Timing	Increase due to Itinerant food vendors licences.
Housing	6,424	94.5%	▲	Timing	Rent Received in Advance
Community Amenities	(193,897)	(94.8%)	▼	Timing	Variance due to Rates issued in August 2017 which incorporates the Household Bin Collection Fee
Recreation and Culture	21,634	80.2%	▲	Timing	Increase in collection of SBDC entrance fees & merchandise sales and Park Passes
Transport	35,706	55.0%	▲	Timing	SSB received \$100K for the Road Preservation Grant but is due to repay \$42K as a result of the Reinstatement of the Vehicle Concession
Economic Services	(22,290)	(16.9%)	▼	Timing	Increase in Registrations and Camping Fees offset by MRWA Private Works not yet commenced
Other Property and Services	(1,825)	(42.4%)	▼	Timing	Decrease in refunds income.
<b>Operating Expense</b>					
Governance	101,502	(65.0%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
General Purpose Funding	(1,588)	15.4%	▼	Timing	Variance due to over expenditure for governance overheads.
Law, Order and Public Safety	20,980	(40.6%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
Health	(648)	12.8%	▼	Timing	Due to Year to Date Budget timing differences
Housing	3,051	(17.3%)	▲	Timing	Variance due to depreciation not run in July 2017
Community Amenities	(2,154)	3.3%	▲	Timing	No reportable variance.
Recreation and Culture	214,352	(59.8%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
Transport	55,020	(38.4%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
Economic Services	116,061	(71.0%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
Other Property and Services	(28,023)	78.2%	▼	Timing	Licences including the Concession was paid for all vehicles - We will receive a refund for the amount of the concession being \$31K
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(150,303)	(35.9%)	▼	Timing	Community Bus Grant \$150K has not been received
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No reportable variance.
<b>Capital Expenses</b>					
Land and Buildings	18,890	100.0%	▲	Timing	Town Oval Toilets, Recreation Signage, Denham Town Hall and Staff Housing Projects not commenced.
Infrastructure - Roads	159,095	65.5%	▲	Timing	Road Projects are yet to commence. Finalisation of Knight Road and Old Knight Road to occur next month.
Infrastructure - Public Facilities	10,672	86.5%	▲	Timing	Refuse and Recycling project and Park and Recreation Improvements yet to commence.
Infrastructure - Footpaths	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Drainage	12,188	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Streetscapes	(300)	0.0%	▼	Timing	No Reportable Variance
Heritage Assets	4,000	100.0%	▲	Timing	Stables refurbishment yet to commence
Plant and Equipment	154,667	100.0%	▲	Timing	No Plant and Equipment has been purchased
Furniture and Equipment	11,833	0.0%	▲	Timing	No Reportable Variance
<b>Financing</b>					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2017				
<b>Note 3: NET CURRENT FUNDING POSITION</b>				
		Positive=Surplus (Negative=Deficit)		
	Note	31 July 2017	30th June 2017	31 July 2016
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	2,236,987	2,767,393	3,862,970
Cash Restricted	4	1,239,296	1,238,250	1,955,268
Receivables - Rates	6	20,336	21,187	1,522,181
Receivables -Other	6	141,340	122,021	826,205
Interest / ATO Receivable		6,948	6,948	8,541
Inventories		187,603	187,603	190,158
		3,832,510	4,343,402	8,365,323
<b>Less: Current Liabilities</b>				
Payables		(234,161)	(527,416)	(1,414,537)
Royalties for Regions Funding				(700,000)
Accruals			(146,072)	
Provisions		(203,734)	(203,734)	(197,101)
		(437,895)	(877,222)	(2,311,638)
Less: Cash Reserves	7	(1,239,296)	(1,238,250)	(1,955,268)
<b>Net Current Funding Position</b>		<b>2,155,319</b>	<b>2,227,930</b>	<b>4,098,417</b>



Comments - Net Current Funding Position

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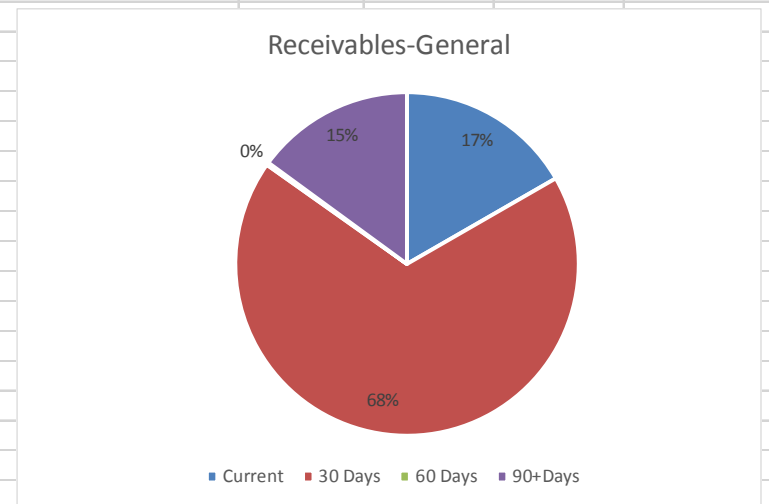
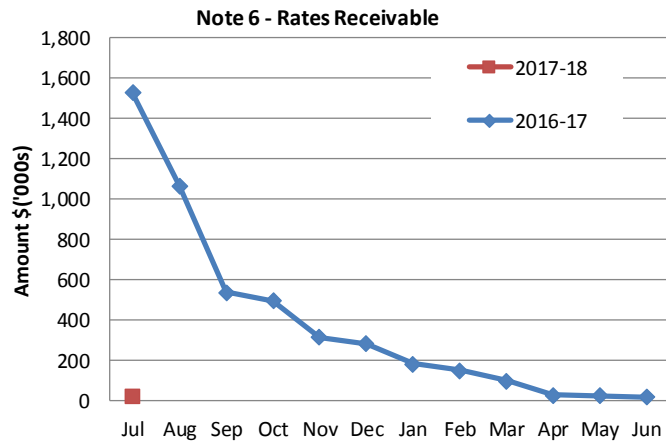
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Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 July 2017							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	101,080			101,080	Bankwest	At Call
Reserve Bank Account	0.00%		19,296		19,296	Bankwest	At Call
Telenet Saver	1.10%	2,135,107			2,135,107	Bankwest	At Call
Trust Bank Account	0.00%			113,234	113,234	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
Municipal Investment					0	Bankwest	
Reserve Investment	2.35%		1,220,000		1,220,000	Bankwest	27/10/2017
<b>Total</b>		<b>2,236,987</b>	<b>1,239,296</b>	<b>113,234</b>	<b>3,589,517</b>		
<b>Comments/Notes - Investments</b>							

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Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2017				
<b>Note 6: RECEIVABLES</b>				
<b>Receivables - Rates Receivable</b>	<b>31 July 2017</b>	<b>30 June 2017</b>	<b>Receivables - General</b>	<b>Current</b> <b>30 Days</b> <b>60 Days</b> <b>90+Days</b>
	\$	\$		\$   \$   \$   \$
Opening Arrears Previous Years	21,187	25,814	Receivables - General	23,739   96,898   341   21,284
Levied this year		1,520,406	<b>Total Receivables General Outstanding</b>	<b>141,198</b>
Less Collections to date	(851)	(1,525,033)	<b>Amounts shown above include GST (where applicable)</b>	
Equals Current Outstanding	<b>20,336</b>	<b>21,187</b>		
<b>Net Rates Collectable</b>	<b>20,336</b>	<b>21,187</b>		
% Collected	4.02%	98.63%		



Comments/Notes - Receivables Rates

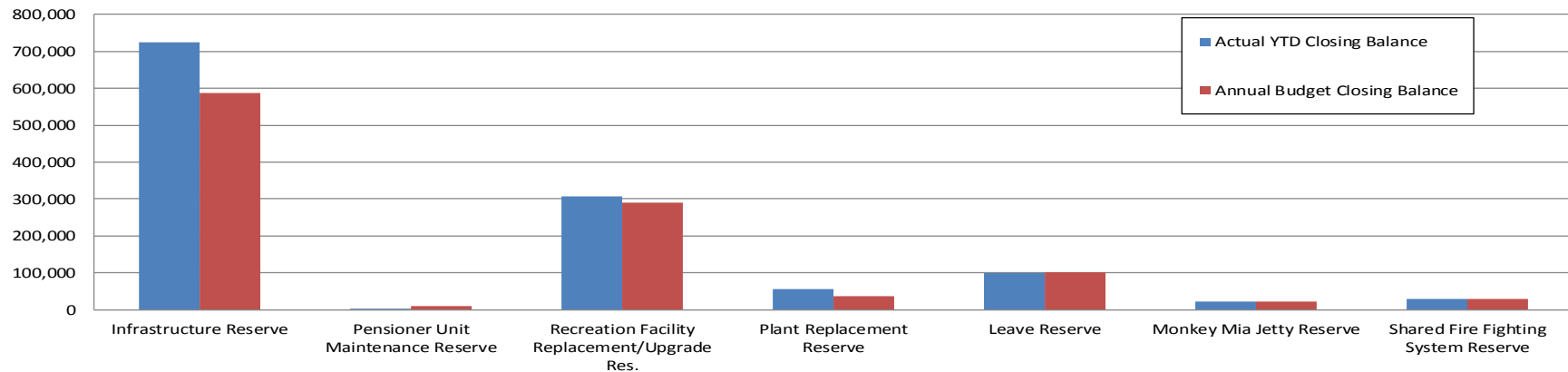
No major issues at this time - major debtor is Main Roads.

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Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 July 2017									
<u>Note 7: Cash Backed Reserve</u>									
2017-18									
Name	Opening Balance	Annual Budget Interest Earned	Actual Interest Earned	Annual Budget Transfers In (+)	Actual Transfers In (+)	Annual Budget Transfers Out (-)	Actual Transfers Out (-)	Annual Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 725,034	\$ 15,000	\$ 505	\$ 107,240	\$ 0	\$ (260,628)	\$ 0	\$ 586,646	\$ 725,539
Pensioner Unit Maintenance Reserve	732	70	1	10,000	0	0	0	10,802	733
Recreation Facility Replacement/Upgrade Res.	307,765	6,500	330	0	0	(23,750)	0	290,515	308,095
Plant Replacement Reserve	55,128	2,500	57	335,000	0	(356,203)	0	36,425	55,185
Leave Reserve	100,199	1,800	103	0	0	0	0	101,999	100,302
Monkey Mia Jetty Reserve	21,122	400	22	0	0	0	0	21,522	21,144
Shared Fire Fighting System Reserve	28,270	540	28	0	0	0	0	28,810	28,298
	<b>1,238,250</b>	<b>26,810</b>	<b>1,046</b>	<b>452,240</b>	<b>0</b>	<b>(640,581)</b>	<b>0</b>	<b>1,076,719</b>	<b>1,239,296</b>

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



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Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2017					
Note 7a: Cash Backed Reserve Detail - Amended Budget					
2017-18					
Name	Opening Balance	Source of Funds	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$		\$	\$	\$
<b>Infrastructure Reserve</b>	<b>725,034</b>				
Interest		Investment	15,000		
Transfer of funds		General Revenue	107,240		
Staff Housing				3,977	
Abultion Depot				10,000	
Drain Kestrals				4,715	
Hughes Street Sump				10,000	
Footpath Upgrades				50,000	
Old Jail and Stables 16-17				1,936	
Netta's Beach Toilet				150,000	
Westend Carpark to DOT Carpark Limestone Wall/Beach Upgrade				30,000	
	<b>725,034</b>		<b>122,240</b>	<b>260,628</b>	<b>586,646</b>
<b>Pensioner Unit Maintenance Reserve</b>	<b>732</b>				
Interest		Investment	70		
Transfer of Funds		General Revenue	10,000		
Upgrade to Units					
	<b>732</b>		<b>10,070</b>	<b>0</b>	<b>10,802</b>
<b>Recreation Facility Replacement/Upgrade Res.</b>	<b>307,765</b>				
Interest		Investment	6,500		
Charlie Sappie Park				13,750	
Pioneer Park Improvements				10,000	
	<b>307,765</b>		<b>6,500</b>	<b>23,750</b>	<b>290,515</b>
<b>Plant Replacement Reserve</b>	<b>55,128</b>				
Interest		Investment	2,500		
Depreciation		General Funds	335,000		
CEO Vehicle				28,000	
EMFA Vehicle				7,000	
EMCD Vehicle				7,000	
Vehicle Ranger				25,000	
Dual Cab Truck 5T				90,000	
Excavator				155,000	
Country Supervisor- Dual Cab Ute				28,000	
Major Plant Items				16,203	
	<b>55,128</b>		<b>337,500</b>	<b>356,203</b>	<b>36,425</b>
<b>Leave Reserve</b>	<b>100,199</b>				
Interest		Investment	1,800		
Transfer of Funds		General Funds	0		
LSL Taken					
	<b>100,199</b>		<b>1,800</b>	<b>0</b>	<b>101,999</b>
<b>Monkey Mia Jetty Reserve</b>	<b>21,122</b>				
Interest		Investment	400		
	<b>21,122</b>		<b>400</b>	<b>0</b>	<b>21,522</b>
<b>Shared Fire Fighting System Reserve</b>	<b>28,270</b>				
Interest		Investment	540	0	
	<b>28,270</b>		<b>540</b>	<b>0</b>	<b>28,810</b>
<b>Total</b>	<b>\$1,238,250</b>		<b>\$479,050</b>	<b>\$640,581</b>	<b>\$1,076,719</b>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 July 2017							
Note 8 CAPITAL DISPOSALS							
Budget Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 07 2017		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				<b>Plant and Equipment</b>	\$	\$	\$
				<b>Governance</b>			
55,000	(3,750)	46,000	(5,250)	CEO Vehicle	(5,250)		5,250
34,765	(13,323)	28,000	6,559	EMFA Vehicle	6,559		(6,559)
37,866	(13,400)	28,000	3,534	EMCD Vehicle	3,534		(3,534)
				<b>Law, Order, Public Safety</b>			
32,000	(5,250)	20,000	(6,750)	Rangers Vehicle	(6,750)		6,750
				<b>Transport</b>			
51,000	(13,500)	30,000	(7,500)	Dual Cab Truck ST	(7,500)		7,500
123,500	(10,356)	70,000	(43,144)	Excavator	(43,144)		43,144
32,000	(7,750)	23,000	(1,250)	Town Ute Single Cab	(1,250)		1,250
<b>366,131</b>	<b>(67,329)</b>	<b>245,000</b>	<b>(53,802)</b>		<b>(53,802)</b>	<b>0</b>	<b>53,802</b>
Comments - Capital Disposal/Replacements							

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 July 2017											
Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2017/18 Budget Rate Revenue \$	2017/18 Budget Interim Rate \$	2017/18 Budget Back Rate \$	2017/18 Budget Total Revenue \$
RATE TYPE											
<b>Differential General Rate</b>											
GRV Rateable Property	0.094627						0	341,260			341,260
GRV Vacant	0.094627						0	31,910			31,910
GRV - Commercial	0.097244						0	198,500			198,500
GRV - Industrial/Residential	0.104714						0	64,800			64,800
GRV Industrial /Residential Vacant	0.094627						0	1,619			1,619
GRV Rural Commercial	0.098348						0	29,918			29,918
GRV Resort	0.103811						0	115,520			115,520
UV General	0.194257						0	223,540			223,540
UV Mining	0.264952						0	1,852			1,852
UV Pastoral	0.133037						0	82,130			82,130
UV Exploration	0.254752						0	156,823			156,823
<b>Sub-Totals</b>		0	0	0	0	0	0	1,247,872	0	0	1,247,872
<b>Minimum Payment</b>											
GRV Rateable Property	825.00						0	55,275			55,275
GRV Vacant	825.00						0	70,125			70,125
GRV - Commercial	825.00						0	20,625			20,625
GRV - Industrial/Residential	825.00						0	2,475			2,475
GRV Industrial /Residential Vacant	515.00						0	0			0
Rural Commercial	825.00						0	0			0
GRV Resort	825.00						0	0			0
UV General	860.00						0	4,300			4,300
UV Mining	860.00						0	860			860
UV Pastoral	860.00						0	0			0
UV Exploration	860.00						0	0			0
<b>Sub-Totals</b>		0	0	0			0	153,660			153,660
Concessions											(177,285)
<b>Amount from General Rates</b>							<b>0</b>				<b>1,224,247</b>
Specified Area Rates											37,661
<b>Totals</b>							<b>0</b>				<b>1,261,908</b>
<b>Comments - Rating Information</b>											



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2017								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-17	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$
Loan 57 Monkey Mia Bore	194,230	0	10,310	29,210	183,920	165,020	1,081	8,460
Loan 53 - Staff Housing	43,286	0		20,960		22,326		2,000
Loan 56 - Staff Housing	63,544	0		16,850		46,694		3,900
	301,060	0	10,310	67,020	183,920	234,040	1,081	14,360

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

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2017								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2017-18 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	694,911	0	694,911	0	0	694,911
Grants Commission - Roads	WALGGC	Y	183,748	0	183,748	0	0	183,748
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	7,510	0	7,510	0	1,878	5,633
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	40,000	0	40,000	0	10,000	30,000
Coastal Hazards Identification	Department of Planning	Y	15,000	0	15,000	0	0	15,000
<b>RECREATION AND CULTURE</b>								
Tourism WA WIFI Contribution	Tourism WA	Y	7,097	0	7,097	0	7,097	0
Community Bus	Lotterywest	N	150,000	0	0	150,000	0	150,000
The Battle off Shark Bay	Department of Environment & Energy	Y	79,760	0	0	79,760	79,760	0
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	57,908	0	57,908	0	100,500	(42,592)
Useless Loop Road - Mtce	Main Roads WA	Y	315,000	0	315,000	0	0	315,000
Contributions - Road Projects	Pipeline	Y	8,350	0	8,350	0	0	8,350
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,877	0	0	199,877	0	199,877
RRG Grants - Capital Projects	Regional Road Group	Y	472,610	0	0	472,610	189,044	283,566
<b>ECONOMIC SERVICES</b>								
Contribution - Monkey Mia	Dept. of Parks and Wildlife	N	50,000	0	50,000	0	0	50,000
Destination Shark Bay Brand Dev.	Gascoyne Development Commission	Y	20,000	0	20,000	0	20,000	0
Thank A Volunteer Day	Dept. Of Local Governement and Communities	N	1,000	0	1,000	0	0	1,000
<b>TOTALS</b>			<b>2,302,771</b>	<b>0</b>	<b>1,400,524</b>	<b>902,247</b>	<b>408,279</b>	<b>1,894,493</b>
			Operating		1,400,524		139,475	
			Non-operating		902,247		268,804	
					2,302,771		408,279	
<b>Comments - Operating and Non Operating Grants</b>								

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>Shire of Shark Bay</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 July 2017</b>					
<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 17	Amount Received	Amount Paid	Closing Balance 31-Jul-17	
	\$	\$	\$	\$	
BCITF Levy	0	160		160	
Library Card Bond	50	50	(50)	50	
Bookeasy- Sales	0	31,967		31,967	
Kerb/Footpath Deposit	4,300			4,300	
Bond Key	2,080	160	(180)	2,060	
Hall Bond	0			0	
Police Licensing	1,393	70,813		72,206	
Election Deposit	0			0	
Marquee Deposit	0			0	
Building Licence Levy	0	281		281	
Road Reserve - Hughes Street	2,000			2,000	
Rates Unidentified Deposit	210			210	
	<b>10,033</b>	<b>103,431</b>	<b>(230)</b>	<b>113,234</b>	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

CAPITAL WORKS PROGRAM 2017/18								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Buildings</b>								
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(10,000)	0	0	0	0	
Pensioner Units Capital	3.7.1	EMCD	(20,000)	0	0	0	0	
<b>Housing Total</b>			<b>(60,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation and Culture</b>								
Denham Town Hall	3.7.1	EMCD	(20,000)	(1,807)	0	(1,807)	0	
Recreation Centre Signage	3.7.1	EMCD	(15,000)	(15,000)	0	(15,000)	0	
Town Oval Toilets	3.7.1	EMCD	(25,000)	(2,083)	0	(2,083)	0	
<b>Recreation and Culture Total</b>			<b>(60,000)</b>	<b>(18,890)</b>	<b>0</b>	<b>(18,890)</b>	<b>0</b>	
<b>Transport</b>								
Depot- New Ablution	3.7.1	WKM	(20,000)	0	0	0	0	
<b>Transport Total</b>			<b>(20,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(140,000)</b>	<b>(18,890)</b>	<b>0</b>	<b>(18,890)</b>	<b>0</b>	
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	1.1.2	WKM	(30,000)	(2,500)	0	(2,500)	0	
Drain Kestrals - Foreshore	1.1.2	WKM	(4,715)	(393)	(705)	312	0	
Hughes Street Sump Upgrade	1.1.2	WKM	(10,000)	(10,000)	0	(10,000)	0	
<b>Drainage/Culverts Total</b>			<b>(44,715)</b>	<b>(12,893)</b>	<b>(705)</b>	<b>(12,188)</b>	<b>0</b>	
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction-Denham Footpath Plan	1.1.2	WKM	(50,000)	0	0	0	0	
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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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>								
New Photocopier	1.1.2	EMFA	(11,000)	(11,000)	0	(11,000)		
<b>Governance Total</b>			<b>(11,000)</b>	<b>(11,000)</b>	<b>0</b>	<b>(11,000)</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	(833)	0	(833)	0	
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>(833)</b>	<b>0</b>	<b>(833)</b>	<b>0</b>	
<b>Furniture &amp; Office Equip. Total</b>			<b>(21,000)</b>	<b>(11,833)</b>	<b>0</b>	<b>(11,833)</b>	<b>0</b>	
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Refurbishment of Old Stables - c/fwd	2.2.2	WKM	(20,000)	(4,000)	0	(4,000)	0	
<b>Recreation And Culture Total</b>			<b>(20,000)</b>	<b>(4,000)</b>	<b>0</b>	<b>(4,000)</b>	<b>0</b>	
<b>Heritage Assets Total</b>			<b>(20,000)</b>	<b>(4,000)</b>	<b>0</b>	<b>(4,000)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	1.1.2	CEO	(74,000)	0	0	0		
EMFA Vehicle	1.1.2	EMFA	(35,000)	0	0	0		
EMCD Vehicle	1.1.2	EMCD	(35,000)	0	0	0		
<b>Total Governance</b>			<b>(144,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Law, Order and Public Safety</b>								
Ranger Vehicle	1.1.2	WKM	(45,000)					
<b>Total Law, Order and Public Safety</b>			<b>(45,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation and Culture</b>								
Community Bus	1.1.6	WKM	(150,000)	(150,000)	0	(150,000)	0	
<b>Recreation and Culture</b>			<b>(150,000)</b>	<b>(150,000)</b>	<b>0</b>	<b>(150,000)</b>	<b>0</b>	
<b>Transport</b>								
Dual Cab Truck 5T	1.1.6	WKM	(120,000)	0	0	0		
Excavator	1.1.6	WKM	(225,000)	0	0	0		
Dual Cab Ute - Country	1.1.6	WKM	(51,000)	0	0	0		
Camp Upgrades 16-17	1.1.6	WKM	(3,000)	(3,000)	0	(3,000)		
Major Plant Items	1.1.6	WKM	(20,000)	(1,667)	0	(1,667)		
<b>Transport Total</b>			<b>(419,000)</b>	<b>(4,667)</b>	<b>0</b>	<b>(4,667)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles Total</b>			<b>(758,000)</b>	<b>(154,667)</b>	<b>0</b>	<b>(154,667)</b>	<b>0</b>	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Refuse Tip and Recycling	2.4.2	WKM	(388,341)	(3,333)	0	(3,333)	0	
<b>Community Amenities Total</b>			<b>(388,341)</b>	<b>(3,333)</b>	<b>0</b>	<b>(3,333)</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Foreshore Revitalisation	3.7.1	CEO	0	0	(200)	200		
Lotterywest - Playground	3.7.1	WKM	0	0	(950)	950		
Recreation Grounds	3.2.2	WKM	(25,000)	(833)	0	(833)	0	
Charlie Sappie Park	2.2.1	WKM	(13,750)	(1,146)	0	(1,146)		
Pioneer Park Improvements	3.2.2	WKM	(10,000)	0	0	0		
Westend Carpark to DOT Carpark Limestone Wall and	3.2.3	WKM	(30,000)	0	0	0		
Netta's Beach Toilet	3.2.2	WKM	(150,000)	0	0	0		
Town Oval Bore C/F 16-17	3.7.1	WKM	(7,030)	(7,030)	(520)	(6,510)		
<b>Recreation And Culture Total</b>			<b>(235,780)</b>	<b>(9,009)</b>	<b>(1,670)</b>	<b>(7,339)</b>	<b>0</b>	
<b>Public Facilities Total</b>			<b>(624,121)</b>	<b>(12,342)</b>	<b>(1,670)</b>	<b>(10,672)</b>	<b>0</b>	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

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>								
R2R Knight Terrace 16-17	1.1.6	WKM	(35,462)	(35,462)	0		0	
R2R Old Knight Terrace 16-7	1.1.6	WKM	(148,282)	(148,283)	(82,839)		82,839	
R2R Projects 17-18	1.1.6	WKM	(199,877)	0	0		0	
Useless Loop Road - RRG 17-18	1.1.6	WKM	(459,915)	(38,326)	(81)		81	
Nanga Road - RRG 17-18	1.1.6	WKM	(159,000)	(13,250)	0		0	
Ocean Park Road - RRG 17-18	1.1.6	WKM	(90,000)	(7,500)	(806)		806	
<b>Transport Total</b>			<b>(1,092,536)</b>	<b>(242,821)</b>	<b>(83,726)</b>	<b>0</b>	<b>83,726</b>	
<b>Roads (Non Town) Total</b>			<b>(1,092,536)</b>	<b>(242,821)</b>	<b>(83,726)</b>	<b>0</b>	<b>83,726</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Welcome Signage	2.1.3	EMCD	0	0	(300)	300		
Overlander - Solar Light Improvements	2.1.3	EMCD	(7,500)	0	0	0	0	
<b>Economic Services Total</b>			<b>(7,500)</b>	<b>0</b>	<b>(300)</b>	<b>0</b>	<b>0</b>	
<b>Capital Expenditure Total</b>			<b>(2,757,872)</b>	<b>(457,446)</b>	<b>(86,401)</b>	<b>(212,250)</b>	<b>83,726</b>	

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Moved Cr Bellottie  
Seconded Cr Laundry

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 10.30am for open discussion on Item 13.1 – Draft Local Planning Scheme No 4 – Final Adoption (With or Without Modifications)  
4/0 CARRIED**

Mr G Wardle Spoke to Council in regards to his submissions to Draft Town Planning Scheme No 4 - Item 13.1

Move Cr Laundry  
Seconded Cr Bellottie

**Council Resolution**

That Council re-instate Standing Orders at 11:07 am

**4/0 CARRIED**

**13.0 TOWN PLANNING REPORT**

13.1 DRAFT LOCAL PLANNING SCHEME NO 4 – FINAL ADOPTION (WITH OR WITHOUT MODIFICATIONS)  
LP00002

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as Owner of Ocean Park

With the Declaration from Councillor Fenny this leaves Council without a quorum. This item will lay on the table until a quorum is reached. (October Ordinary Council Meeting)

**Officer Recommendation**

That Council:

1. Note that the Draft Shire of Shark Bay Local Planning Scheme No 4 ('Draft Scheme) was advertised for 90 days in accordance with Regulation 22 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Note submissions and adopt the officer recommendation in the Table of (General) Submissions included as Attachment 1.
3. Note a late submission received by Geoff Wardle on the 15 August 2017 discussed in this report under the heading 'Late Submission Lot 62 Dirk Hartog Island'.
4. In regards to the submission lodged by Parks and Wildlife Services:



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- (a) Adopt the officer recommendation in the table included as Attachment 4.
  - (b) Adopt the wording requiring an environmental report for Special Use zones on Dirk Hartog Island as outlined in Option \_\_\_\_\_ of this report ; and
  - (c) Note the objection lodged by Mr Geoff Wardle to changes to any provisions relating to the environmental plan for lots on Dirk Hartog Island (Attachment 5).
5. In accordance with Regulation 25(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015* adopt the Draft Shire of Shark Bay Local Planning Scheme No 4 with proposed modifications including;
- (i) To address issues raised in the submissions as outlined in the Table of (General) Submissions and to respond to the submission by Parks and Wildlife Services.
  - (ii) Changing the proposed zoning of Reserve 48541, Lot 357 (Denham waste disposal site) from 'Rural' to Local Scheme Reserve for 'Special Purpose'.
  - (iii) Changing the proposed zoning of a portion of Lot 219 North West Coastal Highway (earmarked for a Wannoo tip site) from 'Rural' to Local Scheme Reserve for 'Special Purpose'.
  - (iv) Listing additional uses and landuse controls for Lot 74 and 220 Shark Bay Road, Hamelin Pool (Hamelin Station) in Table 2 and revising the scheme map to show additional uses apply. Draft provisions are included as Attachment 6.
  - (v) Replace condition 5 applicable to Special Use Zone No 14 for Lot 62 Dirk Hartog Island to state:
    - '(5) *Where appropriate, the proponent to demonstrate that any proposed development or subdivision addresses:*
      - *A suitable interface between the lot and the adjacent Marine Park;*
      - *Minimise any impacts on the adjacent Marine Park through a management plan or strategies; and*

*Suitably address the principles of relevant state planning policies as deemed necessary by the local government and / or Western Australian Planning Commission.'*
6. Authorise Liz Bushby of Town Planning Innovations to lodge the Draft Shire of Shark Bay Local Planning Scheme No 4 with supporting information to the Western Australian Planning Commission in accordance with Regulation 28(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* in order to seek final approval by the Minister for Planning.

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7. Note that proposed modifications have to be assessed by the Western Australian Planning Commission, hence modifications to the Draft Scheme 4 text and maps will not be undertaken at this stage. The Minister may require other modifications prior to approving the Draft Scheme.
8. Note that all parties who lodged a submission on Draft Scheme No 4 were notified of the August Council meeting.

**BACKGROUND****Local Planning Strategy**

The Shire has adopted a Local Planning Strategy which was endorsed by the Western Australian Planning Commission on the 2 September 2013.

The Local Planning Strategy provides the strategic planning basis for the Draft Shire of Shark Bay Local Planning Scheme No 4 ('Draft Scheme 4'). Draft Scheme 4 implements the recommendations of the Local Planning Strategy.

**Related Council resolutions**

Councillor workshops assisted to identify improvements that can be made as part of the Scheme Review process.

Major issues arising as part of the Scheme Review have been referred to formal Council meetings as summarised below.

<b>COUNCIL MEETING DATE</b>	<b>SUMMARY</b>
30 April 2014	Review provisions of general building heights and views (Knight Terrace)
30 April 2014	Provisions for Special Use zones
25 June 2014	Engagement of MP Rogers to undertake coastal report (Scheme review placed on hold)
25 February 2015	Report on storm surge monitoring (new Finished Floor Level of 3.6 AHD supported by Council)
25 February 2015	Report on planning legislation – Draft Town Planning Scheme No 4 has been modelled on the Draft Planning and Development (Local Planning Schemes) Regulations 2014
24 June 2015	Resolution to adopt the Draft Scheme for the purpose of commencing advertising, and lodge the Draft Scheme to the Western Australian Planning Commission seeking consent to advertise.
29 July 2015 Related report – map change proposed	Council resolved to request that the administration commence the process to excise a section of land from the Meadow Pastoral Lease for the purposes of a tip site for the Wannoo Town Site.
30 March 2016	Consideration of a submission on the Scheme Review for Wannoo townsite
28 September 2016	Western Australian Planning Commission requested modifications to Draft Scheme 4 which were referred to Council.  Council resolved to endorse and approve the modifications requested by the Western Australian Planning Commission to the Draft Shire of

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	Shark Bay Local Planning Scheme No 4 text for the purpose of proceeding with formal advertising with some exceptions.
30 November 2016 Related report – map change proposed	Report on Monkey Mia Structure Plan identified an anomaly on the existing Scheme 3 map as the Special Use zone boundary should align with the boundary of Reserve 40727. This was also outlined in a further report to Council on the 22 February 2017.
30 November 2016 Related report – Shire considered requiring a Structure Plan	Preliminary report on scheme amendment request for Ocean Park. Council generally supported increased flexibility for tourist accommodation subject to future development being guided by a local structure plan.
26 July 2017	<p>Preliminary report on general modifications</p> <p>Generally support the modifications to Draft Scheme No 4 outlined in the report including:</p> <p><u>ZONING CHANGES</u></p> <p>(i) Re-zoning Lot 91 Shark Bay Road (Denham airport) from ‘Rural’ to ‘Special Use’ zone with specific landuse controls.                      (ii) Re-zoning Reserve 48541, Lot 357 (Denham waste disposal site) from ‘Rural’ to Local Scheme Reserve for ‘Special Purpose’.                      (iii) Re-zoning a portion of Lot 219 North West Coastal Highway (earmarked for a Wannoo tip site) from ‘Rural’ to Local Scheme Reserve for ‘Special Purpose’.</p> <p><u>TEXT CHANGES</u></p> <p>(i) Including ‘Agriculture-Intensive’ as a discretionary use for the Special Use zone applicable to Lots 1, 2, 3 and 4 Nanga (to allow flexibility for aquaculture).                      (ii) Modifying the Special Use zone provisions for Ocean Park to allow flexibility for a (public) camping ground, holiday accommodation or tourist development as discretionary uses where they are guided by a Local Structure Plan endorsed by the Western Australian Planning Commission.</p> <p><u>MAP CHANGES</u></p> <p>(i) Extend the Special Use zone boundary applicable to Reserve 40727 (Monkey Mia) to correctly align with the reserve boundary, and extend the Major Highways boundary to include all road boundaries.</p>
26 July 2017	Preliminary report on submission by Main Roads WA and Parks and Wildlife services.
26 July 2017	Preliminary report on Hamelin Station. General support for additional uses.

COMMENT

**Introduction**

Draft Scheme No 4 has been extensively advertised for public comment. A total of 28 submissions were received during formal advertising – Attachment 1.

The purpose of this report is for Council to consider:

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1. All submissions lodged during formal advertising; and
2. Adoption of the Draft Shire of Shark Bay Local Planning Scheme No 4 with or without modifications.

This report also includes information on informal consultation that has occurred on modifications proposed after formal advertising closed.

**Previous Council consideration (July 2017)**

A number of new issues have been raised during advertising. The most significant issues were referred to the July Council meeting for preliminary consideration.

This report does not significantly revisit the issues already considered by Council in July 2017 with the exception of:

- A. The submission by Parks and Wildlife Services - as there has been an objection lodged since July 2017; and
- B. Hamelin Station – as there has been consultation with Bush Heritage Australia, and new provisions drafted.

**Formal Submissions – General**

Council has to consider the issues raised in each submission and determine whether any modifications to the Draft Scheme should be made as a result.

The Shire has to provide a Table of Submissions and make a recommendation on each submission (to the Minister for Planning). There is an officer recommendation on each submission in Attachment 1.

The Shire Council can modify the officer recommendation on any submission, however would need to ensure any change is reflected in the resolution.

In summary the following changes are recommended in Attachment 1:

NO	MAP CHANGES	OFFICER COMMENT
1.	The Draft Scheme 4 maps be revised to accurately reflect existing cadastra and road reservations at Monkey Mia.	Generally supported by Council on 26 July 2017
2.	The Draft Scheme 4 maps be revised to include the areas identified by Main Roads as 'Primary Distributor Road'.	Generally supported by Council on 26 July 2017.
3.	Lot 91 Monkey Mia Road, Denham is currently shown as 'Rural/Pastoral' under the draft maps, and is proposed to be a Special Use zone to recognise the airport.	Generally supported by Council on 26 July 2017

NO	TEXT CHANGES	OFFICER COMMENT
4.	The landuse of 'aquaculture' be listed in Schedule B – Special Use zones for SU4 which applies to Lots 1-4 Nanga Road, Nanga.	Generally supported by Council on 26 July 2017  Letters were sent to the submitter and owners of Lots 1-4 prior to the July Council meeting. Town Planning Innovations has not received

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		any enquiries regarding this modification.
5.	List Lot 91 Monkey Mia Road, Denham (airport) as Special Use (No 17) in Schedule B with specific landuse controls – Attachment 2.	Generally supported by Council on 26 July 2017  Draft provisions were sent to the submitter, TPG, who support the changes. TPG were notified of the July Council meeting.
6.	In Schedule B – Special Use Zones modify the special uses for SU15 (Lots 303, 304 & 305 Dirk Hartog Island) to make specific reference to Tourist Development as follows:  <i>‘Council has discretion to consider a wide range of eco-tourism uses and associated facilities which may include short term accommodation, camping ground, holiday accommodation, tourist development, or other forms of tourism accommodation and associated guest and recreational facilities. Any development must demonstrate the use meets the eco-tourism definition. ‘</i>	New modification – for clarity as a result of submission
7.	Modify the Special Use provisions for Ocean Park to allow for increased flexibility for a camping ground (for general public use), holiday accommodation or tourist development where they form part of an integrated Structure Plan – Attachment 3.	Generally supported by Council on 26 July 2017.  The draft provisions were emailed to Ed Fenny, Rick Fenny and their consultant Taylor Burrell Barnett prior to the July Council meeting.
8.	Modify the Zoning Table to list a caretakers dwelling as a discretionary (D) use in the Tourism and Commercial zone	To provide increased flexibility and respond to submission 24.
9.	The table under Clause 16(2) be re-formatted to make it clear that the last objective applies to the Rural zone.	Minor format correction to respond to submission 25.

**Late Submission – Lot 62 Dirk Hartog Island**

The Special Use provisions for Lot 62 include a requirement for a Foreshore Management Plan. A late submission has been received from Geoff Wardle on the 15 August 2017 advising that:

- The Lot 62 boundary goes to the high water tide so there is no foreshore.
- There is no physical area between the site and the coast, or clear demarcation between the development site and the ocean.
- The requirement for a foreshore management plan for Lot 62 should be deleted.

Town Planning Innovations has liaised with Parks and Wildlife Services who confirm that:

- The northern boundary of freehold Lot 62 is the high water mark, abuts the Shark Bay Marine Park and there is no foreshore reserve.
- In contrast to Lot 62, the more recently created adjacent Lot 303 has a strip of national park between the lot and the high water mark/marine park boundary.

It is recommended that Condition 5 applicable to Lot 62 be modified as follows:

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**PROPOSED CHANGE TO CONDITION 5 FOR SPECIAL USE ZONE 14 APPLICABLE TO LOT 62 DIRK HARTOG ISLAND****Current Wording:**

- (5) A Foreshore Management Plan shall be required for the area between the site and the coast as a condition of development or subdivision and shall;
- Address relevant State Planning Coastal Policies;
  - Require approval in writing by the Shire and Western Australian Planning Commission prior to commencement of development or site works;
  - Provide clear demarcation between the development site and foreshore reserve;
  - Involve consultation and input from the Department of Parks and Wildlife.

**Proposed Wording:**

- (5) Where appropriate, the proponent to demonstrate that any proposed development or subdivision addresses:
- A suitable interface between the lot and the adjacent Marine Park;
  - Minimise any impacts on the adjacent Marine Park through a management plan or strategies; and
  - Suitably address the principles of relevant state planning policies as deemed necessary by the local government and / or Western Australian Planning Commission.

Town Planning Innovations agrees that a foreshore management plan is not necessary however there is benefit in ensuring no adverse impacts occur to the abutting Marine Park.

Parks and Wildlife Services has advised that '*there may be benefits in requiring some form of management plan to ensure that development on Lot 62 does not adversely impact the marine park*'.

The proposed modification seems reasonable in the context of the location of Lot 62.

**Formal Submission – Parks and Wildlife Services**

A general report on the submission from the Department of Parks and Wildlife (now Parks and Wildlife Services) was supported by Council on the 26 July 2017.

The main changes considered were:

Parks and Wildlife Services - summary		
A.	Update reference from 'Department of Regional Development and Lands' to 'Department of Primary Industries and Regional Development (or equivalent)'	Text correction in response to Parks and Wildlife Services submission.
B.	Including Unallocated Crown Land - Lots 3070, 73, 325, 301 and 366, as 'Conservation' reserve	Not supported by Council on 26 July 2017 as the Unallocated Crown Land may have potential for future resources, and a whole of government approach, native title processes, and agreement with Department of Mines (is not resolved).
C.	Modified provisions outlining requirements for an environmental report for Special Use zone 14 & 15 (Lots 62, 303, 304 & 305 Dirk Hartog Island).	Generally supported by Council on 26 July 2017

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The Parks and Wildlife Services submission is summarised in Attachment 4.

Following the July Council meeting, an objection to text changes suggested by Parks and Wildlife Services was received by Mr Geoff Wardle, who is opposed to more

stringent environmental report requirements being applied to lots on Dirk Hartog Island – refer Attachment 5.

The advertised Draft Scheme includes requirements for an environmental report for Special Use zone 14 & 15 (Lots 62, 303, 304 & 305 Dirk Hartog Island) as follows:

‘An environmental report that demonstrates that the Structure Plan and proposed uses will have a low impact on the natural environment with building envelopes, limitations on visitor numbers, management of visitor impact on the island, a vegetation assessment report and having regard for the need to protect the special attributes of the island’.

This was proposed to be modified as a result of the Parks and Wildlife Services submission as follows:

*‘(iv) An environmental report that demonstrates that the Structure Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes and of the island. This report should include information on, as a minimum, building envelopes, limitations on visitor numbers and impacts, biosecurity measures to mitigate the risks of feral incursions and disease impacts on fauna; and a vegetation assessment report. General compatibility with Ecological Restoration Project (administered by the Department of Parks and Wildlife) areas should be demonstrated.’*

Although the revised wording was generally supported Council in July 2017, it was not formally adopted, and can still be reviewed.

There are 3 options for Councillor discussion below:

<b>OPTION 1</b> – Council continue to support the modified wording as proposed by Parks and Wildlife Services.
--

This could be justified in recognition of a number of mitigating factors such as:

- Dirk Hartog Island is a unique situation and high regard should be afforded to Parks and Wildlife Services as they are responsible for managing the majority of the island for conservation;
- The Island has special circumstances as there is limited access, it is within a unique location, world heritage, with no services / infrastructure.
- Ultimately the Western Australian Planning Commission will make recommendations to the Minister on what is acceptable to include in the new Scheme.



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**OPTION 2** – Council can simply support the wording of the advertised Draft Scheme. The existing wording was endorsed by the Shire and Western Australian Planning Commission for advertising purposes.

The existing wording sufficiently addresses environmental matters.

**OPTION 3** - Revised wording can be supported:

*'An environmental report that demonstrates that the Structure Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. This report should include information on building envelopes, limitations on visitor numbers, and a vegetation assessment report.'*

Option 3 deletes references to:

- *biosecurity measures to mitigate the risks of feral incursions and disease impacts on fauna; and*
- *General compatibility with Ecological Restoration Project (administered by the Department of Parks and Wildlife) areas should be demonstrated.'*

Town Planning Innovations recommends Option 3 as it represents a compromise between the existing wording and changes requested by Parks and Wildlife Services. It also partially addresses Mr Wardle's concerns by minimising references to the Ecological Restoration Project which falls under Parks and Wildlife Services responsibility.

### **New modifications**

A number of new modifications are proposed by Town Planning Innovations that were not identified in submissions, but have been identified during advertising.

All of these were reported to the July Council meeting and include:

- A. Changing the zoning of Shark Bay Waste Disposal Facility on Lot 357 known as Reserve 48541 from Rural/Pastoral to a Local Scheme Reserve for Special Purpose.
- B. Changing the zoning of a proposed Waste Disposal Facility on Lot 555 in Wannoo from Rural/Pastoral to a Local Scheme Reserve for Special Purpose.

The Department of Planning, Lands and Heritage has advised they have no objections or comments on Wannoo (email dated 4 August 2017).

- C. Reviewing the zoning and options for Hamelin Station as the pastoral lease is to Bush Heritage Australia who has earmarked plans for future development for research, staff accommodation, a restaurant/café and different forms of tourist accommodation.

Since July 2017 Town Planning Innovations has liaised with Bush Heritage Australia who agree the preferred option is to retain a 'Rural/Pastoral' zone



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over the station, with a number of landuses to be listed in the additional use schedule.

Additional use provisions are recommended for Hamelin Station as outlined in Attachment 6.

Bush Heritage Australia's supportive comments are included as Attachment 7.

LEGAL IMPLICATIONS

*Shire of Shark Bay Local Planning Scheme No 3* – the current Scheme remains operative until such time as the Minister for Planning grants final approval to the draft Local Planning Scheme No 4 and it is gazetted.

*Planning and Development Act 2005* – outlines requirements for Local Planning Schemes including referral to the Minister for final approval.

*Planning and Development (Local Planning Schemes) Regulations 2015* – outline procedures for Schemes including advertising.

The Regulations also contain a Model Scheme Text which outlines the basic format for all new Schemes, includes zone objectives, and landuse definitions.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for planning advice. The Draft Scheme is in the final stages.

STRATEGIC IMPLICATIONS

The Shire of Shark Bay Local Planning Strategy forms the strategic basis for the Draft Shire of Shark Bay Local Planning Scheme No 4.

RISK MANAGEMENT

This is a low risk item for Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	10 August 2017

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ATTACHMENT # 1		DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4	
SCHEDULE OF FORMAL SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
<p><b>1.</b> Department of Environment Regulation Locked Bag 33 Cloisters Square</p>	<p><b>1a.</b> Department of Environment Regulation has no comment on the proposed Scheme Amendment. Where required, DER will provide input at subsequent stages of planning in reference to the Department's regulatory responsibilities under the Environmental Protection Act 1986 or Contaminated Sites Act 2003.</p>	<p><b>1a.</b> Noted.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>
<p><b>2.</b> Rob &amp; Paul Webster Directors Sken Pty Ltd 4 Hughes Street Denham WA</p>	<p><b>2a.</b> Sken Pty Ltd owns 4 Hughes Street. Sken Pty Ltd is a family company owned by the Webster family which has owned the property for over 50 years.</p> <p><b>2b.</b> Although the family has no immediate plans for the property that would benefit from its "Town Centre" zoning, we would prefer it remain zoned Town Centre as it has been for decades.</p>	<p><b>2a.</b> Noted.</p> <p><b>2b.</b> Noted. The property is currently zoned Town Centre and is proposed to be zoned 'Residential' under Draft Scheme No 4.</p> <p>The proposed residential zoning was earmarked in the Shire's Local Planning Strategy which was extensively advertised for public comment in March 2012 and again in February/March 2013. The Strategy has been endorsed by the Western Australian Planning Commission (WAPC) and forms the strategic basis for changes proposed under Draft Scheme No 4.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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ATTACHMENT # 1			
DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4			
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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
		<p>The property is located at the western end of Hughes Street. The majority of the lots in this section of Hughes Street have been developed for residential purposes, hence the Residential zone is proposed to protect the residential character of the area, and limit potential for future commercial development.</p> <p>The lots along this section of Hughes Street are separated from commercial developments to the south by an unconstructed laneway, and have no commercial exposure.</p>	
<p><b>3.</b> Jarrad O'Rourke Email submission  6 Hughes Street, Denham WA</p>	<p><b>3a.</b> I own 6 Hughes Street, Denham. I wish to make comment about the proposed rezoning.</p> <p><b>3b.</b> I would prefer my property came under the mixed use or business zoning, not just residential. I seem to be surrounded by tourism and shops nearby, it makes sense.</p>	<p><b>3a.</b> Noted. The property is currently zoned Town Centre and is proposed to be zoned 'Residential' under Draft Scheme No 4.</p> <p><b>3b.</b> As per submission 2b.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>
<p><b>4.</b> Heather Boyle BreastScreenWA</p>	<p><b>4a.</b> I would like to request that you consider a site for the BreastScreen WA Trailer in the planning</p>	<p><b>4a.</b> Although this has been lodged as a submission on the Draft Scheme, it is a</p>	

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ATTACHMENT # 1				DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4			
SCHEDULE OF FORMAL SUBMISSIONS							
Name/Address of Submitter		Summary of Submission		Town Planning Innovations (Consultant) Officer Comment		Recommendation	
9 <sup>th</sup> Floor 233 Adelaide Terrace Perth WA 6000 Heather.Boyle@health.wa.gov.au		<p>of the new town Centre in Denham. We currently locate the Trailer at the Shire Works Depot, Dampier Road.</p> <p><b>4b.</b> Here are the requirements for our Trailer to operate:</p> <ul style="list-style-type: none"> <li>- A level hard surface with sufficient room for a prime mover to position the mobile unit. Unit dimensions: Length 14.2m, Height 4.2m, Width 2.5m (transit) plus 1.0m stair access on site. Clearance from over hanging trees and power lines needs to be considered.</li> <li>- 32amp 5 pin three phase power supply with 25m of unit.</li> <li>- Waste water disposal within 30m of unit</li> <li>- Availability of cold fresh water within 50m.</li> <li>- Parking, toilet and rubbish bin facilities nearby.</li> </ul> <p><b>4c.</b> Our next visit to Denham should be in January 2018. I would like to take this opportunity to thank the Shire of Shark Bay for the help and support provided in the past with this important health service for the women in the area.</p>		<p>separate issue. Gray &amp; Lewis understands that the Shire has identified a site for this facility, and it has no implications for Draft Scheme No 4.</p> <p><b>4b.</b> Noted.</p> <p><b>4c.</b> Noted.</p>		That the submission be noted, however no modifications be made as a result of the submission.	
<b>5.</b> Maria Mogg 2 Hughes Street		<b>5a.</b>		<b>5a.</b> Noted. The property is currently zoned Town Centre and is proposed to be			

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ATTACHMENT # 1		DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4	
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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
Denham  Received by email 17 December 2016	<p>I would like to lodge my objection to the proposed rezoning of my property under the proposed "Draft Scheme 4".</p> <p><b>5b.</b> My block is currently town centre and located where it is, is why I purchased the block. The noise from the by-pass road traffic in the early morning, with delivery trucks and shire plant using that route, not to mention the constant stream of vehicles using the caravan park and the shop all day long, makes the block unsuitable for residential development.</p> <p><b>5c.</b> Which makes rezoning to residential unbelievable, it would not be worth building residential property there as no one would want to live there. I bought the property knowing full well the noise and traffic issues, with a view to developing it at a later date using the town centre zoning.</p> <p><b>5d.</b> Making it residential will just make the land value less and totally unsuitable for the proposed use under the residential code.</p> <p><b>5e.</b></p>	<p>zoned 'Residential' under Draft Scheme No 4.</p> <p><b>5b.</b> The landuse conflicts discussed in this submission is an example of why the Draft Scheme No 4 seeks to create distinct residential, tourist and commercial zones. Continued commercial development along Hughes Street will likely cause more landuse conflict with existing dwellings already developed along Hughes Street.</p> <p><b>5c.</b> As per submission 2b.</p> <p><b>5d.</b> Property values are not a valid planning consideration.</p> <p><b>5e.</b> As per 2b.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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	<p>The whole of Hughes Street has the potential to be effected by noise from the blocks in front with the proposed tourism zoning, allowing dense holiday type accommodation.</p> <p><b>5f.</b> This makes the residential zoning a big white elephant with the traffic and noise potentially making the houses there unliveable or used only by undesirables seeking the cheapest rents. I don't think this was well thought out at all and I object most strenuously to the proposed changes as they affect my block.</p>	<p><b>5f.</b> As per 2b.</p>	
<p><b>6.</b> Maria Jose Mendes Mogg 24 Clarecastle Retreat Mindarie WA 6030</p> <p>Second submission lodged by Ms Mogg revived on the 16 March 2017</p> <p>RE: Lot 50 (2) Hughes Street Denham</p>	<p><b>6a.</b> As a property owner that is subject to a zoning change under Town Planning Scheme #4, I strongly oppose the proposed zoning change which affects my property at Lot 50 Hughes Street, Denham.</p> <p><b>6b.</b> In my opinion should this proposed change in zoning from Town Centre to Residential go ahead, there is a very strong possibility it could cause current owners such as myself, to see a decrease in current property value and definitely a decrease in amount of future property development options.</p> <p><b>6c.</b></p>	<p><b>6a.</b> Noted.</p> <p><b>6b.</b> As per 5d and 2b.</p> <p><b>6c.</b> As per 5d and 2b.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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ATTACHMENT # 1		DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4	
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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p>I purchased my property knowing that a Town Centre zoning was a good financial decision as it would only increase in value along with its flexibility for future development.</p> <p><b>6d.</b> I believe that the proposed residential zoning for precinct 3 will diminish the value of my property, especially as adjacent properties under the proposed precinct 2A, are being zoned Tourist.</p> <p><b>6e.</b> I don't see the rationale in changing our zoning to Residential instead of keeping it the same as precinct 2A Tourist zone, as they previously had the same zoning.</p> <p><b>6f.</b> Lots under precinct 3, especially those adjacent to precinct 2A (Lots 50-56 Hughes Street) will not be attractive as residential lots for future development, as they will not be a quiet street location for many families with children that will potentially be buyers of Residential property. This will completely change the dynamics and will devalue our properties under a Residential zoning.</p> <p><b>6g.</b></p>	<p><b>6d.</b> As per 5d and 2b.</p> <p><b>6e.</b> As per 5d and 2b.</p> <p><b>6f.</b> As per 5d and 2b.</p> <p><b>6g.</b> As per 5d and 2b.</p>	

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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p>Based on the Town Planning Scheme #4 proposal I urge the Shire to stick to the original proposal and keep all adjacent properties within precinct 2A and 3 zoned in the same manner.</p> <p><b>6h.</b> Having a mixture of Tourism and Residential zoning immediately behind/adjacent to one another will increase noise levels due to increased traffic activity, tourist buses coming and going at all times, commercial vehicles loading and unloading goods and commodities to and from the premises, making them very unattractive to potential Residential property buyers, therefore making it almost impossible for us to sell any future development.</p> <p><b>6i</b> It appears little consideration was given to neighbouring properties zoning when proposing different zonings for precinct 2A and adjacent properties in precinct 3.</p> <p><b>6j.</b> Your proposed town scheme zoning can be achieved without sacrificing neighbourhood property values by re-zoning a pocket of land, previously zoned Town Centre to Residential.</p> <p><b>6k.</b></p>	<p><b>6h.</b> As per 5d and 2b.</p> <p><b>6i.</b> As per 5d and 2b.</p> <p><b>6j.</b> As per 5d and 2b.</p> <p><b>6k.</b> As per 5d and 2b.</p>	



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Name/Address of Submitter		Summary of Submission		Town Planning Innovations (Consultant) Officer Comment		Recommendation	
		<p>Why not keep that pocket of land under the same zoning and have it all zoned Tourism.</p> <p><b>6l.</b> This appears ill thought out having residential properties abutting tourism without even a road to buffer them from the noise and traffic they will inevitably attract.</p> <p><b>6m.</b> I urge the council to reconsider this zoning proposal.</p>		<p><b>6l.</b> As per 5d and 2b.</p> <p><b>6m.</b> Noted.</p>			
<p><b>7.</b> Department of Aboriginal Affairs PO Box 3153 East Perth WA 6892</p>		<p><b>7a.</b> Thank you for the opportunity to provide comment on the preparation of the local planning scheme no. 4 (the Scheme). The Department of Aboriginal Affairs (DAA) advises there are a number of registered Aboriginal heritage sites as well as other reported Aboriginal heritage places located within the Shire of Shark Bay.</p> <p><b>7b.</b> As such, DAA recommends the Shire of Shark Bay takes into consideration the DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments associated with the Scheme. These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk</p>		<p><b>7a.</b> Noted. The Shire consulted with DAA when formulating the Local Planning Strategy which set out the strategic direction for the current Draft Scheme No 4.</p> <p><b>7b.</b> Noted. Draft Scheme No 4 is based on the Model Scheme Text under the Planning and Development (Local Planning Schemes) Regulations 2015.</p>		<p>That the submission be noted, however no modifications be made as a result of the submission.</p>	

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	<p>where heritage sites may be present. The guidelines are available on the DAA website.</p> <p><b>7c.</b> The DAA has undertaken a review the Register of Aboriginal Sites and Objects and confirms there are 90 Registered Aboriginal heritage sites within the Shire of Shark Bay area. A further 62 Aboriginal heritage places also exist within the area. Details of the Aboriginal heritage places identified within the Shire of Shark Bay area are attached to this correspondence.</p> <p><b>7d.</b> The DAA encourages local government authorities to consider the protection and management of Aboriginal heritage in future planning activities. Should the Shire or developers require further information about the Aboriginal sites within the Shire's boundaries or obligations under the <i>Aboriginal Heritage Act 1972</i>, please contact the DAA for further information.</p>	<p><b>7c.</b> Noted.</p> <p><b>7d.</b> Noted.</p>	
<b>8.</b> Water Corporation Email submission	<b>8a.</b> In February 2013 we provided comments on the Draft Local Planning Strategy. It was communicated that the existing and planned water and wastewater infrastructure had adequate capacity to accommodate the	<b>8a.</b> Noted.	That the submission be noted, however no modifications be made as a result of the submission.

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	<p>level of development planned for the townsite of Denham. This still applies.</p> <p><b>8b.</b> It was also indicated that the odour buffer of the Denham Wastewater Treatment Plant should be provided with a Special Control Area in accordance with the requirements of State Planning Policy 4.1 State Industrial Buffers. This need was subsequently reflected in the modified Local Planning Strategy (clause 4.8.3) and remains our preference.</p> <p><b>8c.</b> For examples of relevant provisions to include the scheme, please refer to SCA2 Wastewater Treatment Plants in the City of Greater Geraldton Scheme No.1 text.</p> <p><b>8d.</b> A copy of the digital file for the odour buffer of the Shark Bay Wastewater Treatment Plant can be accessed through Water Corporation's EsiNet system.</p>	<p><b>8b.</b> The Local Planning Strategy did not commit to a Special Control Area (SCA). It identified that a SCA may be applied. A SCA has not been introduced as the WWTP is located a significant distance from any sensitive areas.</p> <p><b>8c.</b> Noted.</p> <p><b>8d.</b> Noted.</p>	
<p><b>9.</b> Swimming and Water Safety Fran Wood No Postal address supplied</p>	<p><b>9a.</b> Thank you for seeking feedback from the Department of Education regarding the Draft Planning Scheme No 4 for the Shire of Shark Bay.</p> <p><b>9b.</b></p>	<p><b>9a.</b> Noted.</p> <p><b>9b.</b> Noted.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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	<p>The Department's Swimming and Water Safety branch provides affordable and vital swimming lessons throughout the state. We offer two programs: Vacswim and school Interm swimming lessons.</p> <p><b>9c.</b> In January 2017, VacSwim at Denham Beach received a total of twenty-two enrolments and the Interm Program currently operates with the local schools in the Denham area.</p> <p><b>9d.</b> In addition, we have previously offered VacSwim lessons to the students enrolled at the Useless Loop Primary School, residents of the closed mining settlement. These lessons were run by an employee in the settlement who was a qualified swimming instructor. However, this employee has now moved interstate and the program is unable to staff this location due to camping/housing restrictions.</p> <p><b>9e.</b> We would like to offer opportunities for the local families to be included in swimming lessons however the current planning scheme prohibits outside employees using local facilities. Section 4.1.8 states that: <i>The settlement is not open to the public and has no facilities for tourists. It is zoned</i></p>	<p><b>9c.</b> Noted.</p> <p><b>9d.</b> Noted.</p> <p><b>9e.</b> The majority of development at Useless Loop has occurred in association with mining activity, and has been exempt from planning requirements. Planning legislation cannot override the Mining Act 1978. Under the Mining Act development associated with 'mining operations' and the existing mining site</p>	

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	<p><i>'Special Use' under the Shires Scheme and no changes to the zoning is recommended.</i></p> <p><b>9f.</b> We submit for your consideration that public camping facilities be made available at Useless Loop for swimming instructors employed by the Department. This would only be for the benefit of employees' children wishing to access swimming lessons.</p>	<p>(salt mine) does not need Shire approval.</p> <p>The settlement is operated by a private company and they have not made any request to have additional accommodation at the site.</p> <p><b>9f.</b> A significant portion of the area is designated as bushfire prone, and any camping grounds would be classed as a sensitive landuse. It is not considered that the remote mining settlement is an appropriate location for public camping facilities. In any event the Shire has not been approached by the operators seeking any changes to the Draft Scheme.</p>	
<p><b>10.</b> State Heritage Office PO Box 7479 Cloisters Square PO WA 6850</p>	<p><b>10a.</b> The draft scheme has been prepared in accordance with the deemed provisions as set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, which we support.</p> <p><b>10b.</b> The draft Scheme proposes zoning changes to Dirk Hartog Island. Dirk Hartog Island (Place No. 7402) is in the Heritage Council's assessment program for possible inclusion in the State Register Of Heritage Places.</p>	<p><b>10a.</b> Noted.</p> <p><b>10b.</b> Noted. Draft Scheme No 4 is based on the Model Scheme Text under the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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	<p>Preliminary assessment of the Island notes that the remaining evidence relating to early exploration and landing sites is likely to be archaeological. As such the Scheme should have sufficient provisions to allow for the identification, assessment and management of archaeological deposits.</p> <p><b>10c.</b> Appropriate provisions to this effect could include, within Section 31 Additional site and development requirements, a notice that an archaeological assessment and/or management plan may be required as part of a development approval.</p> <p><b>10d.</b> Given its status on the assessment program we would appreciate notification of any future development proposed for Dirk Hartog Island.</p> <p><b>10e.</b> Currently the Shire's heritage list is contained within Appendix X of Town Planning Scheme No. 10. We recommend the Shire confirms with the Department of Planning whether the heritage list will be retained through standard transitional arrangements, or whether further action is required to ensure the City's current heritage list remains active in a new scheme.</p> <p><b>10f.</b></p>	<p>The Planning Regulations have 'deemed to comply' provisions that apply statewide, and give local governments' broad discretion to require any specialist reports as part of planning applications.</p> <p><b>10c.</b> As per 10c.</p> <p><b>10d.</b> Noted.</p> <p><b>10e.</b> This statement is incorrect. The Shire's current Scheme is not No 10, it is Local Planning Scheme No 3. The current Scheme does not include a heritage list. The Shire has a separate Municipal Inventory.</p> <p><b>10f.</b></p>	

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	<p>It should be noted that Part 3 Clause 8(2)(a) of the deemed provisions states that the heritage list should provide detail on whether the building is identified as having a significant interior, as planning approval is required for interior works only where a place has been designated as having a significant interior.</p> <p><b>10g.</b> We recommend the Shire begins planning to create a heritage list which meets this requirement as part of its review of its planning framework.</p> <p><b>10h.</b> Please note that the State Heritage Office is currently revising its Heritage List guidelines and an updated version will be released shortly, which will reflect the new Planning Regulations.</p>	Noted.					
<p><b>11.</b> TPG acting on behalf of RAC Tourism Assets Pty Ltd PO Box 7375</p>	<p><b>11a.</b> I refer to proposed Draft Local Planning Scheme No.4 (Draft LPS4), currently being advertised by the Shire of Shark Bay (the Shire). TPG+Place Match (TPG) act on behalf of RAC Tourism Assets Pty Ltd (RAC), the</p>	<p><b>11a.</b> Noted.</p>		<p>That the submission be noted and upheld.</p> <p>It is recommended that the Draft Scheme 4 maps be revised to accurately reflect existing cadastra</p>			

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Cloisters Square Perth WA 6850	<p>leaseholder of Lot 130 and Lot 501 Monkey Mia Road, Monkey Mia (the subject land), which contains the Monkey Bay Dolphin Resort (MMDR). Lot 551 Monkey Mia Road contains an existing bore servicing the resort.</p> <p><b>11b.</b> Whilst we are generally supportive of the content of Draft LPS4, the purpose of this submission is to request the Shire rectify an existing mapping anomaly which affects the eastern boundary of Lot 130. The anomaly exists under the current Local Planning Scheme No.3 (LPS3) map and should be rectified under the proposed draft LPS4.</p> <p><b>11c.</b> The eastern portion of Lot 130 is currently reserved 'Major Highways' and 'Parks and Recreation'. Draft LPS4 proposes to carry through these reserves as 'Primary Distributor Road' and 'Public Open Space'. These two reserves are not reflective of the land uses that exist on this portion of the site. This includes an existing reception, conference room, shop and restaurant. It is understood that the aforementioned reserves are the result of historical mapping anomalies which require rectification by the Shire, in order for Draft LPS4 to appropriately represent the existing resort land uses.</p>			and road reservations at Monkey Mia.			
		<b>11b.</b> Noted and upheld. It was discovered that the road reservation near Monkey Mia is incorrect on the existing Scheme 3 map when a structure plan was lodged for future expansion of the Monkey Mia Dolphin Resort.					
		<b>11c.</b> Noted and upheld. The maps should be corrected as part of Draft Scheme No 4, and the Shire has received similar comments from Main Roads WA.					



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	<p><b>11d.</b> It is also noted that a portion of the northern boundary of the Monkey Mia Road reserve is incorrectly shown as 'Special Use Area (SU8)'. This need to be amended to 'Primary Distributor Road'.</p> <p><b>11e.</b> It is respectively requested that the Shire remove the portion of the land shown as 'Primary Distributor Road' and 'Public Open Space' under Draft LPS4 and rezone it to SU8 as a 'Special Use Area' zone, as shown on the attached Scheme Map extract (Attachment 1).</p> <p><b>11f.</b> The removal of the "Primary Distributor Road' and 'Public Open Space' reserves and inclusion of the 'Special Use Area (SU8)' zone is considered to be appropriate on the basis of the following:</p> <ul style="list-style-type: none"> <li>It is not anticipated that the subject land will be used for any future main road functions, given that the subject land comprises an existing tourist resort and comprises land uses which are not typically associated with being in any road reserve;</li> </ul>	<p><b>11d.</b> Noted and upheld. The maps should be corrected as part of Draft Scheme No 4.</p> <p><b>11e.</b> Noted and upheld.</p> <p><b>11f.</b> Noted and upheld.</p>	

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	<ul style="list-style-type: none"> <li>The existing land uses located within the portion of 'Primary Distributor Road' and 'Public Open Space' align with the objectives of the Special Use zone; and</li> <li>The expansion of the Special Use zone will correctly reflect the cadastral boundaries of Lot 130 and the lease agreement.</li> </ul> <p><b>11g.</b> As previously noted, the northern portion of Main Roads WA's Monkey Mia Road reserve shall also require a Scheme map modification to correctly reflect the cadastral boundary of the road reserve (amend 'Special Use Area (SU8)' to Primary Distributor Road'. This suggested mapping amendment has also been shown on an attached plan.</p>	<p><b>11g.</b> Noted.</p>	
<p><b>12.</b> Main Roads WA Midwest Gascoyne Geraldton Office Po Box 165 Geraldton WA 6531</p>	<p><b>12a.</b> Thank you for consulting Main Roads on the above document. In general Main Roads supports the future plans set out within the document and provides recommendations for changes.</p> <p><b>12b.</b> Main Roads support the inclusion of Primary Distributor Road as a Local Scheme Reserve and the protection afforded by that designation</p>	<p><b>12a.</b> Noted.</p> <p><b>12b.</b> Noted.</p>	<p>That the submission be noted and partially upheld.</p> <p>It is recommended that the Draft Scheme 4 maps be revised to include the areas identified by Main Roads as 'Primary Distributor Road'.</p>

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	<p>for North West Coastal Highway, Shark Bay Road and Monkey Mia Road.</p> <p><b>12c.</b> However, upon review of the Local Planning Scheme Maps it is considered that a number of the maps incorrectly define Main Road's current management responsibility for public roads and their reservation. Accordingly, Main Roads recommends the Shire of Shark Bay to amend the designation of the "Primary Distributor Road" reserve to include a total of nine lots as outlined in Attachment 1 for Local Planning Scheme Map No. 1, 3, 4, 5 and 8, and to exclude one lot as outlined in Attachment 1 for Local Planning Scheme Map No. 5. The following affected lots are identified and relevant property details are summarised in Attachment 1 (Ref D17#131516).</p> <p><b>12d.</b> In addition, Main Roads advises that Monkey Mia Road reserve boundary at the intersection of Shark Bay Road will need to be amended to incorporate:</p>	<p><b>12c.</b> Upheld. The Draft 4 maps were prepared by the Department of Planning, and can be revised to include additional Main Roads (MRWA) lots as 'Primary Distributor Road'. MRWA has provided details of the lots that they are responsible for, and the certificate of titles state that they are dedicated road.</p> <p>MRWA has marked up mapping showing where changes need to be made.</p> <p>The only change requested by MRWA that is not currently land under their control is a portion of Lot 227 which forms part of Carbla Station, but is an existing rest area.</p> <p><b>12d.</b> Partially upheld.</p> <ul style="list-style-type: none"> <li>Noted and upheld. The maps should be corrected as part of Draft Scheme No 4.</li> </ul>	<p><i>Note : MRWA has referred to Lot 229 on deposited plan 29633 which is part of Carbla Station (existing rest area) however it is actually Lot 227 on Plan 29633 (LR3084/124).</i></p>

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	<ul style="list-style-type: none"> <li>The portion of Monkey Mia Road currently situated within the south-west corner of the Lot 1 Shark Bay Road, Denham; and</li> <li>Any future intersection upgrades (for example to accommodate a larger number and type of heavy vehicles and/or future population growth).</li> </ul> <p><b>12e.</b> Once Main Roads seeks to commence the land dealings process, the Shire of Shark Bay and relevant landowners will be notified.</p> <p><b>12f.</b> In regards to Special Use Zone No.2 3, 4, 5, 6, 7, 8, 9, 10 and 13, we request that Schedule B-Special Use Zones under clause 21 of the Scheme to be re-worded to include a condition relating to any substantial new development will be subject to the preparation of a Traffic Statement of Assessment produced in accordance with the WAPC's <i>Transport Impact Assessment Guidelines</i> (Aug 2016).</p>	<ul style="list-style-type: none"> <li>The maps can only reflect the existing situation. No maps of upgrades has been provided.</li> </ul> <p><b>12e.</b> Noted.</p> <p><b>12f.</b> It is not considered necessary to include specific text in the Special use zone schedule relating to traffic reports. The deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 already give local governments broad discretion to require any specialist reports (including traffic) as part of planning applications and Structure Plans.</p> <p>There has already been a number of developments in the Shire where a Traffic report has been required, such as at Billabong, and for the Monkey Mia Structure Plan. Where development abuts a road under Main Roads</p>	

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	<p><b>12g.</b> In addition, we request the re-wording of the 3<sup>rd</sup> condition for Special Use Zone No.3 in Schedule B-Special Use Zones under clause 21 of the Scheme to be “<i>Development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government and Main Roads WA.</i>” The proposed re-wording would protect Main Roads future interests to acquire additional land within the south-west corner of the Lot 1 Shark Bay Road.</p> <p><b>12h.</b> In line with section 3.3 of Development Control Policy No.5 – Regional Roads (Vehicular Access, Main Roads’ general approach is to minimise the number of accesses (including intersections and crossovers) to roads under our control, consolidating accesses where appropriate. We would like to highlight that new accesses should be sought from local roads, shared crossovers or internal access roads where available. This is particularly relevant for the preparation of a structure plan</p>	<p>jurisdiction the Shire refers any applications to MRWA for advice.</p> <p><b>12g.</b> The Special Use schedule already states that ‘<i>development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government.</i>’ This is appropriate as the Shire is the determining authority.</p> <p>The subject land is vacant. Any development proposal for the lot would be referred to MRWA for advice and comments.</p> <p><b>12h.</b> Noted, however this issue is adequately addressed under the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Under Regulation 67 in Schedule 2 the local government may have regard for the adequacy of the means of access and traffic likely to be generated. Any application would be referred to MRWA for comment, and Council would have to consider any MRWA advice in accordance with regulation 67 (za).</p>	

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	for Lot 9500 Monkey Mia Road, Denham and Lot 9000 Denham Road, Denham and Special Use Zone No. 2, 3, 5, 6, 8 and 10, and would request continued consultation as plans progress in these areas.	The Shire will continue to liaise with MRWA on any relevant development proposals or structure plans.	
<p><b>13.</b> Martin Pardoe 97 Knight Terrace Denham</p>	<p><b>13a.</b> My name is Martin Pardoe and I act as the Trustee of the Parbreen unit trust that holds land at 97 Knight Terrace Denham.</p> <p><b>13b.</b> I believe the property in question shall be affected by the proposed zoning changes.</p> <p><b>13c.</b> By the change in zoning to Tourism it appears that uses that are currently permitted such as supermarket, fuel outlet and others shall no longer be permissible. I therefore raise a number of issues of concern (below).</p>	<p><b>13a.</b> Noted.</p> <p><b>13b.</b> The property is currently zoned 'Town Centre' and is proposed to be zoned 'Tourism' which has a greater emphasis on tourist accommodation, tourist facilities and commercial landuses which are compatible with tourist uses.</p> <p><b>13c.</b> This is partially correct. Council will still have discretion to consider some commercial uses such as exhibition centre, fast food outlet, liquor store, lunch bar, medical centre, office, restaurant/café, shop, and tavern. The issue of landuse compatibility would still be examined.</p> <p>Council will not have discretion to consider a service station in the new tourist zone.</p>	That the submission be noted, however no modifications be made as a result of the submission.

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	<p><b>13d.</b> The effect the zoning changes may have on the continuation of trade of existing businesses.</p> <p><b>13e.</b> The effect the zoning changes may have on future plans to upgrade existing businesses.</p> <p><b>13f.</b> What provisions have been made in this draft scheme to compensate those land holders whose property values may be adversely affected by the rezoning?</p>	<p><b>13d.</b> Any landuse that has a valid planning approval can still continue to operate under a non conforming use right if it is a use which is no longer permitted under the Draft Scheme. Any alteration or extension of a non conforming use requires planning approval.</p> <p>There is currently a wide range of commercial, tourist accommodation, offices and residential development in the Town Centre zone, which causes some landuse conflict. Introduction of separate zones was detailed in the Shire of Shark Bay Local Planning Strategy which has been endorsed by the WA Planning Commission and forms the basis of Draft Scheme No 4.</p> <p><b>13e.</b> As per 13d.</p> <p><b>13f.</b> There is no payable compensation for changes under a Scheme review, and property values are not a valid planning consideration.</p>	

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	<b>13g.</b> I therefore submit that I am not in favour of the proposed zoning changes.	<b>13g.</b> Noted.	
<b>14.</b> Mary Barrett Gelu 10 Hughes Street DENHAM WA 6537	<b>14a.</b> I Mary Barrett Gelu, of 10 Hughes Street Denham, wish to advise of my objection to the proposed rezoning of my property, 10 Hughes Street, from <i>Town Centre</i> to <i>Residential</i> .  <b>14b.</b> My husband and I purchased the property based on the presumption that in the future, we would be able to run a small business from home. The proposed changes will therefore adversely impact on our future plans.  <b>14c.</b> I believe that approval for this proposal should be denied and the zoning remain as it currently is.	<b>14a.</b> Noted.  <b>14b.</b> Noted. As per 2b.  <b>14c.</b> Noted. As per 2b.	That the submission be noted, however no modifications be made as a result of the submission.
<b>15.</b> Department of Education 151 Royal Street East Perth WA 6004	<b>15a.</b> Thank you for your letter dated 1 December 2016 regarding the Shire of Shark Bay draft Local Planning Scheme No. 4.  <b>15b.</b>	<b>15a.</b> Noted.  <b>15b.</b> Noted.	That the submission be noted, however no modifications be made as a result of the submission.



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	<p>The Department of Education has reviewed the document and wishes to make comments; (as outlined below).</p> <p><b>15c.</b> It is noted that in Precinct 1c Council has identified various points when considering potential new development on Reserve 2593, the former Shark Bay primary school site.</p> <p><b>15d.</b> With regard to the former school site, being described as Reserve 2593, the Department reiterates that any consideration for use of this land whilst under the ownership of the Department should be via formal application. Correspondence should be submitted to Mr. Phil Newnham, Principal Consultant, Property Team, Strategic Asset Planning and Department of Education.</p> <p><b>15e.</b> It is anticipated that lot yields identified in the areas for future residential development will accommodate any potential increase in student numbers at the existing Shark Bay Primary School.</p>	<p><b>15c.</b> Noted. This comment relates to Precinct 1c in the Shires Local Planning Strategy (LPS). The Strategy was advertised in February/March 2013 and was referred to the Department of Education for comment at that time.</p> <p>The LPS forms the basis of Draft Scheme No 4.</p> <p><b>15d.</b> Noted. There is still a management order over the reserve to the Minister for Education therefore any planning application form would need to be signed by either Department of Lands or an authorised person at Department of Education.</p> <p><b>15e.</b> Noted.</p> <p><b>15f.</b></p>	

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	<p><b>15f.</b> Other than the above comments the Department advises that is has no objection to the Local Planning Scheme.</p>	Noted.	
<p><b>16.</b> Department of Agriculture and Food WA Northern Region Locked Bag 4 Bentley Delivery centre WA 9682</p>	<p><b>16a.</b> Thank you for the opportunity to comment on the Shire of Shark Bay Draft Local Planning Scheme.</p> <p><b>16b.</b> The Department of Agriculture and Food, Western Australia (DAFWA) supports the draft Local Planning Scheme (LPS) as it recognises protection of broad scale agriculture, the retention of pastoral leases, the maintenance of environmental values of Rural Zoned land and the importance of World Heritage values.</p> <p><b>16c.</b> The Use and Development classes in the Zoning Table are supported.</p>	<p><b>16a.</b> Noted.</p> <p><b>16b.</b> Noted.</p> <p><b>16c.</b> Noted.</p>	That the submission be noted, however no modifications be made as a result of the submission.
<p><b>17.</b> TPG PO Box 7375 Cloisters Square PERTH WA 6850</p>	<p><b>17a.</b> TPG + Place Match, on behalf of Pan Holdings Pty Ltd as the landowners of Lot 2 Nanga Road, Nanga (the subject site), is pleased to submit the following submission in relation to the Draft Shire of Shark Bay Local Planning</p>	<p><b>17a.</b> Noted.</p>	<p>That the submission be noted and upheld.</p> <p>It is recommended that the landuse of 'aquaculture' be listed in Schedule B – Special Use zones for</p>

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	<p>Scheme No. 4, which is currently being advertised for public comment.</p> <p><b>17b.</b> The site is currently zoned 'Special Use' (SU5) pursuant to the Shire of Shark Bay Local Planning Scheme No. 3 (LPS3). Schedule 4 of LPS3 designates a number of uses as being permitted within the 'Special Use' (SU5) zone where they form part of a Structure Plan. It includes Tavern, Caravan Park, Service Station, Shop, Arts and Crafts Centre, Short Term Accommodation (including Edel Loc Caravan Park), Exhibition Centre and Staff Accommodation.</p> <p><b>17c.</b> The Draft Shire of Shark Bay Local Planning Scheme No.4 (Draft LPS4) seeks to retain the 'Special Use' zoning of the site, albeit with a reassignment of the 'Special Use' classification from SU5 to SU4. Schedule B of the Draft LPS4 designates the following uses as being discretionary within the 'Special Use' (SU4) zone where they form part of a Structure Plan: Camping ground, Caravan park, Caretakers dwelling (maximum of one), Car park, Exhibition centre, Holiday accommodation, Service station, Shop, Short term accommodation, Workforce accommodation, Motel, Park home park, Tourist development,</p>	<p><b>17b.</b> Noted.</p> <p><b>17c.</b> Noted.</p>	<p>SU4 which applies to Lots 1-4 Nanga Road, Nanga.</p>

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	<p>Office, Reception centre, Restaurant/café, Tavern, Waste disposal facility, Waste storage facility and Associated uses, infrastructure and services as approved by the local government.</p> <p><b>17d.</b> Whilst we are supportive of the intention to provide more flexibility for development by broadening the land use options for the site, it is respectfully requested that 'Agriculture – intensive' be included within the discretionary uses for the 'Special Use' (SU4) zone under the Draft LPS4.</p> <p><b>17e.</b></p>	<p><b>17d.</b> Noted and upheld. Planning approval has been granted for aquaculture in waterways adjacent to this site (approved at the Council meeting held on the 19 December 2016).</p> <p>The Shark Bay Regional Strategy 1997 designates the marine waters adjacent to Nanga as being for 'Intensive Marine Use'. Table 2 of the Strategy states that these areas were specifically not included within the Shark Bay Marina Park to allow for commercial development and managed intensive use such as marine facilities associated with urban, industrial, tourism and recreational activity.</p> <p>Including aquaculture in the SU4 zone would allow for activities associated with the approved aquaculture to be conducted on the lot in the future.</p> <p><b>17e.</b> Noted. Definitions from the Model Scheme Text have been incorporated in</p>	

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	<p>'Agriculture – intensive' is defined under Clause 38 of the Draft LPS4 as:</p> <p><i>'means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following –</i></p> <p><i>(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;</i></p> <p><i>(b) the establishment and operation of plant or fruit nurseries;</i></p> <p><i>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);</i></p> <p><i>(d) aquaculture'.</i></p> <p><b>17f.</b> The proposed addition of 'Agriculture – intensive' is requested in light of a recently approved development application (DA Ref – P4174) for an aquaculture operation in waters adjacent to the subject site. The inclusion of this land use will therefore allow for the development of infrastructure associated with the aquaculture operation on the subject site such as a hatchery, storage facilities for aquaculture equipment and potentially a small scale incidental processing facility.</p> <p><b>17g.</b></p>	<p>Draft Scheme 4, including one for 'agriculture-intensive'.</p> <p><b>17f.</b> Noted and upheld.</p> <p><b>17g.</b> Noted.</p>	

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	<p>It is further noted that the significant land area of the subject site and remote location mean that the development of such facilities can be done without detriment to the amenity area. Moreover, the minor modification will help facilitate the approved aquaculture operation which will provide local employment generation and will have flow on effects to the local economy, as advocated in the Shire's Local Planning Strategy and broader regional strategic planning documents.</p> <p><b>17h.</b> This submission has been prepared by TPG + Place Match, on behalf of Pan Holdings Pty Ltd as the landowners of Lot 2 Nanga Road, Nanga, in relation to the Draft Shire of Shark Bay Local Planning Scheme No. 4. The requested inclusion of 'Agriculture – intensive' will ensure an appropriate level of flexibility exists to allow for the development of small scale infrastructure associated with the adjacent aquaculture operation on a discretionary basis. The requirement for a local structure plan to be prepared and endorsed over the site prior to development will further ensure the development of such facilities are developed in a coordinated manner.</p>	<p><b>17h.</b> Noted.</p>	

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<p><b>18.</b> Department of Housing Design Approvals – Business Services Level 1, 99 Plain Street, East Perth 6004</p>	<p><b>18a.</b> Thank you for providing the Housing Authority (Housing) with the opportunity to comment on the Shire of Shark Bay’s draft Local Planning Scheme No. 4 (draft scheme).</p> <p><b>18b.</b> Housing has considered the changes proposed in the draft scheme that are relevant to the business of the organisation and supplies the following comments for your consideration.</p> <p><b>18c.</b> The introduction of a flat R30 density code for all sewerred area currently zoned R12.5/30 is supported.</p> <p><b>18d.</b> Retention of the existing R10/20 in areas lacking sewer connections within these areas is understood and accepted.</p> <p><b>18e.</b> The inclusion of a new Clause within the Scheme to allow existing corner lots with a frontage to two constructed roads to be developed up to R40 is strongly supported. The scheme provisions surrounding the density bonus (i.e. limiting to grouped dwelling yields, compliance with LPPs, lot regularity, retention of existing dwelling if in good quality etc.) is understood.</p>	<p><b>18a.</b> Noted.</p> <p><b>18b.</b> Noted.</p> <p><b>18c.</b> Noted.</p> <p><b>18d.</b> Noted.</p> <p><b>18e.</b> Noted.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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	<p><b>18f.</b> Although Housing has limited presence in the Town Centre (now Commercial/Tourist zone), we would strongly advocate for residential permissibility (grouped/multiple dwellings) in the zoning table to provide for diverse housing options in walkable localities.</p> <p><b>18g.</b> Rezoning of existing residential in the Town Centre zone to 'Residential' with an R50 density code is strongly supported.</p>	<p><b>18f.</b> Noted. Under the zoning table, Council does have discretion to consider both a grouped dwelling and multiple dwelling in the Commercial and Tourist zone.</p> <p><b>18g.</b> Noted.</p>	
<p><b>19.</b> <b>TPG</b> (on behalf of RTA Leisure Pty Ltd)</p>	<p><b>19a.</b> I refer to proposed Draft Local Planning Scheme No. 4 (Draft LPS4), currently being advertised by the Shire of Shark Bay (the Shire). TPG+Place Match (TPG) act on behalf of RTA Leisure Pty Ltd, the owner of the Shark Bay Airport located on Lot 91 (No. 91) Monkey Mia Road, Denham (the subject site). The purpose of this submission is to seek the rezoning of the subject site from 'Rural' to a zone which more appropriately reflects the airport land use.</p> <p><b>19b.</b> The subject site has a total area of 203.46 ha and comprises a privately owned and operated regional airport. The Certificate of Title details are Lot 91 on Plan 218447, CT 2223/663.</p>	<p><b>19a.</b> Noted and upheld. A Rural zoning is not ideal for the local airport and does not accurately reflect existing infrastructure.</p> <p><b>19b.</b> Noted.</p>	<p>That the submission be noted and upheld.</p> <p>It is recommended that Lot 91 Monkey Mia Road, Denham be:</p> <ul style="list-style-type: none"> <li>- Zoned Special Use on the Draft LPS 4 map</li> <li>- Be listed as Special Use (No 17) in Schedule B with an airfield and carpark as permitted.</li> <li>- Include discretion to consider a wide range of other landuses to cater for any future development</li> <li>- Include controls through conditions listed in Schedule B.</li> </ul>



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	<p><b>19c.</b> The current approval relates to a regional airport, which was approved as an Airfield. The development is made up of a 1,690 metre by 30 metre asphalt runway, one small light aircraft hangar, and a small depot building, bound by an abundance of dense low-lying shrubland. Shark Bay Airport is a significant asset as it provides regional connecting flights for workers, residents and visitors to and from Geraldton and Perth.</p> <p><b>19d.</b> Pursuant to the Shire of Shark Bay's Local Planning Scheme No.3 (LPS3), the subject site is currently zoned 'Rural/Pastoral'. The Rural/Pastoral zone include a number of objectives (listed in the submission). Although the subject site is not located within the World Heritage Area, World Heritage values are to be considered in accordance with the objectives above when dealing with any application for planning approval in the Rural/Pastoral zone pursuant to LSP3.</p> <p><b>19e.</b> LPS4 currently identifies the subject site as 'Rural' under the proposed Scheme map. The Draft LPS4 also lifts specific objectives for the Rural Zone (listed in the submission).</p>	<p><b>19c.</b> Noted.</p> <p><b>19d.</b> Noted.</p> <p><b>19e.</b> Noted.</p>	<p>TPI modified the provisions suggested by TPG – <b>Attachment 2.</b></p> <p>The Draft provisions have been supported by TPG. Council supported the draft special use provisions at the July Council meeting.</p>

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	<p><b>19f.</b> In the context of the airfield operations, both the existing and draft planning scheme zones do not appropriately reflect the current use of the subject site. The proposed LPS4 provides an opportunity to the Shire to rezone the subject site to a more appropriate category in-keeping with the airfield land use and complementary ancillary uses.</p> <p>These supporting uses include carpark, Fuel Depot, Hire Service, Industry, Motor Vehicle Hire, Restaurant, Shop and Storage. These land uses shall facilitate the potential development of the airfield site over time.</p> <p><b>19g.</b> The Shire of Shark Bay's Local Tourism Strategy (the Strategy) reviews existing tourism trends and assesses the possible opportunities that can further develop and enhance Shark Bay's tourism growth. The Strategy includes objectives (listed in this submission).</p> <p><b>19h.</b> The Strategy stipulates that as an implication for Shark Bay:</p>	<p><b>19f.</b> Noted and agreed. The local airport caters for tourists and the draft Scheme is an opportunity to allow flexibility for other landuses that are compatible with the airport.</p> <p><b>19g.</b> Noted.</p> <p><b>19h.</b> Noted and agreed.</p>	

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	<ul style="list-style-type: none"> <li>it will be important to maintain key transport corridors and investment in regional airports and healthcare facilities; and</li> <li>that car hire options are limited in the Shark Bay area, being only available in Denham and with no facility for one-way hires.</li> </ul> <p>In the context of the above, there is an identified opportunity to provide for car hire opportunities at the subject site.</p> <p><b>19i.</b> It is respectfully requested that the Shire amend the draft LPS4 mapping by rezoning the subject site from 'Rural' to 'Special Use' with an allocated 'Special Use Area – SU17'. Note: A rezoning map is included in the submission.</p> <p>The draft LPS4 text can be modified by inserting provisions under Schedule B – Special Use Zones.</p> <p><b>19j.</b> The provisions can provide Council with discretion to consider a range of landuses including airfield, carpark, fuel depot, hire service, industry, motor vehicle hire, restaurant, shop and storage.</p>	<p><b>19i.</b> Noted and upheld.</p> <p><b>19j.</b> Noted and upheld.</p> <p><b>19k.</b> Noted.</p>	

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	<p><b>19k.</b> This application seeks to enable compatible non-aviation land uses on the subject site. It is considered that the proposed land uses are compatible with the existing airfield use.</p> <p><b>19l.</b> A Hire Service will provide opportunities for workers and visitors to access hired goods directly from the airport.</p> <p><b>19m.</b> A Motor Vehicle Hire use is typically located at airports, and will provide workers and visitors with access to hire vehicles and further enhance transport and tourism services within the Shark Bay area.</p> <p><b>19n.</b> A Restaurant is typically located within an airport and will provide workers, residents and visitors with food and beverages.</p> <p><b>19o.</b> A Shop use is typically found within airports to provide ancillary retail goods for passengers on arrival and departure.</p> <p><b>19p.</b> The proposed Storage use shall allow the storage goods, equipment and plant material</p>	<p><b>19l.</b> Noted and upheld.</p> <p><b>19m.</b> Noted and upheld.</p> <p><b>19n.</b> Noted and upheld.</p> <p><b>19o.</b> Noted and upheld.</p> <p><b>19p.</b> Noted and upheld.</p>	

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	<p>that is associated with or complimentary to the operational use of the airfield and/or Monkey Mia Resort.</p> <p><b>19q.</b> The proposed Industry and Fuel Depot uses shall enable complimentary uses to support the ongoing operations of the Airfield.</p>	<p><b>19q.</b> Noted and upheld. As the lot is within a declared bushfire prone area, SPP 3.7 would need to be considered as part of any proposal.</p>	
<p><b>20.</b> DHI Development Pty Ltd PO Box 107 North Fremantle WA 6159</p> <p>RE: Lots 62, 303, 304 Dirk Hartog Island</p> <p><i>Note: Identical submission lodged under different name (refer No 21)</i></p>	<p><b>20a.</b> We have followed the progress of the Strategy since its inception. We commend the Shire and their consultants on their thorough presentation and articulation of the presented report in regard to the proposed Shire of Shark Bay Town Planning Scheme No 4. We have reservations in regard to some of the restrictions proposed within the strategy relevant to the freehold lots on Dirk Hartog Island and in particular with the proposed SU Zoning; with common sense we are hopeful that we will be able to work through them.</p> <p><b>20b.</b> We understand that the draft documents provided for comment are to allow Council to make final amendments to the document to take account of any changes in circumstances since the original strategy document was completed. We also understand that the preceding Local Planning Strategy was endorsed by the Western Australian Planning</p>	<p><b>20a.</b> Noted.</p> <p><b>20b.</b> Noted. As Local Planning Strategy (LPS) has been endorsed by the WAPC it forms the strategic basis for changes being introduced in Draft Scheme No 4. The LPS contained draft scheme provisions for lots at Dirk Hartog Island.</p>	<p>That the submission be partially upheld, and the following modification be made as a result of the submission.</p> <p>In Schedule B – Special Use Zones modify the special uses for SU15 to make specific reference to Tourist Development as follows:</p> <p>‘Council has discretion to consider a wide range of eco-tourism uses and associated facilities which may include short term accommodation, camping ground, holiday accommodation, tourist development, or other forms of tourism accommodation and associated guest and recreational facilities. Any development must demonstrate</p>

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	<p>Commission. Town Planning Schemes are a moving document and further amendments can be approved by Council.</p> <p><b>20c.</b> Prior to the draft plan being circulated for comment the Shire was host to the largest celebrations ever undertaken in Shark Bay – the 400<sup>th</sup> anniversary of the first recorded landing of a European on Australian soil at Cape Inscription on Dirk Hartog Island in October 1616. These celebrations attracted thousands of tourists to Shark Bay and in particular more than 400 campers and 4wd enthusiasts to Dirk Hartog Island. Historical and Environmental presentations over a four day period – ‘to these tourists’ – provided a watershed event for Dirk Hartog Island in terms of tourism. It has placed the destination on the ‘must visit’ list of thousands of prospective new tourists via social media, news reports, word of mouth and specialist 4wd television presentations. Catering for this demand is now the challenge.</p> <p><b>20d.</b> Lots 303 and 304 are included within SU15 (Special Use 15) and Lot 62 within SU14 (Special Use 14) under the Draft Scheme.</p> <p><b>20e.</b></p>	<p><b>20c.</b> Noted.</p> <p><b>20d.</b> Noted. The Draft provisions were based on those contained in the LPS.</p> <p><b>20e.</b></p>	<p>the use meets the eco-tourism definition. ‘</p> <p><i>Reason – For clarity as the intention is to give broad discretion over tourist accommodation as long as it also meets the eco-tourism definition.</i></p>

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	<p>The proposed Local Planning Scheme No 4 – includes descriptions and objectives in regard to all of the zones and includes specific objectives for a Tourism Zone (listed in the submission).</p> <p><b>20f.</b> We submit that in particular following the substantial tourism activities of the last twelve months that tourism zone is genuinely more appropriate for Lots 303, 304 and Lot 62 and request Councils full support for this submission for amendment to include tourism zone for these lots. A Tourism zone was not part of Town Planning Scheme No 3.</p>	<p>Noted. Objectives were sourced from the Model Scheme Text under the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p><b>20f.</b> Noted. A tourism zone does not exist under existing Scheme No 3. The LPS recommended that a new Tourist zone be introduced for some areas within the Denham townsite, particularly where tourist accommodation has already been developed.</p> <p>A Tourist zone for some parts of Denham townsite will provide greater focus on catering for tourist accommodation, tourist facilities and ensuring any commercial landuses are compatible.</p> <p>A Tourism zone is appropriate for parts of Denham townsite however the same landuses may not necessarily be appropriate for lots on Dirk Hartog Island, which are remote, unserved, and within a World Heritage Area.</p> <p>Special Use zones have consistently been applied to remote tourist sites on</p>	

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	<p><b>20g.</b> A special use zone is described with the zone objectives as being:-</p> <ul style="list-style-type: none"> <li>• To facilitate special categories of land use which do not sit comfortably within any other zone.</li> <li>• To enable council to impose specific conditions associated with their special use.</li> <li>• To provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality but by their nature require special consideration.</li> </ul> <p><b>20h.</b> We submit that whilst the Special Use Zone may and has been applied to Lots 62, 303 and 304 in the draft scheme it is no longer appropriate in 2017 as the activities of the past 12 months in particular support a tourism zone</p>	<p>the coast including Monkey Mia, Nanga, Hamelin Pool and now lots on Dirk Hartog Island. This is appropriate given their sensitive location within world heritage area, remoteness, bushfire risk, and need for rubbish management. Department of Planning officers have indicated they support continued use of structure plans to guide development in some of these areas.</p> <p><b>20g.</b> Noted. Special Use zones apply to a number of remote coastal tourist sites in Shark Bay.</p> <p><b>20h.</b> Noted and not upheld. The proposed special use zone is consistent with the Shires endorsed Local Planning Strategy. The Scheme includes a</p>					



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	<p>as a more correct description of the activities requested and expected by tourists.</p> <p><b>20i</b> Shark Bay is part of the Shark Bay World Heritage Property and contains unique recognition as one of very few locations that met all four criteria for World Heritage listing. Dirk Hartog Island is an iconic location within the Shark Bay World Heritage Property and on the cusp of a growing and expanding tourism population including local, regional, interstate and international tourists seeking new and satisfying experiences within eco destinations.</p> <p><b>20j.</b> The zoning needs to reflect the changing status of tourism within WA and Shark Bay. Whilst SU14 and SU15 offer broad usage opportunities there is no doubt that tourist zone is the more appropriate description for these lots. The objectives contained within such zoning more than adequately address the uniqueness and special qualities of tourism</p>	<p>number of landuses permissible in a Tourist zone which may not be suitable or appropriate for lots on the island. There is no significant change of circumstances or justification for substantially deviating from the LPS recommendations to introduce a Special Use zone for the lots.</p> <p><b>20i.</b> Noted. The Special Use zones proposed for the freehold lots on Dirk Hartog Island include specific provisions requiring management plans and environmental reports. In addition to the special use zone the lots are within the Special Control Area for world heritage property.</p> <p><b>20j.</b> Noted and not upheld. The Special Use Zones proposed under Draft Scheme 4 allow for a wide range of tourist uses. The simple fact that a site is proposed for some form of tourist development does not transfer to the Tourist zone being the most appropriate zone.</p>	

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	<p>locations and the ability of the council to still impose specific conditions for development.</p> <p><b>20k.</b> Whilst it is agreed that the locations on Dirk Hartog Island are unique and that development should be consistent with the character and amenity of the locations we submit that this is more adequately addressed as a Tourism Zone rather than a Special Use Zone. Contrary to the statement contained within the special use zone that it is "<i>used to facilitate special categories of land uses which do not sit comfortably with any other zone</i>" we believe that each of these lots perfectly fit within tourist zone.</p>	<p>A Special Use zone allows the Shire to place specific controls, conditions and requirements for any future development on the Island. The Island is a very unique location and there is no justification for significant variations to the approach already supported by the WA Planning Commission as part of the Local Planning Strategy for the direction of Draft Scheme No 4. The WAPC has supported the Draft Scheme as written for the purpose of advertising. Both the Department of Planning and WAPC are supportive of the approach proposed in the Draft Scheme for the lots on the island.</p> <p><b>20k.</b> The provisions in the Draft Scheme pertaining to a Tourism zone have been tailored for land in the Denham townsite, which is serviced, commercial in nature and has access to infrastructure.</p> <p>The Special Use zone proposed for lots on the island has specifically been tailored for that location. The changes were detailed and earmarked in the LPS which has been endorsed by WAPC. The Draft Scheme No 4 is simply</p>					

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	<p><b>201.</b> Lot 303 should be included with Lot 62 within 'special use 14' rather than included with 'special use 15' for Lots 304 and 305 which are located some 20 kilometres from this location and particularly so if the zoning is not changed to Tourism. The reasons Lots 308 and Lot 62 should be listed together include:</p> <ul style="list-style-type: none"> <li>• Lot 303 is located contiguously with Lot 62 and has common usage facilities for both lots including sheds and storage and access to the national park etc.</li> <li>• The main internal access road entering the national park from this location travels directly through both Lot 62 and Lot 303.</li> </ul>	<p>implementation the LPS which has been endorsed by the Shire and state planning. The WAPC has supported the special use zone proposed for lots on the island. Gray &amp; Lewis is of the view that the WAPC will not support a Tourist zone and substantial deviation from the recommendations of the Local Planning Strategy.</p> <p>The Local Planning Strategy is the key guiding strategic document for the Draft Scheme.</p> <p><b>201.</b> Mr Wardle lodged a similar submission in 2013 on the Local Planning Strategy which was not supported by Council or the WAPC. This matter was already considered by Council on the 15.10.201 and Council already supported applying a consistent planning approach to Lots 303, 304 and 305. This was recorded in the Table of Submissions for the Local Planning Strategy as Submission 7j.</p> <p>A concession was made in 2012 for Lot 62 to be separated into a separate Special use zone to recognise the existing homestead.</p>	

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	<ul style="list-style-type: none"> <li>Both lots border and surround the homestead bay directly adjacent to each other.</li> <li>Development on each lot will affect development on the other lot.</li> <li>Any development on either lots need to be coordinated and complimentary.</li> <li>The topography of each lot compliments the other lot without repeating it.</li> <li>Lots 62 and 303 at homestead bay are located some 20 kilometres from Lots 304 and 305 at Sunday Island Bay.</li> <li>Lots 62 and 303 should have the same zoning (tourism) and/or special use option so that they can be planned for in a proper way without a demarcation line for uses to be different on either side of a "fence".</li> <li>It is logical that two adjacent lots in the same bay should be included within the same SU if the zoning for all lots is not changed to Tourism Zone.</li> </ul> <p><b>20m.</b> <b>LOTS 303 and 62 LAND USES</b> <b>CAMPING AREA: CARAVAN PARK</b></p> <p>Lots 303 and 62 are located on Dirk Hartog Island which is a national park and part of the Shark Bay World Heritage Property.</p>						
			<p><b>20m.</b> The submitter seeks support for caravan parks and camping areas to be listed as a permissible use for Lot 62. The majority of Dirk Hartog Island is a national park, within world heritage area and environmentally sensitive. It is appropriate that camping facilities are within the national park under the care and control of DPaW.</p>				

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	<p>Dirk Hartog Island is one of the Shark Bay Shire's iconic destinations for an ever growing range of tourists including family groups, caravan and campers, international travellers, environmentalists, fishing groups, backpackers and researchers. Within the national park there are opportunities of camping at nine destinations allocated by the Department of Parks and Wildlife (DPaW). Each of these DPaW destinations offer no facilities apart from some minimal shelter. There is no fresh water, no showers or ablution facilities, no power, no toilet facilities, no onsite management and no emergency support.</p> <p><b>20n.</b> Currently we are advised that with limited funding and even less, on site, true National Park management staffing personal there is limited ability for DPaW to provide modern and updated facilities (demanded by today's sophisticated travellers) and to manage them in a responsible way. In discussions with DPaW it has been indicated that this department will not be supplying any of the above facilities in the near future – if at all. In past years Dirk Hartog Island was regarded as one of the last frontiers for groups of fishermen prepared to go to this almost inaccessible destination and camp in isolation without any</p>	<p>Given the lack of infrastructure/services, the need to control visitors to the island, isolation and bushfire prone area, the Schemes limitations on accommodation for the island is considered appropriate. The Scheme allows flexibility for holiday accommodation and tourist development on Lot 62 (subject to structure planning). There is also broad scope for a wide range of accommodation on Lot 303 as long as it meets the eco-tourism definition.</p> <p><b>20n.</b> Camping areas provided by DPaW provide a wilderness experience and minimise the human footprint within the nature based national park. The Scheme allows flexibility for different forms of accommodation on Lot 62 and Lot 303 which can cater for families. The Scheme allows flexibility for camping grounds on Lot 303 where it meets the eco-tourism definition.</p> <p>The submitter has planning approval for 8 short term accommodation units on lot 304 which can accommodate families.</p>	

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	<p>facilities whatsoever. THIS HAS NOW CHANGED – DIRK HARTOG ISLAND IS A FAMILY TOURISM DESTINATION.</p> <p><b>20o.</b> With the advent of modern and economical 4wd vehicles and more sophisticated camper vans and camp trailers with four wheel drive capabilities there is a huge and rising general demand for better camping and caravan facilities including ablution and toilet facilities to be provided. In particular on Dirk Hartog Island the recent 400 year anniversary event attracted large family groups travelling with camper trailers who appreciated the opportunity of using all of the facilities located at the homestead.</p> <p>Together with the advent of these camper vans has come the huge growing additional usage by family groups with children to enjoy these destinations but requiring some level of comfort including hot showers, portable water and a safe environment with emergency assistance available at call (currently all emergency services for campers to the national park are met from Lot 62 which is located a considerable distance from the DPaW camping areas).</p> <p><b>20p.</b></p>	<p><b>20o.</b> Noted. As per 20n.</p> <p><b>20p.</b> Noted. As per 20n.</p>	

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	<p>Whilst SU15 (which includes Lot 303 and 304) refers to Councils discretion to consider a wide range of eco tourism uses including camping area there is no such inclusion within SU14. In an earlier submission we submitted that camping should be an approved class of use for each of these contiguous freehold lots. WE SUBMIT that the camping area and caravan park landuse should be added to the special use category for each of these lots as "P" or "I" permitted use within the Schedule B Special Use Zone SU14 for these lots and SUV 15 if the zoning is not changed to Tourism Zone rather than include them as discretionary options.</p> <p><b>20q.</b> The Draft Scheme includes a definition for Tourist Development. The development proposed at Lots 62, 303 and 304 fits this category. Whilst SU14 includes 'Tourist Development' as a council discretionary use there is no such specific reference for SU 15 which includes Lots 303 and 304 but which had included "Ancillary Tourist Use" in the previous draft: there is however a broad statement included in the description as a discretionary option for Council. THERE IS NO LOGICAL REASON WHY THIS LAND USE SHOULD NOT BE INCLUDED AS</p>			<p><b>20q.</b> Partially upheld. As explained for submission 20I, the Scheme provides for different landuse controls over Lot 62 and the three other freehold lots on the island. This decision was made by Council as part of the Local Planning Strategy process.</p> <p>Tourist development is only permissible for Lot 62 where it forms part of a structure plan.</p> <p>Different forms of tourist accommodation can be approved for Lot 303 if it satisfies the eco-tourism</p>			

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	<p>APPROVED TOURISM DEVELOPMENT USES FOR EACH LOT. WE SUBMIT that tourist development land use should be included as an option and "P" use in SU14 and SU15 if the zoning is not amended to Tourism Zone.</p> <p><b>20r.</b> The Draft Scheme includes a definition for holiday accommodation. Whilst SU14 refers to this as a council discretionary option there is no such inclusion within SU15 rather a broad statement indicating Councils discretionary options in this regard.</p> <p><b>20s.</b> The Draft Scheme includes a definition for holiday house, however this land use is not considered in either SU14 or SU15 but should be included as an option within both zones. WE SUBMIT that the proposed development on each of these lots would meet this description and thus 'holiday house' – land use – should be included as a "P" or "I" use within SU14 and SU15 if the zoning is not amended to Tourism Zoning.</p>	<p>definition (including tourist development). Tourist development can be specifically listed under SU5 for Lot 303 to clarify that there is flexibility to approve w wide range of accommodation types.</p> <p><b>20r.</b> Noted. The scheme provides wide flexibility for a range of tourist accommodation as long it meets the eco-tourism definition. It specifically encourages eco-tourism due to the islands unique characteristics, the world heritage area, and sensitive environment.</p> <p><b>20s.</b> Noted. As per 20r.</p> <p><b>20t.</b> A convenience store is a shop and therefore is discretionary as long as it</p>	



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	<p><b>20t.</b> Whilst both SU14 and SU15 refer to councils discretion in regard to a 'shop' with a max lettable area of 100m2 a "convenience store" option should also be additionally included as being appropriate to the service required in this location. WE SUBMIT that Convenience Store should be included as a "I" use within SU14 and SU15.</p>	<p>does not exceed 100m<sup>2</sup>. Allowance of a shop provides more flexibility as it allows for the sale of convenience goods as well as other items (eg clothes, tourist souvenirs).</p>	
<p><b>21.</b> Hypermarket Pty Ltd PO Box 107 North Fremantle WA 6159</p> <p>RE: Lots 62, 303, 304 Dirk Hartog Island</p> <p><i>Note: Identical submission lodged under different name (refer No 20)</i></p>	<p>Refer to Submission 20</p>	<p>Refer to Submission 20</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>
<p><b>22.</b> Department of Mines and Petroleum Mineral House 100 Plain Street East Perth WA 6004</p>	<p><b>22a.</b> Thank you for your letter dated 1 December 2016 inviting comment on the above Draft Local Planning Scheme.</p> <p><b>22b.</b> The Department of Mines and Petroleum has reviewed this proposal with respect to mineral</p>	<p><b>22a.</b> Noted.</p> <p><b>22b.</b> Noted.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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	<p>and petroleum resources, geothermal energy and basic raw materials.</p> <p><b>22c.</b> With reference to the proposed zoning table in section 17, please note, that the Rural Planning Guidelines Version 3 (page 15) published in December 2016 by the WAPC recommend the use of 'D' for 'Mining Operations' and states that an 'X' use should not be used for this purpose. The exception to this is where the Mining Act does not apply, for instance in the case of 'Mineral to Owner' land. Please refer to the Rural Planning Guidelines (page 16) for an example of how to deal with 'Mineral to Owner' land in your zoning table if such land does occur within your Shire.</p>	<p><b>22c.</b> Noted. The landuse classifications were reviewed by the Department of Planning prior to granting consent to advertise the Draft Scheme. The Department specifically requested inclusion of a note under the zoning table which states 'Mining operations covered by the Mining Act 1978 are exempt from the requirement for development approval in accordance with the Mining Act 1978'. This addresses some of the submitters concern.</p>	
<p><b>23.</b> Taylor Burrell Barnett PO Box 7130 Cloisters Sqaure WA 6850</p> <p>Re: Ocean Park located at Lot 566 Ocean Park Road, Shark Bay</p>	<p><b>23a.</b> Thank you for your letter dated 1st of December 2016 advising us of the release of draft Local Planning Scheme No.4 (LPS4). We are pleased to present the following submission in response to your invitation. This submission is presented on behalf of WA Ocean Park Pty Ltd, the owners and operators of Ocean Park Aquarium on Lot 556, 1 Ocean Park Road, Shark Bay.</p> <p><b>23b.</b> Ocean Park Aquarium is a unique eco-tourism venture that offers visitors to the</p>	<p><b>23a.</b> Noted.</p> <p><b>23b.</b> Noted.</p>	<p>That the submission be partially upheld, and modifications be made as a result of the submission.</p> <p>Modify Schedule B – Special Use Zones for SU13 to allow flexibility for different forms of holiday or tourist development where guided by a Local Structure Plan endorsed by the Western Australian Planning Commission – <b>Attachment 3.</b></p>

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	<p>Shark Bay region the opportunity to learn about the unique marine environment of the region. The park is a popular tourism attraction, and a well recognised conservation and marine research facility, with approximately 48,000 visitors each year. The facility is also certified by Eco-Tourism Australia, and won the WA Tourism award for Best Tourist Attraction in 2014.</p> <p><b>23c.</b> Ocean Park originated in July 2000 as an aquaculture venture to farm pink snapper. It had two full time staff, and ran tours of small display aquaria. While the Pink Snapper farming operation proved to be unviable, Ocean Park has progressively developed and improved as a research and tourism, and in 2008, the site was rezoned from rural/pastoral, under Local Planning Scheme No.3 (LPS 3) to Special Use zone. Schedule 4 – Special Use Zones of the Scheme applies specific requirements to each Special Use zoned site. In respect of the subject site, uses permitted under Schedule 4; include, oceanarium and associated incidental uses, shop, café/restaurant, camping area, workers accommodation.</p>	<p><b>23c.</b> Noted.</p>	

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	<p><b>23d.</b> In relation to the 'camping area' use, the Schedule also applied the following restriction; <i>"ii) the use of the camping area is restricted to students involved in educational programs or research on site and is not for use by the general public."</i></p> <p>Note: The present state of development is shown on a plan in the submission.</p> <p><b>23e.</b> The Ocean Park Aquarium facility has been involved in various state government research projects into passive shark attack mitigation technologies, fish population surveys with the Department of Fisheries, and has also assisted with the Department of Parks and Wildlife Monkey Mia Dolphins project. The business is also actively encouraging cooperation with local and international universities to support studies in marine science. Curtin University researchers are already using the facility for research studies, and the business has received strong interest from an overseas marine research organisation.</p> <p><b>23f.</b></p>	<p><b>23d.</b> Noted.</p> <p><b>23e.</b> Noted.</p> <p><b>23f.</b> Noted.</p>	

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	<p>The marine research aspect of the aquarium initially led to the concept of establishing a camping area for students involved in research and education programs.</p> <p><b>23g.</b> Pursuant to the provisions of the current zone, a development application was lodged in November 2016 including 27 accommodation 'eco -tents' for students doing research through the aquarium facility, 27 car parking bays, communal BBQ and pool area and new managers residence to replace the existing house which will be removed. <i>Note: The architects site plan, showing the proposed new development, as well as the existing infrastructure, is included in the submission.</i></p> <p><b>23h.</b> The proposed 'eco tents' are a prefabricated modular structure using the predominately canvas material around a steel structure which is designed to withstand the climatic elements of this exposed coastal location.</p> <p><b>23i.</b></p>	<p><b>23g.</b> Noted. The application is currently on hold waiting for additional information to be lodged by the applicant.</p> <p><b>23h.</b> Noted.</p> <p><b>23i.</b> Noted and upheld.</p> <p>A report on a potential scheme amendment for Ocean Park was referred to the Ordinary Council meeting held on the 30 November 2016. Council was supportive of allowing increased</p>	

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	<p>In addition to the research and education aspects of Ocean Park, the business has been growing in popularity with tourists, with a range of tours, and adventure experiences on offer. Given that the use of the proposed camping facility by students and researchers is likely to be intermittent and fluctuating, the operators would ideally like to offer the accommodation to tourists as well; and this would undoubtedly have benefits to the local tourism market, adding yet another element to the region's range of short-stay experiences.</p> <p>23j. It is noted that draft LPS 4 proposes to continue the zoning controls as they exist in LPS 3, including the restriction of the use of the camping area to students involved in educational programs or research.</p> <p>23k.</p>	<p>flexibility for tourist accommodation subject to development being guided by a Structure Plan endorsed by the WAPC (consistent with the approach for other coastal tourist sites, such as Monkey Mia).</p> <p>23j. Noted. No changes were proposed under the Local Planning Strategy and the Shire received no submissions earmarking any interest at the time for tourist accommodation. The Shire has since become aware of the owners aspirations and was supportive of increasing flexibility for the site as resolved at the November 2016 Council meeting.</p> <p>23k. Noted and upheld. It is recommended that increased flexibility be supported subject to a requirement for a Structure Plan to guide future development.</p> <p>23l.</p>	

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	<p>Ocean Park Pty Ltd is seeking to remove this limitation so that the proposed camping facilities may also be available to accommodate other visitors to the facility. As previously mentioned, the Ocean Park Aquarium has become a very popular destination for regional travellers seeking to learn more about the region's unique marine environment.</p> <p><b>23l.</b> Therefore the purpose of this submission is to seek a minor modification to Special Use zone No SU13 in Schedule B of draft LPS 4, to remove Condition ii), and thereby effectively removing the restriction on the use of the camping area for students only.</p> <p><b>23m.</b> The wide range of services and experiences available through the facility, including 4wd tours, dive tours, marines safaris, and the aquarium itself, highlights the importance of the facility in offering</p>	<p>Noted. Removal of the condition is supported however additional provisions are recommended to require camping ground, holiday accommodation and tourist development to be guided by a Structure Plan. Matters such as state planning policies, coastal setbacks, bushfire management etc can be addressed as part of a Structure Plan. In November 2016 Council was supportive of a Structure Plan being required, consistent with other tourist sites such as Monkey Mia.</p> <p><b>23m.</b> Noted.</p> <p><b>23n.</b></p>	

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	<p>education and guidance to the wider community in educating people about the global significance of this World Heritage environment. The proposed modification represents only a minor alteration of the existing planning framework controlling the area, and would have no discernible impact on the amenity of the locality.</p> <p><b>23n.</b> It should further be noted that the proposed modification does not seek to increase the development potential of the site; it merely seeks to broaden the accessibility of the camping facility to include the general public.</p> <p>This would remain in keeping with the educational emphasis of the Ocean Park Aquarium, reflecting recognition of the strong interest within the general community to learn more about various aspects of their natural environment as well as enjoying the adventure experiences on offer. Being located within a World Heritage area, makes the Shark Bay region a strong attraction for regional and international visitors alike in this respect.</p> <p><b>23o.</b></p>	<p>No planning approval has been issued for new development on the site and therefore the development potential is still subject to state planning policies being addressed.</p> <p><b>23o.</b> Noted. The Local Planning Strategy recommended that a Tourism Strategy be developed.</p> <p><b>23p.</b></p>	



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	<p>The Local Planning Strategy was endorsed by the Western Australian Planning Commission in 2013. It did not recommend any change to the existing Special Use provisions. This position was subsequently reviewed through the Local Tourism Planning Strategy, as described below.</p> <p><b>23p.</b> The Shire of Shark Bay Tourism Strategy was prepared in response to a recognition of the need to adopt a strategic approach to future land use planning with regard to tourism development. The strategy also analyses various specific existing and potential tourism sites, including Ocean Park Aquarium. In relation to the Ocean Park Aquarium the strategy makes some important observations, including the following;</p> <ul style="list-style-type: none"> <li>• <i>"The Ocean Park Aquarium provides one of the few commercial attractions for visitors outside the town site and every visitor should be encouraged to visit it. The Oceanarium offers visitors the opportunity for a close-up experience with marine fauna and a unique educational experience."</i></li> </ul>	<p>Noted. The Tourism Strategy supports increased flexibility for tourist accommodation on the land.</p>	

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	<ul style="list-style-type: none"> <li><i>"This is an outstanding multi-purpose facility, which contributes significantly to the overall tourism product and opportunities."</i></li> <li><i>"There is no obvious reason to restrict the uses on this site as it has proved to have longevity and to be operated responsibly. It is a suitable distance from town so that it does not compete with the Denham based tourist uses and subject to being able to provide suitable services it should be permitted to develop a range of workers and visitors accommodation."</i></li> </ul> <p><b>23q.</b> The Tourism Strategy specifically recommended that the existing restrictions on use of the camping area for Ocean Park be removed, to allow public use and additional workers accommodation to the satisfaction of the local government. It also recommended that eco-camping accommodation should be permitted. The requested modification is, therefore, explicitly supported by the Local Tourism Strategy.</p> <p><b>23r.</b> The WAPC Planning Bulletin 83 provides guidance for the identification and protection of important tourism sites. The Bulletin also outlines general location criteria to determine</p>	<p><b>23q.</b> Noted.</p> <p><b>23r.</b> Noted.</p>	

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	<p>the tourism value of prospective sites, under the headings of Accessibility, Uniqueness, Setting, Tourism activities and amenities, Supply of land, Suitability in a land use context, Capability, Size and Function.</p> <p>The Ocean Park site rates well against the values described under these heading and deserves is identification within the Local Tourism Planning Strategy as an important tourism asset.</p> <p><b>23s.</b> The Shark Bay World Heritage Property Strategic Plan, SPP 26 and SPP 3.7 are also relevant to any Development Application. The matters that need to be addressed under these policies are primarily detailed design considerations, and do not directly relate to the suitability or otherwise of the locality for short-stay tourist accommodation.</p> <p><b>23t.</b> Therefore the purpose of this submission is to seek a minor modification to Special Use zone No SU13 in Schedule B of draft LPS 4, to remove Condition ii), and thereby effectively removing the restriction on the use of the camping area for students only. Ocean Park Pty Ltd is seeking to remove this limitation so that the proposed camping facilities may also be available to accommodate other visitors to the facility. As previously mentioned, the</p>	<p><b>23s.</b> Noted.</p> <p><b>23t.</b> As per 23i and 23l.</p> <p><b>23u.</b> Noted.</p>	

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		<p>Ocean Park Aquarium has become a very popular destination for regional travellers seeking to learn more about the region's unique marine environment.</p> <p><b>23u.</b> The preceding comments emphasise that the modification will have no impact on the development potential of this important tourism site; it merely offers more flexibility in the availability of the camping accommodation to enable visitors other than students to stay.</p> <p>Whilst most of the strategic framework relating to the area is generally silent in respect of this notion, importantly the most relevant document, being the Local Tourism Planning Strategy is explicit in its support for this proposed change.</p> <p>We therefore respectfully seek Council's support for the proposed modification. We would be most pleased to discuss the matter further with you if you require.</p>					
<p><b>24</b> Mr &amp; Mrs T.W Hargeaves</p>		<p><b>24a.</b></p>		<p><b>24a.</b> Noted. The WAPC has required strict compliance with the Model Scheme Text contained in the Planning and</p>		<p>That the submission be partially upheld, and the following modification be made as a result of the submission.</p>	

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Owner Lot 100 corner Durlacher & Hughes Street, Shark Bay	<p>It is noted that much of the text for the draft planning scheme No. 4 has been derived from the West Australian Planning Commission's ('WAPC') template – Local Planning Scheme prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, and so, much of the following comments are given for consideration when relating to the template text. However, remarks relating to the draft scheme that are outside of this template are written as a point of both disputation, endorsement and recommendation.</p> <p><b>24b.</b> The Aims of Scheme include to safeguard and enhance the character and amenity of the built and natural environment of the Denham town site and surrounds and to provide for housing choice and variety in neighbourhoods' with a community identity and high levels of amenity. We challenge the proposed scheme's validity when it comes to the term's 'safeguarding' 'enhancing character' and 'variety in neighbourhoods' when the scheme applies separated zones for Tourism, Commercial and Residential. By eventually phasing out of residential within the existing Town Centre's</p>	<p>Development (Local Planning Schemes) Regulations 2015.</p> <p><b>24b.</b> Noted. The separation of the Town Centre zone into a Commercial zone and Tourism zone was extensively discussed as part of the Local Planning Strategy, and aims to minimise landuse conflicts between commercial uses, tourist accommodation and residential development.</p> <p>Draft Scheme 4 is guided by the Local Planning Strategy which was advertised for public comment, and has been endorsed by the WA Planning Commission as the strategic basis for the Scheme review. Council still has discretion to consider a single house in</p>	<p>Modify the Zoning Table to list a caretakers dwelling as a discretionary (D) use in the Tourism and Commercial zone.</p> <p><i>Reason: The caretaker dwelling definition in the Draft Scheme is more flexible than that contained in the existing Scheme 3, as it makes reference to being on the same site as tourist development.</i></p>

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	<p>Commercial and tourism zone, the small-town community atmosphere could be adversely affected – particularly after trading hours and off peak tourist seasons. This needs to be thoroughly addressed and investigated. It would be prudent for the Shire of Shark Bay to seek an independent professional 3<sup>rd</sup> party review, preferably being a member of the Planning Institute of Australia.</p> <p><b>24c.</b> The aims of the Scheme also include to impose special conditions for development of land within Denham to mitigate the adverse effects of land subject to inundation and other physical constraints. We recommend removal of the word ‘impose’ when dealing with existing land uses – such special conditions should be adopted only after advertising and community consultation.</p> <p><b>24d.</b> The Scheme states that ‘<i>Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.</i>’ This is open and imprecise. The specific local law should be cited.</p>	<p>the Commercial and Tourism zone (where it will not cause landuse conflict).</p> <p><b>24c.</b> Noted. The existing scheme also has controls for land subject to inundation. As conditions of development are imposed by the local government the existing terminology is suitable and no changes are recommended.</p> <p><b>24d.</b> Noted. This is consistent with the Model Scheme text contained within the Planning and Development (Local Planning Schemes) Regulations 2015. It is generic to refer to any existing local law and there is no need to list every local law in the Scheme. Local Laws are separate documents that can be revoked or modified.</p> <p><b>24e.</b></p>	

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	<p><b>24e.</b> The Tourism Zone includes objectives to allow limited residential uses where appropriate and to ensure that any development is compatible with short stay and tourist accommodation and do not negatively impact on surrounding properties by virtue of noise, emission, traffic, loading areas or the like. The first Tourist Zone objective should make reference to that of existing residential developments within the zone, being supported to continue in their current usage where planning applications are submitted. The second Tourist Zone objection should include inserting the word 'future' between 'any' and 'development' to read 'ensure any future development'. Please adopt this principle throughout the text.</p> <p><b>24f.</b> Ancillary Dwelling for Commercial and Tourism be changed to 'P' when dealing with any existing Residential property (in the Zoning table).</p>	<p>The proposed Tourism Zone does not apply retrospectively to any existing dwellings and existing development can continue to operate 'as is'. The Draft Scheme does not need to reference existing or future residential developments as it will only apply once gazetted, to new planning applications.</p> <p><b>24f.</b> The submitter does not provide justification for the suggestion. The Draft Scheme aims to limit potential for new residential development in the Commercial and Tourism zones.  The Draft Scheme cannot effectively incorporate provisions to apply to existing development and will only apply to new planning applications following ministerial approval and gazettal.</p>	

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	<p><b>24g.</b> Bed and Breakfast for Commercial and Tourism be changed to 'I' when dealing with any existing Residential property (in the Zoning table).</p> <p><b>24h.</b> Caretakers Dwelling for Commercial and Tourism be changed to 'P' in the Zoning table for reasons that Caretaker dwelling's are often associated with industries related to Commercial and Tourism, ie: All the Existing Caravan Parks have a Caretakers dwelling. Caretaker's accommodation on future Holiday Accommodation incentivizes development both economically and operationally.</p> <p><b>24i.</b> Community Purpose shall be changed to 'D' in residential zones (in the Zoning table) for purposes setout with the aim of the Scheme promoting variety within neighbourhoods.</p>	<p><b>24g.</b> As per 24f.</p> <p><b>24h.</b> Upheld. A caretakers dwelling may be ancillary to a tourist development or caravan park. It is recommended that the Zoning Table be amended to list a caretakers dwelling as a discretionary (D) use in the Tourism and Commercial zone. The caretaker dwelling definition in the Draft Scheme is more flexible than that contained in the existing Scheme 3, as it makes reference to being on the same site as tourist development.</p> <p><b>24i.</b> Noted. The majority of community purposes are developed on Shire land, government land or crown reserves. They often involve members of the public attending the site and on site carparking requirements which may not be compatible with residential development.</p> <p><b>24j.</b></p>	



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	<p><b>24j.</b> Place of Worship be changed within Tourism Zone to 'D' in the Zoning table.</p> <p><b>24k.</b> Residential Building for Residential should be changed to 'I' in the Zoning table.</p> <p><b>24l.</b> Restricted Premises for General Industry be changed to 'X', second to this item (b) under the definition of restricted premises and it is strongly recommended be changed to 'X' within the Commercial Zone.</p>	<p>The submitter does not provide justification for the suggestion. The Tourism zone is to specifically cater for tourist accommodation and other compatible uses. It is not considered that a place of public worship is compatible with tourist accommodation due to potential noise and traffic.</p> <p><b>24k.</b> The submitter does not provide justification for the suggestion. A residential building is a building to cater for temporary accommodation or permanently by seven or more people (who are not a family). They may occur in the form of a house and this type of development would not be an incidental use. It is an A use in the residential zone under the existing Scheme No 3 which is not proposed to change under Draft Scheme No 4.</p> <p><b>24l.</b> The submitter does not provide justification for the suggestion. Council has discretion to consider a restricted premises in the Town Centre and General Industry zone under the current Scheme No 3.</p> <p><b>24m.</b></p>	

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	<p><b>24m.</b> The scheme must identify if existing residential lots falling within the proposed Commercial and Tourism zones are proposed to become 'non-conforming'. Clarification on this matter should be placed for further public comment. Note: The submission refers to Clause 18 which discusses "interpreting the Zoning table".</p> <p><b>24n.</b> The Design Requirements for the Tourism Zone state that: <i>'Any development on a lot that has double road frontage shall be designed to include architectural features and details to the rear building façade to contribute to the existing streetscape or have facades that address both streets'</i>. This text need to make allowance for discretion, taking into consideration, where applicable, built features, terrain and existing prior conditions.</p> <p><b>24o.</b></p>	<p>Existing approved single dwellings in the Town centre zone (proposed as Commercial and Tourist zone) will not become non conforming uses under Draft Scheme No 4.</p> <p>The Shire produced information sheets summarising the changes proposed as part of advertising.</p> <p><b>24n.</b> Noted. The clause is proposed as there has been historic development in the Town Centre which does not have a high level of presentation to second street frontages. The Clause will assist the Shire to achieve good quality development outcomes and new development which contributes towards existing streetscapes.</p> <p><b>24o.</b> As per 24n.</p>	

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	<p>The Development requirements for the Tourism Zone identifies 'Opportunities for buildings to address available street frontages'. This text need to make allowance for discretion, taking into consideration, where applicable, built features, terrain and existing prior conditions.</p> <p><b>24p.</b> In regards to minimum carparking requirements, Council shall also take into due consideration, nearby public parking, street parking and distance for walkability, for the promotion of healthy and walkable communities.</p> <p><b>24q.</b> The sentence 'The need to encourage holiday house's to close to the Denham...' does not make sense, please clarify.</p> <p><b>24r.</b></p>	<p><b>24p.</b> Noted. Council has discretion to consider on street parking under Clause 31.16.7.3 of Draft Scheme No 4.</p> <p><b>24q.</b> Clause 31.15.3 of Draft Scheme No 4 refers to '<i>The need to encourage holiday house's close to the Denham Town Centre and discourage these uses within established residential areas distanced from the Denham Town Centre</i>'.</p> <p>It means new holiday houses will be encouraged close to town (<i>ie where holiday makers can walk to shops and the beach</i>).</p> <p><b>24r.</b> Parking is based on number of bedrooms for residential buildings as by their very definition they may cater for larger numbers of people, hence require more car parking than a traditional single house. The terminology of 'unit' is not</p>	

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	<p>Parking for Short Term Accommodation and Residential Building – 1 bay for every 'bedroom'. The word bedroom be changed to a residential 'unit' for the purposes of the text being misconstrued when applying the rationale to a 3 or 4 'bedroom' unit.</p> <p><b>24s.</b> Please clarify if the term reference for 'Home Occupation' is separate to the definition of 'Ancillary Accommodation' (definition not given in the terms of reference). Please note that Ancillary Accommodation requirements (i.e. Granny flats) have recently been amended within the R-Codes on Friday 2 August 2013, guiding residential development throughout Western Australia to streamline the planning system.</p>	<p>one used in planning legislation, the Residential Design Codes or Schemes.</p> <p>Suitable parking for short term accommodation may be dependent on the design and Council has discretion over all car parking requirements under Draft Scheme No 4.</p> <p><b>24s.</b> The term 'home occupation' is different from the term 'ancillary accommodation'.</p> <p>The term 'ancillary accommodation' is defined in the Residential Design Codes. Individual landuse terms that are defined in the Codes are not listed in Draft Scheme No 4 as the Codes are amended from time to time as a Statement of Planning Policy.</p> <p>The Draft Scheme effectively incorporates the terms in the Planning and Development Act 2005 and the Residential Design Codes by references under Point 2 of Division 1 – General definitions.</p> <p><b>24t.</b> Noted. The explanatory report has no strategic or statutory weight – it was simply a document used for advertising</p>	

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	<p><b>24t.</b> Further to the above, we now write to address the specific matter of Lot 100 Corner Durlacher and Hughes Street, being our property and primary residence.</p> <p>The 'Scheme Review Explanatory Report' prepared for the Shire of Shark Bay by Gray and Lewis, November 2016, figure 14, identifies Lot 100 as 'Crisis Centre'. It should be established that although the report is correct in identifying this property as recognised within the community and further afield as being a 'Crisis Centre', this activity is secondary to the primary usage, being residential in nature. Further, the existing zoning of the property is that of Residential R50.</p> <p><b>24u.</b> Given the proposed scheme demarcates our property as 'Tourism Zone', we must therefore formally raise an objection to the proposed scheme. This objection stands until an adequate explanation on the following is provided and agreement reached.</p> <p><b>24v.</b></p>	<p>to try and explains some of the changes introduced as part of Draft Scheme 4, and included cross references to the Local Planning Strategy.</p> <p>The existing zoning of Lot 100 is Town Centre and an R50 density code is shown on the existing Scheme 3 map.</p> <p><b>24u.</b> The Tourism zone is earmarked by the Shire of Shark Bay Local Planning Strategy which has been endorsed by the Western Australian Planning Commission as the strategic basis for the Scheme Review.</p> <p><b>24v.</b> Although the submitter refers to residential development as a 'non conforming use' this is incorrect. The Shire still has discretion to consider a planning application for single dwelling or grouped dwelling in new Tourism zone and Commercial zone, however there will be greater consideration over landuse compatibility.</p>	

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	<p>It is noted, under the Summary of Town Centre Zone Changes – sub heading ‘Draft Local Planning Scheme No 4’ the document states <i>‘The R50 density code that applies under the current Scheme 3 will continue to be applied to any residential development in the new Commercial zone, Tourism zone and Residential zone.’</i></p> <p>Should this statement be formally adopted within the Shire of Shark Bay Local Planning Scheme No. 4 with the view to allowing existing Residential Properties within the Commercial and Tourism zone to make application for planning approvals in accordance with an R50 zoning, and not be given a ‘non-conforming use’ classification then the objection may be removed.</p> <p><b>24w.</b> Should Existing Residences within the Commercial and Tourism zone opt to be recognised and zoned accordingly as proposed, then formal written notification may be given by the Owner, with the view to adopting the planning allowances set out in the proposed Scheme No 4.</p> <p><b>24x.</b></p>	<p>The issue is addressed in the Zoning Table of draft Scheme 4 and the R50 code is shown on the Draft Scheme No 4 maps.</p> <p><b>24w.</b> Public consultation is complete and copies of all submissions have to be forwarded to the WA Planning Commission for assessment. The Minister for Planning will determine if further modifications to the Draft Scheme are required, or any additional advertising.</p> <p><b>24x.</b> Noted. All submissions are constructive and provide the Shire will opportunity to review aspects of the Draft Scheme.</p>	

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	We trust the content of this letter is read in the spirit of that which it is written, not to be obstructive, but rather constructive to enable prudence in proceeding forward.		
<p><b>25</b> Phil Scott (member and behalf of the SBWHAC) Shark Bay World Heritage Advisory Committee Email submission.</p>	<p><b>25a.</b> No particular issue or comment with the amendments within Denham townsite. I don't believe that the density amendments represent any threat to the WHA values.</p> <p><b>25b.</b> The amendment of the status or the majority of Dirk Hartog Island (currently zoned Rural/Pastoral) to an Environment Conservation Reserve appears to be appropriate. It is consistent with DPaW management of the Island and appears to consider the development of freehold lots in a controlled manner. Freehold lots are proposed to be zoned 'Special use' with specific conditions listed in Schedule B. I note that Schedule B of the Special Use zone that apply to the freehold lots (with some variation) requires conditions that I would consider appropriate including:</p> <ul style="list-style-type: none"> <li>• A Foreshore Management Plan.</li> <li>• A Visual Impact Assessment may be required.</li> </ul>	<p><b>25a.</b> Noted. Denham townsite is outside of the world heritage area.</p> <p><b>25b.</b> Noted. Draft Scheme No 4 makes it clear that any development or Structure Plan on freehold lots on Dirk Hartog Island has to be referred to the Shark Bay World Heritage Advisory Committee. In practice, the Shire undertakes a high level of consultation with the SBWHAC on applications near or within the world heritage area.</p>	<p>That the submission be partially upheld, and the following modification be made as a result of the submission:</p> <p>The table under Clause 16(2) be re-formatted to make it clear that the last objective applies to the Rural zone.</p> <p><i>Reason: There is a heading divider in the table that needs to be removed.</i></p>

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	<p>Any development, subdivision or Structure Plan shall be referred to the Department of Parks and Wildlife, any relevant Shark Bay World Heritage Advisory committee and the Department of Regional Development and Lands for comment prior to determination.</p> <p><b>25c.</b> Local Scheme reserves differentiate between 'Public Open Space' reserves and 'Environment Conservation Reserves'. The explanatory report does not mention these terms so I am unclear as to the significance of this. I am assuming that Environment Conservation Reserves (see next dot point) have objectives and limitations that mean that the environment receives specific consideration and protection, where public open space provides more for public use without necessarily including environmental controls.</p> <p><b>25d.</b></p>	<p><b>25c.</b> The reserves for Public Public Open Space and Environment Conservation Reserves have been largely based on the land status and any management orders.</p> <p>For example, if there is a management order to DPaW for conservation then the Environment Conservation reserve has been applied. If the land is vested to the Shire for parks and recreation then the Public Open Space reservation has been applied. If it is Unallocated Crown Land or unvested Crown land then the Public open Space reservation has been applied.</p> <p>The submitter is correct that there is greater emphasis on conservation value on the objectives for the Environment Conservation reserve.</p> <p><b>25d.</b> Noted. The objectives are from the Model Scheme Text contained in the Planning and Development (Local</p>	



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	<p>There are specific objectives for any Environment Conservation Reserve under Clause 14.</p> <p><b>25e.</b> It is noted that Public Open Space has separate objectives:-</p> <p><b>25f.</b> There is an un-named zone in the Scheme 4 with the following objective. It is not clear what the name of this zone is or where it applies:</p> <ul style="list-style-type: none"> <li>To provide for tourism or ecotourism uses that are compatible with the operations of pastoral leases and the World Heritage Values.</li> </ul> <p><b>25g.</b> Part 5 deals with Special Control Areas including the world heritage area. This section has been modified and updated to make reference to the SBWHAC.</p> <p><b>25h.</b></p>	<p>Planning Schemes) Regulations 2015. The WAPC required the MST objectives to be used.</p> <p><b>25e.</b> Noted. The objectives are from the Model Scheme Text contained in the Planning and Development (Local Planning Schemes) Regulations 2015. The WAPC required the MST objectives to be used.</p> <p><b>25f.</b> Noted. The objective applies to the Rural zone however the table of objectives should be reformatted to make that clear.</p> <p><b>25g.</b> Noted.</p> <p><b>25h.</b> Noted.</p>	

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	The clarifications around the Little Lagoon zoning are appreciated – they help to explain the history.		
<p><b>26.</b> Department of Fire &amp; Emergency Services 20 Southport Street West Leederville WA 6007</p>	<p><b>General Comments:</b></p> <p><b>26a.</b> Significant portions of the LPS, including the town site of Denham are designated as bushfire prone on the <i>Map of Bush Fire Prone Areas</i> and therefore trigger the application of provisions of SPP 3.7.</p> <p><b>26b.</b> At this strategic level, it is acknowledged that bushfire management is likely to be only one consideration of the decision maker in determining the suitability of the land for proposed intensification. However, this emphasises the need for an understanding of what the bushfire risks are, so an informed decision can be made as to the suitability of areas for expansion or intensification of land use.</p> <p><b>26c.</b> Tourism development of land outside of the Denham townsite, and identified as bushfire prone, present challenges to ensure the proposal is consistent with the intent and objectives of SPP 3.7.</p>	<p><b>26a.</b> Noted.</p> <p><b>26b</b> The majority of changes proposed have already been strategically planned for under the Shires Local Planning Strategy which was endorsed by the Western Australian Planning Commission.</p> <p><b>26c.</b> Noted. Tourism uses require specific planning approval and a Bushfire Management Plan is required at the detailed planning stage.</p> <p><b>26d.</b></p>	That the submission be noted, however no modifications be made as a result of the submission.

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	<p><b>26d.</b> Policy Measure 6.3 of SPP 3.7 applies to this proposal, and states: <i>Any strategic planning proposal to which policy measure 6.2 applies is to be accompanied by the following information prepared in accordance with the Guidelines..'</i> <i>The submission lists the policy criteria.</i></p> <p><b>26e.</b> A Bushfire Hazard Level (BHL) assessment provides a 'broad brush' means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land contained within strategic planning proposals for future subdivision and development. It is a pre-development tool used to inform decision making at subsequent planning stages to ensure a holistic understanding of the bushfire risk.</p> <p>A BHL assessment should be prepared for all areas identified for land use intensification within the LPS that are designated as bushfire prone.</p> <p><b>26f.</b></p>	<p>The Draft Scheme No 4 is a statutory document and not a strategic proposal. The Shire's endorsed Local Planning Strategy is the strategic proposal upon which the Draft Scheme is based.</p> <p><b>26e.</b> Noted. It is cost prohibitive for the Shire to fund a BHL assessment and State Planning Policy No 3.7 has mechanisms for assessments and or Bushfire Management Plans to be lodged as part of the normal planning process.</p> <p>In any event, the BHL would only be valid for 12 month.</p> <p><b>26f.</b> Noted. As per 27e.</p>	

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	<p>A BHL assessment can achieve outcomes to improve bushfire risk, identify areas for expansion or landuse intensification, and identify improvements required to the road network for safe egress during a bushfire event.</p> <p><b>26g.</b> The bushfire protection criteria should be addressed for each proposed area identified for intensification. At this level, it will be important to demonstrate appropriate access, water supply and a BAL of 29 or less.</p> <p><b>26h.</b> A spatial representation of the bushfire protection criteria should be presented in the form of an opportunities/constraints map and address issues that have arisen following the BHL assessment.</p> <p>Note: The submission outlines what should be included in the map.</p> <p><b>26i.</b> Consideration and inclusion of specific objectives and requirements should be identified for the land outside of the Denham townsite with regards to development, and in particular tourism development, within bushfire prone areas. As you may be aware tourism uses are considered 'vulnerable uses' under</p>	<p><b>26g.</b> Noted. As per 27e.</p> <p><b>26h.</b> Noted. As per 27e.</p> <p><b>26i.</b> The Draft Scheme text is based on the Model Scheme Text contained in the Planning and Development (Local Planning Schemes) Regulations 2015. The regulations have 'deemed provisions' relating to development within designated bushfire prone areas.</p> <p><b>26j.</b></p>	

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	<p>SPP 3.7 and require referral to DFES for consideration.</p> <p><b>26j.</b> The Department of Planning (DoP) and the DFES are currently reviewing the Guidelines, including the section of 'vulnerable uses' with specific consideration of tourism uses. Further assistance with this component of your LPS, particularly the introduction of new land use definitions (eco-tourism) can be provided by contacting the DoP Bushfire policy team at <a href="mailto:bushfire@planning.wa.gov.au">bushfire@planning.wa.gov.au</a>.</p> <p><b>26k.</b> DFES advice is to seek a BHL assessment that identifies opportunities and constraints for land use intensification, and the ability to achieve compliance with the bushfire protection criteria, to inform bushfire risk management measures for the LPS. This will help to ensure that all recommendations within the report avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved at subsequent stages of the planning process.</p>	<p>Noted. The Draft Scheme does propose a new landuse definition for eco-tourism, and has undergone preliminary assessment by WAPC prior to advertising.</p> <p><b>26k.</b> Noted. As per 27e.</p>	
Department of State Development Level 6, 1 Adelaide Terrace	<p><b>27a.</b> The Department notes that the current draft scheme does not include the deemed provisions from the <i>Planning and Development</i></p>	<p><b>27a.</b> The deemed provisions of the regulations apply automatically statewide and do not need to be</p>	That the submission be noted, however no modifications be made as a result of the submission.

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East Perth WA 6004	<p><i>(local Planning Scheme) Regulations 2015.</i> It is suggested that the deemed provisions be included to make the Scheme a holistic and fit for purpose document.</p> <p><b>27b.</b> The Department notes that the Shire's Scheme has made workforce accommodation an 'incidental use' within each of the zones in the zoning table except the residential zone where it is a prohibited use. Clause 31.10 then provides additional land use and development requirements for Temporary Workforce Accommodation'. The Department provides the following comments in relation to this approach:</p> <p>i) 31.10 should relate to 'Workforce Accommodation', not Temporary Workforce Accommodation' to be consistent with the land use definition.</p> <p>ii) There appears to be inconsistencies in the way that the 'workforce accommodation' is</p>	<p>physically incorporated into the Draft Scheme text.</p> <p>If the deemed provisions of the regulations are modified or updated from time to time then the most updated version automatically applies.</p> <p><b>27b.</b> Noted.</p> <p>i) The clause allows for workforce accommodation that is temporary and hence limits the time period to 3 months. The term 'temporary' in this context is self explanatory'. it would be confusing to change the reference to workforce accommodation as the clause only relates to temporary workforce accommodation.</p> <p>ii) There is no inconsistency. It allows for people who are involved in</p>	

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	<p>described in relation to the circumstances of both clause 31.10.1 and 31.10.3.</p> <p>iii) The intention of clause 31.10.3 is unclear. The proposal for workforce accommodation to be an incidental use in the zoning table would require workforce accommodation proposals to be incidental, ancillary or subordinate to the predominant use of the land - which is reiterated through the first part of this clause. However, the second part of the clause states that persons may also be engaged in employment related to the industry specified on an Application for Planning Approval. Does the Shire intend for workforce accommodation to be permitted if the workers are supporting an industry located separately to the site subject to the accommodation development application?</p> <p><b>27c.</b> In regards to the appropriateness of the 'incidental' use classification of workforce accommodation in the General Industry/Rural zone, it should be noted that workforce accommodation is a sensitive land use and may not be able to be located in close proximity to the industrial or construction project it is</p>	<p>constructing or developing a lot. Workers can be accommodated on site for a short time period whilst they are building on the land.</p> <p>iii) As per 27b(ii) above.</p> <p><b>27c.</b> Workers can be accommodated on site for a short time period whilst they are building on the land. The industrial businesses in Denham are relatively low key. Other dwelling types, such as caretakers dwellings, can be approved in an industrial area.</p>					

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ATTACHMENT # 1		DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4	
SCHEDULE OF FORMAL SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p>supporting - i.e. on the same land as the predominate use.</p> <p><b>27d.</b> The Department's view is that workforce accommodation proposals should be considered on a case by case basis and specific to the circumstances surrounding the proposal. The Department notes that planning policies and provisions based on classification of persons as opposed to solely on land, zoning and amenity principles are inconsistent with proper planning. The Department suggests that the wording throughout clause 31.10 be clarified particularly as the Shire should be establishing provisions for workforce accommodation that suite a range of development scenarios (including major projects) and based solely on land, zoning and amenity principles.</p> <p><b>27e.</b> The draft Scheme potentially impacts on projects that operate under State Agreements that the Department administers and provides advice to the Minister for State Development.</p> <p><b>27f.</b> The Department requests that the Scheme acknowledges and recognises that State</p>	<p><b>27d.</b> Any planning application would be looked at on a case by case basis, based on it's merit, however the option to apply for temporary workforce accommodation will be particularly advantageous for remote sites.</p> <p><b>27e.</b> TPI is not aware of any projects that are affected. There is an agreement under the Shark Bay Solar Salt Industry Agreement Act 1983.</p> <p><b>27f.</b> Most state agreements operate under separate Acts, and this is not a matter for</p>	



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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p>Agreements operate within the Shire and that State Agreements are unique and can include provisions that remove or amend the power of local governments so that the operations of companies under a State Agreement are not interfered with or interrupted.</p> <p><b>27g.</b> The Department also requests that the Shire has regard to State Agreements when making decisions on other development proposals under this scheme and consults with the Department before considering any land use or development proposal that could impact on State Agreement projects.</p>	<p>the Scheme to address. TPI is not aware of any adverse impacts of Draft Scheme No 4 with any state agreement.</p> <p><b>27g.</b> Noted.</p>	
<p><b>28.</b> Department of Water Mid West Gascoyne Email submission No postal address provided.</p>	<p><b>28a.</b> Thank you for the opportunity to comment on the Draft Scheme No.4. The Department of Water has reviewed the Draft Scheme and considers it provides thorough and contemporary statutory planning directions for future development within the Shire of Shark Bay.</p> <p><b>28b.</b> Advice is provided on recommended text for inclusion in the scheme in relation to <i>Special Control Areas</i> and the <i>Denham Water Reserve</i>, as set out in Attachment 1. In addition, some minor typographical errors are outlined in Attachment 2.</p>	<p><b>28a.</b> Noted.</p> <p><b>28b.</b> Noted.</p>	<p>That the submission be noted, however no modifications be made as a result of the submission.</p>

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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p><b>Suggested edits and additional text to clauses 34 and 36 below, as highlighted:</b></p> <p>34.2 the purpose of each special control area is as follows-</p> <p>(b) Denham Public Drinking Water Source Area</p> <p>To ensure that land use and development within the Denham Public Drinking Water Source Protection Areas are compatible with the protection and long-term management of water resources for public water supply.</p> <p>36. Denham Public Drinking Water Resource Protection Areas (SCA9b)</p> <p>36.1 Relevant Considerations In considering any development application the local government will have regard to the Department of Water Denham North and Denham South Water Reserves Drinking Water Source Protection Plan.</p> <p>36.3 Referral of Applications Any development application for a use or development shall be referred, to the Department of Water or any equivalent replacement of that Department for comment.</p> <p>36.4 In determining any application for planning approval within the Public Drinking Water Source Area, the local government shall:</p>	<p><b>28b.</b></p> <p>Noted, however the Draft Scheme already makes reference to the Department of Water Denham North and Denham South Water Reserves Drinking Water Source protection plans, and referral of applications to the Department of Water.</p> <p>The flexibility proposed by the Scheme to make referrals to DoW discretionary rather than compulsory was deliberate and gives greater power to the Shire as the determining authority.</p> <p>It is not considered necessary to include provisions referencing state planning policies. The Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 outlines matters to be considered by the local government and already covers state planning policies.</p>	

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Name/Address of Submitter	Summary of Submission	Town Planning Innovations (Consultant) Officer Comment	Recommendation
	<p>(a) have due regard to the relevant State Government policies and the most recent Department of Water, Water quality protection note no.25 <i>Land use compatibility tables for public drinking water source areas</i>;</p> <p>(b) have regard to State Planning Policy No. 2.7 (Public Drinking Water Source Policy);</p> <p>(c) endeavour to ensure that the proposed use or development will not have a detrimental impact on the water resource.</p> <p>(d) in determining land uses and development proposals, the Local Government is to have due regard to any comments and recommendations from the Department of Water and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The Local Government should also have regard to the management direction provided by priority classification of certain areas, noting that Priority 1 areas are defined to ensure risk avoidance of pollution of the water source.</p>		

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## ATTACHMENT # 2

## PROPOSED MODIFICATION TO LIST LOT 91 MONKEY MIA ROAD, DENHAM AS 'SPECIAL USE'

No.	Description of Land	Special Use	Conditions
SU17	Lot 91 Monkey Mia Road, Denham	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> <li>• Airfield</li> <li>• Carpark</li> </ul> <p>The local government has discretion to consider the following uses:</p> <ul style="list-style-type: none"> <li>• Animal Establishment – A</li> <li>• Art Gallery – D</li> <li>• Civic use – D</li> <li>• Exhibition Centre - D</li> <li>• Fuel Depot – D</li> <li>• Hire Service - D</li> <li>• Industry – A</li> <li>• Industry Light – D</li> <li>• Lunch bar – D</li> <li>• Motor vehicle hire – D</li> <li>• Office – I</li> <li>• Restaurant/café – D</li> <li>• Shop – D</li> <li>• Storage - D</li> <li>• Telecommunications infrastructure – D</li> <li>• Transport Depot – A</li> <li>• Warehouse/storage – D</li> <li>• Renewable energy facility - D</li> </ul>	<p>The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.</p> <p>The objective of this Special Use zone is to accommodate airport facilities and provide for a range of aviation and non-aviation uses that form part of a strategic aviation hub that caters for the local community and tourists.</p> <p>Any development to address the following matters to the satisfaction of the local government:</p> <ul style="list-style-type: none"> <li>• Provision of adequate services;</li> <li>• Waste management;</li> <li>• Suitable areas on site for carparking, loading, truck movements, access and traffic circulation.</li> </ul> <p>The local government may require colours and materials to be compatible with the adjacent world heritage property, depending on the location and scale of development.</p> <p>The local government may require lodgement of a traffic impact assessment.</p> <p>The local government may refer any proposal to Main Roads WA for comment.</p>

## Note: The symbols in the above table have the following meanings -

P	means that the use is permitted if it complies with any relevant development standards or requirements of this Scheme;
I	means that the use is permitted if it is incidental, ancillary or subordinate to the predominate use of the land and it complies with any relevant development standards or requirements of this Scheme;
D	means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
A	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 41 of the deemed provisions;
X	means that the use is not permitted by this Scheme.

**Note: This modification was generally supported by Council at the meeting held on 26 July 2017**

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## ATTACHMENT # 3

## PROPOSED MODIFICATIONS TO SPECIAL USE PROVISIONS FOR OCEAN PARK

No.	Description of Land	Special Use	Conditions
SU13	Edel Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> <li>• oceanarium</li> <li>• shop</li> <li>• restaurant/cafe</li> <li>• camping ground (restricted to students)</li> <li>• workforce accommodation</li> </ul> <p>The local government has discretion to consider a camping ground (for general public use), holiday accommodation or tourist development where they form part of an integrated Structure Plan endorsed by the Western Australian Planning Commission.</p>	<p>i) The intent of this Special Use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for <del>both tourist and</del> research purposes. Different forms of accommodation for tourists may be appropriate where the uses are planned for by a Local Structure Plan.</p> <p><del>ii) The Use of the Camping Area is restricted to students involved in educational programs or research on site and is not for use by the general public.</del></p> <p>ii) The Use of a Camping Ground is restricted to students involved in educational programs or research on site, unless the Camping Ground forms part of an approved Structure Plan (and has been specifically approved for general public use).</p> <p>iii) A maximum of two dwellings for workers accommodation may be constructed on site.</p> <p>iv) Prior to commencement of development for any Camping Ground (to be used by the general public), holiday accommodation or tourist development, a Structure Plan shall be prepared in accordance with Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and endorsed by the Western Australian Planning Commission and address the following:</p> <p>(i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas, and rubbish management;</p> <p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p>

**Note: This modification was generally supported by Council at the meeting held on 26 July 2017**

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No.	Description of Land	Special Use	Conditions
SU13	Edel Location 110		<p>(iii) Adequate setbacks to the coast to be provided in accordance with any relevant state planning policy;</p> <p>(iv) A Bushfire Management Plan that addresses any relevant state planning policy or bushfire guidelines.</p>

Modifications to the advertised copy of Draft Local Planning Scheme No 4 shown in blue text

**Note: This modification was generally supported by Council at the meeting held on 26 July 2017**



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ATTACHMENT # 4

DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4			
SUBMISSION – PARKS AND WILDLIFE SERVICES			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendation
<p>29. Department of Parks and Wildlife PO Box 72 Geraldton WA 6531  (now known as Parks and Wildlife Services under the Department of Biodiversity, Conservation and Attractions)</p>	<p>27a. Thank you for your letter of 6 December 2016 regarding the Shire of Shark Bay Draft Local Planning Scheme No.4 (LPS 4). The Department of Parks and Wildlife (DPaW) provides the following comments for your consideration.</p> <p>27b. Parks and Wildlife supports the reservation and zoning changes proposed in draft LPS 4 and considers that LPS 4 is consistent with the Shire of Shark Bay endorsed Local Planning Strategy and previous comment provided by Parks and Wildlife. Parks and Wildlife notes that the Environmental Protection Authority (EPA) advice on LPS 4 dated 24 August 2015, did not trigger further requirements or amendments to LPS4.</p>	<p>27a. Noted.</p> <p>27b. Noted. The Scheme was referred to the EPA and no environmental assessment was required.</p>	<p>That the submission be partially upheld.</p> <p><b>Mod 1 -</b> Update reference from 'Department of Regional Development and Lands' to 'Department of Primary Industries and Regional Development (or equivalent)'</p> <p><i>Reason: The Department name has changed since amalgamation.</i></p>

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<b>DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4</b>			
<b>SUBMISSION – PARKS AND WILDLIFE SERVICES</b>			
<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
	<p><b>27c.</b> Please find attached recommended amendments to clarify clauses proposed in draft LPS4. These recommendations largely relate to the "Special Control Area" and "Special Use Zones" sections of LPS 4.</p> <p>Parks and Wildlife recommends that lands managed by Parks and Wildlife within the planning area be included in the "Environmental Conservation Reserve" section. The current proposed "Rural" zoning allows for a variety of land uses that are not appropriate to national parks or conservation reserves and may not be consistent with the legislation under which these lands are managed.</p>	<p><b>27c.</b> Noted. The WAPC requires reservations and zones to align with the Model Scheme Text. Draft Scheme No 4 endeavours to include all land that is vested to DPaW for conservation within the Environmental Conservation Local Scheme reserve.</p> <p>DPaW proposes to include unallocated crown land as 'conservation reserve' which is not supported, as the land is not vested to DPaW. A report on this issue was referred to Council on the 26 July 2017. Council resolved not to support the map changes for Unallocated Crown Land as it may have potential for future resources, and a whole of government approach, native title processes, and agreement with Department of Mines (is not resolved).</p> <p>It should be noted that TPI referred DPaW's submission to the Department of Mines and Petroleum and Department of Lands. .</p>	



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<b>SUBMISSION – PARKS AND WILDLIFE SERVICES</b>			
<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
		<p>The Department of Mines and Petroleum objects to DPaW's request on the basis that it is premature to rezone former pastoral leases to conservation because a whole of government position has not yet been determined for the future landuse of these areas. DMP advised that some of the areas have potential for titanium-zircon mineralisation and most areas have untested potential for petroleum.</p> <p>The Department of Planning, Lands and Heritage has advised they have no objection to the re-zoning however actual land tenure changes will be dependant on the Department of Biodiversity, Conservation and Attractions (BCA) attending to processes to address native title and obtain agreement from the Department of Mines, Industry Regulation and Safety, prior to their department undertaking tenure delivery to BCA.</p>	

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<b>SUBMISSION – PARKS AND WILDLIFE SERVICES</b>			
<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
	<p><b>27d.</b>                      Clause 21 Special Use Zones                      Clause 21(f)                      Page 18                      Suggest adding "or the managing authority" – as Dirk Hartog Island is managed Department Parks and Wildlife.</p> <p><b>27e.</b>                      Part 5 Special Control Areas                      Clause 35                      Page 41                      Suggest Clauses to address:</p> <ul style="list-style-type: none"> <li>• Environmental Capability – suggest additional clause to be included similar clause to 35.1(b);</li> </ul>	<p><b>27d.</b>                      Noted. Clause 21(3)(f) provides criteria for the exemption of development to proceed without a structure plan in the special use zone. It states 'the development will not compromise World Heritage Values in the opinion of the local government'.</p> <p>This is appropriate as:</p> <ol style="list-style-type: none"> <li>(1) The local government is the determining authority and :</li> <li>(2) The Shire has to have regard to any recommendations of DPaW as stated separately in Clause 35.2 (c) and</li> <li>(3) Clause 35.3 specifically requires development applications to be referred to DPaW.</li> </ol> <p>All of the above covers DPaWs interests.</p> <p><b>27e.</b>                      Noted.</p> <ul style="list-style-type: none"> <li>• Environment is already covered by Regulation 67(n) and (q) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 so does not need to be replicated in Draft Scheme 4.</li> </ul>	

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<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
	<ul style="list-style-type: none"> <li>Additional clause: Any other matters that the Local Government may consider relevant to the application.</li> </ul> <p><b>27f.</b> 35.3 Referral of Applications Page 42 Suggest adding on/rewording to include "...and any other Authorities/Departments that the Local Government may consider relevant".</p> <p><b>27g.</b> <b>Schedule B – Special Use Zones</b> SU14 &amp; SU15 (1)(iv) Page 69 and 72 Makes reference to Department of Regional Development and Lands – should this read Departments – suggest adding '(or equivalent)'</p>	<ul style="list-style-type: none"> <li>Any other planning consideration considered appropriate by the local government is already covered by Regulation 67(zb) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 so does not need to be replicated in Draft Scheme 4.</li> </ul> <p><b>27f.</b> Referral to any statutory, public or planning authority is already covered by Regulation 66 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 so does not need to be replicated in Draft Scheme 4.</p> <p><b>27g.</b> The Department change has changed so it can be updated to refer to the new Department of Primary Industries and Regional Development (or equivalent).</p>	

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<b>SUBMISSION – PARKS AND WILDLIFE SERVICES</b>			
<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
	<p><b>27h.</b>                      SU14 &amp; SU15 (1)(iv)                      Page 69 and 72                      Suggest rewording                      (iv) An environmental report that demonstrates that the Structure Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes and of the island. This report should include information on, as a minimum, building envelopes, limitations on visitor numbers and impacts, biosecurity measures to mitigate the risks of feral incursions and disease impacts on fauna; and a vegetation assessment report. General compatibility with Ecological Restoration Project (ERP) (administered by the Department of Parks and Wildlife) areas should be demonstrated.</p> <p><b>27i</b>  <b>Scheme Maps</b>                      Map 1 of 9                      Map 2 of 9</p>	<p><b>27g.</b>                      This issue is specifically discussed in a report to the August Council meeting.</p> <p><b>27i</b>  <b>Scheme Maps</b>                      Whilst the land may be managed by DPaW it is not proposed to be 'Conservation Reserve' as it is not vested to DPaW being Unallocated Crown Land.</p>	



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<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>TPI (Consultant) Officer Comment</b>	<b>Recommendation</b>
	<p>There is land on these maps that is proposed to be zoned "Rural" that is managed by Parks and Wildlife. All land managed by Parks and Wildlife should be included as "Environmental Conservation Reserve". Please refer to attached tenure map for land shown as "Unallocated Crown Land – Dept of Interest" and "UCL – Managed under Section 33(2)" – this is land to be included in the "Environmental Conservation Reserve".</p> <p><b>27j.</b>  <b>Scheme Explanatory Report</b>                      2.0 Location and Regional Setting                      Page 1                      Final Paragraph – 2<sup>nd</sup> sentence                      Clarify wording – 1<sup>st</sup> to be classified in Western Australia.</p>	<p><b>27j.</b>  <b>Scheme Explanatory Report</b>                      The explanatory report was an advertising tool and does not form part of the scheme. As advertising is complete there is no benefit to modifying the document.</p>	

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**ATTACHMENT # 5**

Mr Paul Anderson  
CEO  
Shire of Shark Bay  
Knight Terrace  
Denham 6537

Hypermarket Pty Ltd  
P O Box 107  
North Fremantle  
W A 6159  
8 August 2017

Dear Paul,

**Re; Item 13.6 Shire of Shark Bay Agenda July 2017 Draft Local Planning Scheme No 4 – Preliminary Report on Proposed Modifications – Submission by Main Roads and Department of Parks and Wildlife**

As discussed - on July 27, 2017 following receipt of a notification letter( dated July 21) from the Shire advising that an amendment proposed by DPaW was being considered by Council at the July meeting- we made contact to express our concern in regard to the short notice and the limited time to make comment.

We sent a hastily prepared objection to the amendment unaware that the Council meeting had already been held the previous day due to a misunderstanding on our behalf of the meeting date. ( not appreciating that the advice was received post the actual meeting)

This letter is in support and in amendment of our letter of July 27, 2017 and if possible we would appreciate Councils consideration.

- 1 We have followed the Councils proposal to review its current Town Planning Scheme No3 since its inception and supported the process and made comment and submissions where appropriate.
- 2 In March ,2017 we wrote supporting the process and commending the Council and their consultants on the thoroughness of the presentations and the open processes that have been followed and submitting what we believed to be rational amendments.

**The original clause 1(iv), below, was respected and accepted - even though there were some aspects we believed would be difficult to deal with and effectively not our responsibility:**

**ORIGINAL CLAUSE 1(iv)**

*An environmental report that demonstrates that the Structure Plan and proposed uses will have a low impact on the natural environment with building envelopes, limitations on visitor numbers, management of visitor impact on the island, a vegetation assessment report and having regard for the need to protect the special attributes of the island .*

**The amendment following has been submitted and proposed as a clarification of the original clause but in fact exceeds any honest justifiable or rational submission as clarification: it in fact proposes additional conditions! We have highlighted the variations to the original clause in red.**

**PROPOSED AMENDED CLAUSE – DPAW- 1(iv) additions in red**

*An environmental report that demonstrates that the Structure Plan and proposed use **and/or development** will have a low impact on the natural environment, **not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes and of the island. This report should include information on, as a minimum, building envelopes, limitations on visitor numbers and impacts, biosecurity measures to mitigate the***

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*risk of feral incursions and disease impacts on fauna; and a vegetation assessment report. General compatibility with Ecological Restoration Project ( ERP) (administered by the Department of Parks and Wildlife) areas should be demonstrated.*

**WE BELIEVE THAT THIS AMENDMENT IS A SHAM AND AN AMBIT CLAIM**

It is a SHAM because it is something that is not what it is purported to be in that the amendment feigns to offer clarity to the existing clause but in fact introduces a series of additional conditions to be included within the report behind which there are no provided guidelines for submission or assessment and taking no account of Planning and Development Regulations 2015 already in place.

Clause 67. Planning and Development(Local Planning Schemes) Regulations 2015 already refers to matters to be considered including 67 (n) and (q) and as such does not require clarity.

- i. Additional Condition of – inclusion of ‘development’
- ii. Addition Condition of-‘ not compromise the high conservation values’-but with no guidelines
- iii. Addition of Condition of – ‘ have regard to protect the ecological values and special attributes of the island ‘ - but with no guidelines
- iv. Additional Condition of ‘ to include information on limitations to visitor numbers and impacts – but with no guidelines
- v. Additional Condition of ‘to include information on biosecurity measures to mitigate the risk of feral incursions. – but with no guidelines
- vi. Additional Condition of ‘ to include information on biosecurity measures to mitigate disease impacts on fauna but with no guidelines
- vii. Additional Condition of “demonstration of general compatibility with ecological restoration project(ERP) administered by the Department of Parks and Wildlife” but with no guidelines

It is an AMBIT CLAIM because it is an extravagant and extraordinary amendment made in expectation of an eventual counter offer or compromise by the COUNCIL .....had the COUNCIL truly appreciated and examined the amendment in detail with all of the knowledge held by DPaW.

**WE BELIEVE THIS AMENDMENT SHOULD BE REJECTED BY COUNCIL AND THE CLAUSE CHANGED TO READ AS FOLLOWS**

**PROPOSED AMENDED CLAUSE- HYPERMARKET-1(iv)**

**‘a report(environmental) referenced to the Structure Plan to address the land in regard to low impact on the natural environment and to include a vegetation assessment report .’**

Clause 27. Planning and Development(Local Planning Schemes) Regulations 2015 Part 4 Division 2 on page 19 – Incorporation of environmental conditions.....states

“If a local government receives a statement in respect of a draft local planning scheme delivered under section 48F(2) of the EP Act after reporting a resolution to support the draft scheme but before complying with regulation 28, the local government must amend the local planning scheme documents-

- (a) To incorporate the conditions set out in the statement; or
- (b) If as a result of a request by the local government under section 48G(1) of the EP Act a statement is delivered to the local government under section 48G(3) of the EP Act, to incorporate the conditions set out in the later statement.

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AS INCLUDED IN THE TPS No4 REPORT THE EPA advised;  
**“THERE ARE NO ENVIRONMENTAL CONDITIONS IMPOSED UNDER THE ENVIRONMENT PROTECTION ACT 1986 THAT APPLY TO THIS SCHEME”**

***There is no requirement or obligation for Council to include or request an “environmental report” as included within this clause engineered with DPaWs overreaching influence!***

***Clause 67 includes “ environmental impacts” as one of 29 “MATTERS” that should be considered by local government in considering any application for development approval***

- **THE AMENDMENT IS PROPOSED AS A CLARIFICATION OF THE ORIGINAL CLAUSE**
- **THE AMENDMENT HOWEVER IS IN FACT A SERIES OF ADDITIONAL CONDITIONS FOR THE PREPARATION OF AN ENVIRONMENTAL REPORT**
- **RATHER THAN CLARIFY THE CLAUSE CREATES CONFUSION INTRODUCING CONDITIONS THAT THE SHIRE IN ITS NORMAL PROCEDURES MAY CONSIDER UNDER Clause 67 following a development application**
- **THERE IS NO RATIONALE OR SUPPORT OFFERED BY THE PROPONANT FOR THE CONDITIONS TO BE ADDED**
- **THERE ARE NO GUIDELINES FOR SUBMISSION OR ASSESSMENT OF THE ADDITIONAL CONDITIONS**
- **IT IS A REQUEST FOR CONDITIONS SHROUDED - “TO CLARIFY”**
- **IT IS AN ATTEMPT TO COERCE THE COUNCIL INTO ENSHRINING ENVIRONMENTAL REPORTING CONDITION THAT ARE ADEQUATELY COVERED BY STATE AND FEDERAL LEGISLATION AND ALREADY INCLUDED WITHIN Planning and Development Regulations 2015, Clause 67(n) and (q) which advises that among 29 other matters this is but another that should be considered and it makes no recommendation in regard to the preparation of any report**
- **THIS CLAUSE IS NOT INCLUDED IN ANY OTHER SPECIAL USE AREA WITHIN THE SHIRE OF SHARK BAY**

**THE CHANGES HAVE FAR REACHING CONSEQUENCES ON THE ABILITY OF THE OWNERS TO DEVELOP THEIR FREEHOLD LAND WITHOUT BEING SUBJECTED TO UNREASONABLE VALUE JUDGEMENTS AND EXPENSIVE REPORTS WITHOUT DETAILED GUIDELINES AND IN TOTAL DISREGARD OF Clause 1(h) of the AGREEMENT IN RELATION TO DIRK HARTOG ISLAND ETC that concludes;**

**“but only to the extent that an unreasonable financial burden is not imposed on the covenanter in so complying or cooperating**

- The amendment proposed by DPaW is in direct conflict with this clause, and is an attempt by DPaW to bypass a valid and legal contract with the State and the owners of the land, which identified possible unreasonable costs . Because they were not part of the final negotiating team and have often stated that they were never happy with the agreement signed off then by using the SHIRE they can overturn this part of the agreement imposing significant costs by broadening the clause to an OMNI CLAUSE
- The sign off proponent of this amendment, on behalf of DPaW, is recorded at a meeting some years ago stating that Lot 304 was landlocked and worthless as there



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were no rights of access over the National Park and thus it will not be possible to do anything with it!

- This amendment is but another attempt by DPaW to attempt to re-establish prerogatives by using Council to insert additional conditions that have in fact already been negotiated and signed off in the AGREEMENT IN RELATION TO DIRK HARTOG ISLAND ETC dated 18 July, 2005 and are adequately covered within the TP4 and the Deemed provisions and should not be accepted or included.

**When reviewing our submission we request that Council in particular consider the following 4 points.**

1 Clause 30 of Part 4 General Development Requirements of the Shire of Shark Bay proposed Local Planning Scheme No 4 states:

**“THERE ARE NO ENVIRONMENTAL CONDITIONS IMPOSED UNDER THE ENVIRONMENT PROTECTION ACT 1986 THAT APPLY TO THIS SCHEME”**

2 **THIS CLAUSE 1(iv) IS ONLY INCLUDED IN TOWN PLANNING SCHEME NO 4 ... FOR THIS LAND..... IT IS NOT INCLUDED WITHIN THE REQUIREMENTS FOR ANY OTHER FREEHOLD LAND WITHIN THE SHIRE. IT IS DISCRIMANTORY**

3 **PLANNING and DEVELOPMENT (LPS) REGULATIONS 2015 CLAUSE 67 ALREADY ADDRESSES THIS FOR DEVELOPMENT APPLICATIONS**

4 **A SUBMISSION BY THIS COMPANY APPROVED BY THE COUNCIL HAS BEEN ASSESSED BY THE FEDERAL AND STATE ENVIRONMENT DEPARTMENTS.....as requiring no further review**

That the Shire have deemed it necessary (or have been blindsided by DPaW) to include additional conditions(feigned as clarify) and overlay already in place legislation that covers areas of environmental importance and the possible requirements to obtain approvals under not only State but also Federal and Local legislation.... and create a further level of ‘red tape’ to satisfy DPaW seems remarkable!

For ease of review we have divided the clause into sections **highlighting the variations in red..and then commenting on them**

**A**

*An environmental report that demonstrates that the structure plan and proposed use **and/or development** will have a low impact on the natural environment.*

**Additional condition..... that an environmental report must demonstrate that the structure plan and proposed use and/or development will have a low impact on the environment**

- WE SUBMIT** strongly that the addition of the words highlighted in red above are not only **semantic but now also become a condition** - attempting to throw /include a wider net of influence by DPaW and to attempt to add additional requirements without any guidelines for submission or assessment when in fact; they provide no extra clarity to the clauses already included in the scheme and **are already covered in Council procedures in Clause 67 referred above in regard to matters to be considered in regard to any proposal for development AND SHOULD NOT BE INCLUDED.**
- The proposed Town Planning Scheme No 4 is a planning guideline for, among other things, the use of land and the development of that land.

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- a. The 'use' is already included as part of the proposed No 4 Scheme and as such should require no further evidentiary support within any environmental report. A report not referred to, asked for or included within the Deemed provisions for local planning schemes.
  - b. within Schedule A – Supplementary to Deemed Provisions Part 7 and Deemed Provisions Schedule 2 already addresses requirements for Development Approval and as such should not require additional evidentiary support within an environmental report as the requirements for development are already enshrined in the proposed Draft Planning Scheme No 4 which supplements the referrals referred to in Clause 67 of the 2015 Regulations
  - c. As such **WE SUBMIT that this should not be included in the amendment.**
- The use for short term accommodation has already been submitted and assessed by the Federal Department for the Environment - and following referral there from - also the State Department for the Environment. Additionally they were included within the original and still valid AGREEMENT IN RELATION TO DIRK HARTOG ISLAND ETC signed with the STATE on 18 July , 2005.
  - Part 4 – general development requirements adequately covers the rules and regulations required to be met by developments in the normal processes adopted by Council and as such the proposed amendment is effectively an additional condition and not a clarification and as such Council should not require it to be addressed in an environmental report which may be prepared on 'the land' proposed to be developed within standard EPA guidelines.
  - If the use is approved as 'special use' or 'tourism' within the proposed Planning Scheme No 4 then a development application can be made for Council approval within the Schedule A Supplementary to Deemed Provisions and the Schedule 2 Deemed Provisions  
Which already cover this matter

**B**

*An environmental report that demonstrates that the structure plan and proposed use and/or development will have a low impact on the natural environment **not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island***

*It is now proposed that an additional condition of this clause be that - **additional to an environmental report demonstrating that the structure plan and proposed use will have a low impact on the natural environment - it must also demonstrate that the structure plan and proposed use and/or development***

- i. **will not compromise the high conservation values and**
- ii. **Have regard for the need to protect the ecological values and special attributes of the island**

- a. **WE SUBMIT strongly that the inclusion of the above red highlighted words is a "condition" and not a clarification** and a further attempt by DPaW to move the assessment to a value judgement of this condition. **This is a motherhood condition statement** that is realistically not capable of being complied with or assessed as it requires value judgements that do not address

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the freehold land but encompasses the entire 150,000 acres of the National Park. There are no guidelines for submission or assessment of this new condition from COUNCIL. IT IS OPEN ENDED just how DPaw likes to deal with matters- unlike the State and Federal Departments of the Environment. Clause 67 of the Deemed provisions already addresses this matter following a development application.

- i. The standard environmental report was prepared for some 28 acres of freehold land (representing less than .018666% of the total island) which is isolated to one bay and surrounded by 150,000 acres of DPaw controlled national park. There is only one road in and out of the location and the referred 'high conservation values' can only be addressed by the owners relative to the 28 acres of freehold that will be addressed within any (environmental) report. These High Conservation Values are not itemised in any Council document and **unless the Council can provide such a list for such a condition then this comes down to 'value judgements' which necessarily are realistically almost incapable of being addressed let alone assessed. Clause 67 will deal with this matter when development approval is sought.**
- ii. **Any assessment of such a condition as 'compromise' can only be a value judgement without proper specific guidelines from Council as is provided by the Federal Department for the Environment for such cases - and as such should not be part of any planning scheme which must necessarily be capable of realistic assessment: unless the Council is able to provide these finite guidelines as the Federal Government found necessary to provide. The Council may well ask for additional detail under Clause 67 when an application for development is submitted**
- iii. The Federal Department for the Environment have already assessed the project and commented that 'it needs no further assessment' in regard to the currently approved proposal.
- iv. it is not up to an environmental report prepared upon 28 or even 100 acres of **FREEHOLD LAND** to address the need to protect the ecological values and special attributes of the islands 61,000 hectares already under DPaw management as this is beyond the control of the owners of the freehold .....and has already been done by DPaw and is a DPaw responsibility. **WE SUBMIT that this is an attempt by DPaw to spread its sphere of influence and predatory behaviour and persuade the Council to impose an additional condition and for Council to take on obligations that I would assume it is in no position to assess and in fact has provided no guidelines for compliance..... and thus it should be rejected.**
- v. **Clause 67 does not call for any environmental report but that Council should consider among 29 different matters...environmental impacts of a development when development approval is sought**

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**C**

An environmental report that demonstrates that the structure plan and proposed use and/or development will have a low impact on the natural environment **not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. This report should include information on, as a minimum, building envelopes, limitations on visitor numbers and impacts, biosecurity measures to mitigate the risk of feral incursions and disease impacts on fauna; and a vegetation assessment report.**

**This is yet another condition whereby the environmental report must not only include information on building envelopes, limitations on visitor numbers..but it must also provide information on**

**i. limitations on visitor numbers and impacts**

**ii. Biosecurity measures to mitigate the risk of feral incursions**

**iii. Biosecurity measures to mitigate the risk of disease impacts on fauna**

- a. In particular in regard to limitations on visitor numbers it should be noted that there are **no existing limits/rules within the entire Dirk Hartog Island National Park currently administered by DPaW that limit the number of visitors allowed on Dirk Hartog Island. WHY WOULD COUNCIL AGREE TO INCLUDE WITHIN THE CLAUSE A CONDITION THAT REQUIRES VISITOR NUMBER LIMITATIONS TO BE ADDRESSED AND INCLUDED WITHIN AN ENVIRONMENTAL REPORT ON FREEHOLD LAND WHEN THERE ARE NO SUCH LIMITS ON ANY OTHER PART OF THE NATIONAL PARK. THIS IS ABSOLUTELY LUDICROUS AND ADDS TO THE SHAM AND AMBIT CLAIM PROPOSED BY DPaW. This is an additional condition and not a clarification.**
- b. There are already more than **3000** vehicles visiting steep point each year with an estimated **6000+** persons accompanying them yet we are requested to accept a condition to address limitations on visitors entering the FREEHOLD LAND. **This is absolutely ludicrous and WE SUBMIT STRONGLY THAT THIS SHOULD NOT BE INCLUDED.**
- c. Clause 1(a) of the covenants attached to the AGREEMENT IN RELATION TO DIRK HARTOG ISLAND signed on July 18, 2005 and registered on the title to the benefit of the Minister for Lands states that “ **the land may only be used for the purpose of low impact eco tourism, which includes the provision of low impact tourist accommodation**’. DPaW are well aware of this yet they want **additional overlaying conditions to be put in place by the Council.**
- d. **Impacts** are already covered in the proposed amended clause and as above in the Agreement with the State and as such do not need to be repeated again within the clause. **WE SUBMIT STRONGLY that this addition is another semantic additional condition by DPaW attempting to extend their net in case it wasn't covered properly in the first part of the clause or the original agreement and SHOULD NOT BE INCLUDED**
- e. Clause 1(h) of the Covenants attached to the AGREEMENT IN RELATION TO DIRK HARTOG ISLAND ETC signed on 18 July, 2005 and registered on the title to the benefit of the Minister for Lands states that:
- (a) “ the owner will fully comply with any quarantine management plan of any governmental agency relating to Dirk Hartog Island in place from time to time

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- (b) Cooperate with any programme of any governmental agency designed to eradicate pests from Dirk Hartog Island

**But only to the extent that an unreasonable financial burden is not imposed on the covenantor in so complying or cooperating.**

DPaW already have a Dirk Hartog Island Biosecurity Plan which we contributed to by invitation and through meetings and under which Biosecurity is managed by DPaW and to which as owners of the land we have offered to voluntarily comply on a cooperative basis **as requested by the Manager Dirk Hartog Island Restoration.**

**WE SUBMIT** that the inclusion of this section of the clause is an additional condition and further attempt by DPaW to **USE COUNCIL** to abrogate the States obligation under the referred agreement and have the area of Biosecurity included within Councils Planning Scheme when the owners of these lots have already undertaken such directly with the State as recorded in the covenants attached to the land .The REAL RESPONSIBILITY lies with DPaW and should not form any part of additional conditions for any environmental report to Council on behalf of the owners for development approval. This is not a town planning matter. **THIS SHOULD NOT BE INCLUDED.**

**Clause 67 makes no reference to Biosecurity, feral incursions or disease impacts each of which are part of DPAWS responsibility and not matters to be considered by Council in its planning processes.**

**Clause 67 refers to environmental impacts of the development to be considered following a development application.**

Additionally we have already offered to support the Dirk Hartog Island Biosecurity Plan on a volunteer basis as requested. **WE SUBMIT THAT this part of the clause is not part of any good planning it is not about clarification it is a further attempt by DPaW without explanation or justification to propose additional conditions overlaying obligations over legislation and agreements already in place that take account of Biosecurity and SHOULD NOT BE INCLUDED . There is already a mechanisation in place for dealing with bio security matters.**

**D**

*An environmental report that demonstrates that the Structure Plan and proposed use -and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes and of the island. This report should include information on, as a minimum, building envelopes, limitations on visitor numbers and impacts, biosecurity measures to mitigate the risk of feral incursions and disease impacts on fauna; and a vegetation assessment report. General compatibility with Ecological Restoration Project ( ERP) (administered by the Department of Parks and Wildlife) areas should be demonstrated.*

**This is yet another additional condition requiring the demonstration of general compatibility with Ecological Restoration Project(ERP) administered by the Department of Parks and Wildlife**

**WHAT DOES GENERAL COMPATABILITY MEAN AND HOW CAN THAT BE DEMONSTRATED- WHAT ARE THE GUIDELINES AND WHAT PART OF THE CLAUSE IS IT CLARIFYING**

This is another condition cloaked in a **MOTHERHOOD** statement that is realistically incapable of being assessed but leaving the owners of the land at the full mercy of DPaW as to whether compatibility has occurred or not. As referred above this is already covered under clause 1(h)

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of the Covenants attached to the AGREEMENT IN RELATION TO DIRK HARTOG ISLAND signed by the State on July 18, 2005 and which states:

“ the owner will fully comply with any quarantine management plan of any governmental agency relating to Dirk Hartog Island in place from time to time  
Cooperate with any programme of any governmental agency designed to eradicate pests from Dirk Hartog Island”

**But only to the extent that an unreasonable financial burden is not imposed on the covenanter in so complying or cooperating.**

**WE SUBMIT STRONGLY** that this part of the clause is yet another condition **that SHOULD NOT BE INCLUDED** within the planning document and is another attempt by DPaW to **USE COUNCIL** to introduce additional conditions and red tape that is already part of an agreement with the State but which this department, unsure(unhappy) of its rights, wants to overlay through Councils Town Planning Scheme No 4.

Clause 67 refers to environmental impacts of a development being a matter to be considered by local government it makes no mention or recommendation as to whether Council should include compatibility as a ‘Matter’- it only addresses impacts

The amendment - conditions - proposed by DPaW is **NOT ABOUT GOOD TOWN PLANNING.....**

**IT IS NOT ABOUT CLARIFYING .....IT IS A SHAM AND AN AMBIT CLAIM..... it is about.....**

- a. CREATING MORE INFLUENCE and control for DPaW by adding CONDITION TO ALLOW VALUE JUDGEMENTS TO BE MADE BY DPAW
- b. USING THE COUNCIL to sanctify the proposed amendment conditions without rational supporting documentation or reference to existing Regulations but suggesting it clarifies the clause
- c. INTERPOSING additional levels of red tape by proposing conditions which lead back to DPaW and in no way clarifies anything
- d. CREATING unachievable amendment conditions that require DPaW approval without guidelines for submission or assessment and thus offering no clarification whatsoever

Everything proposed is addressed in some form BY THE FEDERAL DEPARTMENT FOR THE ENVIRONMENT AND THE STATE ENVIRONMENT DEPARTMENT REQUIREMENTS AND THE COUNCILS OWN PROPOSED TOWN PLAN No 4 and its associated regulations and provisions.

THIS IS AN ATTEMPT BY DPAW TO USE THE COUNCIL TO IMPOSE ADDITIONAL REQUIREMENTS INCLUDING EXPENSIVE REPORTS WITHOUT ANY GUIDELINES WHATSOEVER.

THE FEDERAL GOVERNMENT DEPARTMENT FOR THE ENVIRONMENT PROVIDES CLEAR AND CONCISE GUIDELINES FOR THE PREPARATION OF A REPORT AND THE BASIS UPON WHICH IT WILL BE ASSESSED.

**THE AMENDMENT PROPOSED IMPOSES ADDITIONAL CONDITIONS – INCLUDING- AN OPEN ENDED -NO SUBMISSION OR ASSESSMENT GUIDELINE- ENVIRONMENTAL REPORT OPEN TO VALUE JUDGEMENTS BY PERSONS ALREADY HOSTILE TO DEVELOPMENT ANYWHERE THAT IS NOT CONTROLLED BY THEIR OWN DEPARTMENT.**



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**THE COUNCIL CAN ALREADY DEAL WITH THIS WITHIN Clause 67 without complications**

**We submit that the amendment to clause 1(iv) should be rejected and that the following clause should replace it.....**

**'a report(environmental) referenced to the Structure Plan to address the land in regard to low impact on the natural environment and to include a vegetation assessment report.'**

***The proposed Report is a significant document which cannot be subject to value judgements. It should address the land on which it is reporting upon with relevance to impacts- and it should not be sidelined into areas beyond this and for which it has no control. This amendment attempts to widen the focus without justification or explanation! It is certainly not clarity.***

**We submit that:-**

- 1 the amendment is not a clarification of the original clause and as such should be rejected as a sham
- 2 the amendment includes and adds new and additional conditions to the original clause which do not clarify the clause as suggested by the proponent and these in fact should be rejected as an ambit claim
- 3 the proponent has not explained or justified the amendment apart from suggesting that it is to clarify the original clause.....which it does not
- 4 the proponent has supplied no guidelines or details or the basis on what is to be included in any submission on the new conditions it is proposing which makes it unreasonable planning
- 5 the proponent has supplied no guidelines or details or the basis of how the submission is to be assessed in the light of the additional conditions which makes it subject to value judgements
- 6 the amendment is an attempt by DPaW to impose additional conditions using the Shire to include them within its TPS No 4 when in fact most matters are already covered within State and Federal legislation and in particular within the Planning and Development (local Planning Schemes) Regulations 2015 and the Shire Schedule A – Supplementary To Deemed Provisions and the Shires TPS No4.....as outlined herein.

Thank you for the opportunity of making this submission.

Yours Sincerely, Geoff Wardle - Hypermarket Pty Ltd

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## ATTACHMENT # 6

## PROPOSED SPECIAL USE PROVISIONS FOR HAMELIN STATION

No.	Description of land	Additional use	Conditions
A3	Lot 74 and 220 Shark Bay Road, Hamelin Pool  (Hamelin Station)	<p>The local government may consider the following additional uses;</p> <ul style="list-style-type: none"> <li>• Caretakers Dwelling – D</li> <li>• Cinema/Theatre – D</li> <li>• Education Establishment – D</li> <li>• Exhibition Centre – D</li> <li>• Holiday Accommodation – D</li> <li>• Liquor Store (small) – A</li> <li>• Office - D</li> <li>• Residential Building - D</li> <li>• Restaurant/cafe – D</li> <li>• Shop – D</li> <li>• Small Bar - A</li> <li>• Tourist Development - A</li> </ul> <p>The symbols in Table 2 have the same meaning as the symbols in Table 1 and Clause 18 (2).</p>	<p>1. Identify opportunities for development to:</p> <ul style="list-style-type: none"> <li>(a) cater for programs and activities that promote research and increased public awareness of world heritage area values and/ or conservation;</li> <li>(b) Cater for organisations involved in conservation and/or research that provide for protection, rehabilitation, ongoing management of the land, and that promote public awareness of minimising environmental impact when visiting a world heritage place;</li> <li>(c) Accommodate a wide range of buildings and ancillary development that facilitate programs by not for profit organisations;</li> <li>(d) Provide a wide range of accommodation and facilities for tourists that will increase the enjoyment of the area for visitors without negatively impacting on the amenity of the local area.</li> </ul> <p>2. In considering an application the local government shall have regard for:</p> <ul style="list-style-type: none"> <li>(a) The architecture and design of proposed development to be sympathetic to the location, taking into account the topography and landscape of the area;</li> <li>(b) The need for a Bushfire Management Plan for sensitive landuses to</li> </ul>



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			<p>address State Planning Policy 3.7;</p> <p>(c) Provision and management of essential services including water supply, water for fire fighting, effluent disposal, electricity, communications, drainage and waste management;</p> <p>(d) Colours and materials that are sympathetic to the natural environment.</p>
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**Correlating Definitions (for information):**

<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation (including tourist development) or plant, and occupied by a supervisor of that building, operation or plant.
<b>cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production.
<b>educational establishment</b>	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum..
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
<b>liquor store - small</b>	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m <sup>2</sup> .
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>restaurant/ cafe</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
<b>shop</b>	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire

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	goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
<b>small bar</b>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
<b>tourist development</b>	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;

### **Residential building**

A **building** or portion of a building, together with rooms and **outbuildings** separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

Source: Residential Design Codes

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**ATTACHMENT # 7**

**From:** Angela Hawdon  
**Sent:** Saturday, 5 August 2017 1:38 PM  
**To:** liz <[liz@tخطيط.com.au](mailto:liz@tخطيط.com.au)>  
**Subject:** RE: Seek BHA comments on Draft Provisions for Hamelin Station - Liz Bushby - Draft scheme 4

Dear Liz

Thank you once again for taking the initiative with regard to our planning needs and this current town planning scheme review. We appreciate the time constraints and again appreciate your diligence in including our proposal in the review.

Bush Heritage confirms that it would preferable to retain the Rural Zone over Hamelin Station (Option 1) and that the "Additional Uses" table as you provide in your draft will allow a range of uses otherwise not permitted under this Zone. This will significantly reduce the planning processes and scheme amendment that would otherwise be required to permit all the uses incorporated in our proposed Science and Research Centre.

We confirm that together with the amendments to the Rural Zone, uses in the "A3 Additional Use" table will cover all our intended uses associated with our proposal.

We note that "Small Bar" is not currently listed in the Zone table you provided (only Tavern).

We are briefing with State Government representatives and officials on our proposal in Perth this week and will raise these planning and Crown Land lease matters as part of those discussions.

Best regards  
Angela

Sent from [Mail](#) for Windows 10

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13.2 GENERAL REPORT – PLACES FOR TRADING PERMITS AND REQUEST BY MOBILE BUTCHER  
LE00012 / LE00007

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Bellottie

**Council Resolution**

**That Council:**

1.     **Acknowledge and note the request by Crown Valley WA – Attachment 3.**
  2.     **Note that under the existing Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law:**
    - (a)    **Council has to consider *'if the needs of the district, or part for which the permit is being sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall'* ; and**
    - (b)    **The trader shall not *'attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader'*.**
- A copy of the Local Law is included as Attachment 5.**
3.     **Pursue Option(s) 1 and 2 being,**
    - Option 1:     Reserve 44336 which is a rest area on Shark Bay Road – refer aerial over-page.**

**The rest area is located on the outskirts of town and can likely accommodate the 30 metre length needed.**

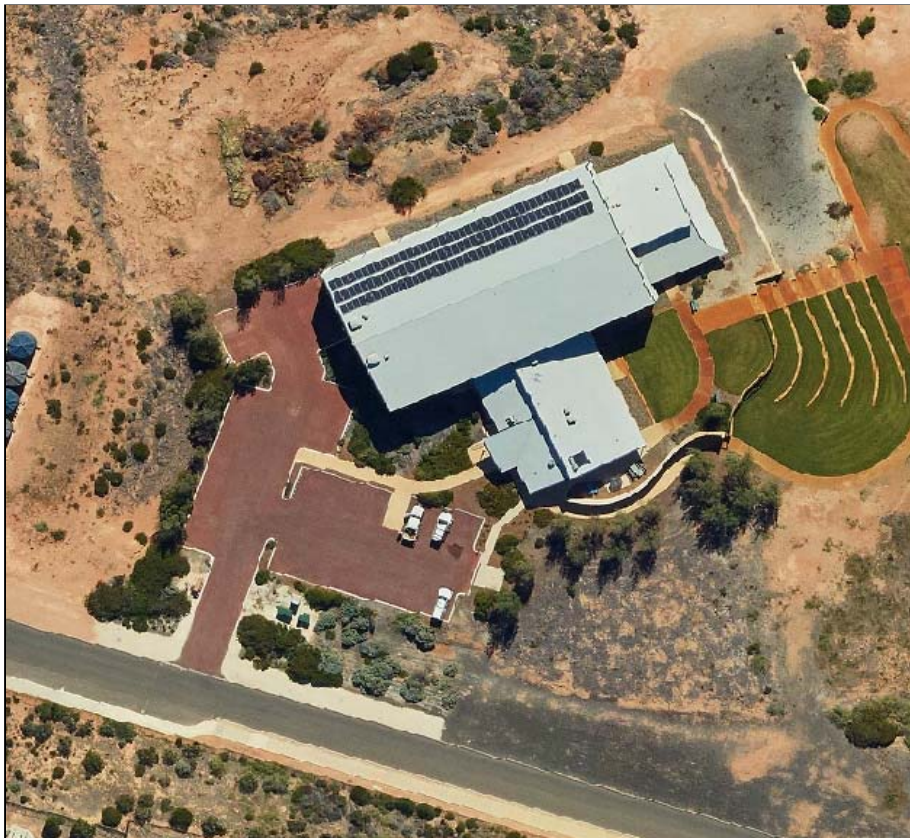


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**Option 2: Reserve 36163 containing the Community Sport and Recreation Centre.**

**The reserve has separation from the main commercial area in Denham townsite, has access from Francis Street and has adequate on site carparking, as long as visiting times do not conflict with any special sporting events.**



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**It has limited commercial exposure however the proponent can widely advertise scheduled visiting dates to the local community.**

- 4. Authorise the Chief Executive Officer to write to Crown Valley WA to explain the restrictions under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and the Council decision.**

**4/0 CARRIED**

BACKGROUND

The Shire has Local Laws for 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' and 'Local Government Property'- refer attachment # 5.

On the 29 July 2015 Council resolved to support three permit areas on Denham foreshore for water based activities. In August 2015 Council supported a fourth permit location for a quad bike hire business that had been established in Denham for an extended time period.

The approved trading areas are for traders whose activities do not include retail sales and / or food provision – refer Attachment 1. Hence the permit areas do not create any major competition with businesses established in Denham townsite.

Over the last few months the Shire Administration have received a number of enquiries from traders seeking advice on where they can set up food vans. Most enquiries have been in regards to vans where prepared and pre-prepared food and drinks would be sold (e.g. donuts, hotdogs, tea/coffee & cool drinks).

Under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws ('Trading Law') Council may have regard for a number of factors including:

- (i) the desirability of the proposed activity;
- (ii) the location of the proposed activity;
- (iii) if the needs of the district, or part for which the permit is being sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall.

Under Clause 6.8 (2) of the Trading Laws a stall holder or trader shall not '*attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader*'.

Town Planning Innovations has mapped existing shops, restaurants, and retail outlets in Denham, along with the 300 metre separation distance required under the Trading Law – Attachment 2.

COMMENT

The purpose of this report is to consider:

- (1) The broader strategic issue of locations for traders, especially where they relate to the sale of food products;
- (2) A specific request by a mobile butcher; and

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(3) Whether to review the existing Local Laws.

- *MOBILE BUTCHER*

Most recently, the Shire has received correspondence from Crown Valley WA Pty Ltd who provides poultry and meat to a wide range of retail outlets in both metropolitan and regional towns – Attachment 3.

Crown Valley is seeking advice on where they could park a mobile facility to sell meat and poultry in Denham one day per month from 8am – 5pm. The mobile facility (a semi-trailer unit converted to be a walk-through shop) is 30 metres long and 3 metres wide.

The proponent has advised they would need an area of approximately 90sqm.

- *POTENTIAL SITES – MOBILE BUTCHER*

Prior to advising the proponent that they need to lodge a formal planning application and permit application, general advice is sought from Council. Council is also requested to consider the options outlined in this report, as there have been an increasing number of enquiries about establishing mobile food traders near Knight Terrace.

The 300 metre separation requirement under the Trading Law means there are limited sites for any mobile food outlets. Presumably the 300 metre setback aims to protect existing permanent businesses in town such as restaurants and supermarkets that already service the local community.

The Local Laws protect local business owners who have invested in commercial property, have a permanent presence in town, and rely on local trade.

The Local Laws effectively limit potential commercial competition for local entrepreneurs.

There are two existing businesses in town that currently sell raw meat and poultry being the IGA supermarket (corner Knight Terrace / Denham Hamelin Road) and the Shark Bay Supermarket (corner Knight Terrace and Stella Rowley Road).

A map showing the 300 metre setback requirement is included as Attachment 4.

Options are included below for Councillor discussion. The options examine potential sites for a mobile butcher, and a review of the Local Laws (if Council seeks increased flexibility for food traders generally):

**Option 1:** Reserve 44336 which is a rest area on Shark Bay Road – refer aerial over-page.

The rest area is located on the outskirts of town and can likely accommodate the 30 metre length needed.



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**Option 2:** Reserve 36163 containing the Community Sport and Recreation Centre.

The reserve has separation from the main commercial area in Denham townsite, has access from Francis Street and has adequate on site carparking, as long as visiting times do not conflict with any special sporting events.



It has limited



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commercial exposure however the proponent can widely advertise scheduled visiting dates to the local community.

**Option 3:** Advise the proponent that there are no known Shire controlled locations suitable for a mobile butcher in Denham.

The Trading Laws are clearly aimed at protecting established permanent businesses in town. Council may form a view that supporting mobile competitors on Shire controlled land is not appropriate, irrespective of whether it is in town or on the outskirts of town.

It is noted that the town is serviced by 2 supermarkets, both of which sell meat products. Any mobile butcher will at least partially duplicate the sale of meat that is already catered for in town.

The town was previously serviced by a dedicated butcher shop located at Unit 5/ 89 Knight Terrace Denham. The shop traded as 'Gearings Butcher Shop and closed earlier this year.

Crown Valley has indicated that they wish to provide a service to Exmouth where there is no longer a butcher shop. Believing that Denham did not have a butcher shop, Crown Valley is looking to include Denham on the service run to Exmouth.

Council may decide that the 2 site options provided are not suitable for a commercial mobile trader, by virtue of the fact that they already have existing important functions.

The rest area caters for visitors into Denham, and Council may form a view that the carpark on Reserve 36163 should be kept free to cater for users of the Recreation Centre.

**Option 4:** Review the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.

The Shire may review the existing Local Laws. The review can be extensive and examine issues such as:

- Lesser setbacks to existing businesses to allow permits along the foreshore;
- Allow the sale of some common but limited foods that may already be provided by local businesses, such as hot dogs, hamburgers, juices, milkshakes, coffee and ice creams.
- Allow restricted traders permits for a limited number of times per year (e.g. 12 visits per year/ once a month).

If Council supports increased flexibility for mobile food traders, it may be difficult to achieve a sustainable balance with any objective to support local businesses who service local residents, pay rates, and have invested in commercial property.

Alternatively a minor review can:

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- Allow temporary permits for retail and food traders associated with organised local events and festivals.
- Allow temporary permits for retail and food traders where there is limited commercial competition with local businesses – e.g. selling tea/coffee and cool drinks where these are the minor aspect of the mobile food business.
- Correct some existing anomalies such as conflicting definitions.

It should be noted that mobile operators can apply to park on private properties in the Town Centre and / or Industrial area. Issues such as land use compatibility, vehicle movements / sizes, parking and traffic safety would have to be considered.

Whilst the Shires Scheme does not generally take into account commercial competition, it would not be in the Shires interest for a planning approval to be granted for a proposal that does not comply with a Local Law.

#### LEGAL IMPLICATIONS

The Shire of Shark Bay Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws has been created under powers conferred by the Local Government Act 1995. A copy of the Local Law is included as Attachment 5.

The process for a Local Law is included as Attachment 6.

- *Food Act 2008 and Food Regulations 2009*

Under the Food Act 2008 a “Food Premises” includes a vehicle (other than a food transport vehicle while it is engaged in the transport of food). Thus the mobile butcher shop that Crown Valley WA Pty Ltd proposes to use is a food premises under the legislation and will require to be registered as a food premises within the Shire of Shark Bay. Currently this requires a one-off registration fee of \$140.00 to be paid with the completed application for registration form.

Reference to Itinerant Food Vendors under the Shire of Shark Bay Health Local Laws is no longer valid / applicable as there is no reference to itinerant food vendors under the Food Act or Food Regulations, only a reference to food premises which includes a vehicle that is self-propelled or a unit that is towed by a motorised vehicle such as a van or enclosed trailer that has been modified to comply with the Act/Regulations/ and the ANZFA Food Standards Code.

Advice from the City of Wanneroo Environmental Health Officer who inspects Crown Valley’s commercial outlet at Drover’s Meats in Wanneroo is that they had no major issues with the premises at the last inspection and some minor issues identified have already been addressed.

#### POLICY IMPLICATIONS

There are no known policy implications associated with this report.

#### FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for advice.

#### STRATEGIC IMPLICATIONS

There may be strategic implications for Denham townsite. For example, any butcher looking at opening a business in Denham may be unlikely to do so if the town is already serviced by a mobile trader.

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RISK MANAGEMENT

There may be economic implications for existing established businesses in Denham, or new businesses looking to locate in Denham.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby (with input by Wendy Dallywater)*

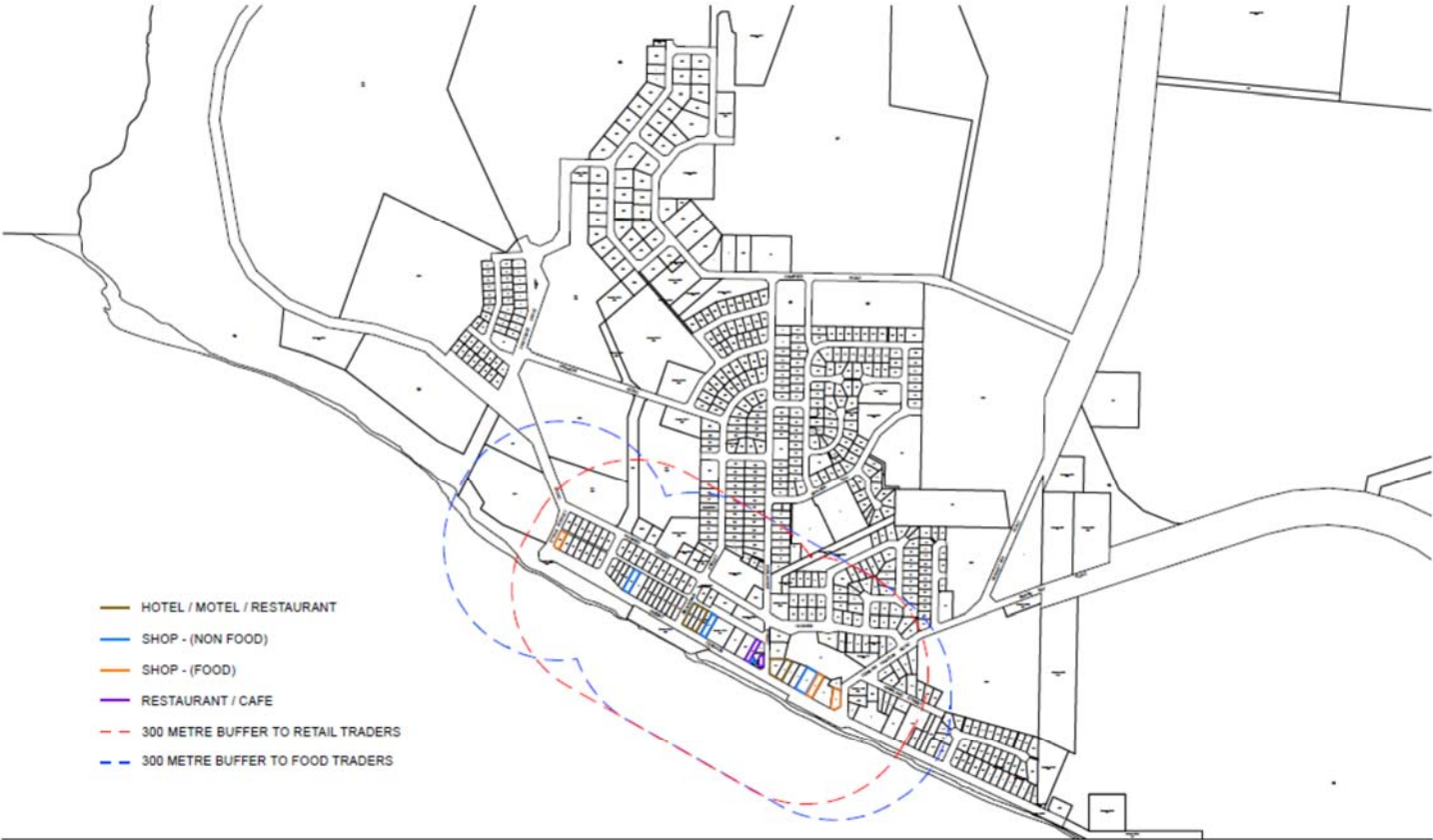
Chief Executive Officer

*P Anderson*

Date of Report

15 August 2017

**ATTACHMENT # 1**

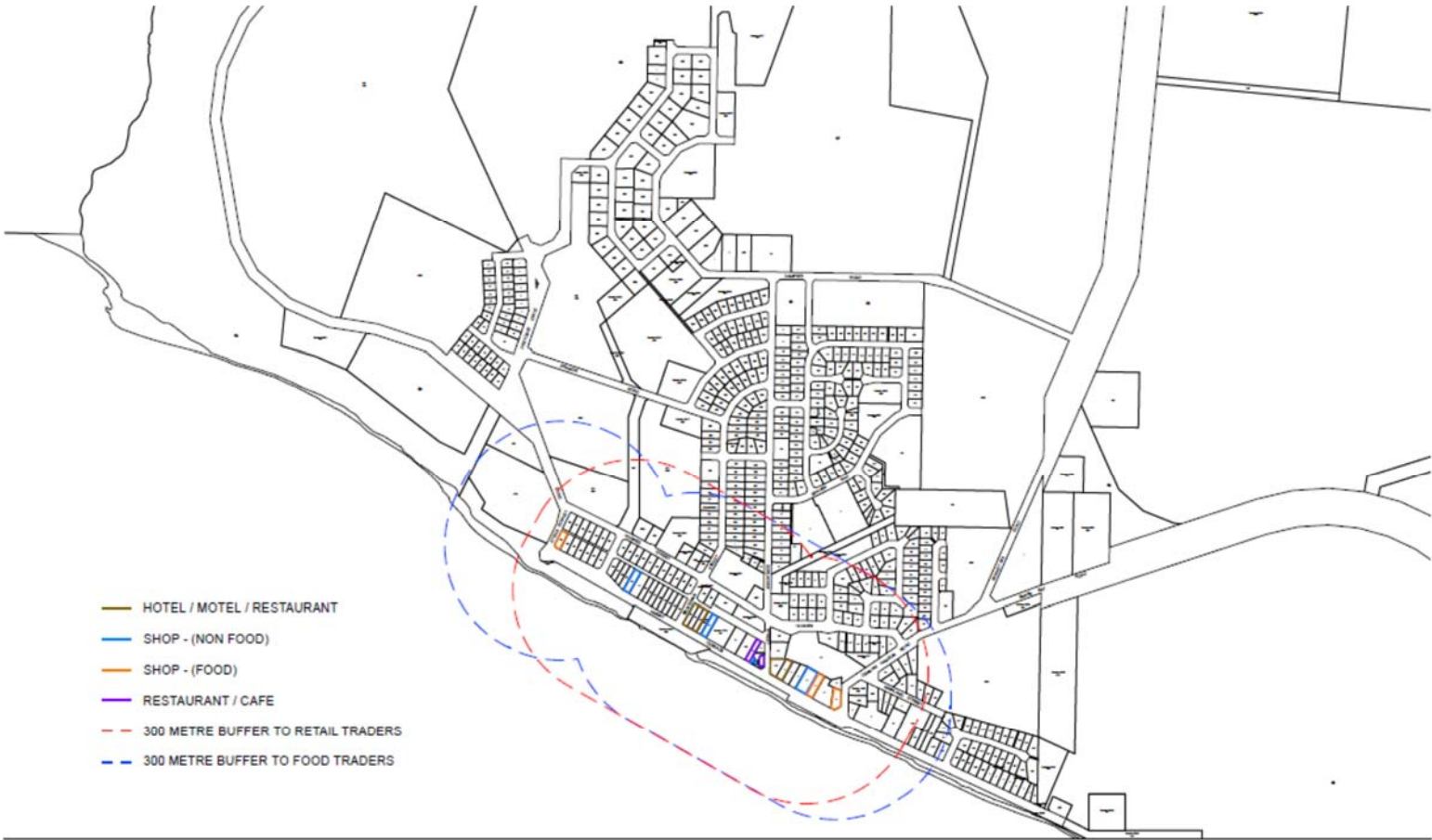


**SETBACKS - TRADING PERMITS**  
DENHAM TOWNSHIRE



JOB REFERENCE: A-2017 DATE: 11th AUGUST 2017  
THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

ATTACHMENT # 2



**STRATEGIC PLAN - TRADING PERMITS**  
DENHAM TOWNSITE



JOB REFERENCE: 4-2017 DATE: 19-AUGUST-2017  
THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.



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**ATTACHMENT # 3**

**From:** Jenny Benedetti **On Behalf Of** Frank Benedetti  
**Sent:** Thursday, 3 August 2017 1:28 PM  
**To:** Paul Anderson <[CEO@sharkbay.wa.gov.au](mailto:CEO@sharkbay.wa.gov.au)>  
**Subject:** Mobile Trading with your Shire

Good afternoon Paul

In reference with your discussions with Larry Brewster from North West Express Mobile Butcher I would like to introduce ourselves and give you some insight into our business.

Crown Valley WA run a wholesale poultry and a retail meat and poultry business namely Market Butchers at Drovers in Wanneroo.

We wholesale to retail outlets (Butchers and IGA) throughout metropolitan and major country towns in WA and provide Larry Brewster with products for his north west run to the remote northern areas of Western Australia.

Crown Valley WA would like to provide the same service to Shark Bay under the banner of Market Butchers and in conjunction with North West Express Mobile Butcher by using his refrigerated mobile facilities.

We would like to apply for a permit to trade in the Shire and would appreciate any relevant documentation being forwarded to us. I have attached our Certificate of Registration – Food Business from the City of Wanneroo and our Public Liability Insurance Certificate.

We would require an area of approximately 90sqm (mobile facility is 30m long x 3m wide) and would like to be set up for 1 day per month trading from 8am – 5pm.

If possible we would like to arrive in the evening of 25<sup>th</sup> September and have our first trading day in Shark Bay on September 26<sup>th</sup>. We would depart the same evening. The trading date for October is 24<sup>th</sup> and November is 28<sup>th</sup> with us once again arriving the evening prior for both dates.

We will continue onto Exmouth and Meekatharra during the same week before returning to Perth. We would be totally self-sufficient and would not require any facilities from the Shire except for the area to park.

The main contacts with regards to this would be Jenny Benedetti on [REDACTED] myself on the same number or Larry Brewster's on his mobile [REDACTED]. Please refer to his website namely North West Express Mobile Butcher.

We hope you will allow us to provide a service to the people within your Shark Bay Shire and look forward to hearing from you at your earliest convenience.

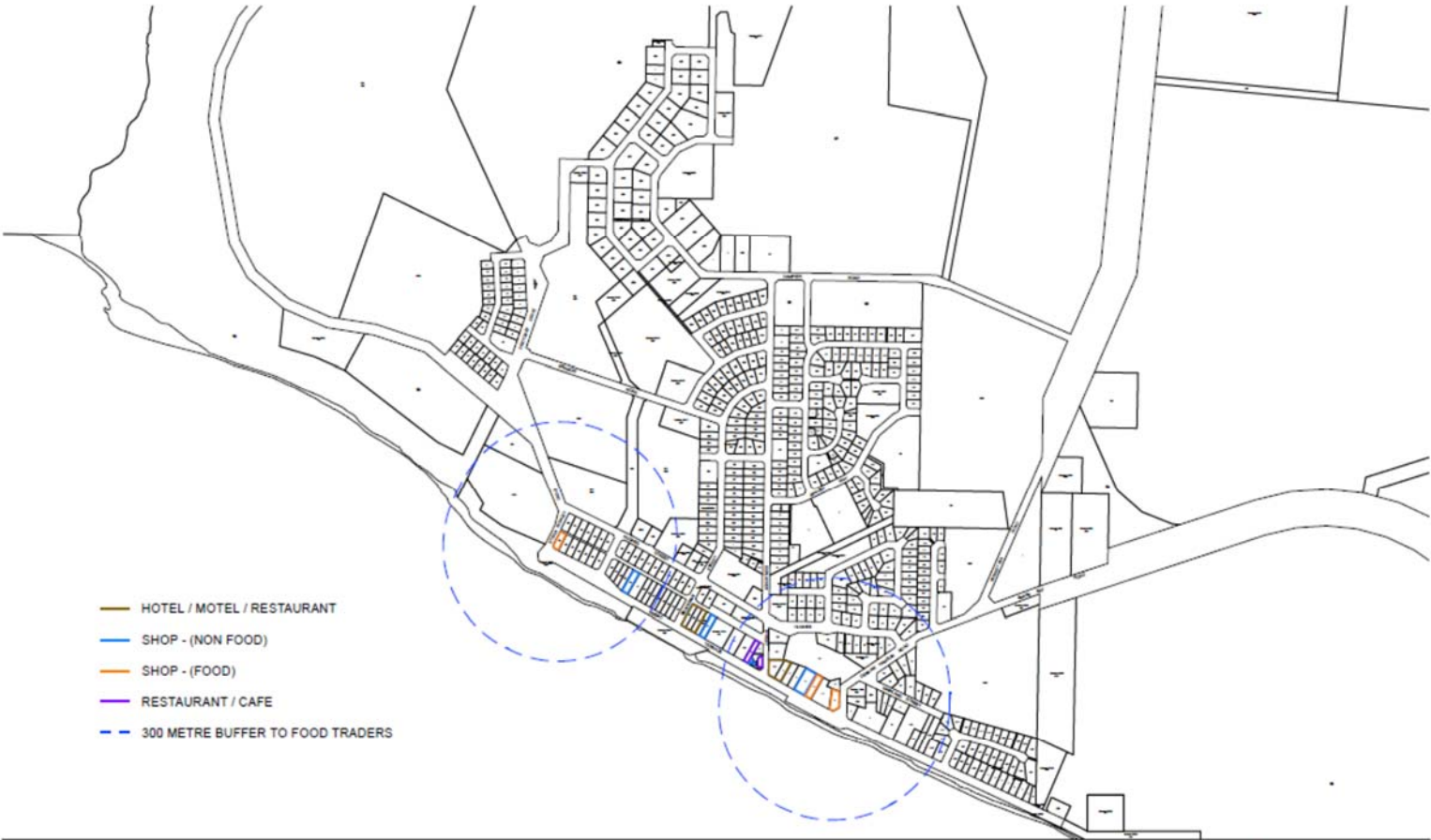
Kindest Regards

Frank Benedetti



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**ATTACHMENT # 4**



**CONSTRAINTS FOR PROPOSED MOBILE BUTCHER  
DENHAM TOWNSITE**



JOB REFERENCE: 4-2017 DATE: 11th AUGUST 2017  
THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

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**ATTACHMENT # 5 – SEE SEPARATE ATTACHMENT OF LOCAL LAW**

Activities in Thoroughfares and Public Places and Trading Local Law



*LOCAL GOVERNMENT ACT 1995*

**SHIRE OF SHARK BAY**

**ACTIVITIES IN  
THOROUGHFARES AND  
PUBLIC PLACES AND  
TRADING LOCAL LAW**

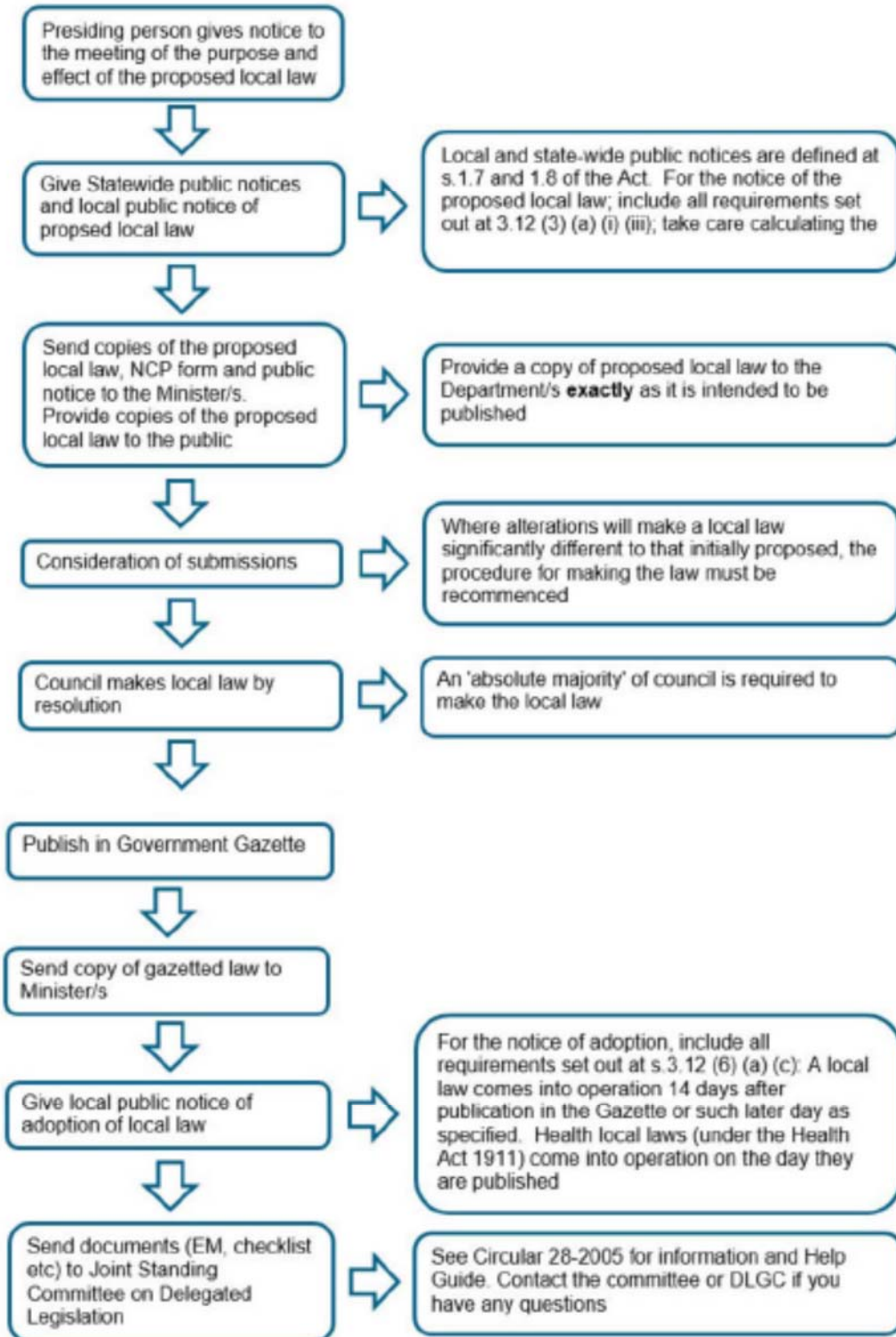
Adopted by Council 27 February 2002; Gazetted 24 July 2002  
Amended Council 27 November 2013; Gazetted 30 January 2014  
Amended Council 30 July 2014; Gazetted 12 August 2014



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ATTACHMENT # 6

**LOCAL LAW PROCESS**



Source: <https://www.dlec.wa.gov.au/LegislationCompliance/Pages/Local-Laws.aspx>

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13.3 PROPOSED TRANSPORTABLE – LOT 350 (RESERVE 40771) DAMPIER ROAD DENHAM RES40771

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Bellottie  
Seconded       Cr Laundry

**Council Resolution**

**That Council:**

1. **Approve the planning application for a transportable building (ablutions/office) on Lot 350 (Reserve 40771) Dampier Road, Denham subject to the following conditions:**
  - (a). **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**
  - (b). **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.**
  - (c). **If the development subject of this approval is not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.**
2. **Advise the applicant via a footnote on the planning approval that:**
  - (i) **This is planning consent only, and is not authorisation to commence any on site construction. You are required to obtain a separate building permit. Any proposed verandah should be included in the Building Permit application.**
  - (ii) **Please liaise with the Shires Environmental Health Officer in regards to installation of any new septic tanks or leach drains.**
3. **Waive the planning application fee of \$147.00 in order to assist the Shark Bay Speedway Club with improvements to the reserve.**

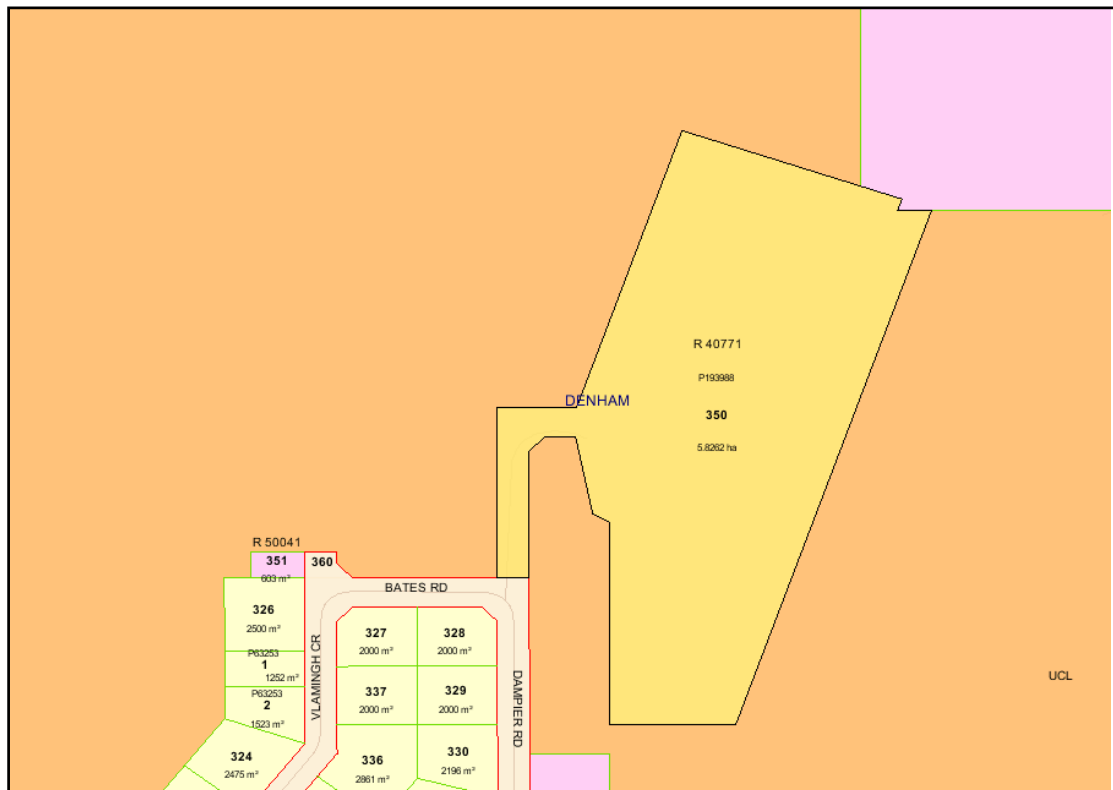
**4/0 CARRIED**

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BACKGROUND

Reserve 40771 is located to the north of the Industrial area in Denham, and is surrounded by unallocated crown land.

There is a Management Order to the Shire of Shark Bay for Motor Vehicle Racing, and a speedway operates from the site. The planning application has been signed by the Chief Executive Officer.



Above: This plan sourced from Landgate is a location plan only. The colours shown in Landgate map viewer have no relevance to this report. When a property is selected in map viewer it highlights it in yellow.

COMMENT

- *Zoning*

Lot 350 is reserved 'Parks and Recreation' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

The proposed building requires planning approval in accordance with Clause 3.2.1 of the Scheme which states '*a person shall not use a Reserve, or commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme*'.

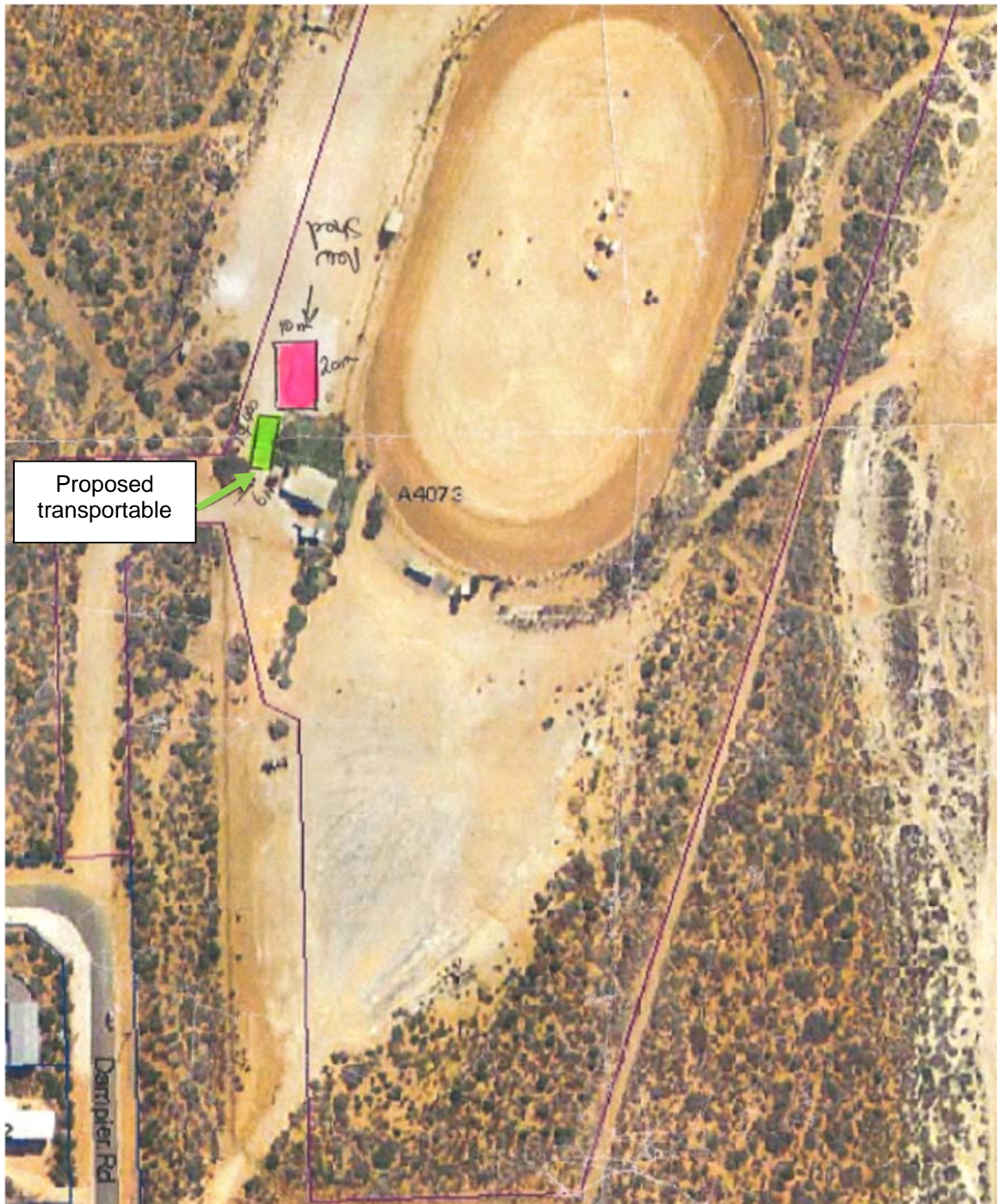
The Shire has broad discretion to approve a wide range of development in a local scheme reserve, and simply has to have regard for normal planning matters and the ultimate purpose intended for the Reserve.

- *Proposed Development*

The application is for a transportable building to be used for ablutions, and office / rest area.

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The building measures 6 metres by 14.4 metres – refer site plan below.



The transportable building has been inspected by the Shires Building Surveyor who confirms it is in good condition, and that the Club propose to add a verandah to the structure.



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Photographs are included below.



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The proposed development is minor and ancillary to the existing speedway. Conditional approval is recommended. It is also recommended that the planning application fee of \$147.00 be waived in recognition that the local club has a limited budget and fosters community spirit.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – Clause 3.2.2 states:

*'In determining an application for planning approval the local government is to have due regard to:*

- a) *the matters set out in clause 10.2; and*
- b) *the ultimate purpose intended for the Reserve.'*

*Planning and Development Regulations 2009* – set out maximum planning fees that can be charged by the Shire.

POLICY IMPLICATIONS

There are no policy implication relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations for planning advice.

This report recommends that the planning application fee be waived.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	18 August 2017

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13.4 PROPOSED TRANSPORTABLE – LOT 3 (10) SPAVEN WAY, DENHAM  
P1249

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That Council:**

1. **Approve the planning application for a transportable building (ablutions/showers) on Lot 3 (10) Spaven Way, Denham subject to the following conditions:**
  - (a). **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**
  - (b). **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.**
  - (c). **If the development subject of this approval is not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.**
2. **Advise the applicant via a footnote on the planning approval that:**
  - (i) **This is planning consent only, and is not authorisation to commence any on site construction. You are required to obtain a separate building permit.**
  - (ii) **Please liaise with the Shires Environmental Health Officer in regards to installation of any new septic tanks or leach drains.**
  - (iii) **Please be advised that the caravan park is required to operate in accordance with an existing separate Caravan Park licence. Separate approval is required if you propose any changes to approved caravan or camping sites.**

**This approval is only approval for installation of a transportable building for ablutions/ showers.**

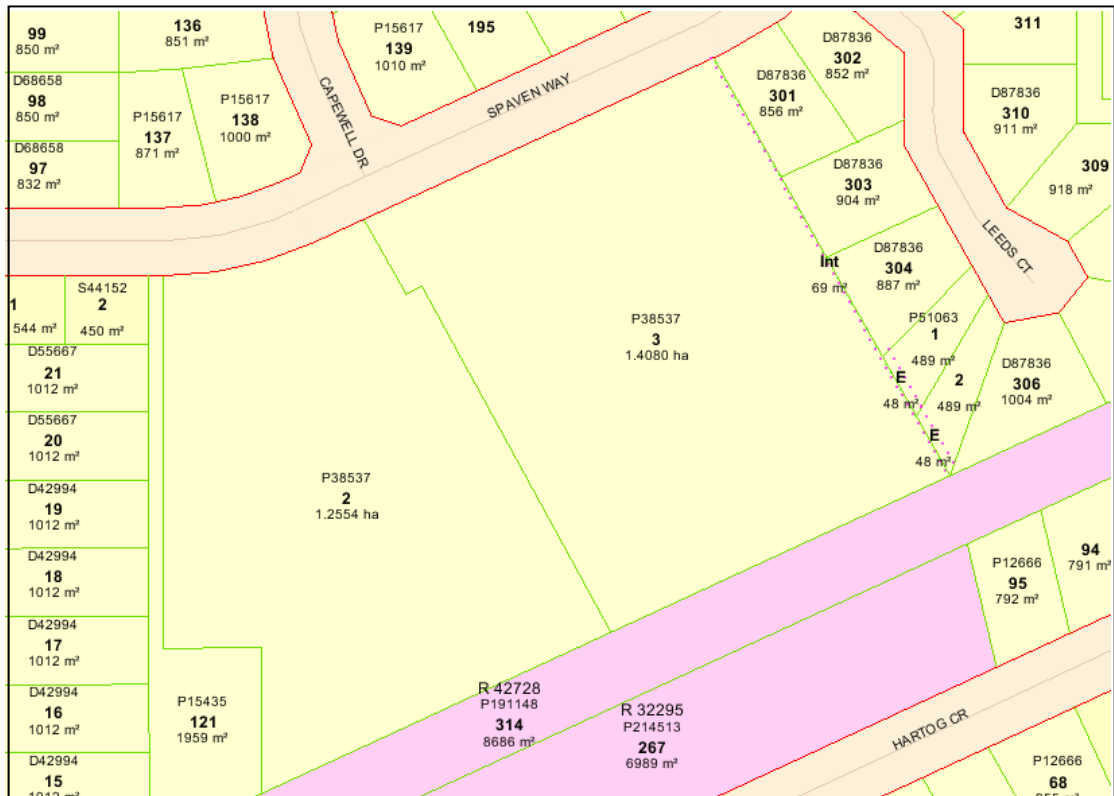
**4/0 CARRIED**

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**BACKGROUND**

A caravan park is located in Spaven Way however development has only occurred on Lot 3 and adjacent Lot 2 remains vacant.

The caravan park site is zoned ‘Special Use - 2’ and the Scheme allows for short term accommodation, including caravan and camping areas, shop and associated uses as approved by the local government.



Above: This plan sourced from Landgate is a location plan only. The colours shown in Landgate map viewer have no relevance to this report.

**COMMENT**

- *Proposed Development*

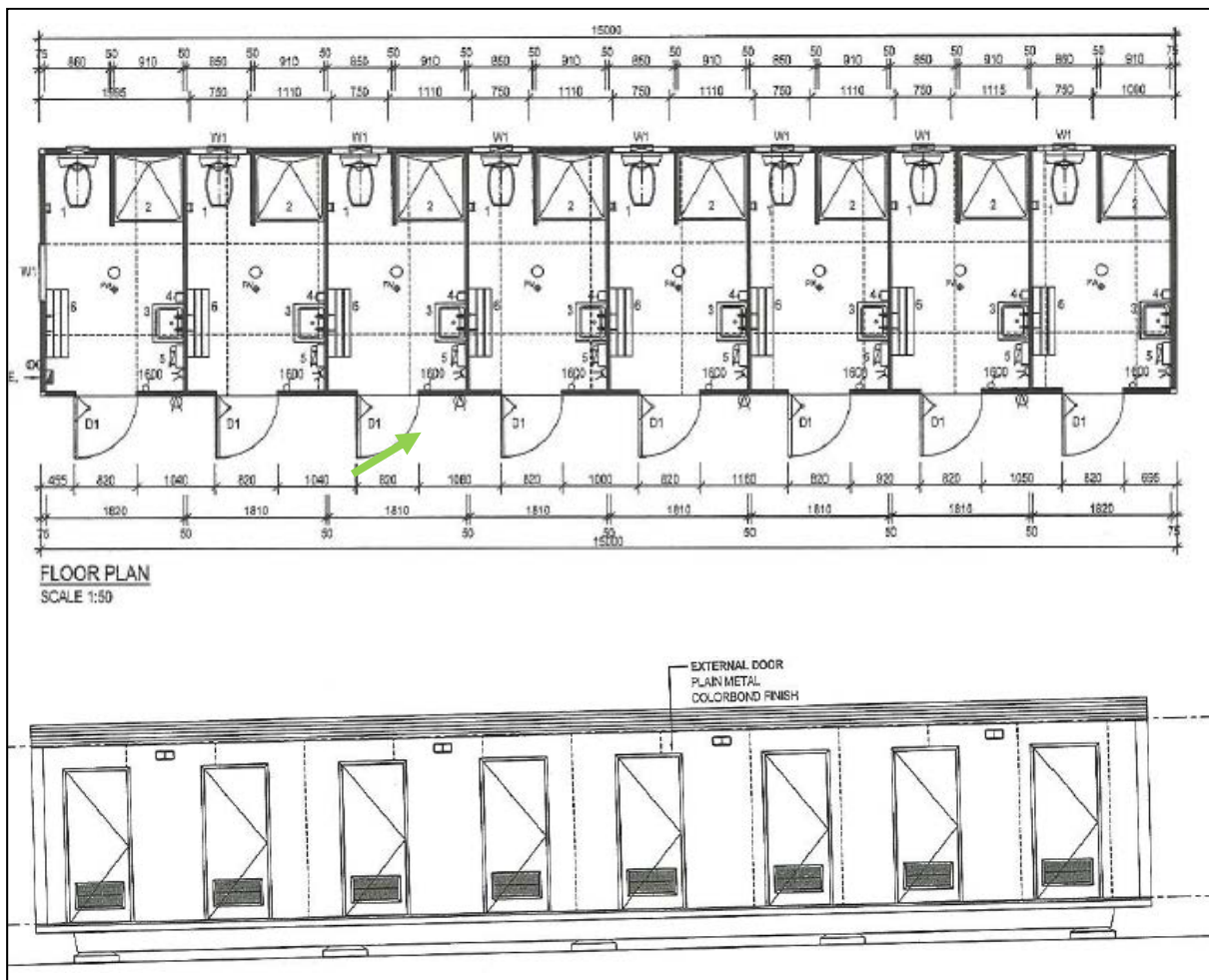
The application is for a transportable building to the rear of Lot 3 – refer site plan over page.



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The building measures 15 metres by 3.3 metres and will contain combined toilet and shower facilities.



The proposed development is minor, ancillary to the existing caravan park, and has suitable distances to adjacent residential lots. Conditional approval is recommended.

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LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations for planning advice.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

18 August 2017

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13.5 PROPOSED DEVELOPMENT – RESERVE 40727, LOT 130 MONKEY MIA ROAD & LOT 501 MONKEY MIA ROAD, MONKEY MIA RES40727

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Employee of Biodiversity Conservation and Attractions - Parks and Wildlife Section

Moved            Cr Fenny  
Seconded       Cr Laundry

Councillor Recommendation

That Council:

- A. Note the Table of Submissions included as Attachment 3.
- B. Note that planning approval for the existing Dolphin Lodge was issued on the 26 February 2003 subject to a condition requiring 50 carparking bays, 4 disabled bays and 2 bus parking bays - Attachment 4.
- C. Approve the planning application lodged for guest accommodation, guest facilities, commercial and administration buildings and government staff / Research Accommodation on Lots 130 and 501 Monkey Mia Road, Monkey Mia subject to the following conditions and footnotes:
  1. All development shall generally be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
  2. Colours of external walls shall be in accordance with the Shark Bay World Heritage Committee Peron Peninsular Colour Palette as stated in Appendix D of the Development Application report (Version 1) dated 22 June 2017.
  3. The proponent shall implement the recommendations of the Coastal Hazard Risk Management and Adaptation Plan to the satisfaction of the Shire of Shark Bay including ongoing shore monitoring to be assessed on a yearly basis or at the trigger of when the shoreline retreats within 20 metres of the proposed infrastructure as a result of erosion.  
  
Any revised Coastal Hazard Risk Management and Adaptation Plan is to be lodged to the Shire of Shark Bay.
  4. All vehicle crossovers to Monkey Mia Road shown on the approved plans shall be constructed to a trafficable standard at the proponents cost to the satisfaction of the Shire of Shark Bay, within 12 months of

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completion of the development, or within an alternative time period agreed to in writing by the Chief Executive Officer.

5. No vehicle access points shall be permitted to or from Monkey Mia Road except at the two new approved access points in accordance with the approved plans.
6. All internal access ways and approved permanent parking areas shall be constructed and maintained to a trafficable standard to the satisfaction of the Chief Executive Officer.
7. An overflow grassed parking area capable of accommodating an additional 28 carbays during peak periods is to be provided adjacent to Dolphin Lodge and campsite area CS-03 in accordance with the revised plan received 24 August 2017.
8. The proponent is to take adequate precautions to limit use of the secondary access to service vehicles, staff and return resort guests (who have already been through the toll gate on Reserve 49144). The installation of a boom gate may be considered appropriate in the future to manage traffic movements if required, to the satisfaction of the Chief Executive Officer.
9. The owner/applicant to submit detailed drainage plans to the Shire of Shark Bay for separate written approval that demonstrate adequate on site drainage, with no adverse impact on Monkey Mia Road or the adjacent foreshore, and the drainage system shall be constructed and maintained thereafter to the satisfaction of the Shire of Shark Bay.
10. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from anything. No water discharge outside of the lot boundaries is permitted.
11. The proponent shall lodge a revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay as follows:
  - (i) Modify Sections 2.2.1 and 3.1 to ensure they align;
  - (ii) Delete any reference to the low fuel buffers being maintained to the standard of an Asset Protection Zone; and
  - (iii) Clarify maintenance of the low fuel buffer as low threat vegetation in accordance with Clause 2.2.3.2 (f) of AS3959.
12. The proponent shall implement the recommendations of the revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay prior to occupation of the development. Ongoing fuel management around the proposed development shall meet the definition of low threat vegetation in Clause 2.2.3.2 (f) of AS3959, and shall be maintained to the satisfaction of the Chief Executive Officer.
13. The proponent to lodge a bushfire emergency evacuation plan to be approved separately in writing by the Chief Executive Officer, within 6 months of the issue of a building permit.

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14. The proponent shall implement the recommendations of any approved bushfire emergency evacuation plan to the satisfaction of the Chief Executive Officer.
15. If external lighting is installed, all illumination shall be confined within the property boundaries, unless otherwise approved in writing by the Chief Executive Officer, and meet Australian Standard AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
16. The proponent to undertake adequate precautions and waste management strategies to ensure that no rubbish and/or waste products are deposited on the Conservation Park (Crown Reserve 49144) vested in the Conservation and Parks Commission and the Shark Bay Marine Park (Marine Park No.7) at all times, including during construction.
17. No construction or impacts are to occur outside the Monkey Mia Resort leasehold area, unless otherwise formally approved in writing by the Department of Biodiversity, Conservation and Attractions in relation to the Monkey Mia Reserve and formally approved by the Shire and Department of Biodiversity, Conservation and Attractions in relation to the adjacent joint vested reserve.
18. A landscaping plan acceptable to the Shire shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the Shire for approval. The plans shall be submitted within 6 months of the issue of a building permit or an alternative time period agreed to in writing by the Shire.

The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted, clearly identify vegetation to be removed, retained or relocated and shall demonstrate capability with the approved Bushfire Management Plan.
19. Landscaping, plants and reticulation shall be installed in accordance with a landscaping plan to be submitted to the Shire for separate written approval and the landscaping shall thereafter be maintained to the satisfaction of the Chief Executive Officer.
20. The owner/applicant shall lodge a Construction Management Plan to the Shire of Shark Bay prior to the commencement of any on-site demolition or construction. The Construction Management Plan is to outline the process by which the owner/applicant will;
  - (a) Secure the site during demolition and construction and protect the safety of the public;
  - (b) Manage the disposal of demolition material;
  - (c) Set hours of operation for demolition and construction contractors;
  - (d) Manage noise, dust, vibration and other nuisances during demolition and construction;
  - (e) Manage any complaints;
  - (f) Manage construction traffic movements onto and from Monkey Mia Road;
  - (g) Protect the adjacent foreshore on Reserve 49144;
  - (h) Protect dangerous goods stored or being retained on-site;



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- (i) Manage rubbish and litter to be fully contained on site;
  - (j) Manage workforce amenities;
  - (k) Manage employee and contractor parking; and
  - (l) Address other matters to the reasonable satisfaction of the Shire of Shark Bay.
21. The proponent to implement a Construction Management Plan during all phases of construction works associated with the approved development.
22. This approval is an approval for the plans as submitted, and is not approval for any future managed retreat or abandon/ removal strategy by the proponent to address future shoreline retreat. A separate application is required for any relocation of development as a result of any modified shoreline.
23. If the development the subject of this approval is not substantially commenced within a period of 3 years, the approval shall lapse and be of no further effect.

Footnotes/ advice :

- (a) Any individual or organisation that proposes to undertake works within a Main Roads' road reserve must obtain prior approval from Main Roads. The proponent should liaise with Main Roads Western Australia in regards to the new crossover.

The Shire supports a staged approach whereby the crossover is initially constructed in gravel and will be sealed as soon as it is practical.

- (b) The Shire notes that a separate Drainage Management Plan and Nutrient and Irrigation Plan have been lodged to the Office of the Environmental Protection Authority and requires approval in accordance with Ministerial Statement 709. Any detailed engineering drawings lodged to the Shire for drainage should be consistent with management plans as approved by Office of the Environmental Protection Authority.
- (c) The Shire also notes that the proponent is required to implement a Foreshore Management Plan in accordance with Ministerial Statement 709, and that a Foreshore Management Plan was lodged in support of the Monkey Mia Structure Plan. This plan will address minimising risk of dune erosion, formalised access points, dune preservation and fencing, rehabilitation and restoration of foreshore areas, identification of species to be planted and education and signage.
- (d) At the separate Building Permit stage the proponent will need to demonstrate compliance to the Building Code of Australia and Australian Standards (AS2419) in regards to bushfire management.
- (e) The applicant is advised that legal access through the adjacent Monkey Mia Reserve 49144 to the Resort needs to be resolved in accordance with the Monkey Mia Structure Plan.

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- D. Note that concerns over carparking adequacy are outlined in this report, and resolve to support Option 1.
- E. Authorise the Chief Executive Officer to consider Special Order provisions under future Shire of Shark Bay Fire Break Notices to ensure ongoing maintenance of the low fuel buffer proposed for Monkey Mia.

**The vote was cast and resulted in a tied vote** **2/2 TIED**

**The President exercised a casting vote and the item was recorded as** **2/3 LOST**

Move Cr Bellottie  
Seconded Cr Cowell

**Council Resolution**

**That Council:**

- A. **Note the Table of Submissions included as Attachment 3.**
- B. **Note that planning approval for the existing Dolphin Lodge was issued on the 26 February 2003 subject to a condition requiring 50 carparking bays, 4 disabled bays and 2 bus parking bays - Attachment 4.**
- C. **Approve the planning application lodged for guest accommodation, guest facilities, commercial and administration buildings and government staff / Research Accommodation on Lots 130 and 501 Monkey Mia Road, Monkey Mia subject to the following conditions and footnotes:**
  - 1. **All development shall generally be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
  - 2. **Colours of external walls shall be in accordance with the Shark Bay World Heritage Committee Peron Peninsular Colour Palette as stated in Appendix D of the Development Application report (Version 1) dated 22 June 2017.**
  - 3. **The proponent shall implement the recommendations of the Coastal Hazard Risk Management and Adaptation Plan to the satisfaction of the Shire of Shark Bay including ongoing shore monitoring to be assessed on a yearly basis or at the trigger of when the shoreline retreats within 20 metres of the proposed infrastructure as a result of erosion.**

**Any revised Coastal Hazard Risk Management and Adaptation Plan is to be lodged to the Shire of Shark Bay.**
  - 4. **All vehicle crossovers to Monkey Mia Road shown on the approved plans shall be constructed to a trafficable standard at the proponents cost to the satisfaction of the Shire of Shark Bay,**



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within 12 months of completion of the development, or within an alternative time period agreed to in writing by the Chief Executive Officer.

5. No vehicle access points shall be permitted to or from Monkey Mia Road except at the two new approved access points in accordance with the approved plans.
6. All internal access ways and approved permanent parking areas shall be constructed and maintained to a trafficable standard to the satisfaction of the Chief Executive Officer.
7. An overflow grassed parking area capable of accommodating an additional 28 carbays during peak periods is to be provided adjacent to Dolphin Lodge and campsite area CS-03 in accordance with the revised plan received 24 August 2017.
8. The proponent is to take adequate precautions to limit use of the secondary access to service vehicles, staff and return resort guests (who have already been through the toll gate on Reserve 49144). The installation of a boom gate may be considered appropriate in the future to manage traffic movements if required, to the satisfaction of the Chief Executive Officer.
9. The owner/applicant to submit detailed drainage plans to the Shire of Shark Bay for separate written approval that demonstrate adequate on site drainage, with no adverse impact on Monkey Mia Road or the adjacent foreshore, and the drainage system shall be constructed and maintained thereafter to the satisfaction of the Shire of Shark Bay.
10. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from anything. No water discharge outside of the lot boundaries is permitted.
11. The proponent shall lodge a revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay as follows:
  - (i) Modify Sections 2.2.1 and 3.1 to ensure they align;
  - (ii) Delete any reference to the low fuel buffers being maintained to the standard of an Asset Protection Zone; and
  - (iii) Clarify maintenance of the low fuel buffer as low threat vegetation in accordance with Clause 2.2.3.2 (f) of AS3959.
12. The proponent shall implement the recommendations of the revised Bushfire Management Plan to the satisfaction of the Shire of Shark Bay prior to occupation of the development. Ongoing fuel management around the proposed development shall meet the definition of low threat vegetation in Clause 2.2.3.2 (f) of AS3959, and shall be maintained to the satisfaction of the Chief Executive Officer.

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13. The proponent to lodge a bushfire emergency evacuation plan to be approved separately in writing by the Chief Executive Officer, within 6 months of the issue of a building permit.
14. The proponent shall implement the recommendations of any approved bushfire emergency evacuation plan to the satisfaction of the Chief Executive Officer.
15. If external lighting is installed, all illumination shall be confined within the property boundaries, unless otherwise approved in writing by the Chief Executive Officer, and meet Australian Standard AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
16. The proponent to undertake adequate precautions and waste management strategies to ensure that no rubbish and/or waste products are deposited on the Conservation Park (Crown Reserve 49144) vested in the Conservation and Parks Commission and the Shark Bay Marine Park (Marine Park No.7) at all times, including during construction.
17. No construction or impacts are to occur outside the Monkey Mia Resort leasehold area, unless otherwise formally approved in writing by the Department of Biodiversity, Conservation and Attractions in relation to the Monkey Mia Reserve and formally approved by the Shire and Department of Biodiversity, Conservation and Attractions in relation to the adjacent joint vested reserve.
18. A landscaping plan acceptable to the Shire shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the Shire for approval. The plans shall be submitted within 6 months of the issue of a building permit or an alternative time period agreed to in writing by the Shire.

The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted, clearly identify vegetation to be removed, retained or relocated and shall demonstrate capability with the approved Bushfire Management Plan.
19. Landscaping, plants and reticulation shall be installed in accordance with a landscaping plan to be submitted to the Shire for separate written approval and the landscaping shall thereafter be maintained to the satisfaction of the Chief Executive Officer.
20. The owner/applicant shall lodge a Construction Management Plan to the Shire of Shark Bay prior to the commencement of any on-site demolition or construction. The Construction Management Plan is to outline the process by which the owner/applicant will;
  - (a) Secure the site during demolition and construction and protect the safety of the public;
  - (b) Manage the disposal of demolition material;

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- (c) Set hours of operation for demolition and construction contractors;
  - (d) Manage noise, dust, vibration and other nuisances during demolition and construction;
  - (e) Manage any complaints;
  - (f) Manage construction traffic movements onto and from Monkey Mia Road;
  - (g) Protect the adjacent foreshore on Reserve 49144;
  - (h) Protect dangerous goods stored or being retained on-site;
  - (i) Manage rubbish and litter to be fully contained on site;
  - (j) Manage workforce amenities;
  - (k) Manage employee and contractor parking; and
  - (l) Address other matters to the reasonable satisfaction of the Shire of Shark Bay.
21. The proponent to implement a Construction Management Plan during all phases of construction works associated with the approved development.
22. This approval is an approval for the plans as submitted, and is not approval for any future managed retreat or abandon/ removal strategy by the proponent to address future shoreline retreat. A separate application is required for any relocation of development as a result of any modified shoreline.
23. If the development the subject of this approval is not substantially commenced within a period of 3 years, the approval shall lapse and be of no further effect.

**Footnotes/ advice :**

- (a) Any individual or organisation that proposes to undertake works within a Main Roads' road reserve must obtain prior approval from Main Roads. The proponent should liaise with Main Roads Western Australia in regards to the new crossover.  
  
The Shire supports a staged approach whereby the crossover is initially constructed in gravel and will be sealed as soon as it is practical.
- (b) The Shire notes that a separate Drainage Management Plan and Nutrient and Irrigation Plan have been lodged to the Office of the Environmental Protection Authority and requires approval in accordance with Ministerial Statement 709. Any detailed engineering drawings lodged to the Shire for drainage should be consistent with management plans as approved by Office of the Environmental Protection Authority.
- (c) The Shire also notes that the proponent is required to implement a Foreshore Management Plan in accordance with Ministerial Statement 709, and that a Foreshore Management Plan was lodged in support of the Monkey Mia Structure Plan. This plan will address minimising risk of dune erosion, formalised access points, dune

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preservation and fencing, rehabilitation and restoration of foreshore areas, identification of species to be planted and education and signage.

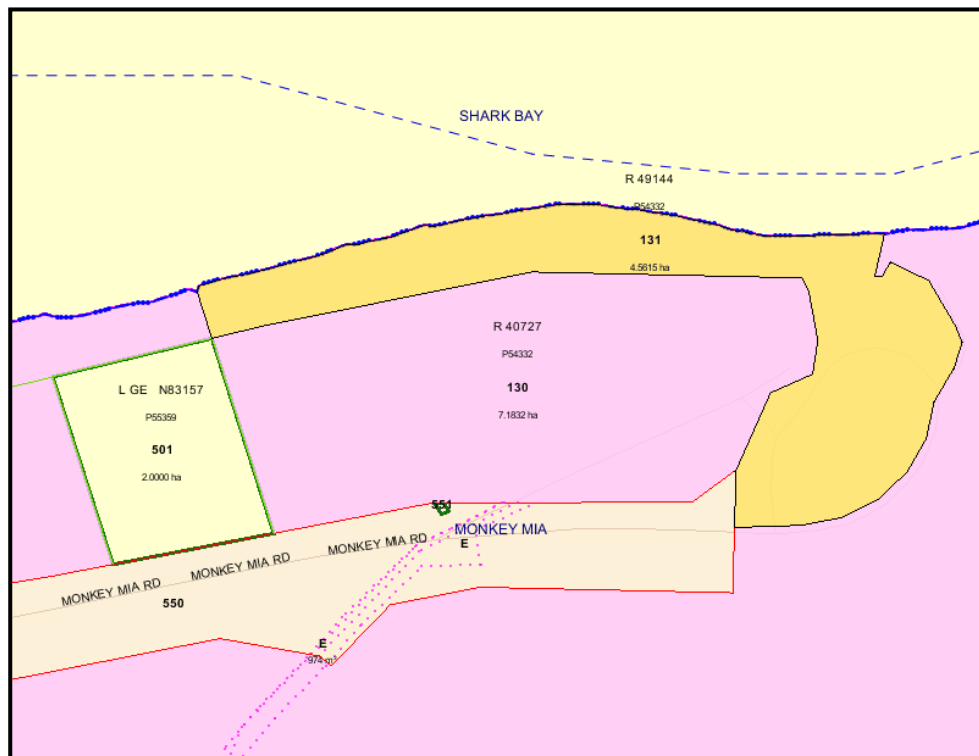
- (d) At the separate Building Permit stage the proponent will need to demonstrate compliance to the Building Code of Australia and Australian Standards (AS2419) in regards to bushfire management.
- (e) The applicant is advised that legal access through the adjacent Monkey Mia Reserve 49144 to the Resort needs to be resolved in accordance with the Monkey Mia Structure Plan.
- D. Note that concerns over carparking adequacy are outlined in this report, and resolve to support Option 2 – Include a condition to require some new carparking for the restaurant and administration/commercial building.
- E. Authorise the Chief Executive Officer to consider Special Order provisions under future Shire of Shark Bay Fire Break Notices to ensure ongoing maintenance of the low fuel buffer proposed for Monkey Mia.

3/1 CARRIED

#### BACKGROUND

- **Location**

The Monkey Mia Dolphin Resort is located within Reserve 40727.



Source: Landgate. The colours on this plan are not relevant to this report.

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- ***Ownership***

Reserve 40727 (Lot 130) is crown land vested to the Shire of Shark Bay under a Management Order. There is a 99 year lease agreement with RAC Tourism Assets Pty Ltd, expiring in April 2114.

This application includes Lot 130 and 501. The application form has been signed by the Shire Chief Executive Officer and the Department of Lands (as Lot 501 is crown land).

Council has two roles being both the landowner and the determining authority.

- ***Existing Development***

Existing development has occurred over an extended time period and includes backpacker accommodation, a lodge, camping, caravan park, short stay accommodation, a shop, pool, restaurant, amenities and recreation facilities.

- ***Zoning***

The majority of Reserve 40727 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). There are specific landuse controls and conditions applicable to Monkey Mia listed in Schedule 4 of the Scheme.

Permissible landuses include motel, short term accommodation, special facility, park home park, caravan park, reception centre, residential building, office, shop, restaurant, carpark, staff accommodation, power generation plant and desalination plant.

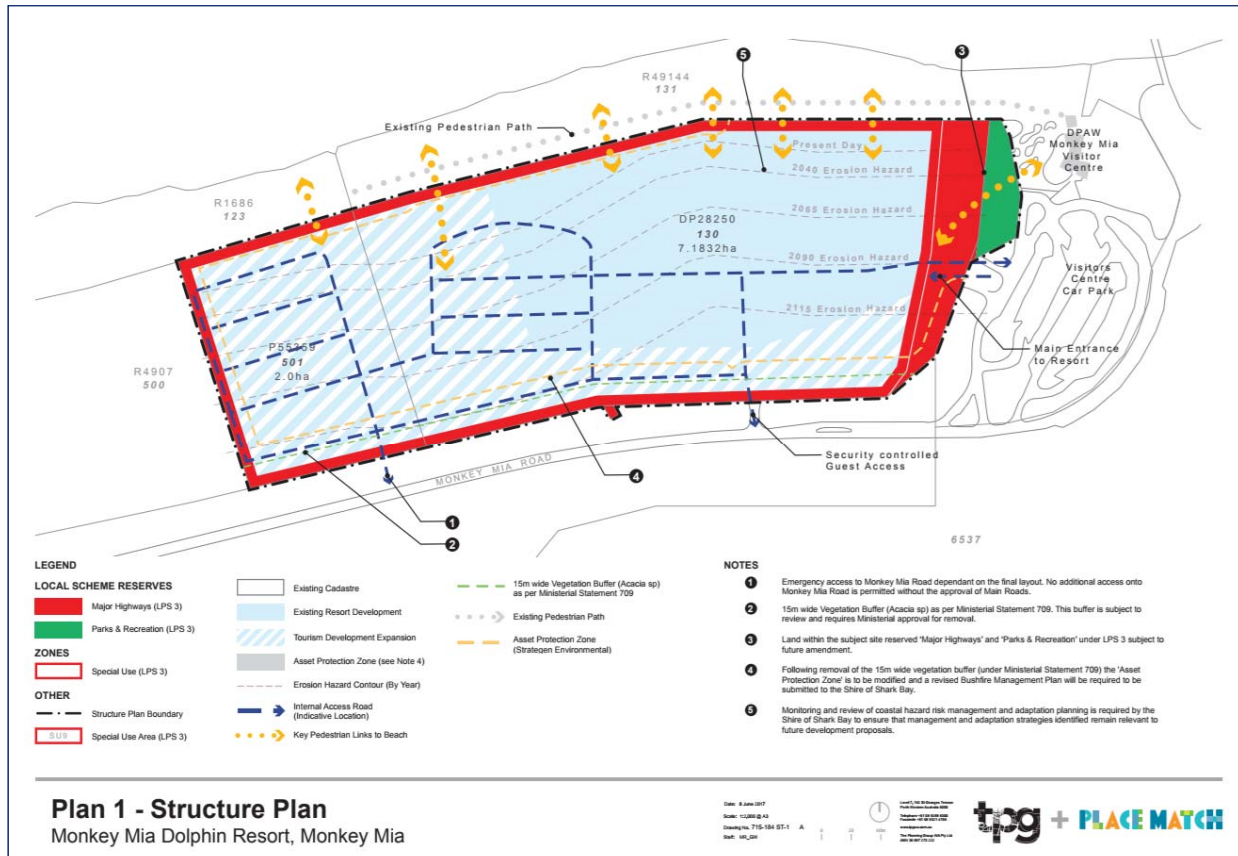
The Scheme also lists special conditions including that development be generally in accordance with an Outline Development Plan. The term Outline Development Plan has been superseded by the term 'Structure Plan'.

An eastern portion is also reserved as 'Highway' and 'Parks and Recreation'. This is an anomaly on the existing Scheme map which is proposed to be corrected as part of the Scheme Review, as the Special Use zone boundary should align with the boundary of Reserve 40727.

- ***Approved Structure Plan***

There is a Structure Plan for Monkey Mia which was approved by the Western Australian Planning Commission on the 7 July 2017 (refer plan over page).

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The implementation section of the Structure Plan report requires:

- Portions of the site are located within a designated bushfire prone area, as per the Western Australia State Map of Bush Fire Prone Areas (Department of Fire and Emergency Service 2016). Prior to the lodgement of a development application in these areas, bushfire mitigation and management measures are to be addressed in accordance with a Bushfire Management Plan endorsed by the Shire of Shark Bay.
- Development is to be in accordance with the Coastal Hazard Risk Management and Adaptation Plan (Appendix H) which provides guidance on required adaptation and management actions associated with existing and proposed assets within the Monkey Mia Dolphin Resort.
- A Site Identification Survey will be conducted for the Structure Plan area should it be deemed required. The results of the survey will determine whether section 18 consent is required prior to development approval.
- A Landscape Strategy will be prepared as part of the detailed design during the development application stage and shall be cognisant of the Bushfire Regulations.
- The Shark Bay World Heritage Committee's preferred colour schedule shall be considered as part of new structures at the development application stage.



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The 'implementation' section of the Structure Plan report also refers to the suite of environmental management documents that are applied and managed through the Environmental Management System.

The Structure Plan map includes notes replicated below for ease of reference:

**NOTES**

- ① Emergency access to Monkey Mia Road dependant on the final layout. No additional access onto Monkey Mia Road is permitted without the approval of Main Roads.
- ② 15m wide Vegetation Buffer (Acacia sp) as per Ministerial Statement 709. This buffer is subject to review and requires Ministerial approval for removal.
- ③ Land within the subject site reserved 'Major Highways' and 'Parks & Recreation' under LPS 3 subject to future amendment.
- ④ Following removal of the 15m wide vegetation buffer (under Ministerial Statement 709) the 'Asset Protection Zone' is to be modified and a revised Bushfire Management Plan will be required to be submitted to the Shire of Shark Bay.
- ⑤ Monitoring and review of coastal hazard risk management and adaptation planning is required by the Shire of Shark Bay to ensure that management and adaptation strategies identified remain relevant to future development proposals.

COMMENT

• ***Description of Proposed Development***

An application was lodged on the 23 June 2017 – refer site plan (Attachment 1). The proposed development is summarised below:

- A. New Guest Accommodation
  - 129 Accommodation Vehicle Sites;
  - 86 Unpowered Camping Sites; and
  - 12 Beachfront Cabins (2 bed and 3 bed).
- B. New Guest Facilities
  - Camp Kitchens;
  - Recreation Building;
  - Recreation Park and associated BBQ and Seating Cabana;
  - Amenity Areas; and
  - Swimming Pool Amenity Area.
- C. New Commercial and Administration Buildings
  - Extensions to the existing Boughshed Restaurant;
  - Arrivals Building (Reception, Tourist and Convenience Retail, Malgana Cultural Centre and associated office administration areas);
  - Staff Office.
- D. New Staff and Research Accommodation for Parks and Wildlife Services
  - 22 Staff Accommodation Buildings; and
  - Office.

The redevelopment is estimated to provide for approximately 102 resort staff, and Parks and Wildlife Services research staff. In total, the number of guest accommodation sites and staff accommodation sites shall increase from 204 to 417.



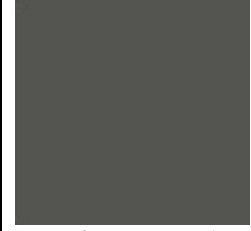



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- **World Heritage**

The lot is within the Special Control Area under the Scheme applicable to the Shark Bay World Heritage Property.

The applicant proposes colours and materials generally in accordance with the Shark Bay World Heritage Committee Peron Peninsular Colour Palette. A schedule of external finishes are included as Attachment 2. Some examples are included below:

Proposed colour	Peron Colour Palette
	
	

Natural materials such as cedar timber are also proposed to be used.

- **Advertising**

The application includes supporting documents such as a revised Bushfire Management Plan, Coastal Hazard Risk Management and Adaptation Plan and Traffic Impact Assessment which has been referred to the following authorities for comment.

- Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Services;
- Shark Bay World Heritage Advisory Committee;
- Main Roads Western Australia;
- Department of Fire and Emergency Services;
- Department of Aboriginal Affairs;
- Water Corporation;
- Horizon Power;
- Department of Transport (Coastal Planning);
- Department of Planning (Coastal Branch) – now Department of Planning, Lands & Heritage;
- Tourism WA; and
- Department of Lands – now Department of Planning, Lands & Heritage.
- 

The Environmental Protection Authority has been advised of the application for information (as they are processing a request to modify an existing Minister of Environment Statement).

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A total of 7 submissions have been received from government agencies – refer Table of Submissions in Attachment 3.

Town Planning Innovations is of the view that the issues raised during advertising can be addressed through conditions of development, with the exception of:

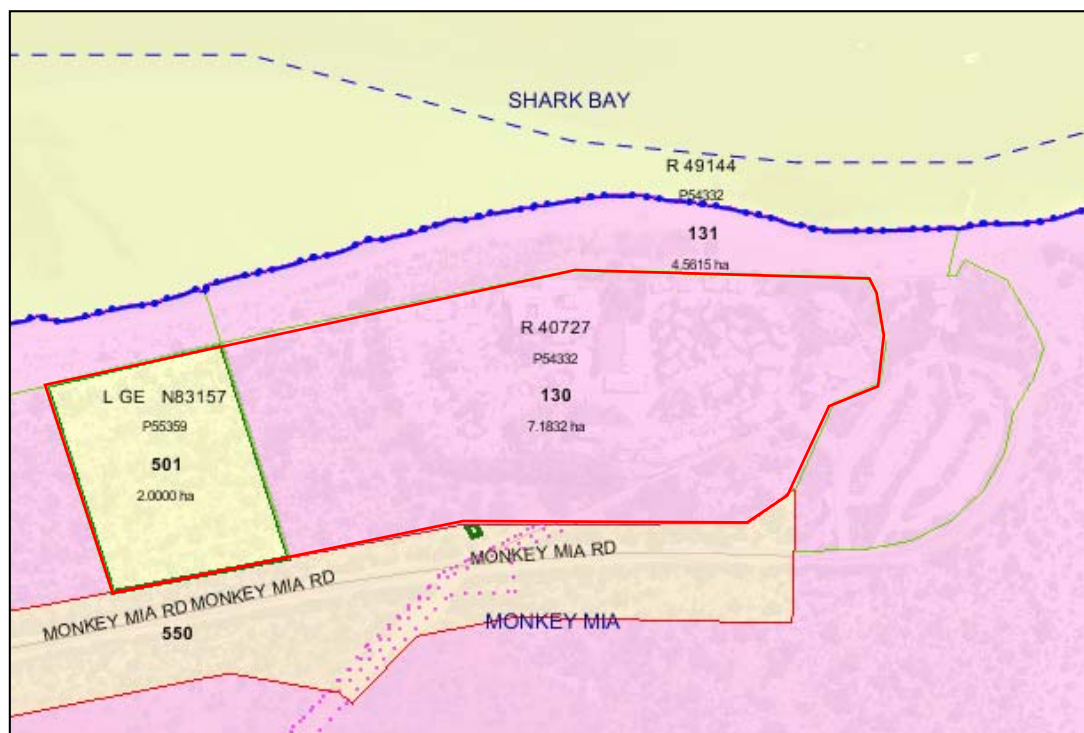
- adverse comments by the Department of Transport on the Coastal Hazard Risk Management and Adaptation Plan and;
- adverse comments from the Department of Fire and Emergency Services on the Bushfire Management Plan.

The Coastal Hazard Risk Management and Adaptation Plan and Bushfire Management Plan are discussed separately in this report.

- **Access and crossovers**

Existing access is via the visitor carpark on adjacent Reserve 49144 (Lot 131) managed by Parks and Wildlife Services. The proponent advises that legal vehicle access over Lot 131 is being formalised under the Land Administration Act 1997.

A new crossover to Monkey Mia Road is proposed west of the existing crossover. The secondary access will be restricted to service vehicles and returning guests only (ie those who have already been through the toll booth).



Above: This plan sourced from Landgate is a location plan only. The colours shown in Landgate map viewer have no relevance to this report.

Initially the new crossover will be gravel, and the proponent has agreed to seal it as soon as practical (ie when other sealing works are carried out in the area by either Main Roads Western Australia, the Shire or RAC for airport upgrades). Separate Main Roads approval is required for construction in the Monkey Mia Road reserve.

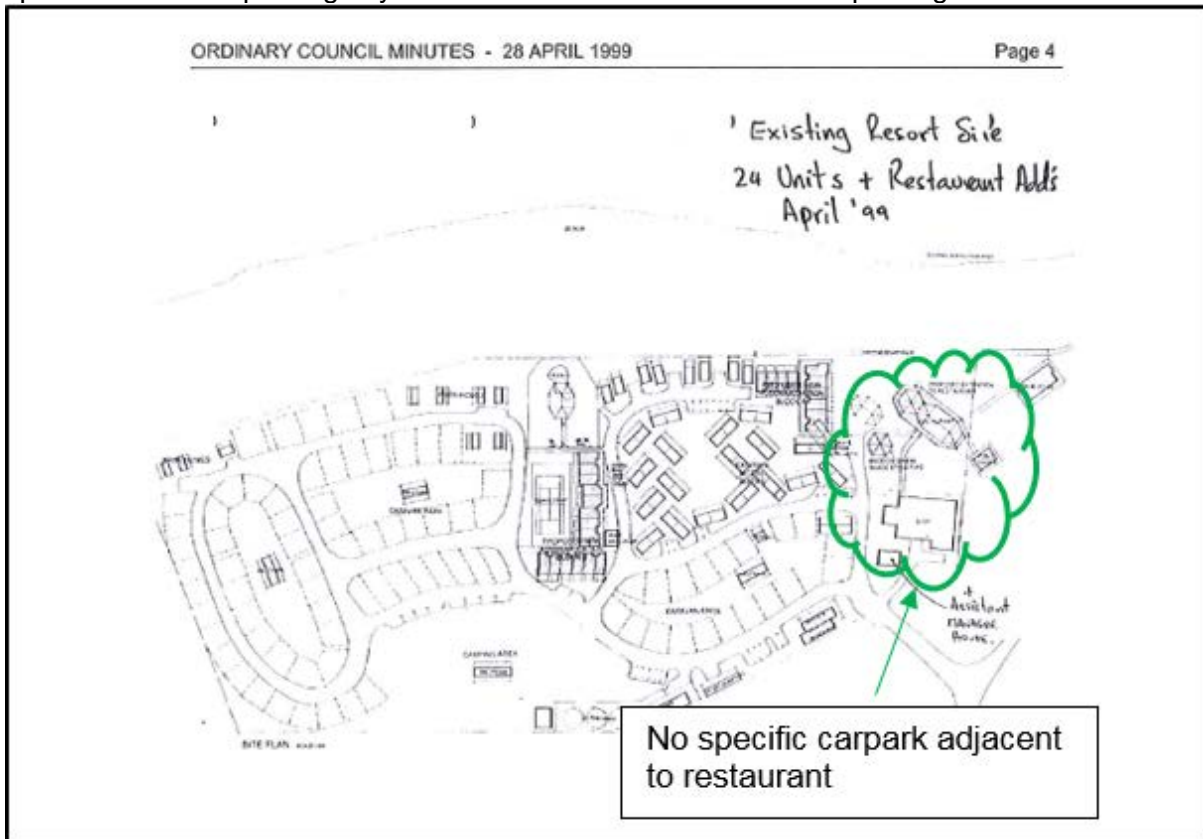
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• **Carparking (Historic Approvals)**

As development has occurred over a long time period, it is difficult to ascertain the total number of approved carparking bays for existing development. Known historic approvals include:

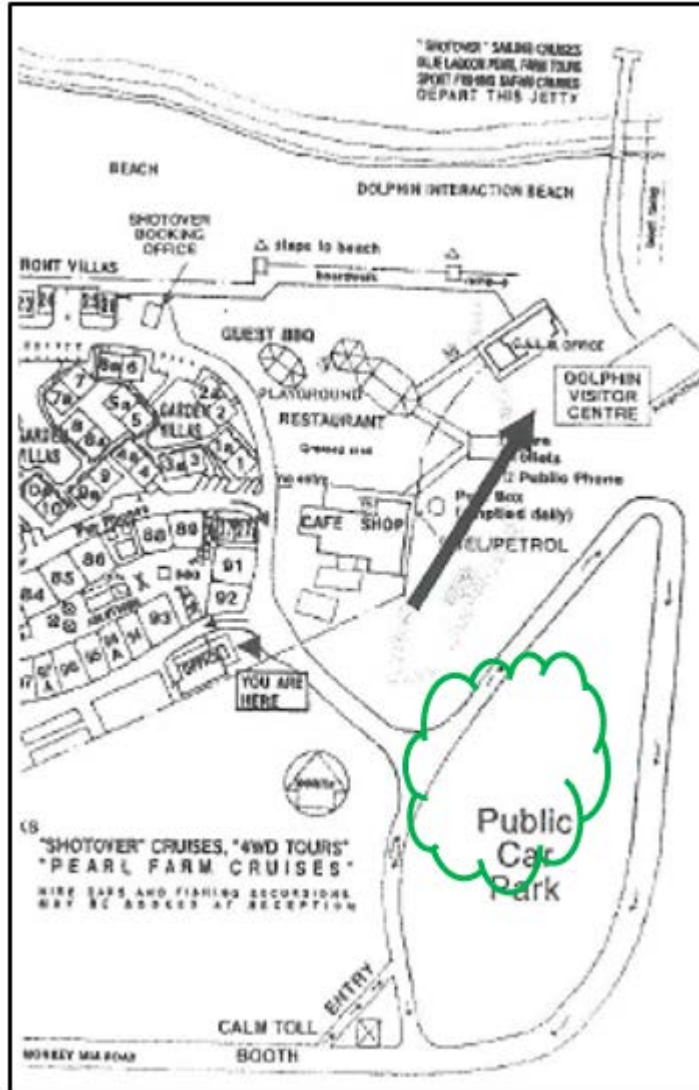
Summary	Council meeting date	Approved carparking
Extension to existing restaurant and 24 motel units	28 April 1999	24 carparking bays
Revised plans for restaurant extension	3 May 2000	Condition requires parking to be constructed but does not nominate the number of bays
Backpackers hostel and tavern (Accommodation for 122 people)	26 February 2003 Attachment 4 – existing approval.	50 carparking bays 4 disabled bays 2 bus parking bays
Extension to existing restaurant	27 February 2013	All existing carparking is to continue to be maintained to the satisfaction of the Chief Executive Officer.

Based on plans in historic reports, it does not appear that the restaurant was serviced by any specific on site carparking bays. Plans from 1999 do not show carparking near the restaurant.



Plans from February 2003 indicate public carparking on adjacent Lot 131.

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- **Proposed Carparking**

The Scheme requires car parking for 'caravan and camping' sites to be in accordance with the Caravan Parks & Camping Act Regulations 1997 ('Camping Regulations').

The Camping Regulations require:

- A car parking bay adjacent to a camping or caravan site or:
- If parking for at least one vehicle, other than the caravan, is not provided on a site then parking is to be provided for a vehicle near the site.

The Scheme also requires car parking for short term accommodation (including cabins) to be based on one car parking bay per bedroom. Despite this, Town Planning Innovations is supportive of one bay per accommodation unit as:

- It is recognised that most people, especially couples or families, will travel in one car;

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- Most new accommodation only has 2-3 bedrooms as opposed to having a large number of multiple bedrooms where accommodation could be shared by large groups travelling in more than car.

Parking is proposed as follows:

Description / landuse	Scheme requirement	Proposed	Compliance and Officer Comment
129 Accommodation vehicle sites (AVS-01 to AVS-09)	1 bay per site	129 bays within sites	Complies
(16) campsites (CS-01)	1 bay per site	16 bays comprising 11 bays adjacent, and 5 bays north of the workshop.	Complies
(55) camp sites (CS-02)	1 bay per site	55 bays adjacent each site	Complies
(15) camp sites (CS-03)	1 bay per site	15 bays	Complies
12 beach side cabins (9 two bedroom cabins and 3 three bedroom cabins)	1 bay per bedroom (short term accommodation)	12 carbays with an adjacent boat parking bay  <i>(Scheme requires 27 bays based on total of 27 bedrooms)</i>	Variation however 1 bay per cabin supported
30 garden villas (existing development)	1 bay per bedroom (short term accommodation)	30 bays	Variation however 1 bay per cabin supported.
4 double relocated garden villas (RGV) 8 units	1 bay per bedroom (short term accommodation)	No allocated bays provided.	Shortfall  8 bay shortfall
(14) limestone villas (existing development)	1 bay per bedroom	14 bays	Complies – original approval required 1 bay per unit.
(8) beachside villas (existing development)	1 bay per bedroom	4 bays	Shortfall 4 bays.
No. of bedrooms unknown.			
Dolphin Lodge	Existing approval for lodge and tavern required 54 carparking bays and 2 bus bays.	26 bays comprising 23 adjacent CS-03, and 3 bays north workshop	Shortfall 29 carbays, however overflow parking provided – see explanation below  There are 2 bus bays proposed on site
Workshop	Discretionary	2 bays	RAC advise only 2 bays required for service vehicles
Staff Accommodation (SA1)	Discretionary <i>(estimated staff is approximately 102)</i>	11	Discretionary
Staff Accommodation (SA2)	Discretionary <i>(estimated staff is approximately 102)</i>	40	Discretionary

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Restaurant	1 bay per 4 seats Seating capacity unknown.	No bays allocated – see explanation below.	No bays allocated.
Commercial and Administration building including arrivals Building (Reception, Tourist and Convenience Retail, Malgana Cultural Centre)	Discretionary  Shop : 1 for every 20m2 Gross Leasable Area  Office: 1 for every 50m2 floor area	Sharing staff carparks – see explanation below.	No bays allocated.
Sub Total of Shortfall for short term accommodation			41 bays
Proposed overflow grassed parking – 28 bays			-28
Total Shortfall for short term accommodation			13 bays

Town Planning Innovations has compiled a map showing the car parking allocations based on the plans submitted – Attachment 5.

Overflow carparking

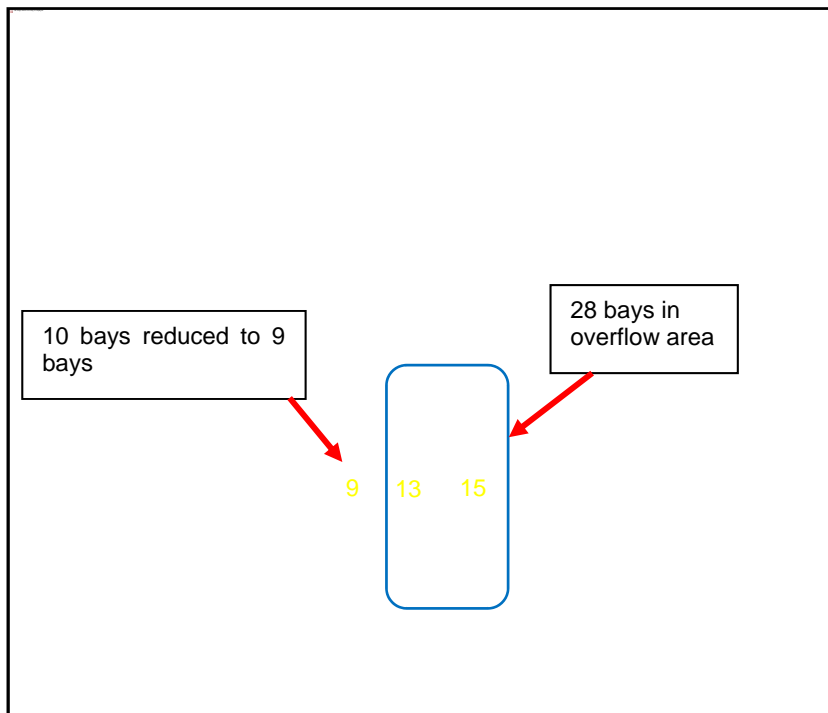
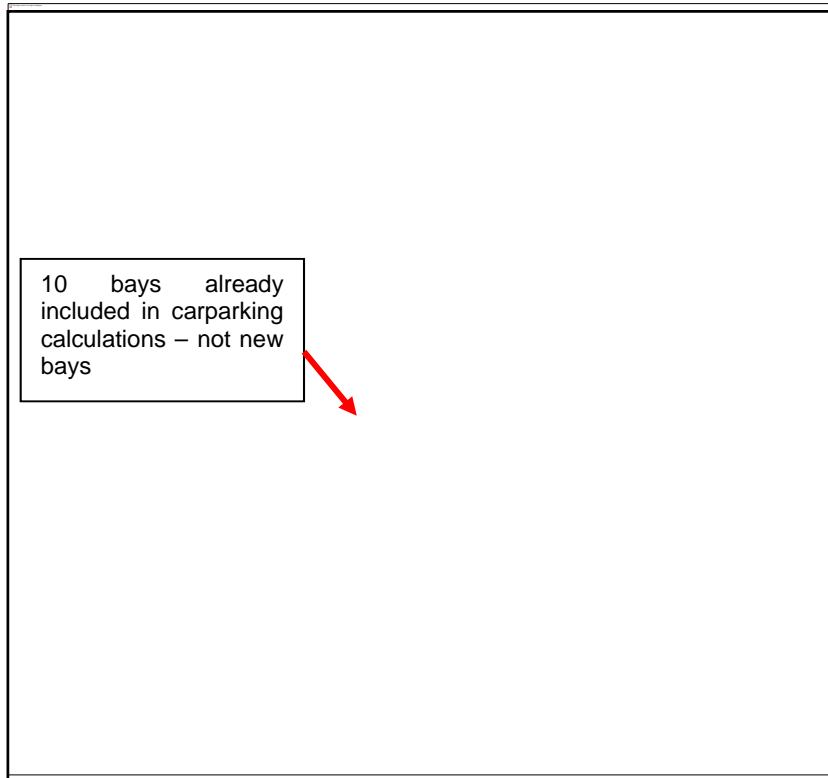
Concerns over car parking have been raised with the applicant. On the 24 August 2017 advice was received as follows:

*‘The project team have looked into this further and consider the best way forward to resolve this would be to:*

- *Allocate an area for overflow parking, should there be a demand for it during peak demand.*
- *The designers have prepared the plan below demonstrating that the landscaped area adjacent to the Limestone Villas and Dolphin Lodge can accommodate an additional 37 car bays. These bays would be in a landscaped/grassed area. These additional bays ensures that the car parking supply meets the Scheme’s requirements.’*

The overflow includes car parking that was already shown on the original plan, so can accommodate 28 bays, not 37 bays.

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Town Planning Innovations supports provision of an overflow carparking area as it will substantially mitigate the shortfall of parking identified for Dolphin Lodge.

There is still a shortfall of 13 bays:

- 8 bays for the 4 double relocated garden villas;
- 4 bays for beachside villas; and
- 1 bay for Dolphin Lodge.



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The shortfall for short term accommodation in isolation could be accepted based on the complicated history of development, the seasonal nature of accommodation, and the fact that the approved car parking for the the existing beachside cannot be quantified.

Alternatively, Council can require an additional 13 bays to be provided to ensure each unit has one car parking bay, consistent with the past approval for motel units in April 1999.

Council needs to consider the shortfall in combination with the car parking for staff, the restaurant extension and the Commercial and Administration building.

These are discussed below:

Staff carparking

The applicant has advised that the 51 staff car parking bays (SA1 and SA2) are also to cater for the new Commercial and Administration Building which includes the arrivals Building (Reception, Tourist and Convenience Retail, Malgana Cultural Centre and associated office administration areas).

This is based on staff being accommodated on site, and therefore being able to walk to work.

In summary:

- (A) 51 car parking bays have been specifically allocated for staff.
- (B) Within 'SA1' there is accommodation for up to 14 bedrooms for staff, some single and some double. There is also a manager and acting manager unit.
- (C) Within 'SA2' there is accommodation for up to 56 bedrooms for staff, some single and some double.
- (D) The 51 bays are to cater for a minimum of 70 bedrooms.

The RAC has indicated that not all staff will need a car bay. It is difficult to quantify that statement as:

- There is potential for staff cars to be shared.
- Some staff will be seasonal.
- Some staff may be Parks and Wildlife Services employees who can park on adjacent Lot 131.
- No allowance has been made for employees from outside of the resort (ie who live locally and may drive to the resort).

Town Planning Innovations generally supports the car parking for staff, however has reservations over the capacity for staff carparking to also cater for the car parking needs associated with the new Administration and Commercial Centre.

This issue is complicated by the inability to clearly identify historic carparking approved for existing development (as discussed below).

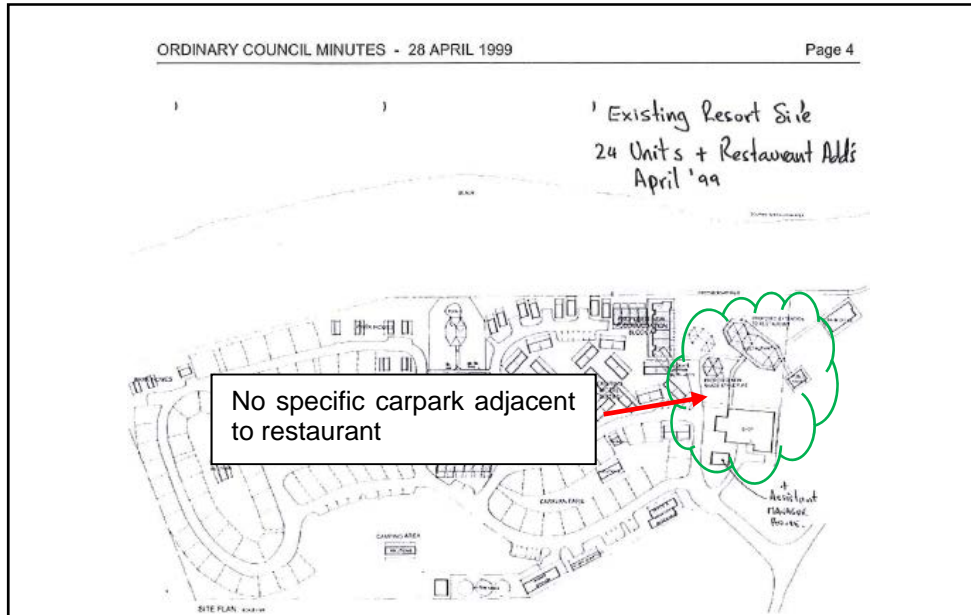
Restaurant and Administration/ Commercial Centre

Under the Scheme, car parking for restaurant is based on 1 bay per every 4 seats. The seating capacity of the existing or proposed (extended) restaurant is not known.

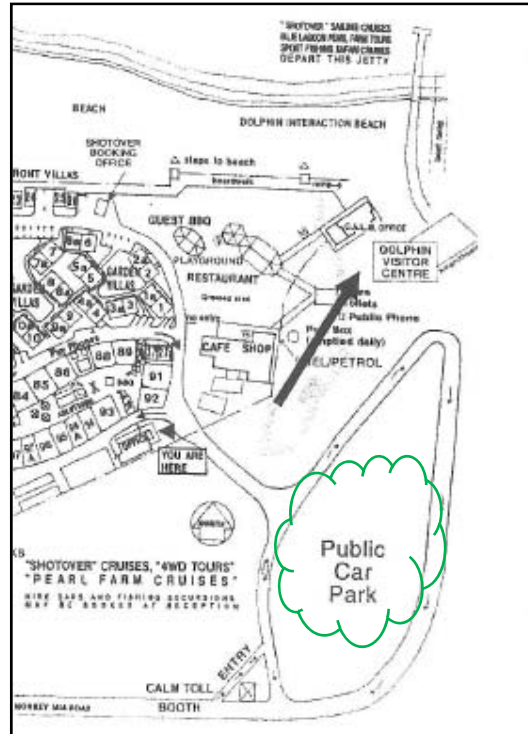
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The RAC has advised that car parking for the existing restaurant occurs within the adjacent carpark on Reserve 49144 (Lot 131) managed by Parks and Wildlife Services.

On face value, this seems to be supported by historic plans which do not show any car parking immediately adjacent to the restaurant, or the existing shop. Plans from 1999 do not show car parking near the restaurant – refer below.

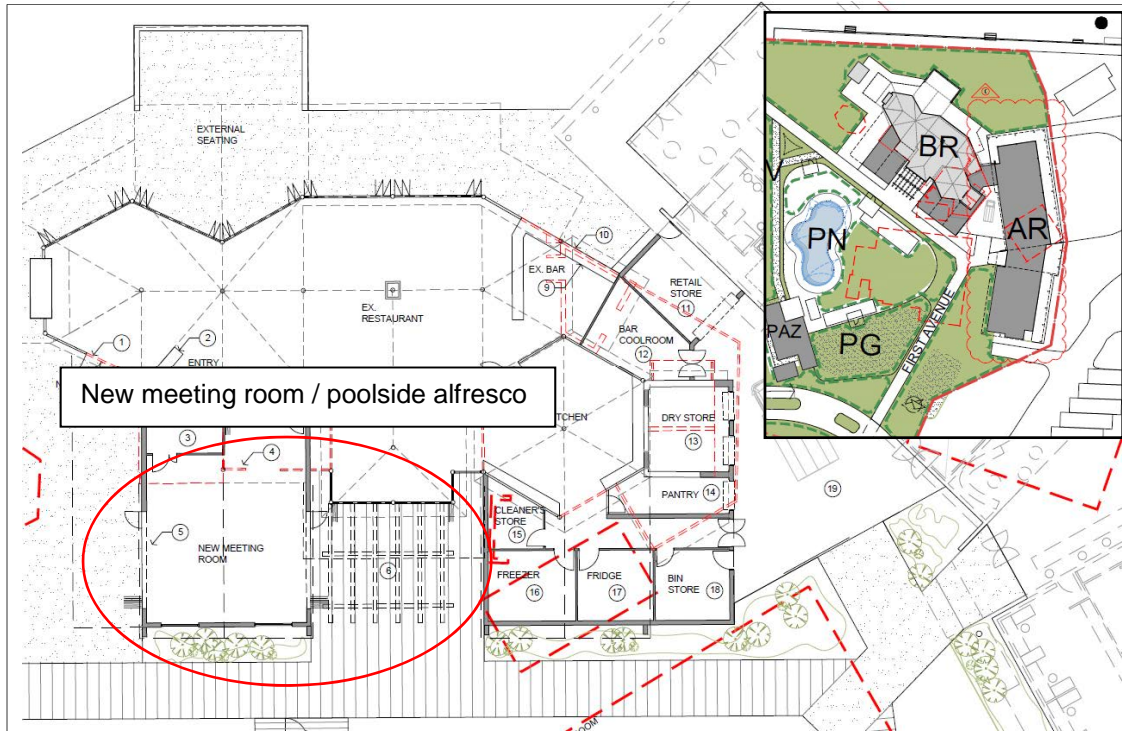


Plans from February 2003 indicate public car parking on adjacent Lot 131.



Some of the restaurant extensions are for non-seating areas such as a new kitchen freezer, new cool room, new kitchen dry store and waste area. These non-seating areas do have a major impact on car parking.

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Above: Restaurant extension and extract of site plan showing restaurant and new administration/ retail/ reception area.

Town Planning Innovations liaised with the applicant and raised concern that there are no visitor bays proposed adjacent to the restaurant/ administration centre. There is no specific parking allocation for:

- the general public
- visitors attending from outside of the resort
- staff who do not live on site.

Town Planning Innovations suggested that there appears room for some additional carparking, however was advised that:

*'RAC does not support the provision of additional bays adjacent to the restaurant as this will affect the landscape amenity RAC wishes to create'*.

#### Car parking – General Options (Restaurant and Administration / Commercial Centre)

It is crucial that Council consider the adequacy of onsite car parking especially as once redevelopment occurs there are no future opportunities for additional car parking to be accommodated onsite.

Whilst Town Planning Innovations supports the development, it is recommended that Council consider the following car parking options:

#### **Option 1. Require no new carparking for the restaurant and administration / commercial centre (in addition to supporting a shortfall for short term accommodation units)**

Council can accept that minimal car parking may have been required historically for existing development including the restaurant and existing shop.

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The proponent has advised that the restaurant extension area consists of a meeting room to replace the one next to the existing shop which is being demolished. They advise it is roughly the same size and no additional seating will be provided.

Town Planning Innovations recognises there is likely a high level of reciprocity between parking for the resort and the restaurant, as guests already staying on site may attend the restaurant for meals.

It is also recognised that there is reciprocity with public car parking on adjacent Lot 131. Visitors attending Lot 131 and the beach may also attend the restaurant and new administration / commercial building.

**Option 2. Include a condition to require some new carparking for the restaurant and administration/ commercial building.**

*'The proponent to lodge a revised plan that includes additional car parking for the general public attending the Administration/ Commercial building, the restaurant and that can also be used for new guests checking into the resort to the satisfaction of the Chief Executive Officer.*

*Carparking can also act as overflow for short term accommodation.'*

Option 2 allows a satisfactory car parking outcome to be negotiated with the applicant.

Town Planning Innovations recommends that Council consider requiring at least some minimal new car parking for the restaurant and administration / commercial building as:

1. The restaurant is proposed to be improved/extended. It is entirely practical for car parking to be required when developments are upgraded or extended.
2. The restaurant includes a new poolside alfresco area. This indicates capacity for increased seating.
3. The restaurant includes a new meeting room, which indicates increased capacity. It is not simply a replacement of existing development- it is new development warranting a carparking review.
4. The restaurant is proposed to be attached to a new administration reception, tourist shop, furniture shop and Mulgana Centre.

Some additional car parking could also cater for new guests to park on entry as they attend reception to book into the resort, and customers attending the shop/ centre from outside of the resort.

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5. It could act as an overflow carparking area for short term accommodation units. The carparking shortfall for short term accommodation would not be exacerbated.

**Option 3. Defer determination of the application to allow further discussions with the applicant.**

Town Planning Innovations has attempted to keep the applicant informed throughout the application process by providing preliminary carparking calculations and draft conditions.

The applicant has shown a willingness to negotiate an agreed outcome hence lodged plans for the overflow carparking area.

Due to the overflow carpark plan being lodged on the 24 August 2017, there has not been sufficient time for further discussions due to the need to include the report in the August agenda.

There has also been no consultation with Parks and Wildlife Services over carparking.

- **Coastal Hazard Risk Management and Adaptation Plan**

The Western Australian Planning Commission State Planning Policy 2.6 State Coastal Planning Policy supports a risk management approach and provides a framework for undertaking risk management and adaptation planning for coastal hazards.

A Coastal Hazard Risk Management and Adaptation Plan by MP Rogers was lodged in support of the Monkey Mia Structure Plan.

The Department of Planning has advised that *'the Shire of Shark Bay is required to implement the Coastal Hazard Risk Management and Adaptation Plan when development occurs as the coastal management authority recognised under State Planning Policy 2.6 and the responsibility to approve modify the Coastal Hazard Risk Management and Adaptation Plan for future development rests with the Shire'*.

The Structure Plan includes a note that *'monitoring and review of coastal hazard risk management and adaptation planning is required by the Shire of Shark Bay to ensure that management and adaptation strategies identified remain relevant to future development proposals'*.

The Coastal Hazard Risk Management and Adaptation Plan develops a risk based adaptation framework for assets or infrastructure that may be at risk of impact over the lifetime of the development.

The coastal hazard risk assessment identifies that there is a risk of coastal hazards potentially impacting the site. Over the initial planning horizon (to the year 2040) the RAC has deemed the risk to be acceptable.

There are number of key issues identified in the Coastal Hazard Risk Management and Adaptation Plan including:

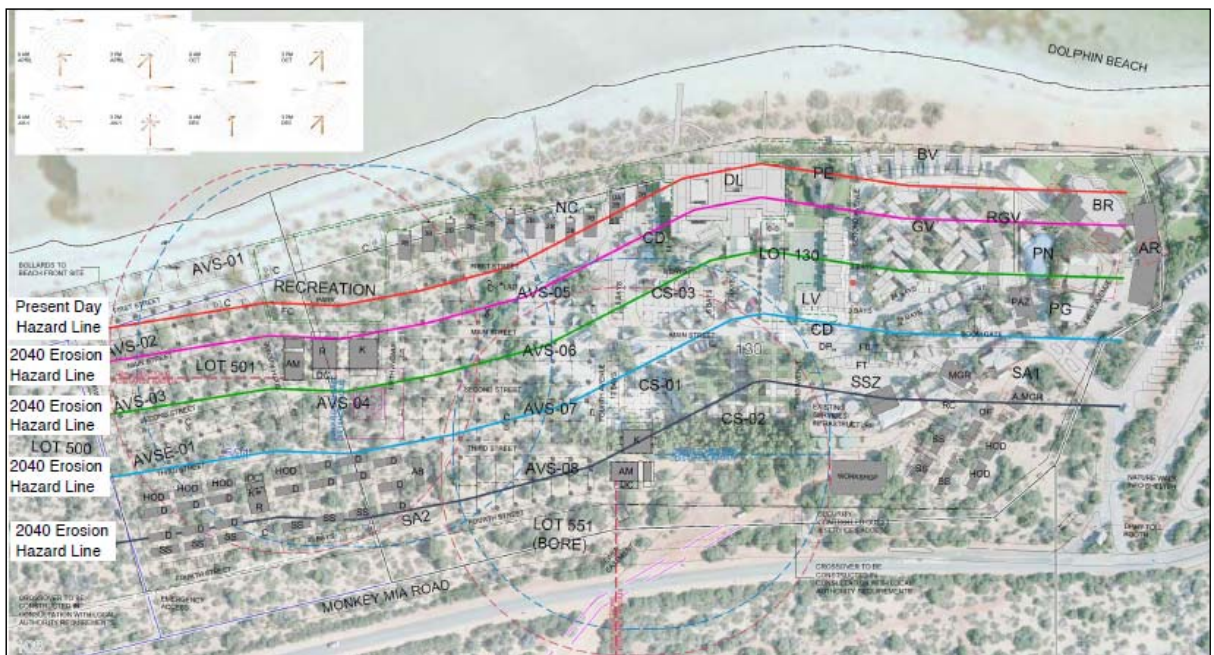
- The 12 beachside cabins are proposed forward of the present day hazard line. The modular form of the cabins means they can be relocated or removed.



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- The shoreline movement analysis shows that the shoreline fronting the resort has remained stable since 1983.
- The Coastal Hazard Risk Management and Adaptation Plan recommends that there be ongoing monitoring of the shoreline and a review by a qualified engineer if the shoreline comes within 20 metres of buildings.
- If the shoreline recedes then there needs to be subsequent planning for a managed retreat where buildings can be relocated or a removal of assets. Any relocation of buildings will require separate Shire approval.
- Avoidance of coastal hazard risks will be achieved for less transportable works such as camp kitchens, ablutions, workshops. They are located inland of the hazard line corresponding to the design life of the infrastructure.
- Management of public safety will be achieved by existing and proposed management strategies including an emergency evacuation plan.
- The major inundation impacts are likely to be associated with cyclone events. The Coastal Hazard Risk Management and Adaptation Plan assess the impacts of inundation on assets to be minor (up to the year 2115) as repair to each of the assets after inundation would be less than \$500, 000.

The Coastal Hazard Risk Management and Adaptation Plan includes the following plan:



The RAC has lodged a letter acknowledging the risks associated with potential future coastal hazards – Attachment 6.

A condition can be imposed requiring the recommendations of the Coastal Hazard Risk Management and Adaptation Plan to be implemented, and the shoreline to be reviewed as recommended by the Coastal Hazard Risk Management and Adaptation Plan.

- **Finished Floor Levels**

Clause 5.8.2 of the Scheme requires a minimum floor level not less than RL3.2 metres AHD (Australian Height Datum) as the land is subject to inundation.

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The proposed development will have finished floor levels ranging between 2.7 to 3.46 metres AHD.

Town Planning Innovations is of the view that the minimum floor level is a 'requirement' under the Scheme that can be varied under Clause 5.6 of the Scheme which deals with '*variations to site and development standards and requirements*'. This means Council has discretion to vary the Finished Floor Level if satisfied that it will not have an adverse effect upon the users of the development or future development of the locality.

It is recommended that Council support the finished floor levels for the following reasons:

- The minimum floor level under the Scheme is generic and is based on the 'Shark Bay Denham Foreshore Topography and Storm Surge level maps' which have become outdated.
- More detailed and accurate modelling has been completed for Monkey Mia by MP Rogers. MP Rogers has also completed updated reports for the Shire in regards to inundation levels for Denham townsite.
- The proposed Finished Floor Level's exceed those recommended under the new Coastal Hazard Risk Management and Adaptation Plan (refer table below)

Table 3: Comparison of Proposed Finished Floor Levels

Key assets		Finished Floor levels (mAHD) as outlined in Table 6.4 of the Coastal Hazard Risk Management & Adaptation Plan.	Proposed finished floor levels (mAHD)
Staff Accommodation SA1	Mgr's House	>2.50	2.70
	Assistant Mgr's House	> 2.50	3.00
	Office	>2.50	2.96
	Seasonal Staff (SS)	>2.50	2.96
	Head of departments (HoD)	>2.50	2.96
Workshop		>2.20	2.70
Arrivals Building		>2.40	2.90
Boughshed extension		>2.60	2.90
Relocated Garden Villas		>2.40	3.00
Pool ablution zone		--	2.60
Beach cabins*		>2.10	3.40
Camp kitchen, Rec Room and Amenities (Large) - adjacent to AVS-05		>2.10	2.80
Camp kitchen, and Amenities (Small) - adjacent to CS-01		>2.10	3.00
Accommodation Vehicle sites *		>1.90	3.16
Staff Accommodation SA2*	Head of departments (HoD)	>2.50	3.46
	Duplex (D)	>2.50	3.46
	Seasonal Staff (SS)	>2.50	3.46
	Relocated Ablution block	>2.50	3.46
Existing Buildings	Boughshed Restaurant	>2.60	2.90
	Garden Villas	>2.40	3.00
	Beach Villas	--	3.00
	Limestone Villas	>2.50	2.80
	Dolphin Lodge	>3.00	3.20

\*Proposed finished floor levels have been averaged out over the area occupied by the particular units

Source: Coastal Hazard Risk Management and Adaptation Plan by MP Rogers

Town Planning Innovations notes that Council has set a precedent as a lesser floor level was approved for extensions to the existing restaurant at the Council meeting



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held on the 27 February 2013, and for a new workshop at the Council meeting held on the 28 June 2017.

Council has the ability to require all new development the meet the minimum Finished Floor Level, level requirement of the Scheme being RL3.2 metres AHD.

- **Bushfire Management Plan**

The subject land is within a designated bushfire prone area, and a Bushfire Management Plan is required as tourism development is considered a 'vulnerable landuse' in accordance with State Planning Policy 3.7.

A Bushfire Management Plan was lodged with the Monkey Mia Structure Plan but was not endorsed as part of that process.

The Structure Plan requires that *'prior to the lodgement of a development application in these areas, bushfire mitigation and management measures are to be addressed in accordance with a Bushfire Management Plan endorsed by the Shire of Shark Bay.'*

At the meeting held on the 22 February 2017 Council approved the fire mitigation proposal by RAC on Reserve 49107 including a 25 metre buffer on the western boundary mulched to height of 5 cm on the condition that RAC are responsible for the installation and ongoing maintenance of the buffer.

Council also supported the RAC's proposal to maintain vegetation coverage at less than 25% on Reserve 1686 which is jointly managed by the Shire of Shark Bay and Parks and Wildlife Services. The Shires support was conditional on the proposal being supported by Parks and Wildlife Services.

The Bushfire Management Plan was revised after the Structure Plan process to try and address comments by the Department of Fire and Emergency Services.

Department of Fire and Emergency Services are not supportive of the bushfire management plan and raise a number of concerns as outlined in Attachment 3. The main issues are summarised below for clarity.

Summary	Shire Consultant / Officer Comment (Town Planning Innovations)
Approval is yet to be obtained for removal of the condition requiring vegetation retention in accordance with Ministerial Statement 709. This shall be achieved prior to Development Application approval.	This is no longer an issue as the EPA has confirmed that the vegetation buffer is to the south of Monkey Mia Road and it does not affect the development area. Application has been made to delete the condition relating to the vegetation buffer under the Ministerial Statement 709.
Department of Fire and Emergency Services have queried whether some vegetation in the proposed asset protection zones can be excluded.	The vegetation classifications described in the Bushfire Management Plan have been assessed by a BPA Level 2 Practitioner. Strategen have reviewed the vegetation classifications and believe they are compliant with AS 3959.  Town Planning Innovations agrees that the areas being excluded, such as the beach (which does not contain significant vegetation) seem reasonable in the context of AS3959. Under Clause 2.2.3.2 of AS3959 low threat vegetation can be excluded including non vegetated areas and waterways.

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	<p>Bushfire management will be improved as a result of development as the RAC proposes to maintain 25 metre wide fuel reduction buffers on land to the north, south east and west. The fuel reduction buffers will be maintained by the RAC.</p> <p>The 25 metre wide fuel reduction buffers are on land managed by government agencies including the Shire, Main Roads WA and Parks and Wildlife Services. All of these agencies support the fire buffer proposed.</p>
<p>Department of Fire and Emergency Services have stated they would require an enforcement mechanism to ensure the asset protection zones are maintained in perpetuity.</p>	<p>It is understood that the general preference is for fuel reduction buffers to be contained within the development site, and Department of Fire and Emergency Services otherwise prefer buffers to be implemented through some form of legal mechanism.</p> <p>However, this is not possible where there are several government agencies involved. Given the consultative relationship between Main Roads, Parks and Wildlife Services and the Shire, the written commitments provided in support of the fuel reduction areas are considered to hold significant weight.</p> <p>The situation at Money Mia is unique as the Shire has a high level of control as the landowner, lessor, and decision making authority.</p> <p>Strategen has suggested that the Shire use the Special Order provisions as per Shire of Shark Fire Break Notice, to have the requirements of the Bushfire Management Plan considered as the minimum standard of fire prevention for the proposed development. This has been presented as a mechanism to ensure the management actions within the Bushfire Management Plan and importantly the fire buffers are managed in perpetuity.</p>

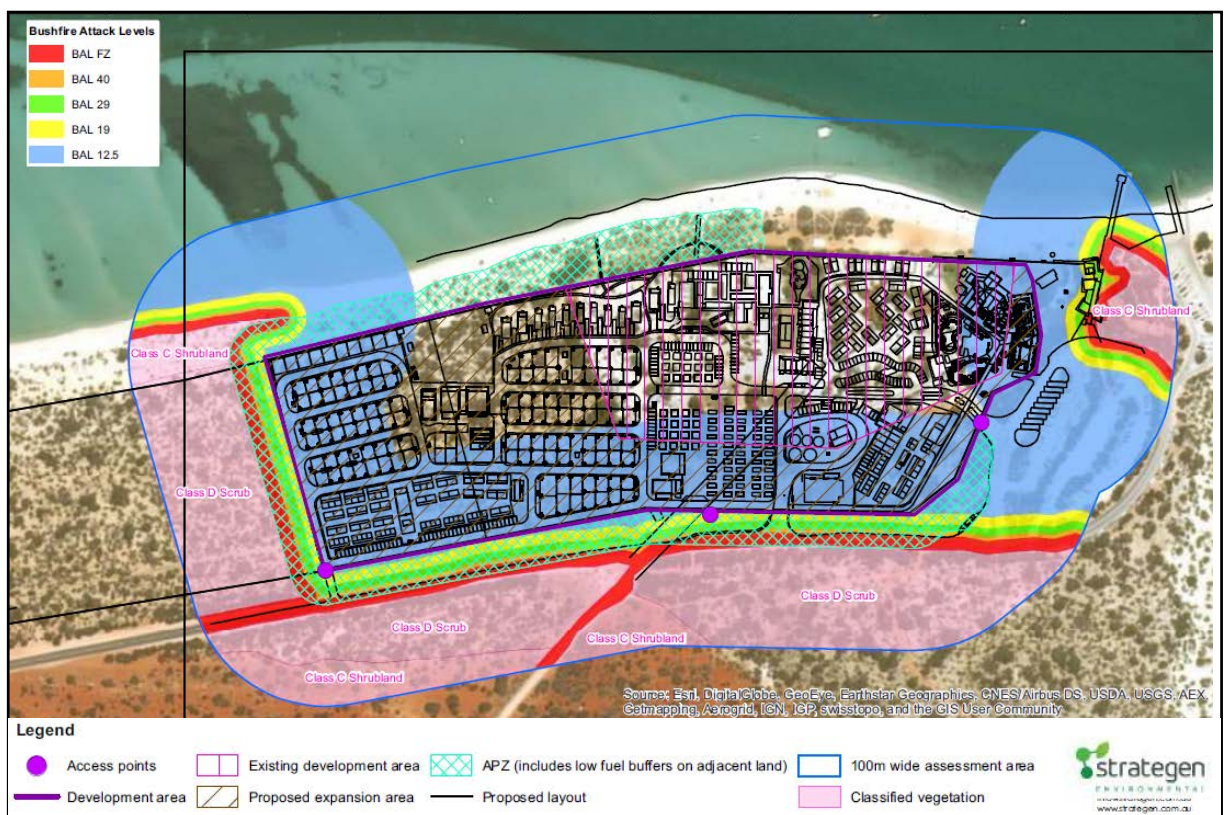
Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

Under State Planning Policy 3.7 a Bushfire Management Plan for a vulnerable land use (tourist development) is required to be jointly endorsed by the local government and the State authority for emergency services. Town Planning Innovations considers that Council has discretion to approve the Bushfire Management Plan for Monkey Mia, despite the objection from Department of Fire and Emergency Services, due to the following:

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- (1) Due regard to State Planning Policy 3.7 has been given in assessment of the Bushfire Management Plan and comments by Department of Fire and Emergency Services. However, in this circumstance, a practical solution is to accept the proposed low fuel buffer extending beyond Lots 103 and 501.
- (2) Monkey Mia is an established world renowned tourist site. The prime consideration is that implementation of the Bushfire Management Plan will improve fire mitigation measures for the existing and future development.
- (3) There is a Structure Plan for Monkey Mia approved by the Western Australian Planning Commission. The Structure Plan specifically states that '*Prior to the lodgement of a development application in these areas, bushfire mitigation and management measures are to be addressed in accordance with a Bushfire Management Plan endorsed by the Shire of Shark Bay.*'



Source: Figure 4 : Bushfire Management Plan by Strategen

The Bushfire Management Plan identifies a Bushfire Attack Level assessment of Bushfire Attack Level 12.5 which means some of the new development will have to meet higher construction standards. Compliance with the Bushfire Attack Level requirements occurs at the separate Building Permit stage.

Town Planning Innovations has liaised with the applicant and there are some anomalies in the Bushfire Management Plan that need to be corrected. The applicant is aware that a revised Bushfire Management Plan needs to be lodged simply to make sure it clear as to the standard that the low fuel buffer will be maintained to.

The Bushfire Management Plan currently states that the low fuel buffer will be maintained to the standard of an Asset Protection Zone and that is incorrect.

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- **Conclusion**

Conditional approval of the development is recommended, however as outlined in this report it is recommended that Council consider requiring additional parking.

LEGAL IMPLICATIONS

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

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Shark Bay Local Planning Scheme No 3.

Regulation 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

The requirement to have 'due regard' for state planning policies is explained in the body of this report.

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

*Planning and Development (Development Assessment Panels) Regulations* - came into operation in Western Australia on 1 July 2011. A Mandatory Development Assessment Panel application is type of development application for the approval of a development with an estimated value of \$10 million or more (outside the City of Perth).

The estimated cost of development for this application is 9.5 million so it can be determined by the Shire.

*Caravan Parks & Camping Act Regulations 1997* -

Under Regulation 16 relating to Parking it states:

'(2) *If parking for at least one vehicle, other than the caravan, is not provided on a site then parking is to be provided for a vehicle near the site.*'

POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for advice. There may be local economic benefits associated with the proposal.

STRATEGIC IMPLICATIONS

The Shire of Shark Bay Local Planning Strategy recognises potential for expansion of Monkey Mia and states:

*'To the immediate west of the Monkey Mia resort is undeveloped land also within the same 'Special Use' zone consisting of Lot 501 which is unallocated crown land and Reserve 49107. There is potential for more tourist uses subject to meeting*



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*environmental requirements. The land could also cater for any future expansion of Monkey Mia.’’*

RISK MANAGEMENT

There are risks associated with approving development that may be impacted on by future coastal processes. Town Planning Innovations is unable to provide advice on liability issues and the Shire may wish to seek independent legal advice.

Historic Shire minutes (Item 11.3 OCM 28 March 2001) confirm that legal advice was provided by Minter Ellison on liability and a reduced finished floor level for extensions to the restaurant at Monkey Mia. Minter Ellison advised against accepting any kind of indemnity.

The Shire may be satisfied that the risk is minimised due to clauses in the existing lease agreement for Lot 130 as follows:

*“5.15 Insurance*

*(b) The Lessee is responsible and liable for all improvements to be constructed on or brought onto the Leased Premises and must effect, maintain and keep or ensure any of the Lessee’s employees, contractors or agents, if relevant, effects, maintains and keeps current, as required:*

- (i) A contractor’s risk policy to cover all works undertaken or to be undertaken in relation to the construction of the Improvements, against claims for loss, destruction or damage of or to property, and*
- (ii) A policy of insurance for reinstatement or replacement of each Improvement (including plate glass) against loss or damage including by fire, flood, storm, tempest, rainwater, cyclones, explosions, smoke or lightning to its full insurable value.”*

*“5.18 Destruction of the Leased Premises*

- (a) If the Leased Premises or any part of the Leased Premises is so destroyed or damaged as to require major building, the Lessee must within a reasonable time from the date of destruction or damage rebuild the Leased Premises to its original state and condition to the reasonable satisfaction of the Lessor, but subject to clause 5.18(b).*
- (b) Unless otherwise agreed by the Lessor, if the Leased Premises or any part of the Leased Premises is so destroyed or damaged as to require major rebuilding and the Lessee is unable to claim full reinstatement costs through its insurance policies, then the Lessee must expend all insurance monies received on rebuilding the Leased Premises as near as possible to its original state and condition to the reasonable satisfaction of the Lessor (for clarity, the Lessee is not required to undertake any rebuilding to the extent that the insurance monies received are not sufficient to fund that rebuilding).”*

Clauses relating to flooding and rebuilding are contained in the lease agreement for Lot 501:

*“15.3 Destruction of the Leased premises*

*If the Leased Premises or any part of Leased Premises is so destroyed or damaged as to require major building, the Lessee must within a reasonable time from the date of destruction or damage rebuild the Leased Premises to its original state and condition to the reasonable satisfaction of the Lessor within 18 months after the destruction or damage occurred (reinstatement deadline), but subject to additional provisions...”*

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*“15.4 Flooding*

*Without limiting any other clause in this Lease, compensation will not be payable by the Lessor to the Lessee for damage to any property or improvements of the Lessor or the Lessee whatsoever, caused by the flooding of the Leased premises”*

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

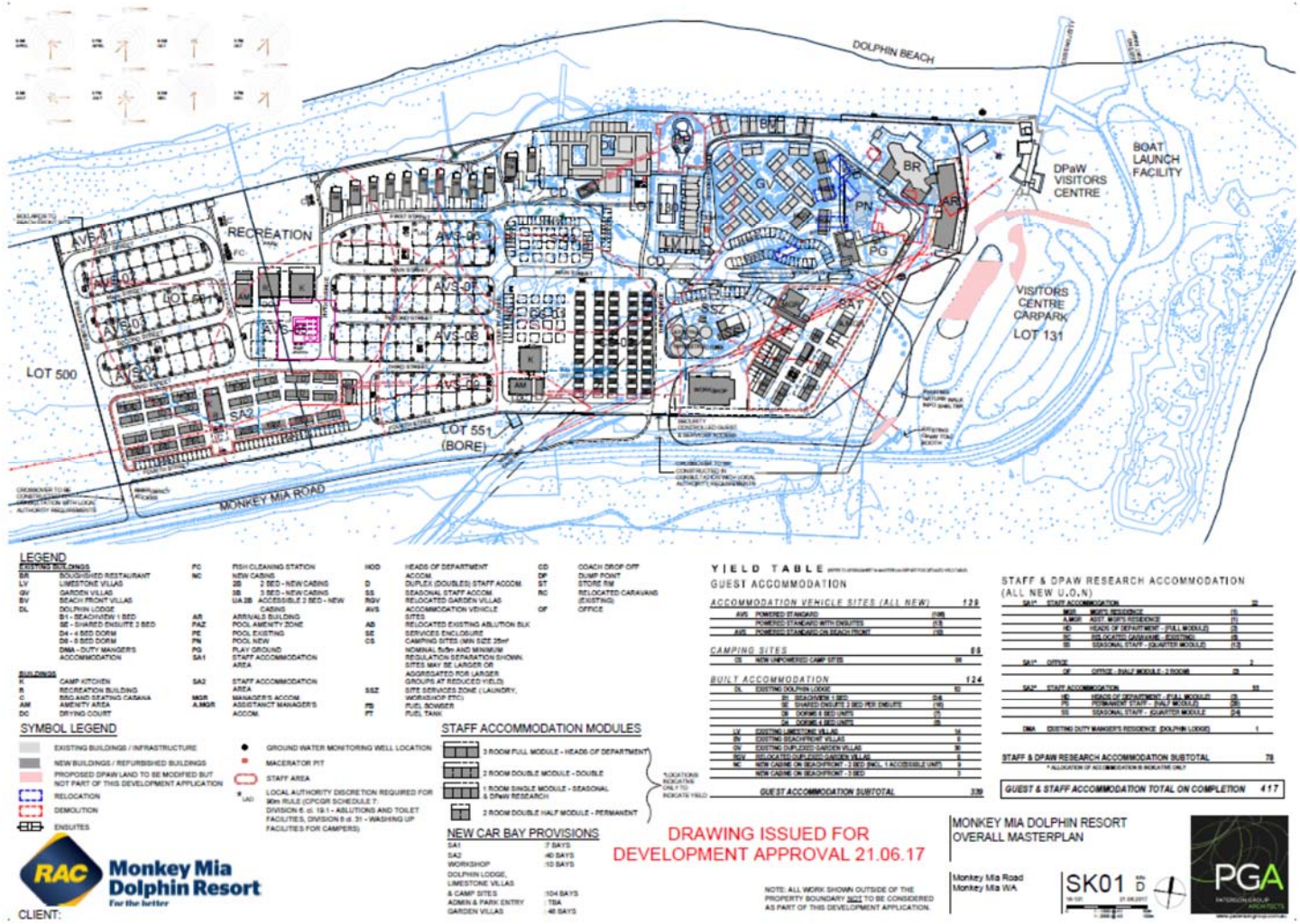
*P Anderson*

Date of Report

24 August 2017

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ATTACHMENT # 1







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**ATTACHMENT # 2**

**MMDR Exterior Finishes - PRELIMINARY  
REV 0 - 16.06.17**



<b>Client:</b>	<b>RAC TOURISM ASSETS PTY LTD</b>	<b>PGA Project No:</b>	<b>Notes:</b>	1. All products must comply with the relevant applicable Australian Standards
<b>Project Name:</b>	<b>MONKEY MIA DOLPHIN RESORT (MMDR)</b>	06-131		2. No Substitution of products listed will be acceptable without written confirmation from PGA
<b>Project No:</b>	<b>16-131</b>	<b>Description:</b>		3. Fire ratings must be confirmed for all combustible materials and Certificates provided
		Preliminary Issue For APPROVAL		4. All items shown in Yellow Are To Be Confirmed
				5. All items shown in Orange have been updated since previous revision / Issue
				6. All signage is to be designed/documented/scheduled by Turner Design
				7. All colour selections have been chosen in concert with the Peron Peninsula Colour Palette

ITEM	CODE	PRODUCT DESCRIPTION	FINISH/COLOUR	SUPPLIER	SIZE/DIMENSION	IMAGE	NOTES	WEBSITE
<b>ARRIVALS BUILDING</b>								
ROOF CLADDING		SHALLOW CORRUGATED (16mm) STEEL SHEETING	SURFMIST	REVOLUTION ROOFING 08 9217 9011				<a href="http://www.revolutionroofing.com.au/products/arrivals-building/arrivals-building-arrivals-building">http://www.revolutionroofing.com.au/products/arrivals-building/arrivals-building-arrivals-building</a>
ROOF TRIMS / GUTTERS		ALL TRIMS / FACIA'S / GUTTERS TO BE IN COLORBOND STEEL	SURFMIST	REVOLUTION ROOFING 08 9217 9011				

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>ATTACHMENT # 3</b>		<b>MONKEY MIA DOLPHIN RESORT – DEVELOPMENT APPLICATION 14/2017</b>	
<b>SCHEDULE OF SUBMISSIONS</b>			
<b>No.</b>	<b>Summary of Submission</b>	<b>Applicant Comment</b>	<b>Shire Consultant Comment</b>
1.	<p><b><u>Department of Transport, Coastal Infrastructure Unit</u></b></p> <p>DoT has recommended that the following issues be addressed prior to approval of the CHRMAP:</p> <p>a) This location is one of the identified erosion hotspots across WA. It is expected that managed retreat will be required for the existing or proposed assets within 25 years.</p> <p>b) The responsible management authority for the adjacent beach, being the Shire of Shark Bay, should have been consulted and provided consent for this development.</p> <p>c) The proponent needs to provide assurance that no coastal protection work will be required within 100 year planning timeframe and the proponent will bear the full cost for future managed retreat actions.</p> <p>d) List the distances in table 2.2 between the assets and HSD line. The resolution of Figure 2.5 and 2.6 is poor and unreadable. As result, the location of assets cannot be identified.</p> <p>e) Table 6.1 is not consistent with DoP guidelines so clarify the timeframes used in the table.</p>	<p>a) It should be noted that the classification of this area as an “erosion hotspot” is based on a predominately geological assessment of long term landform stability. As such the temporal scales of landform change predictions that result from application of such an assessment methodology are considered to be less robust than the assessment methodology required by SPP2.6. For instance, the classification of this area as an “erosion hotspot” ignores the fact that this shoreline has actually experienced net shoreline <b>accretion</b> over at least the last 34 years.</p> <p>b) Consultation with the Shire of Shark Bay has been completed throughout this process, as outlined in Section 2.5 of the CHRMAP report including substantive consultation through the Structure Plan process (recently completed and approved) and the current DA process.</p> <p>c) The Risk Adaptation and Mitigation Strategies and the Implementation Plan (Sections 8 and 9 of the CHRMAP report respectively) outline the proposed approach to the management of the development over time. The proposed strategies do not include installation of coastal protection structures. Appendix D of the CHRMAP report presents an “acceptance of risk” letter provided by the proponent to the Department of Planning (Coastal) during the Structure Plan process.</p> <p>d) Figures 2.5 and 2.6 present the planning progression for the proposed development. These figures are included to show that the current layout for the development is consistent with the Ministerial approved development plan. This is considered to be important background for the reader with regard to “establishing the context”, as is</p>	<p>That the submission by the Department of Transport, Coastal Infrastructure Unit be noted, however the CHRMAP lodged by the applicant be generally supported.</p> <p>The CHRMAP is discussed in the agenda report.</p>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>ATTACHMENT # 3</b>		<b>MONKEY MIA DOLPHIN RESORT – DEVELOPMENT APPLICATION 14/2017</b>	
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	f) Explain on how and why the likelihood for each asset at each timeframe was assigned in Table 6.2.	<p>required within SPP2.6 and the CHRMAP Guidelines. As a result, this section is presented before the coastal hazard assessment is considered within the report and before the HSD has been established. Inclusion of details regarding the HSD in this section of the report is therefore expected to be confusing to the reader and is not supported. Later in the report, in Section 3, the location of each of the different components of the development are shown relative to the coastal hazard lines. This is considered to be the critical figure for the assessment of the coastal hazard risk.</p> <p>e) The likelihood table provided within the CHRMAP guidelines is noted to be an "example" only. The likelihood of occurrence for this assessment was determined by completing an assessment of the statistical likelihood of impact on each asset. This method is far superior to the method given within the "example" table in the CHRMAP Guidelines which simply use generic rules that relate the likelihood of occurrence based on the different planning horizons (ie the "example" method states that, for example, the 2040 erosion line is almost certain to occur in 2090 based only on the planning horizons, and not consideration of the actual components contributing to the erosion. This method will produce variable results that are not befitting the level of consideration and regard that is required for sound coastal adaptation planning.) The methodology used by MRA therefore provided a percentage risk level for each asset over each planning horizon based on the statistical likelihood of each factor (S1, S2, S3) being realised over each timeframe. This methodology is also consistent with all previous risk assessments that have</p>	

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<b>No.</b>	<b>Summary of Submission</b>	<b>Applicant Comment</b>	<b>Shire Consultant Comment</b>
		<p>been completed by MRA and was accepted by Department of Planning through the Structure Planning process.</p> <p>f) As outlined in Item 5 above, the statistical likelihood was determined by assessing the likelihood of each component (S1, S2, S3) being realised over each planning horizon. For example, in a 25 year period there is a 22% chance that S1 would occur and a 100% chance that the S2 and S3 allowances for the respective period would be realised. Combining these likelihoods enables an accurate assessment of the overall likelihood to be determined. This methodology is consistent with all previous risk assessments that have been completed by MRA and was accepted by Department of Planning through the Structure Planning process.</p>	

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>ATTACHMENT # 3</b>		<b>MONKEY MIA DOLPHIN RESORT – DEVELOPMENT APPLICATION 14/2017</b>	
<b>SCHEDULE OF SUBMISSIONS</b>			
<b>No.</b>	<b>Summary of Submission</b>	<b>Applicant Comment</b>	<b>Shire Consultant Comment</b>
<b>2.</b>	<p><b><u>Department of Mines, Industry Regulation and Safety</u></b></p> <p>The Department of Mines, Industry Regulation and Safety has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p>	Noted.	That the submission by the Department of Mines, Industry regulation and Safety be noted.
<b>3.</b>	<p><b><u>Tourism WA</u></b></p> <p>a) Tourism WA is very supportive of the new Structure Plan for Monkey Mia Dolphin Resort and is very keen to see this planned additional infrastructure in place as soon as possible as it will undoubtedly enhance the visitor experience at Monkey Mia.</p> <p>b) Tourism WA is however concerned that access to and within the site may be an issue of consideration, especially as the Structure Plan displays considerable expansion of the “accommodation vehicle sites.” Caravans and large recreational vehicles (RVs) are difficult to manoeuvre and could prove a safety hazard if the access thoroughfares and turning circles are not large enough.</p> <p>c) Tourism WA commends the project and the Shire’s support.</p>	<p>a) Noted and agreed.</p> <p>b) We attach for your information the overall Masterplan drawing with the turning circle overlays of various vehicles and individual larger scale drawings of each scenario. The design criteria was based on the following vehicle types:</p> <ul style="list-style-type: none"> <li>• Car and Caravan – Nominal length 14.8 m</li> <li>• Coach – Nominal length 14.5m</li> <li>• Prime mover Fuel and Gas Truck – Nominal length 19m</li> </ul> <p>These drawings demonstrate compliance with the required turning circles</p> <p>c) Noted.</p>	<p>That the submission by Tourism WA noted.</p> <p>It is important to note that BPA Engineering, on behalf of the RAC, has lodged drawings to Main Roads WA for separate approval of the crossovers.</p>

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<b>No.</b>	<b>Summary of Submission</b>	<b>Applicant Comment</b>	<b>Shire Consultant Comment</b>
4.	<p><b><u>Shark Bay World Heritage Advisory Committee (SBWHAC)</u></b></p> <p>The members of the SBWHAC have been canvassed out of session for comment. The Committee has no comments additional to those concerns raised in regards to the original structure plan.</p>	<p>Noted.</p> <p>Materials and colour palettes are as per the Peron Peninsular Colour Palette guidelines.</p> <p>Grasswren: EPA have provided written advice (16 June 2017) noting that they interpret the buffer to be on the south of the road, and therefore that any clearing on the north of the road would not breach condition 6-1 of the Ministerial Statement 709.</p>	<p>That the advice by the SBWHAC be noted.</p>
5.	<p><b><u>Department of Biodiversity, Conservation and Attractions (DBCA)</u></b></p> <p>a) DBCA considers the DA is generally consistent with the endorsed Structure Plan. It supports approval of the DA subject to the conditions and advice provided below.</p> <p>b) It notes there a number matters to be addressed:</p> <ul style="list-style-type: none"> <li>• Management of sewerage, wastewater and run-off;</li> <li>• Management of solid waste and litter;</li> <li>• Management of run-off/pollutants and rehabilitation of impact areas;</li> <li>• Impact of electrical lighting/light pollution; and</li> </ul>	<p>a) Noted.</p> <p>b) The Drainage Management Plan and Nutrient and Irrigation Management Plan were to the Office of the EPA in April 2017 for approval. The management plans shall address the items raised.</p> <p>c) No objections to the proposed conditions.</p> <p>d) Advice note not applicable to this DA, but noted and shall be progressed separately.</p> <p>e) Advice note agreed, RAC shall continue to progress this matter in liaison with DBCA.</p>	<p>That the advice by the DBCA be noted, and matters raised to be addressed in conditions.</p>

UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

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	<ul style="list-style-type: none"> <li>• Management of the site during construction and ongoing in regards to introduction of pest plants or diseases/contaminated materials.</li> </ul> <p>It is anticipated these matter be addressed via management plans to be prepared by the proponent. DBCA recommends approval of the DA be conditional on the completion of specific management plans to address the matters listed above, to the satisfaction of the Shire and DBCA.</p> <p>c) It also recommends the following conditions:</p> <ul style="list-style-type: none"> <li>• No rubbish and/or waste products are to be deposited on the Conservation Park (Crown Reserve 49144) vested in the Conservation and Parks Commission and the Shark Bay Marine Park (Marine Park No.7).</li> <li>• No construction or impacts are to occur outside the Monkey Mia Resort leasehold area, other than formally approved by DBCA in relation to the Monkey Mia Reserve and formally approved by the Shire and DBCA in relation to the joint vested reserve.</li> </ul>		



UNCONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING

30 AUGUST 2017

<b>ATTACHMENT # 3</b>		<b>MONKEY MIA DOLPHIN RESORT – DEVELOPMENT APPLICATION 14/2017</b>	
<b>SCHEDULE OF SUBMISSIONS</b>			
<b>No.</b>	<b>Summary of Submission</b>	<b>Applicant Comment</b>	<b>Shire Consultant Comment</b>
	<p><b>Advice:</b></p> <p>d) The specific location of borrow pits, clearing/impact area and quantities (for the adjacent reserve) are yet to be agreed and formal access approval granted. Further requirements are listed under the submission.</p> <p>e) The final agreement between DBCA and the proponent regarding formalising access through the Monkey Mia Reserve to the Resort is yet to be reached. Possible instruments include creation of an easement under Section 144 of the Land Administration Act 1997 granted by the Minister for Lands, or a licence under Section 101 of the Conservation and Land Management Act 1984.</p>		
6.	<p><b>Main Roads WA (MRWA)</b></p> <p>a) Any new/upgraded access points shall be constructed and designed to MRWA requirements (being a State road).</p>	<p>Please refer to BPA Engineering response to MRWA, 7 August 2017 (attached).</p> <p>a) A Preliminary Design Concept Plan for the proposed access crossovers to MMDR has been provided to MRWA. The design is based on an AUStroads simple left turn treatment in rural areas and it is believed this</p>	<p>That the advice by MRWA be noted, and matters raised to be addressed in conditions.</p> <p>There is no requirement for the lot boundary adjacent to Monkey Mia Road to be fenced. RAC propose to retain as much vegetation as possible (whilst complying with bushfire</p>

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	<p>b) MRWA do not support the access points and associated works (such as auxiliary lanes) to be wholly unsealed and the length of seal shall be determined by MRWA. Sealing would reduce damage to the edge of seal, dirt/debris being tracked onto the road and provide traction for vehicles turning on and off the road.</p> <p>c) By removing the 15m wide vegetation buffer and implementing the 25m wide low fuel buffer provides opportunities for informal access tracks to be created between Lots 130, 501 and 551 and Monkey Mia Road and the ability to restrict vehicle access to Monkey Mia Road, the resort and Dolphin Beach.</p> <p>MRWA has no objection to the proposal subject to the Shire imposing the conditions:</p> <p>d) No vehicle access points shall be permitted to or from Monkey Mia Road except at the proposed two access points;</p> <p>e) Uniform fencing will be required for Lot 130, 501 and 551 on the southern boundary abutting the Monkey Mia Road reserve.</p>	<p>is sufficient due to the projected low traffic numbers utilising the crossover, low speeds in this area and proximity to the terminus of Monkey Mia Road. We propose MRWA consider classifying this as a crossover rather than an intersection. This option is sufficient for turning semi trailers and cars and allows for a semi trailer and 2 cars to queue at the boom gates. Please note that service vehicles are in frequent at approximately 3 vehicles per week and cars with caravans will not use this crossover for entry.</p> <p>b) We propose to construct this with locally sourced gravel road base as used by the Shire (for Shire roads) rather than MRWA Specification gravel road base from Carnarvon. Subject to MRWA approval. Due to the disproportionate cost of mobilising a sealing team for this relatively small sealing works, sealing of the crossover will be deferred until the earlier of sealing works being carried out in the area by either MRWA, the Shire or RAC (for airport upgrades) in order to manage current project costs. DDM advises that MRWA have agreed to a letter of undertaking from RAC Tourism Assets Pty Ltd for the works.</p> <p>c) Please note that in keeping with the World Heritage / National Park guidelines and aesthetic of the locality, RAC do not propose to fence the boundary of the Resort in any location including the boundary with Monkey Mia Road. As RAC attempts to balance the requests and development conditions of multiple statutory stakeholders (in this case, DFES), RAC will be attempting to retain as much vegetation as possible</p>	<p>requirements) and if unauthorised access between Lots 130, 501 and 551 occurs bollards can be installed.</p> <p>It is important to note that BPA Engineering, on behalf of the RAC, has lodged drawings to Main Roads WA for separate approval of the crossovers.</p>

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	<p>f) The proposed emergency access point from Lot 501 shall only be permitted to comply with SPP 3.7 – Planning in Bushfire Prone Areas and when accommodation development commences on Lot 501.</p> <p>g) Satisfactory arrangements being made for the two access points onto Monkey Mia Road to a standard of construction and design to the satisfaction of MRWA.</p> <p>h) The redundant crossover within the sewer easement shall be removed and the verge and its vegetation rehabilitated at the Applicants cost.</p> <p>i) No stormwater drainage shall be discharged onto Monkey Mia Road reserve.</p> <p>j) All works to implement and maintain the proposed 25m wide low fuel buffer within the Monkey Mia Road Reserve shall be the responsibility and cost of the Applicant.</p> <p><b>Advice Notes:</b></p> <p>k) Must obtain approval from Main Roads before any works are undertaken within the Monkey Road reserve. The applicant seeking access to the MRWA network is</p>	<p>along this boundary to provide maximum screening and as a barrier to prevent guests accessing the resort other than through the designated access points. DDM advises that RAC does not want free access through this boundary and will be take steps to prevent same should informal cross overs become an issue.</p> <p>d) No objection. The proposal only has two access points to and from Monkey Mia Road.</p> <p>e) Objection – refer to comment under (c) above. RAC will be attempting to retain as much vegetation as possible along this boundary to provide maximum screening and as a barrier to prevent guests accessing the resort other than through the designated access points.</p> <p>f) No objection. Emergency Vehicle Access Crossover: Proposed emergency entry to be constructed as standard crossover to MRWA requirements. This crossover will be used as emergency exit as well as emergency vehicle entry. Entry to be blocked off with padlocked chain for DFES access only. No seal proposed to crossover. Crossover to be constructed with locally sourced material.</p> <p>g) Objection – refer to comments under (a) and (b).</p> <p>h) No objection.</p> <p>i) No objection.</p> <p>j) No objection.</p>	

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	<p>required to submit an application and necessary documentation such as Public Liability Insurance, Traffic Control Diagram or Traffic Management Plan and Clearing Permits as outlined in the Application Kit and Guidelines for Complex or Low Complexity Works.</p> <p>l) Application Kits can be found on the Main Roads website.</p>	<p>k) Advice Note: Noted.</p> <p>l) Advice Note:Noted.</p>	
7.	<p><b><u>Department of Fire and Emergency Services (DFES)</u></b></p> <p><u>General Advice:</u></p> <ul style="list-style-type: none"> <li>• Tourism land uses, such as caravan parks and camping, are considered a vulnerable land use under SPP3.7.</li> <li>• Vulnerable land uses located in isolated bushfire prone areas require special consideration, especially as this accommodation type generally cannot achieve any level of construction under AS3959, and visitors may be unfamiliar with bushfire impacts and their surroundings.</li> <li>• SPP3.7 does not provide for tourism land uses to be considered differently to any other vulnerable land use and as such, there is no further guidance or policy for DFES to refer when assessing this type of development. Consequently, the DFES</li> </ul>	<p>The DFES submission was only received on the 16 August 2017 and the applicant had already addressed Bushfire Management in their development application report.</p>	<p>That the general advice be noted. Although state planning policy requires a bushfire management plan for vulnerable landuses to be approved by the local government and DFES, the Monkey Mia Structure Plan only requires a Bushfire Management Plan to be approved by the Shire of Shark Bay.</p> <p>The main issues raised by DFES are discussed in the agenda report.</p>

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	<p>advice provided relates to the Guidelines and compliance with the bushfire protection criteria.</p> <ul style="list-style-type: none"> <li>• DFES are working closely with the Department of Planning, Lands and Heritage' Bushfire Policy Team to better facilitate tourism land uses within the scope of SPP3.7 and the Guidelines.</li> <li>• DFES acknowledges that the Monkey Mia Dolphin Resort exists, and that the development application seeks the expansion of this land use.</li> <li>• However, it is important to identify the bushfire risks through an accurate BMP. An accurate BMP can then influence the appropriate bushfire management measures to reduce vulnerability and minimise the threat of bushfire to visitors, the site itself and surrounding locality.</li> <li>• DFES have provided consistent advice regarding the BMP for the subject site through the different planning stages and are concerned that inaccuracies still have not been addressed. <ul style="list-style-type: none"> <li>• It should be noted that pursuant to Policy Measure 6.6 a BMP for a vulnerable land use is required to be jointly endorsed by the local government and the State authority for emergency services.</li> </ul> </li> </ul> <p><u>Specific comments:</u></p>		<p>a) The beach which has been excluded as 'low threat vegetation' in accordance with Clause 2.2.3.2 (f) under Australian Standard 3959-2009. The Bushfire Management Plan includes photographs of the excluded vegetation.</p>

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	<p>a) Vegetation plots within the 25 metre buffer on the outer periphery of the site have not been excluded as per AS3959.</p> <p>b) Where bushfire management measures are being proposed outside the boundaries of the land being developed, a legally binding agreement or enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable. The letters included as an appendix to the BMP do not provide this surety or that the correspondence is legally binding or enforceable. The worst case scenario should apply.</p> <p>c) Provide evidence to confirm approvals to clear vegetation and maintain areas required as part of Ministerial Statement 709.</p> <p>d) DFES do not accept the low fuel buffers outside of the lot boundaries and therefore do not accept the BAL ratings in the BMP. DFES recommend the BMP be revised.</p> <p>e) Further detail will be required at subsequent building stages to</p>		<p>b) It is not practical to require a legal agreement between the proprietor and government departments for the low fuel buffer surrounding Lots 103 and 501. MRWA, Parks and Wildlife Services and the Shire all work collaboratively and support the low fuel buffer. It can be implemented via a planning condition relating to the Bushfire Management Plan and on the Shires Firebreak Notice.</p> <p>c) No approval is required to clear as the vegetation protected under the Ministerial Statement is to the south of Monkey Mia Road and not affected.</p> <p>d) Noted. The Shire is the determining authority for the planning application and Bushfire Management Plan (BMP). The Shire has to 'have regard' for State Planning Policy however the Monkey Mia Structure Plan cites the Shire as the approval authority for the BMP.</p> <p>e) DFES has no jurisdiction over the separate Building Permit stage.</p> <p>f) TPI has recommended that the Shire impose a condition requiring lodgement of an evacuation plan.</p>

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	<p>demonstrate compliance to the Building Code of Australia and Australian Standards (AS2419) with more detailed required for proposed fire systems.</p> <p>f) Tourism land uses, such as caravan parks and campsites, are considered a vulnerable land use under SPP 3.7, as such policy measure 6.6.1 applies, specifically the requirement for the preparation of an EEP. It is recommended that consideration be given to Section 5.5.2 'Developing a Bushfire and Emergency Evacuation Plan' of Guidelines Version 1.2 released on 15 August 2017.</p>		



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**ATTACHMENT # 4**

Town Planning and Development Act 1928 (as amended)

Shire of Shark Bay

Town Planning Scheme No 2 (as amended)

**PLANNING APPROVAL P1/2003**

**DECISION ON APPLICATION FOR APPROVAL  
TO COMMENCE DEVELOPMENT**

Monkey Mia Dolphin Resort Pty Ltd  
PO Box 119  
DENHAM WA 6537

The Council or its delegated officer having considered the application dated 14 February 2003 submitted by Mr Dean Massie on behalf of Monkey Mia Dolphin Resort Pty Ltd hereby advise that it has decided to -

**REFUSE-/ GRANT APPROVAL TO COMMENCE DEVELOPMENT  
TO DISPLAY AN ADVERTISEMENT**

of a single storey, backpackers lodging house at Edel Location 67 Monkey Mia

subject to the conditions -  
~~for the following reasons-~~

- 1 No Building Licence to be issued until such time as Council's Manager Regulatory Services is satisfied that the proposed development will not intensify the pressure on the existing sewerage scheme and indicating what measures are being undertaken to rectify the existing situation with overloading of the sewer scheme.
- 2 To be used for the purpose of backpacker hostel and tavern.
- 3 Compliance in all respects with the Building Regulations 1989 (as amended). Two sets of working drawings and specifications are required to be submitted with the building application.

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- 4 The layout of the site and the size of the proposed buildings and works shown on the endorsed plan shall not be altered for any reason without the consent of the Shire's Planning Officer.
- 5 The consent of Council being sought and obtained prior to any change of use of the premises.
- 6 All exterior metal cladding, including the roof, shall be of zincalume to the satisfaction of the Shire's Planning Officer.
- 7 The submission of a landscape and planting plan for the approval of the Shire's Planning Officer prior to the release of the Building Permit.
- 8 Stormwater services to be provided at applicant's expense, and to the satisfaction of the Shire's Engineering Officer.
- 9 Fifty (50) parking spaces, each 2.6 x 5.5 metres to be provided with adequate and approved access.
- 10 The use hereby permitted shall comply with the definition of Backpacker Hostel and Tavern as contained in the Shire of Shark Bay's Town Planning Scheme No 2 (as amended).
- 11 Four (4) parking bays to be provided in accordance with relevant Australian standards for disabled patrons.
- 12 Two (2) bus parking bays to be provided.
- 13 No advertising sign shall be erected without the further approval of the Shire of Shark Bay.
- 14 All landscaping and site works to be completed prior to the occupation of the premises.
- 15 Compliance with all aspects of the *Health Act 1911* (as amended) and the Shire of Shark Bay Health Local Laws.
- 16 Compliance with Council's Trade Waste Disposal requirements.
- 17 The provision of trade waste storage facilities to a design approved by Council.
- 18 The driveways, crossings and parking areas shall be constructed and drained in accordance with plans and specifications approved by the Shire's Engineering Officer.
- 19 Off-street car parking for a minimum of fifty six (56) vehicles to be provided on a hardstand and drained surface to the satisfaction of Council.
- 20 Vehicle access driveways to be hardstand and drained to the satisfaction of Council.
- 21 The loading and off-loading of vehicles to be carried out within the confines of the property.
- 22 Driveway and parking layout to be amended to the satisfaction of the Shire Planner.
- 23 Off-street parking to be provided for employees' vehicles.
- 24 Gardens to be retained and maintained in a neat condition where practicable.
- 25 An application to be made for any signs proposed to be erected on the site.

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- 26 That walkways from the accommodation building through adjoining remnant vegetation be established to minimise degradation of coastal vegetation by pedestrian traffic. Walkways to be to Department of Conservation and Land Management specifications.

This approval is valid for 2 years from the date of approval. All conditions of approval are required to be met within this time period.

Note - Failure to complete conditions of approval or commencement of development within the 2 year approval period will result in the approval becoming invalid and a new application will be required to be lodged.

#### Appeals

Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, in accordance with Part V of the Act, to the Honourable Minister for Planning or to the Town Planning Tribunal.



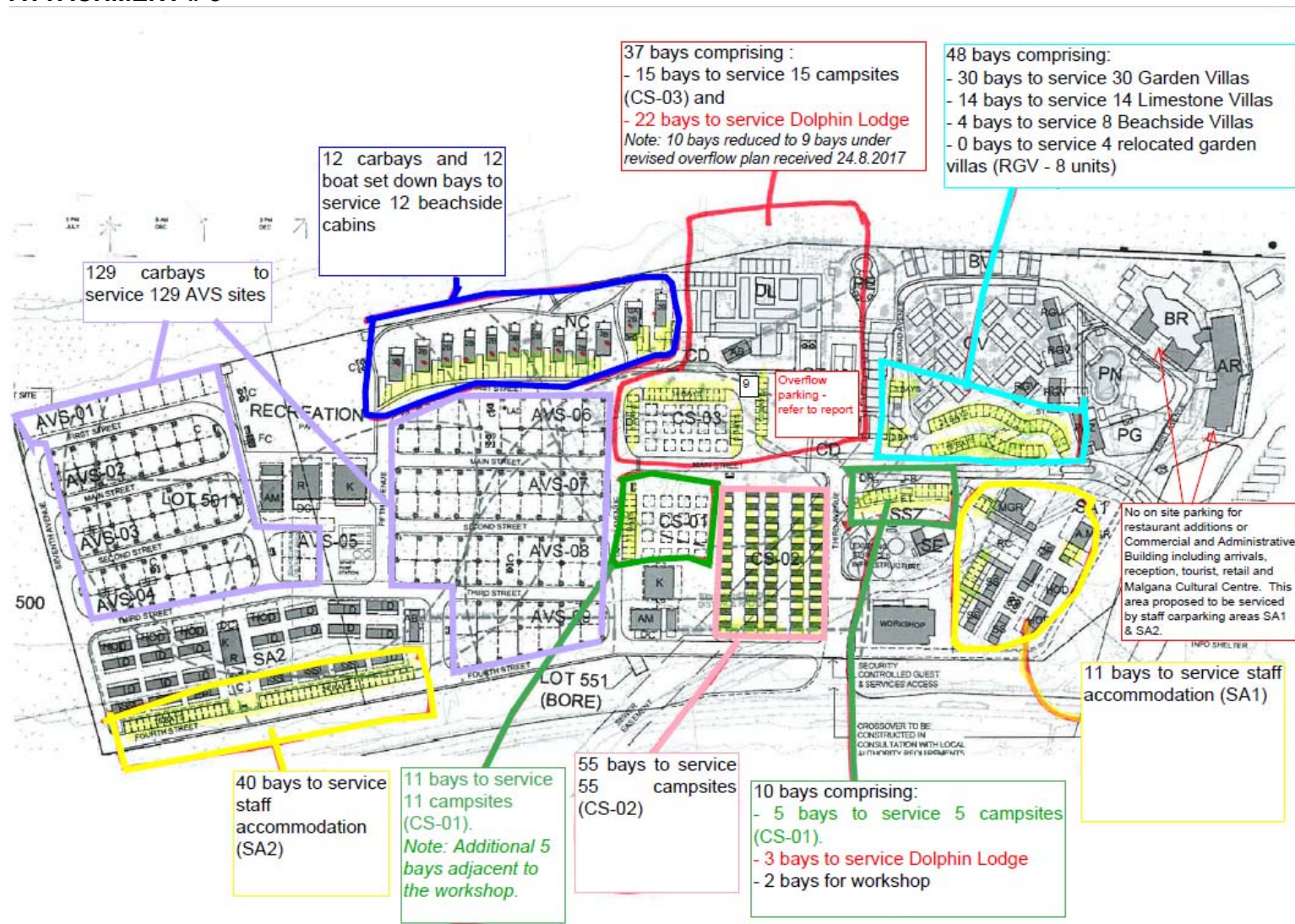
Mark J Hook,  
CHIEF EXECUTIVE OFFICER

28 February 2003



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ATTACHMENT # 5



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**ATTACHMENT # 6**

21 February 2017

Mr David Sands  
Senior Planning Officer  
Department of Planning  
140 William Street, WA 6000  
Australia



Dear Sir

**RE: Monkey Mia Dolphin Resort (MMDR) Redevelopment Structure Plan – Coastal Hazard Risk Management and Adaption Plan**

RAC represents the interests of over 900,000 West Australian members as the leading advocate on mobility issues and challenges facing our State. Our purpose is to protect and enhance the lifestyles of our members with a focus on reinvesting profits to benefit members and the WA community (unlike a public company which must benefit shareholders). We service our members through a range of businesses including RAC Insurance, Roadside Assistance and Auto Services amongst others. Our newest business is RAC Parks & Resorts, established in 2015 to enhance the lifestyle of our members and complement our long history of providing travel services. Today we own 5 assets including RAC Monkey Mia Dolphin Resort in Shark Bay.

RAC is seeking to improve and expand the RAC Monkey Mia Dolphin Resort to further enhance its significance as a regional tourism asset for Western Australia and a center of regional employment. The redevelopment will see major capital investment into this asset and increase employment from some 60 to approximately 80 staff.

The assessment of coastal hazards, as outlined in the Coastal Hazard Risk Management and Adaptation Plan prepared by M P Rogers & Associates Pty Ltd, has highlighted that sections of the proposed development could be vulnerable to ocean inundation and/or shoreline erosion. RAC Tourism Assets Pty Ltd is fully aware of these risks and accepts that there will be a requirement to monitor the coastline and respond to these risks as and when they arise. It is accepted that this monitoring and management of these risks will be the full responsibility of RAC Tourism Assets. No input will be required by State or Local Government.

In understanding these risks, RAC Tourism Assets has completed a due diligence review of available options to help reduce risks to environment, property and public safety. This review has ultimately driven an innovative design approach that will allow risks associated with ocean inundation and/or shoreline erosion to be accommodated over the initial service life of the new structures proposed as part of the development. Thereafter, a managed retreat approach will be adopted for replacement infrastructure based on results of subsequent risk assessments.

[rac.com.au](http://rac.com.au)

The Royal Automobile Club of W.A. (Inc.) ABN 39 212 189 120 T 9436 4339  
832 Wellington Street, West Perth, WA, 6005, GPO Box C140, Perth, WA, 6839

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Management of public safety during severe events (cyclones) is obviously paramount. In accordance with requirements for all development, RAC Tourism Assets will manage the risk to public safety during these events by ensuring early evacuation of patrons, the requirement for which will be determined in consultation with the Department of Fire and Emergency Services and the Shire of Shark Bay.

We thank you for your support of this significant regional project.

Regards

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Pickworth', written in a cursive style.

Tony Pickworth  
Executive General Manager, Brand & Tourism



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**14.0 BUILDING REPORT**

Nil

**15.0 HEALTH REPORT**

Nil

**16.0 WORKS REPORT**

**16.1 WALK TRAILS**

PK00001

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Employee of Biodiversity Conservation and Attractions - Parks and Wildlife Section

Declaration of Interest: Cr Bellottie

Nature of Interest: Impartiality Interest as a member of the Malgana Working Group

Moved Cr Fenny

Seconded Cr Cowell

**Council Resolution**

**That Council**

- 1. Request the administration to progress the Department of Environment and Conservation 2010 Little Lagoon site master plan rehabilitation and track closures as amended and the inclusion of signage advising of the joint rehabilitation works being undertaken.**
- 2. That the Council endorse the concept of the development of a walking trail with interpretive and educational signage in consultation with representatives from the Malgana Working Group from the Denham Townsite to Little Lagoon utilising areas of unallocated crown land and the Little Lagoon Recreation Reserve.**
- 3. That the administration liaise with the Department of Lands regarding the dedication or excision of an area of unallocated crown land for the purposes of access to Nicholson Point, including but not limited to a walking trail, carpark and vehicle access track.**
- 4. That funding be allocated to develop a new master plan for the Little Lagoon Recreation Reserve and adjoining unallocated crown land (Nicholson Point) incorporating walking trails with interpretative signage and rehabilitation and definition of vehicle tracks.**

**4/0 CARRIED**



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BACKGROUND

In preparation for the installation and formalisation of the proposed walk trails from Denham to Little Lagoon along the coastline there are a number of issues relating to access of the areas that would need to be addressed.

The proposed trail traverses across two main areas of land the first being identified as the Nicholson Point area is Lot 330 and is unallocated crown land.

The second area that the proposed trail would traverse is Reserve 30899 which is vested in the Shire of Shark Bay for recreation purposes.

Refer the attached map for the specific delineation of the areas, the water body of Little Lagoon is included as part of the Marine Park Reserve.

The Marine Park Reserve on the coastline extends 40 metres above high water mark, which is identified in blue, however in the case of Little Lagoon and the creek to the ocean the reserve only extends to the high water mark.

At the March 2010 meeting Council adopted a master plan and priority works that was prepared for the then Department of Environment and Conservation by Ecoscapes for the Little Lagoon day use area and channel area. (Attachment A)

The identified priorities on the lagoon day use concept were a toilet, 1 or 2 shade shelters and a barbeque at the southern day use area, a toilet, 1 or 2 shade shelters and a barbeque at the eastern day use area, redefinition of the car park and 4WD access to the southern beach area, paths to shade shelters and toilets and rehabilitation and revegetation works as required.

The toilet and shades shelters have been installed and the carpark and access have been attended to.

It is unclear as if all the rehabilitation and revegetation works as required have been undertaken in accordance with the plan as there are numerous areas indicated that require rehabilitation.

The channel day use area concept (Attachment B) would appear not to have been installed and Council can either revisit this concept or establish a new plan for the area.

There have been some community representation and concern in regard to the impact that motorised vehicles utilising these tracks are having upon the fragile environment in the area.

The administration is now seeking guidance from the Council as to their preferences in either progressing the 2010 concepts in regard to track closures and rehabilitation, with amendments and the establishment and location of a walk trail and interpretive signage or the development of a new concept plan for the trails and rehabilitation.

COMMENT

In the event the Council progress the installation of a walk trail one of the issues that would need to be dealt to ensure pedestrian safety and the integrity of any walking trails would be vehicle access to the reserve areas.

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At present there are a number of vehicle tracks that traverse the Council recreation reserve and the unallocated crown land that are identified in the 2010 plan as requiring rehabilitation.

There is also the formed road and carparks in the unallocated crown land area that would require liaison and approval from the Lands Department to formalise and ensure any works Council proposed in this area were correctly approved.

The Council can request that an area be excised from the unallocated crown land for the purposes of recreation (road and carpark) and a management order put over a identified area or the road and carpark be declared a dedicated road.

The proposal of a walk trail in the area has previously been put to the Yamatji Marlpa Aboriginal Corporation who advised that the Malgana people support the proposal to develop a walking route at Nicholson Point.

The Malgana working group also requested that the Shire restrict vehicular access to the area and try to keep pedestrians on the path and out of the bush as much as possible.

The Management Order on Reserve 30899 (Little Lagoon) for recreation enables the Council to develop the area for recreation in the manner it sees fit, while recognising any other legislation that applies ie native title, clearing of vegetation.

This would enable the Council to install trails and where it sees fit either close and rehabilitate vehicle tracks or install new dedicated tracks and close areas to vehicle access.

It may also be beneficial to impose a speed restriction on any remaining tracks and around Little Lagoon itself to ensure the safety of the users of the area.

The recreational use of the area and the location of facilities will see increased conflicts between pedestrians and vehicles that should be addressed.

While enforcement of a speed restriction may be an issue, the posting of speed limits may assist in controlling behaviours and educate users of the possible conflicts between pedestrians and vehicles.

As previously discussed with Council the establishment of a walk trail will also require the placement of interpretive signage to assist and educate individuals that utilise that area.

The new Denham Discovery Walk Trail on the foreshore has been well received and this concept can be adapted to the proposed walk trail to provide informative educational signage on the area and the indigenous use of the environment.

#### LEGAL IMPLICATIONS

There are no policy implications relative to this report

#### POLICY IMPLICATIONS

There are no policy implications relative to this report.

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FINANCIAL IMPLICATIONS

The 2017/2018 has \$50,000 allocated from the Infrastructure reserve for the purposes of a walking trail.

The costs to establish the trail and signage will be dependent upon the level of finish and the degree of interpretive and educational material.

There may also be an opportunity to access grant funding once a defined concept proposal has been established.

STRATEGIC IMPLICATIONS

Address Councils Objective 3.2 community infrastructure that meets the needs of families, youth retirees

Strategy encourage healthy living and social interaction

3.2.3.2 Develop interpretive trails program.

RISK MANAGEMENT

This is a medium risk item to Council predominantly in regard to the environmental risk associated with the degradation to the area.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

9 August 2017

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ATTACHMENT A:



Little Lagoon Site Planning, Shire of Shark Bay  
**Site Master Plan**

DEPARTMENT OF ENVIRONMENT AND CONSERVATION & SHIRE OF SHARK BAY

Scale 1:6,000 @ A1 and 1:12,000 @ A3. (See Plan for boundaries etc.)  
 Project No. 2262-08

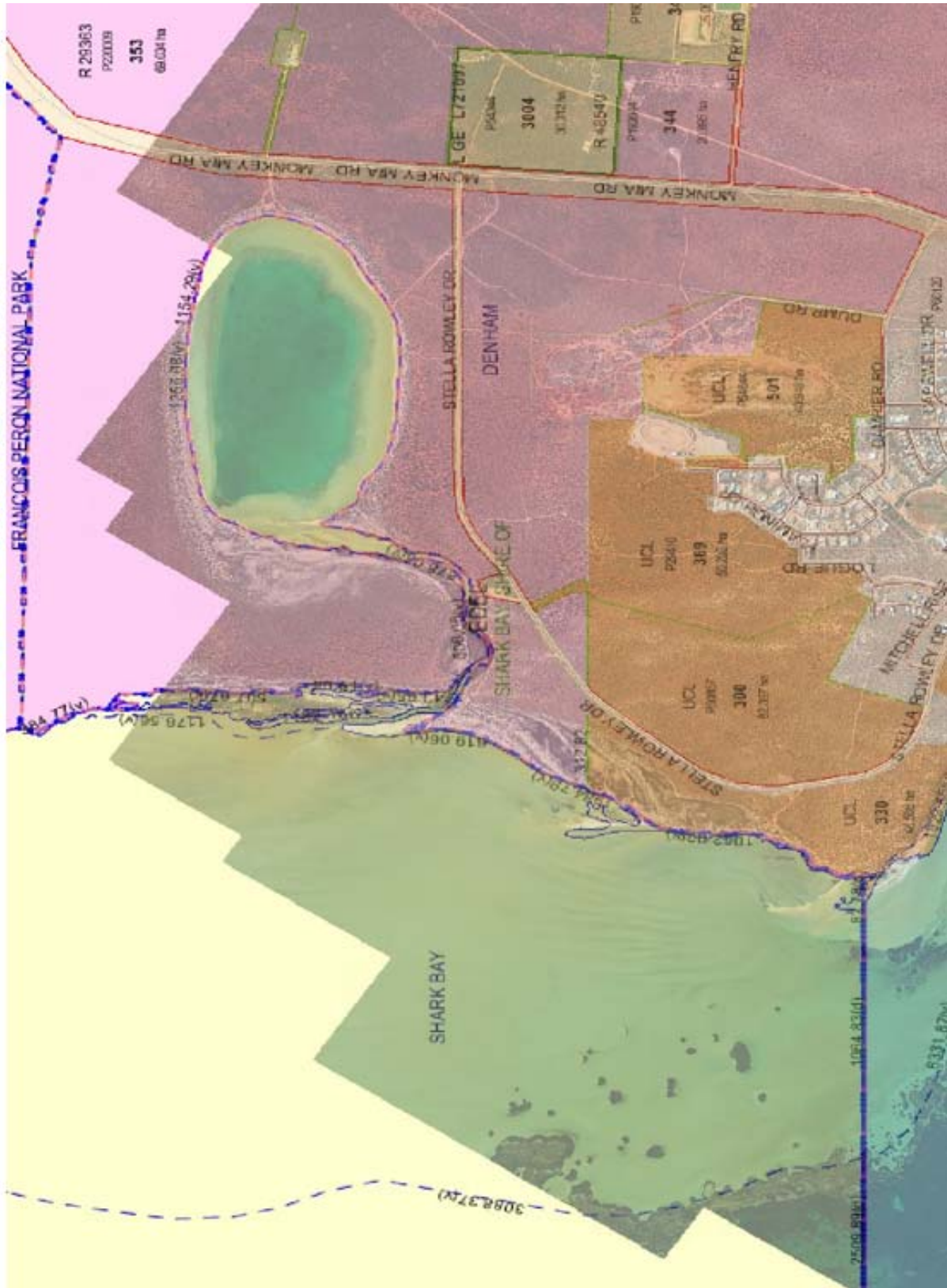






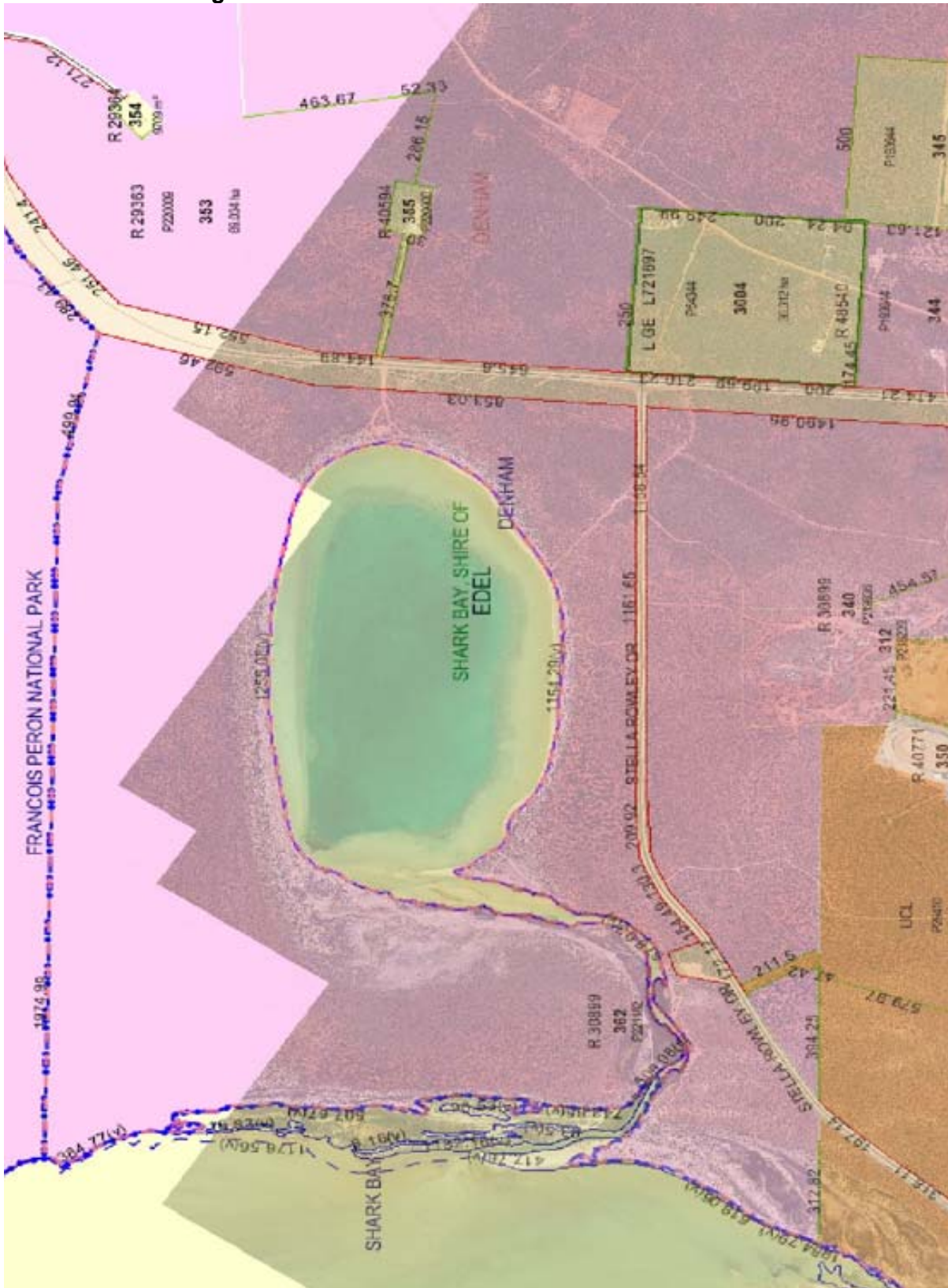
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Over View



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Over View Little Lagoon





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Over View Nicholson Point



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**17.0 TOURISM, RECREATION AND CULTURE REPORT**

Nil

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

Nil

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

Nil

**20.0 MATTERS BEHIND CLOSED DOORS**

Nil

**21.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 27 September 2017, at the Shark Bay Recreation Centre, commencing at 3.00 pm.

**22.0 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 12:03 pm.