

SHIRE OF SHARK BAY MINUTES

26 July 2017

ORDINARY COUNCIL MEETING



DENHAM FORESHORE SCULPTURE



26 JULY 2017



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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

The unconfirmed minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 26 July 2017 commencing at 3.00 pm.

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1.0 DECLARATION OF OPENING

The President declared the Ordinary Council meeting open at 3.00pm.

2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell President
Cr L Bellottie
Cr E Fenny
Cr K Laundry
Cr G Ridgley

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 – Granted Leave of Absence at the Ordinary Council meeting held on the 28 June 2017 Item 5.1

VISITORS

2

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE

There are no public questions on notice.

4.0 PUBLIC QUESTION TIME

The President opened public question time at 3.01pm.

Mr Hargreaves referred to item 13.4 of the agenda and elaborated on his request to Council for a complete waiver of time frames in regard to the operations of the Crisis Centre and the existing planning approval.

Mrs Raven referred to item 19.1 of the agenda and requested that Council give consideration to all their submissions in defence of the infringements that have been issued in relation to the Shires Local Government Property Local Law and that Council reconsider its decision to pursue the infringements.

The President closed public question time at 3.10pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no application for leave of absence.

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6.0 PETITIONS

There were no petitions presented to the July Ordinary Council meeting.

7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 JUNE 2017

Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

That the minutes of the Ordinary Council meeting held on 28 June 2017, as circulated to all Councillors, be confirmed as a true and accurate record.

5/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

The President advised that a meeting was being held in Perth with the Minister for Tourism on Wednesday 2 August 2017 with herself and Councillors attending the Western Australian Local Government Convention.

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

Meeting Attendance

5 July 2017	Western Australian Local Government Association State Council - Perth Strategic Forum – Western Australian Local Government Association Governance & Organisational Policy Team – Western Australian Local Government Association
19 July	2018 Festival Community meeting
26 July	July Council meeting
27 July	Local Emergency Management Committee

Signatures

MINUTES OF THE ORDINARY COUNCIL MEETING

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Councillor *Councillor Cowell*
Date of Report 14 July 2017

Moved Cr Bellottie
Seconded Cr Ridgley

Council Resolution

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

5/0 CARRIED

10.0 COUNCILLORS' REPORTS

10.1 CR FENNY
GV00017

Nil report for the July 2017 Ordinary Council meeting.

10.2 CR BELLOTTIE
GV00010

Nil report for the July 2017 Ordinary Council meeting.

10.3 CR CAPEWELL
GV00005

Nil Report for the July Ordinary Council meeting.

10.4 CR RIDGLEY
GV00008

Nil Report for the July Ordinary Council meeting.

10.5 CR LAUNDRY
GV00013

Nil Report for the July 2017 Ordinary Council meeting.

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11.0 ADMINISTRATION REPORT

11.1 COUNCILLOR FEES, ALLOWANCES AND EXPENSES
FM 00005

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That Council:

Option 1

Note the administrative error and resolve to retrospectively approve the overpayments of the Information, Communication and Technology allowance in the 2016/2017 financial year.

Or

Option 2

Note the administrative error and repay the overpayment of the 2016/2017 Information, Communication and Technology allowance in one lump sum amount in the 2017/2018 financial year.

Or

Option 3

Note the administrative error and repay the overpayment of the 2016/2017 Information, Communication and Technology allowance by reducing the remaining Councillor payments due in the 2017/2018 financial year.

Footnote: the 2017 October elections may require any retiring Councillors to repay any amount outstanding at the conclusion of their term.

Moved Cr Laundry

Seconded MOTION LAPSED FOR WANT OF A SECONDER

Councillor Motion

That Council Note the administrative error and resolve to retrospectively approve the overpayments of the Information, Communication and Technology allowance in the 2016/2017 financial year.

Moved Cr Cowell

Seconded Cr Fenny

Council Resolution

That Council note the administrative error and repay the overpayment of the 2016/2017 Information, Communication and Technology allowance by reducing the remaining Councillor payments due in the 2017/2018 financial year.

Footnote: the 2017 October elections may require any retiring Councillors to repay any amount outstanding at the conclusion of their term.

4/1 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

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BACKGROUND

At the ordinary meeting of Council held in April 2017 Council adopted the Councillor fees for the 2017/2018 financial year.

Following the processing of the payment in July 2017 it was identified that the payments for the Information, Communication and Technology allowance paid in 2016/2017 were not in accordance with the amounts Council resolved to pay in the 2016/2017 financial year

The amounts Council resolved to pay to Councillors in the 2016/2017 year are as follows:

2016/2017	Presidents allowance	Deputy President	Meeting fee President	meeting fee Councillor	ICT allowance
Annual fees	\$11,918	\$2,980	\$11,605	\$5,645	\$2,132
Amount paid	\$11,918	\$2,980	\$11,605	\$5,645	\$2,980
overpayment	Nil	Nil	Nil	Nil	\$848

COMMENT

The overpayment was an administrative error as the amount being paid to the Deputy President was repeated for the Information, Communication and Technology allowance.

This translated to an overpayment of the Information, Communication and Technology allowance for the full financial year of \$848.

Where a Councillor was not elected for the full 2016/2017 financial year the amount would be pro-rata.

The Council could consider the following options:

Option 1

Note the administrative error and resolve to retrospectively approve the overpayments of the Information, Communication and Technology allowance in the 2016/2017 financial year.

Option 2

Note the administrative error and repay the overpayment of the 2016/2017 Information, Communication and Technology allowance in one lump sum amount in the 2017/2018 financial year.

Option 3

Note the administrative error and repay the overpayment of the 2016/2017 Information, Communication and Technology allowance by possible reducing the remaining Councillor payments due in the 2017/2018 financial year.

Note; the 2017 October elections may require any retiring Councillors to repay any amount outstanding at the conclusion of their term.

LEGAL IMPLICATIONS

The administrative error resulting in the overpayment is not in accordance with the Council resolution which was specific to Councillor Payments for the 2016/2017 year.

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In accordance with section 5.99A of the *Local Government Act 1995* the Council decided to make an annual payment to Councillors for the ICT allowance rather than a reimbursement.

The overpayment is in breach of this section of the Act and the Council resolution.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The predominate impact is an over expenditure on the 2016/2017 financial statements which reduces the surplus carried forward.

The repayment of the overpayment will offset/reduce the 2017/2018 expenditure for the Information, Communication and Technology payments to Councillors'.

STRATEGIC IMPLICATIONS

There are no policy implications associated with this item.

RISK MANAGEMENT

There is a political risk associated with this matter dependent upon the option Council resolve on the basis that it will not be supported by the community.

There is also a legal risk in that the funds are an overpayment not supported by Council resolution.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

20 April 2017

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11.2 REVIEW OF THE EMERGENCY SERVICES LEVY
FM00002

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That Council submit the review completed by Council of the Emergency Services Levy to the Western Australian Local Government Association.

5/0 CARRIED

BACKGROUND

The Western Australian Local Government Association previously submitted a report to Council's advising of a Review of the Emergency Services Levy. Unfortunately not enough time was given for a submission to be presented to Council on the previous occasion.

Western Australian Local Government Association continue to analyse the report and will address themes or issues that are outstanding and/or require further comment. For example:

- Chapter 3, p 64 on Financial Assistance Grants:

The draft report notes that the Australian Government Financial Assistance Grants are allocated through a process that recognise that some local governments will incur higher emergency management costs. The report questions whether the local government grants commission process adequately recognises that some local governments face higher emergency services costs than others, and compensates these local governments accordingly. It also notes that local governments should not receive additional assistance through the Emergency Service Levy to fund emergency management activities simply because they have chosen to use Australian Government grants to fund other services.

There has been some suggestion that Financial Assistance Grants (FAGS) funding could be quarantined for emergency management activities based on the terrain disability, Western Australian Local Government Association considers that this is not practical or desirable.

The disabilities considered in the allocation formula are not sources of funding. They are an assessment of the *relative differences in the spending needs* of each Local Government as a result of their physical/demographic attributes that are beyond their control, *rather than an assessment of the actual spending needs* on a specific activity. In this regard, the terrain disability has some influence on the outcome of the distribution between individual Local Governments, but is not a direct source of funding for Emergency Management activities.

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Further, any moves to tie Commonwealth funding to specific purposes works against the intention of the payments. The general purpose component of Financial Assistance Grants is untied funding, in recognition of the growing responsibilities of the sector. Financial Assistance Grants are untied to enable Local Governments to spend on priorities determined by their community – which may or may not be Emergency Management activities. There may be some Councils which choose to spend their Financial Assistance Grants on Emergency Management activities, and others where this is not needed.

In addition, Local Government is reliant on funding from the Commonwealth to meet community needs as a result of broader restrictions on Local Governments ability to raise own sourced revenue (through exemptions to the rates base, legislated fees and charges, etc.). Quarantining a proportion of Financial Assistance Grants funding for Emergency Management activities would have undesirable outcomes as it would likely see a reduction in other key services to the community given that in many cases the sector is unable to recover costs for these activities.

Financial Assistance Grants general purpose grants are and should also remain untied to reduce the risk of political direction from the Commonwealth Government, and to minimise the associated administration costs.

COMMENT

The Western Australian Local Government Association are now facilitating a response to the Emergency Services Levy draft report on the review on behalf of members.

The first phase of consultation saw over 80% of Council participate and now encourages Local Governments to again support the development of a sector position on the recommendations contained with the draft report.

The reports has been prefilled with a suggested position based on survey results from the first phase of consultation and previous submissions where a sector position was reached. Each recommendation also has a Western Australian Local Government Association comment.

It is also noted that the completed report needs to be returned by the close of business on the 26 July 2017.

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Local Government Name : <i>Shire of Shark Bay</i>		
Completed by: <i>Mr Paul Anderson – Chief Executive Officer</i>		
Contact email : <i>ceo@sharkbay.wa.gov.au</i>		
Contact Number: <i>(08) 99 481 218</i>		
KEY RECOMMENDATIONS	SUGGESTED POSITION	WALGA COMMENT
Recommendation 1 - Basic Structure of the ESL system should be retained. (Ch6)	SUPPORT	<p>WALGA supports the Economic Regulation Authority (ERA)'s assessment of the ESL structure against the key taxation principles of Equity, Efficiency and Fairness.</p> <p>While the ERA notes that the ESL is effective to the extent that it raises sufficient revenue to fund services because it is set by Department of Fire and Emergency Services (DFES)' budget each year, WALGA considers that additional investigation is necessary to ensure that the required level of revenue set by DFES is appropriate. WALGA considers that this is not likely to be the case, given that significant emergency management activities which meet the criteria for funding under the ERA's proposed framework (e.g. prevention activities) funded by Local Government from their own revenues.</p>
Local Government position	SUPPORT	Local Government comment:
Recommendation 2 - Gross rental value should be retained as the basis for calculating ESL rates. (Chapter 6)	SUPPORT	<p>WALGA members had raised the possibility of using Unimproved Value on some land areas and sought further investigation of the viability of this method by the ERA. WALGA accepts the findings of the ERA report that GRV remains the most appropriate method.</p> <p>It is recognised that Unimproved Value is less equitable than other bases, since it does not take capacity to pay into account (on the basis that people with buildings and other property improvements will generally have a greater capacity to pay). Additionally, it ignores the fact that property owners with buildings and other property improvements also have more assets at risk.</p> <p>WALGA also accepts that GRV is integrated with Local Government rating systems and therefore reduces administration costs.</p>

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Local Government position	SUPPORT	Local Government comment:
Recommendation 3 - The agency that advises the Minister for Emergency Services on ESL revenue and rates should not benefit from the ESL. (Chapter 8)	SUPPORT	WALGA support this recommendation as an important step to improve the transparency of the ESL funding distribution, and to restore confidence in the system.
Local Government position	SUPPORT	Local Government comment:
Recommendation 4 - The Office of Emergency Management should be given the oversight functions for advising the Minister for Emergency Services on the amount of ESL revenue required, and the ESL rates. (Chapter 8)	SUPPORT	WALGA supports the Office of Emergency Management (OEM) assuming the role of advisory to the Minister for the ESL. The OEM is an appropriate body for this function to the extent that it is independent (as per recommendation 5 below), and can provide sector expertise in considering funding allocations and requirements. The Local Government sector will be interested to know if the OEM will be the single point of contact or will DFES still maintain the Local Government Grants Scheme?
Local Government position	SUPPORT	Local Government comment:
Recommendation 5 - The Office of Emergency Management should be made independent of the Department of Fire and Emergency Services. It should report directly to the Minister for Emergency Services rather than the Fire and Emergency Services Commissioner. (Chapter 8)	SUPPORT	WALGA supports the independence of the OEM to support recommendation 4. This will also have other benefits for the Emergency Management (EM) sector with assurance and other functions being able to be undertaken by the OEM in a fully transparent environment.
Local Government position	SUPPORT	Local Government comment:
Recommendation 6 – the Office of Emergency Management should oversee how the Department of Fire and Emergency Services (and a rural fire service if established):	SUPPORT	WALGA have advocated for ten years that the ESL should not be administered by the agency who is also a beneficiary. WALGA support that the OEM should oversee how the DFES (and a rural fire service if established): a) Allocates the ESL funds

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<p>a) Allocates ESL funds to stakeholders; and b) Spends its share of the ESL funds (Chapter 8)</p>		<p>b) Spends its share of the ESL funds.</p>
<p>Local Government position</p>	<p>SUPPORT</p>	<p>Local Government comment:</p>
<p>Recommendation 7 – The Office of Emergency Management should be the body of appeal for ESL related issues, and the Fire and Emergency Services Commissioner’s appeal role should be revoked. (Chapter 8)</p>	<p>SUPPORT</p>	<p>WALGA support the OEM being the body of appeals for ESL related issues, creating independence from DFES and ensuring total transparency and confidence in the appeals system.</p>
<p>Local Government position</p>	<p>SUPPORT</p>	<p>Local Government comment:</p>
<p>Recommendation 8 – The Department of Treasury should undertake a review of the Department of Fire and Emergency Services’ structure, resources and administration costs to determine whether services are efficiently delivered. (Chapter 8)</p>	<p>SUPPORT</p>	<p>Ensuring efficient service delivery is an important starting point to determine the appropriate level of ESL funding required. Improving the efficiency of DFES service delivery may mean that additional emergency services activities that are currently funded from Local Government’s own revenue could be funded without raising the existing rate of the ESL.</p> <p>In consultation with members, there was overwhelmingly support for greater transparency around the administration and distribution of the ESL. Many respondents believed that all information should be made public.</p> <p>Some options to improve processes included auditing, annual reporting, or independent review.</p>
<p>Local Government position</p>	<p>SUPPORT</p>	<p>Local Government comment:</p>
<p>Recommendation 9 - The ESL should be used to fund prevention undertaken by the Department of Fire and Emergency Services, bush fire</p>	<p>SUPPORT</p>	<p>WALGA supports this recommendation to the extent that the Local Government Grants Manual is reviewed including the current eligible and ineligible items lists.</p>

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<p>brigades and State Emergency Service units that have community-wide benefits or which involve coordination of prevention across land tenures. (Chapter 3)</p>		<p>The ERA have provided the following examples of prevention activities that might be funded by the ESL:</p> <ul style="list-style-type: none"> • prevention planning – for example, undertaking risk assessments, the development of plans for conducting prevention, and developing and maintaining tenure-blind databases on where prevention activities need to be conducted; • oversight – such as covering the costs of ensuring that property owners are complying with their legal obligations; and • public infrastructure – providing infrastructure that protects communities at large (for example, community bushfire shelters), but not infrastructure that solely protects individual properties. <p>Members are requested to provide examples from the sector on specific activities that would meet this criterion.</p>
<p>Local Government position</p>	<p>SUPPORT</p>	<p>Local Government comment:</p>
<p>Recommendation 10 - The ESL should be used to fund the preparedness activities of the Department of Fire and Emergency Services, the bush fire brigades and State Emergency Service units that have community-wide benefits. (Chapter 3)</p>	<p>SUPPORT</p>	<p>WALGA supports this recommendation to the extent that the Local Government Grants manual is reviewed including the current eligible and ineligible items lists. The ERA have recommended that the ESL should fund preparedness activities of the Department of Fire and Emergency Services, the Bush Fire Brigades and State Emergency Service units that have community-wide benefits including: emergency response plans, mutual aid agreements, public education and information and community refuge shelters.</p> <p>Further clarity on the agencies/organisations responsible for these activities is required.</p>
<p>Local Government position</p>	<p>SUPPORT</p>	<p>Local Government comment:</p>
<p>Recommendation 11 - The ESL should be used to fund the response activities of the Department of Fire and Emergency Services, the bush fire</p>	<p>SUPPORT</p>	<p>WALGA supports this recommendation. While it is important that the landholders retain responsibility for prevention activities that deliver a private benefit, there is a need for funding to support the broader prevention activities such as coordination and community education.</p>

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brigades and State Emergency Service units. (Chapter 3)		To achieve the benefits of a hypothecated tax, it is important that the ESL is set at a level that funds all emergency management activities as outlined in the reports introduction.
Local Government position	SUPPORT	Local Government comment:
Recommendation 12 - The ESL should not be used to fund the costs of recovery. (Ch3)	SUPPORT	WALGA supports this recommendation, given that recovery needs are ad-hoc in nature.
Local Government position	SUPPORT	Local Government comment:
Recommendation 13 - The ESL should be used to fund the administration costs of the Department Fire and Emergency Services. (Chapter 3)	PARTIALLY SUPPORT	WALGA partially supports this to the extent that recommendation 8 is accepted and implemented. This would allow the Department of Treasury to undertake a review of the DFES structure, resources, and administration costs to determine whether services are being efficiently delivered. With the current findings of where ESL funds are going within DFES, the Local Government sector need assurance that the most important activities are being funded including administrative activities and at what cost.
Local Government position	PARTIALLY SUPPORT	Local Government comment:
Recommendation 14 – The ESL should be used to fund the full costs of the Community Emergency Services Managers in local government. However, it should not be used to fund the broader emergency service and management responsibilities of local government or the administration costs linked to bush fire brigades and State Emergency Service units. (Chapter 3)	UNDECIDED	<p>Greater clarity on the responsibilities of the Community Emergency Services Manager (CESM) in its support of Local Governments would be required before support would be granted for this recommendation. Local Governments have mixed views on the role and value of the CESM with some Local Governments no longer supporting the program, withdrawing their portion of funding from this arrangement. Conversely some Local Governments within the program rely on the CESM to undertake a number of activities required of Local Governments.</p> <p>Table 29 and table 30 (pages 242 and 243) of the ERAs report, highlight that some CESMs are currently fully funded by the ERA and others are funded through cost sharing between Local Governments and DFES. There needs to be a consistent approach and standardised</p>

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		<p>responsibilities, with clearly articulated expectations of this role, before, during and following an emergency.</p> <p>Should the full cost of the CESM be funded by the ESL there would need to be very clear guidelines as to the management of CESMs i.e. a CESM allocated to a Local Government or shared between Local Governments must serve those local governments exclusively.</p>
Local Government position	SUPPORT	<p>Local Government comment:</p> <p>The Shire of Shark Bay currently have a program that the Shire of Carnarvon, Shire of Shark Bay and the Shire Upper Gascoyne Junction are using resources together which is similar to the proposed position</p>
Recommendation 15 - The Office of Emergency Management should compensate local government for the cost of collecting ESL revenue (including the costs of recovering unpaid debts and any ESL revenue that cannot be recovered). (Chapter 8)	SUPPORT	<p>Local Government's preference is not to collect the ESL on behalf of the State Government, due to the issues with community perceptions (many think it is a Local Government tax) and the considerable administrative costs that this imposes. It is however recognised that there are significant efficiency gains from including the ESL on Local Governments rates notices, and that this minimises the overall costs to the taxpayer as a result. If Local Governments are to continue to collect ESL revenue, WALGA supports the recommendation that the sector should be fully compensated for these costs, including the costs associated with collection of unpaid debts. This compensation should be regularly reviewed and indexed to an appropriate level to ensure the real value of compensation to the sector for this function is maintained.</p>
Local Government position	SUPPORT	<p>Local Government comment:</p>
<p>Recommendation 16. - If a rural fire service is established, the ESL should be used to fund the efficient costs of:</p> <ul style="list-style-type: none"> a. response activities; b. prevention and preparedness activities that have community wide benefits; and 	SUPPORT	<p>WALGA supports this recommendation. The ESL is a hypothecated tax, and therefore to achieve the benefits of this it should be used to fund all emergency management activities, including the rural fire service.</p>

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c. the administration costs of the rural fire service. (Chapter 7)		
Local Government position	SUPPORT	Local Government comment:
Recommendation 17 – New emergency services legislation should clarify the extent to which the Department of Fire and Emergency Services and local governments are obliged to undertake prevention activities, and whether these activities may be funded from the ESL. (Chapter 3)	PARTIALLY SUPPORT	<p>Page 56 of the ERA report offers that ‘new emergency services legislation could address barriers to expenditure on prevention, by clarifying the responsibilities of DFES and Local Government.</p> <p>WALGA’s submission to DFES on the <i>Concept Paper: Review of Emergency Services Acts (June 2014)</i> partially supported this concept raising concerns of the cost implications on Local Government being assessed prior to legislative changes, that State government agencies should also have clear responsibilities articulated in legislation, including ‘their obligations to take practicable steps to prevent and minimise the occurrence and /or spread of bushfires or other natural hazards on any land directly under its control, care or management’. Furthermore, a definition for ‘any land directly under its control, care or management’ would need to be clarified, including responsibility for Crown land, and responsibilities for gazetted town boundaries. (WALGA submission <i>Concept Paper: Review of Emergency Services Acts (June 2014), part 2, pg.5</i>)</p>
Local Government position	PARTIALLY SUPPORT	Local Government comment:
METHOD FOR SETTING THE ESL		
Recommendation 18 - Grouping of properties should be discontinued for the purpose of calculating the ESL. (Chapter 6)	SUPPORT	<p>WALGA supports this recommendation as a way to reduce inequity within the system. In the short term, it will impose additional costs on some landowners and further investigation is needed to determine whether transition arrangements will be required to phase in this approach.</p> <p>It is noted that abolishing grouping of properties would likely deliver a reduction in the ESL rates overall. However, there will be short term costs as Landgate is required to amend the</p>

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		property rolls provided to DFES, to ensure that no properties are grouped for the purpose of the ESL. This cost should be borne by the State Government and not passed onto Local Government.
Local Government position	SUPPORT	Local Government comment:
Recommendation 19 - A levy on boat registrations should be introduced to fund the direct costs of the Volunteer Marine Rescue Services. (Chapter 6)	SUPPORT	WALGA supports this recommendation, to the extent that the Volunteer Marine Rescue Services is used by only a small proportion of the community. This recommendation will improve equity through the principle of user pays, by better aligning those who use the service with those that pay for it.
Local Government position	SUPPORT	Local Government comment:
Recommendation 20. Road crash rescue services should continue to be funded from the ESL. (Chapter 6)	SUPPORT	WALGA supports road crash rescue to continue to be funded from the ESL.
Local Government position	SUPPORT	Local Government comment:
Recommendation 21. Landgate should conduct another review of land classifications in the Swan Valley to ensure that vineyards are classified appropriately. (Chapter 6)	SUPPORT	WALGA supports this recommendation to the extent that it improves the land classifications and allows the appropriate costs to be applied under the ESL.
Local Government position	SUPPORT	Local Government comment:
DECISION MAKING FRAMEWORK		
Recommendation 22. The Department of Fire and Emergency Services should implement activity based costing to allow for robust analysis. (Chapter 5)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and State government.

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Local Government position	SUPPORT	Local Government comment:
Recommendation 23. The Department of Fire and Emergency Services should use its cost and incident data to determine the direct costs of providing emergency services to each of the five ESL categories. (Chapter 6)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and State government.
Local Government position	SUPPORT	Local Government comment:
Recommendation 24. The Department of Fire and Emergency Services should implement the ISO 31000 standard across its business activities. (Chapter 5)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and government. Further WALGA suggests that the ISO 31000 standard should also apply to the Risk to Resource (R2R) process used by DFES to allocate appliances under the Local Government Grants Scheme.
Local Government position	SUPPORT	Local Government comment:
Recommendation 25. The Department of Fire and Emergency Services should finalise and implement the Capability Framework. (Chapter 5)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and State government.
Local Government position	SUPPORT	Local Government comment:
Recommendation 26. The Department of Fire and Emergency Services should require cost-benefit analysis to be prepared for all major funding allocation decisions. (Chapter 5)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and government.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Local Government position	SUPPORT	Local Government comment:
Recommendation 27. The Department of Fire and Emergency Services should require post-project cost-benefit reviews to be presented to senior decision-makers to enable assessment of the effectiveness of past decisions. (Chapter 5)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process and recognise that this is a decision for DFES and State government.
Local Government position	SUPPORT	Local Government comment:
Recommendation 28. Grants manuals should be made consistent between all volunteer organisations where it makes sense to do so. (Chapter 8)	SUPPORT	WALGA supports this recommendation to ensure consistency and equity amongst all volunteer groups to support emergency management arrangements within the state.
Local Government position	SUPPORT	Local Government comment:
SETTING ESL RATES		
Recommendation 29. The Office of Emergency Management should consult stakeholders when: a. determining the ESL revenue to be allocated to stakeholders; and b. advising the Minister for Emergency Services on ESL revenue and rates. (Chapter 8)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.
Local Government position	SUPPORT	Local Government comment:
Recommendation 30. The Office of Emergency Management should prepare a report to the Minister for Emergency Services recommending	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.

MINUTES OF THE ORDINARY COUNCIL MEETING

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total ESL revenue and rates. The Minister should table the report in Parliament within 28 days of receiving it. (Chapter 8)		
Local Government position	SUPPORT	Local Government comment:
Recommendation 31. The Department of Fire and Emergency Services (and a rural fire service if established) should provide a report to the Office of Emergency Management explaining how it has spent ESL funds and the rationale for this expenditure. (Chapter 8)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.
Local Government position	SUPPORT	Local Government comment:
TRANSPARENCY		
Recommendation 32. The Office of Emergency Management should prepare and publish an annual report on the ESL. (Chapter 8)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.
Local Government position	SUPPORT	Local Government comment:
Recommendation 33. The Office of Emergency Management should prepare a brochure on the ESL and provide it to local governments to distribute with rate notices. The brochure should explain the purpose of the ESL and that it is a State Government levy, and describe how ESL revenue is raised and spent. (Chapter 8)	SUPPORT	WALGA supports further efforts to educate the community about the purpose of the ESL, but this should be funded by the State Government.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Local Government position	SUPPORT	Local Government comment:
Recommendation 34. The Office of Emergency Management should prepare annual estimates of the funding required by the Department of Lands and the Department of Parks and Wildlife to conduct prevention activities on their estates. These estimates should be published in the annual report of each agency, along with the amount of funding provided by the State Government. (Chapter 3)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.
Local Government position	SUPPORT	Local Government comment:
Recommendation 35. The Department of Fire and Emergency Services should publish data in accordance with the State Government's <i>Whole of Government Open Data Policy</i> . (Chapter 8)	SUPPORT	WALGA supports these recommendations to the extent that they will improve the transparency and accountability of the process.
Local Government position	SUPPORT	Local Government comment:
Recommendation 36. The Office of Bushfire Risk Management should require local governments to publish their bushfire risk management plans and treatment strategies. (Chapter 3)	SUPPORT	Current policy states that Local Governments are the custodian of the tenure blind plans. The publication of these plans could improve transparency and accountability in line with the shared responsibility amongst all land owners for bushfire risk planning in the state.
Local Government position	SUPPORT	Local Government comment:

MINUTES OF THE ORDINARY COUNCIL MEETING

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Recommendation 37. The Department of Fire and Emergency Services should publish a capital grants manual for volunteer organisations it manages (for example the Volunteer Fire and Rescue Service). (Chapter 8)	SUPPORT	WALGA supports this recommendation to ensure consistency and equity amongst all volunteer groups supporting emergency management arrangements within the state. WALGA also encourage a consistent process for the allocation of funds to all volunteer groups.
Local Government position	SUPPORT	Local Government comment:

Please suggest any other comments/issues below you feel need to be made to the Economic Regulation Authority on the draft report.

Local Government comment: Nil

-

LEGAL IMPLICATIONS

There are no legal implications relative to this report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this report.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a low risk item for Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

17 July 2017

26 JULY 2017

11.3 ECONOMICS AND INDUSTRY COMMITTEE SUBMISSION
CM00019

Author

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Cowell

Council Resolution

That the Draft submission to the State Governments Economic and Industry Standing Committee in response to the Inquiry into matters relating to Airfare prices on Regular Public Transport Air Routes in Western Australia as amended be endorsed.

5/0 CARRIED

Background

The State Governments Economics and Industry Standing Committee resolved to inquire and report on matters relating to the airfare prices on the Regular Public Transport Air Routes in Regional Western Australia, in particular, the committee will evaluate;

- a. The factors contributing to the current high cost of regional airfares
- b. impacts that high cost regional airfares have on regional centres from a business, tourism and social perspective
- c. impact of state government regulatory process on the cost and efficiency of regional air services
- d. actions that the state and local governments authorities can take to limit increases to airfares without undermining the commercial viability of regular public transport services and
- e. recent actions taken by Australian governments to limit regional regular public transport airfare increases

The deadline for submissions is 28 July 2017 and the committee will report to the Government by 28 November 2017.

Comment

The Council presented a submission to the Department of Transport in October 2014 (attached under separate cover) when the Review of Regulated Regular Public Transport Air Routes in Western Australia was undertaken.

The Chief Executive Officer has collaborated with the same consultant to assist in preparing a submission to ensure a continuity of content and knowledge.

The Draft submission into the current economic and industry standing committee's inquiry is attached under separate cover for Councillors comment and input.

26 JULY 2017

Once all Councillors comments and input have been collated the submission will be presented to the Economics Standing Committee for consideration.

Legal Implications

There are no legal implications associated with this report.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

There are no financial implications associated with this report.

Strategic Implications

Addresses council economic objective 1.2.2 continue advocating for improved aviation services.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

18 July 2017

26 JULY 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 Laundry
Seconded Cr Bellottie

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$780,494.99 be accepted.

5/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of June 2017 totalling \$42.28

Municipal fund account cheque numbers 26857 to 26858 totalling \$8,282.19

Municipal fund direct debits to Council for the month of June 2017 totalling \$20,516.29

Municipal fund account electronic payment numbers MUNI 21553 to 21697 totalling \$562,028.38

Municipal fund account for June 2017 payroll totalling \$120,907.00

Trust fund Police Licensing for June 2017 cheque number 161712 totalling \$26,343.40 and

Trust fund account electronic payment numbers 21588 to 21732 totalling \$42,375.45

The schedule of accounts submitted to each member of Council on 21 July 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.

26 JULY 2017

POLICY IMPLICATIONS

There are no policy implications associated with this item.

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	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	12 July 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – CREDIT CARD
JUNE 2017**

CREDIT CARD TOTAL \$ 42.28

CEO

DATE	NAME	DESCRIPTION	AMOUNT

\$0.00

EMCD

23/3/17	MONT CLARE APARTMENTS	CANCELLED CDO ACCOMMODATION REFUNDED	-158.40
23/3/17	MONT CLARE APARTMENTS	CANCELLED CDO ACCOMMODATION REFUNDED	-316.80
10/5/17	DNH* GODADDY.COM.AUD	DOMAIN RENEWAL – SHARKBAY1616.COM.AU	33.98

\$-441.22

EMFA

28/4/17	DASH CAMS AUSTRALIA	ROAD INSPECTION CAMERA FOR WORKS MANAGERS VEHICLE	483.50
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\$483.50

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – MUNI CHEQUES
JUNE 2017
CHEQUE # 26857 - 26858**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26857	06/06/2017	CANCELLED		
26858	20/06/2017	WATER CORPORATION - OSBORNE PARK	WATER USAGE – COUNCIL PROPERTIES	-8282.19
			TOTAL	\$8,282.19

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

DD	DATE	NAME	DESCRIPTION	AMOUNT
DD13672.1	05/06/2017	BANKWEST CORPORATE MASTERCARD	CREDIT CARD DETAILS ON PREVIOUS PAGE	-42.28
DD13710.1	11/06/2017	ING DIRECT	SUPERANNUATION CONTRIBUTIONS	-95.05
DD13710.2	11/06/2017	MACQUARIE SUPER ACCUMULATOR	PAYROLL DEDUCTIONS	-417.65
DD13710.3	11/06/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-234.32
DD13710.4	11/06/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-577.32
DD13710.5	11/06/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-1080.91
DD13710.6	11/06/2017	AUSTRALIAN SUPERANNUATION	ETHICAL PAYROLL DEDUCTIONS	-371.87
DD13710.7	11/06/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-202.64
DD13710.8	11/06/2017	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-185.15
DD13710.9	11/06/2017	REST	SUPERANNUATION CONTRIBUTIONS	-213.96
DD13710.10	11/06/2017	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	PAYROLL DEDUCTIONS	-3772.15
DD13710.11	11/06/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13710.12	11/06/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1365.37

MINUTES OF THE ORDINARY COUNCIL MEETING

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DD13710.13	11/06/2017	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-278.48
DD13710.14	11/06/2017	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-185.96
DD13710.15	11/06/2017	MLC SUPER FUND		SUPERANNUATION CONTRIBUTIONS	-276.60
DD13710.16	11/06/2017	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-174.42
DD13732.1	21/06/2017	VIVA ENERGY AUSTRALIA		FUEL - MAY 2017 CEO VEHICLE	-73.46
DD13741.1	25/06/2017	ING DIRECT		SUPERANNUATION CONTRIBUTIONS	-45.04
DD13741.2	25/06/2017	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-196.26
DD13741.1	25/06/2017	ADMINISTRATION LTD ING DIRECT		SUPERANNUATION CONTRIBUTIONS	-45.04
DD13741.2	25/06/2017	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-196.26
		ADMINISTRATION LTD			
DD13741.3	25/06/2017	MACQUARIE SUPER ACCUMULATOR		PAYROLL DEDUCTIONS	-408.19
DD13741.4	25/06/2017	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-220.85
DD13741.5	25/06/2017	AMP SUPERANNUATION		PAYROLL DEDUCTIONS	-577.32
DD13741.6	25/06/2017	AUSTRALIAN SUPER		PAYROLL DEDUCTIONS	-1088.06
DD13741.7	25/06/2017	AUSTRALIAN SUPERANNUATION	ETHICAL	PAYROLL DEDUCTIONS	-371.87
DD13741.8	25/06/2017	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	-202.64
DD13741.9	25/06/2017	SUN SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-202.64
DD13710.10	11/06/2017	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD		PAYROLL DEDUCTIONS	-3772.15
DD13710.11	11/06/2017	BT SUPER FOR LIFE		SUPERANNUATION CONTRIBUTIONS	-717.14
DD13710.12	11/06/2017	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	-1365.37
DD	DATE	NAME		DESCRIPTION	AMOUNT
DD13710.13	11/06/2017	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-278.48
DD13710.14	11/06/2017	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-185.96
DD13710.15	11/06/2017	MLC SUPER FUND		SUPERANNUATION CONTRIBUTIONS	-276.60
DD13710.16	11/06/2017	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-174.42
DD13710.17	11/06/2017	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-196.26
		ADMINISTRATION LTD			
DD13741.10	25/06/2017	REST		SUPERANNUATION CONTRIBUTIONS	-213.96

MINUTES OF THE ORDINARY COUNCIL MEETING

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DD13741.11	25/06/2017	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	PAYROLL DEDUCTIONS	-3334.80
DD13741.12	25/06/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13741.13	25/06/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1363.05
DD13741.14	25/06/2017	IOOF SUPER	SUPERANNUATION CONTRIBUTIONS	-223.94
DD13741.15	25/06/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-230.98
DD13741.16	25/06/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-185.96
DD13741.17	25/06/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-306.64
DD13741.18	25/06/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-165.96
			TOTAL	\$20,516.29

**SHIRE OF SHARK BAY – MUNI EFT
JUNE
EFT 21553 - 21697**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21553	02/06/2017	BARRETTS FAMILY PTY LTD	200 RECREATION CENTRE, GYM AND SHADOW CARDS, INCLUDING POSTAGE	-1144.00
EFT21554	02/06/2017	DONNELLE OAKLEY	REIMBURSEMENT OF FUEL FOR RATES/DEBT COLLECTION TRAINING IN PERTH 24/5/17 – 28/5/17	-37.48
EFT21555	02/06/2017	GRAY & LEWIS LAND USE PLANNERS	PLANNING ADVICE – GENERAL CONSULTING SERVICES	-7796.25
EFT21556	02/06/2017	PROFESSIONAL SUPPORT	PC OUTLOOK WAS UNINSTALLED AND REINSTALLED ON THE RECEPTION COMPUTER DUE TO THE EMAIL FUNCTION NOT WORKING	-175.00
EFT21557	02/06/2017	SKIPPERS AVIATION	FLIGHT FOR A. WRIGHT - EXHIBITION DEVELOPMENT WORKSHOP IN PERTH 19/6/17 - 21/6/17	-718.00
EFT21558	02/06/2017	SHARK BAY NEWSAGENCY	10 x BOXES OF REFLEX PAPER	-349.50

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21559	02/06/2017	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES	-216.45
EFT21560	02/06/2017	TELEMALL AUDIO COMMUNICATIONS	MESSAGE ON HOLD QUARTERLY SERVICE FEE - JUNE TO AUGUST 2017	-366.30
EFT21561	02/06/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	DEVELOPMENT OF PROCUREMENT PLAN AND EOI UPDATE - TENDER MANAGEMENT SERVICES	-1039.50
EFT21562	02/06/2017	ALLOY & STAINLESS PRODUCTS	MOWER BLADES FOR KUBOTA RIDE ON MOWER	-159.15
EFT21563	02/06/2017	DAVID GRAY AND CO PTY LTD	20LT OF PY FOG FOR MOSQUITO FOGGING	-378.40
EFT21564	02/06/2017	TOLL IPEC PTY LTD	FREIGHT- WESTPAC AND ASP	-59.70
EFT21565	02/06/2017	WESTRAC EQUIPMENT PTY LTD	HYDRAULIC HOSE FOR CATERPILLAR INTEGRATED TOOL CARRIER	-45.77
EFT21566	06/06/2017	DUN & BRADSTREET	MGL SOLICITOR'S FEES – REFUSE SITE FEES DISPUTE	-619.40
EFT21567	06/06/2017	MARKETFORCE PTY LTD	TENDER ADVERTISEMENT FOR THE WEST AUSTRALIANS PUBLIC NOTICES ON 20/5/17	-823.21
EFT21568	06/06/2017	RICHARD CLAUDE MORONEY	CLEAN UP AND REMOVAL OF RUBBISH AROUND SBDC - MAY	-50.00
EFT21569	06/06/2017	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR - MAY 2017	-495.00
EFT21570	06/06/2017	TELSTRA CORPORATION LIMITED	WA LOCAL GOVERNMENT 1300 PHONE #	-27.86
EFT21571	06/06/2017	HORIZON POWER	STREET LIGHTING	-3198.93
EFT21572	06/06/2017	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS TO THE 30 JUNE 2017 - LOT 50 DAMPIER ROAD (DISUSED MATERIALS)	-1336.80
EFT21573	06/06/2017	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES STREET DUE 7TH OF EACH MONTH	-1170.00
EFT21574	07/06/2017	ALLELECTRIX PTY LTD	RESTORE LIGHTING TO DENHAM HALL KITCHEN	-99.00
EFT21575	07/06/2017	AIR LIQUIDE	RENTAL OF CYLINDERS	-87.53
EFT21576	07/06/2017	AUSTRAL PLUMBING	FINAL WORKS ON OLD JAIL RESTORATION	-1254.00

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21577	07/06/2017	BOC LIMITED	SUPPLY OXY/LPG PARTS FOR HOT WORKS – USELESS LOOP ROAD MAINTENANCE	-132.00
EFT21578	07/06/2017	BLACKWOODS ATKINS	13 PIECE SCREWDRIVER SET FOR DEPOT	-52.00
EFT21579	07/06/2017	ELGAS LIMITED	GAS BOTTLES – REFUSE SITE AND COUNTRY CREW	-332.00
EFT21580	07/06/2017	REFUEL AUSTRALIA (FORMERLY GERALDTON FUEL COMPANY)	FUEL TANKER 9,300 LITRES FOR CAMP, 7,000 LITRES FOR DEPOT	-22237.24
EFT21581	07/06/2017	GERALDTON HYDRAULICS	PTO HYDRAULIC LINE FOR HINO 5 TON TRUCK & THREADED END CAP FOR FREIGHTLINER 114 CORONADO SUMP	-160.56
EFT21582	07/06/2017	TOLL IPEC PTY LTD	FREIGHT- BOOKS, PURCHER, 1616 SALT CO AND WA HINO	-158.72
EFT21583	07/06/2017	OAKLEY EARTHWORKS PTY LTD	HIRE 6 WHEEL TIPPER – OCEAN PARK ROAD MAINTENANCE 38.5 HOURS OVER 6 DAYS	-5293.75
EFT21584	07/06/2017	ROBBRO ROAD CONSTRUCTION PTY LTD	5 WEEKS HIRE OF CAT GRADER FOR OCEAN PARK ROAD WORKS INCL. MOBILISATION AND DE-MOBILISATION	-18975.00
EFT21585	07/06/2017	STATEWIDE BEARINGS	BEARINGS & BEARING CARRIERS FOR MITSUBISHI TIP TRUCK	-51.70
EFT21586	07/06/2017	VISIMAX SAFETY PRODUCTS	WARNING NOTICES FOR RANGER PATROLS	-29.80
EFT21587	07/06/2017	YADGALAH ABORIGINAL CORPORATION	HIRE MINI DIGGA FOR 2 DAYS FOR CAMP UPGRADES	-770.00
EFT21588		TRUST		
EFT21589	07/06/2017	FERVOR	REFUND REC CENTRE KITCHEN HIRE – EVENT CANCELLED	-261.90
EFT21590	- 21591	CANCELLED		
EFT21592	08/06/2017	AUSTRALIAN TAXATION OFFICE	BAS, PAYG, GST AND FUEL TAX CREDIT	-24867.41
EFT21593	- 21594	TRUST		
EFT21595	09/06/2017	ALLELECTRIX PTY LTD	SUPPLY AND INSTALL CCTV DIGITAL RECORDER REPLACEMENT IN REC CENTRE & CHANGE LIGHT BULBS IN SBDC WOMEN'S TOILET	-1190.20
EFT21596	09/06/2017	ANDREW JAMES FOX	REIMBURSE 50% OF DRIVEWAY CROSSOVER COSTS	-588.00
EFT21597	09/06/2017	AUSTRALIA POST	LOCAL POST - OFFICE & SBDC MAY 2017	-115.50

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21598	09/06/2017	BOOEASY AUSTRALIA PTY LTD	BOOEASY COMMISSION/MONTHLY FEES – MAY 17	-478.22
EFT21599	09/06/2017	CANCELLED		
EFT21600	09/06/2017	MOORE STEPHENS	INTERIM BILLING FOR AUDIT - EOFY 30/6/17	-11423.53
EFT21601	09/06/2017	NINGALOO DESIGNS	SBDC MERCHANDISE	-333.55
EFT21602	09/06/2017	STAPLES AUSTRALIA PTY LTD	STATIONARY SUPPLIES FOR OFFICE, SBDC AND DEPOT	-535.39
EFT21603	09/06/2017	SKIPPERS AVIATION	FLIGHT K. KEMPIN - 02/07/17 - 05/07/17 FOR LGIS REVIEWS & FLIGHT BOOKED ON BEHALF OF STAFF MEMBER REIMBURSED TO MUNICIPAL ACCOUNT	-1077.00
EFT21604	09/06/2017	SHARK BAY CLEANING SERVICE	PUBLIC FACILITIES IN TOWN INCLUDING BBQ, TOILETS, HALL ETC.	-21275.53
EFT21605	09/06/2017	MCKELL FAMILY TRUST	MONTHLY RUBBISH COLLECTION / STREET SWEEPING - MAY 2017	-11273.18
EFT21606	09/06/2017	TOTAL UNIFORMS	STAFF UNIFORMS FOR AIYANA FROM SBDC AND ANDREA EMFA	-433.75
EFT21607	12/06/2017	DENHAM IGA X-PRESS	STAFF AMENITIES – OFFICE, SBDC, DEPOT AND COUNTRY CREW	-1152.17
EFT21608	12/06/2017	SHARK BAY FUEL FISHING & CAMPING	SUPPLIES FOR DEPOT	-167.52
EFT21609	12/06/2017	J & T FREIGHT	FREIGHT - ATOM SUPPLIES, BUNNINGS, BLACKWOODS & WESTRAC	-281.90
EFT21610	12/06/2017	OAKLEY EARTHWORKS PTY LTD	16 BAGS OF CEMENT FOR TOWN KERB MAINTENANCE	-237.60
EFT21611	12/06/2017	RED DUST HOLDINGS	HIRE OF VOLVO LOADER WITH ATTACHMENTS FROM 15/05/17 TO 02/06/17 - 5 DAYS PER WEEK	-11990.00
EFT21612	12/06/2017	WESTRAC EQUIPMENT PTY LTD	HYDRAULIC LINE FOR CATERPILLAR INTEGRATED TOOL CARRIER	-118.37
EFT21613	19/06/2017	WA MUSEUM	MARITIME HISTORY SIGNAGE FOR THE HMAS SYDNEY II - SBDC	-3800.00
EFT21614	19/06/2017	RADROCK MOBILE CLIMBING	4 HOUR HIRE OF RADROCK CLIMBING WALL & BUNGEE - 17/6/17	-2310.00

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21615	19/06/2017	DEPARTMENT OF PARKS AND WILDLIFE	HOLIDAY PARK PASSES - SBDC	-396.00
EFT21616	19/06/2017	DAVID BROADWAY	PHOTOGRAPHY SERVICE IN RELATION TO SHARK BAY ECONOMIC PROSPECTUS	-4499.00
EFT21617	19/06/2017	SHARK BAY SUPERMARKET	STAFF AMENITIES FOR COUNTRY CREW AND DEPOT	-1243.24
EFT21618	19/06/2017	GASCOYNE OFFICE	RICOH PRINTER CARTRIDGES FOR SHIRE OFFICE	-700.00
EFT21619	19/06/2017	HARVEY NORMAN ELECTRICS	SANDISK ULTRA 32GB MICRO SD MEMORY CARD FOR DEPOT	-92.00
EFT21620	19/06/2017	HORIZON POWER	ELECTRICITY – SHIRE PROPERTIES	-5387.11
EFT21621	19/06/2017	TOLL IPEC PTY LTD	FREIGHT- BOOKS, MCLEODS & CRANETECH	-75.04
EFT21622	19/06/2017	LANDGATE (WA LAND INFORMATION AUTHORITY)	RURAL UV GEN VALS 500 SHARED	-367.00
EFT21623	19/06/2017	OUTBACK COAST AUTOMOTIVES AND RADIATORS	SUPPLY AND FIT 4 NEW TYRES ON ISUZU T-TOP UTE INCLUDING REBALANCE AND ROTATE	-393.80
EFT21624	19/06/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-70.00
EFT21625	19/06/2017	DEPARTMENT OF PARKS AND WILDLIFE	ADULT DAY PASSES & CONCESSION DAY PASSES FOR SBDC	-3780.00
EFT21626	19/06/2017	SKIPPERS AVIATION	OUTSTANDING INVOICE FOR A. PEARS FLIGHT, JUST RECEIVED FOR PROCESSING 11/1/17 - 13/1/17 AND FLIGHT BOOKED ON BEHALF OF STAFF MEMBER REIMBURSED INTO MUNICIPAL ACCOUNT	-1077.00
EFT21627	19/06/2017	SHARK BAY CRC	SPORTS AND RECREATION CENTRE MANAGEMENT	-4808.65
EFT21628	19/06/2017	SCAMPER DESIGN	BANNERS IN THE TERRACE COMPETITION - DESIGN, PRODUCTION AND DELIVERY OF SHARK BAY BANNER	-1222.10
EFT21629	- 21629	TRUST		
EFT21630	20/06/2017	SHIRE OF NORTHAMPTON	CONSULTANT FOR BUILDING AND HEALTH - W. DALLYWATER	-594.00

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21631	20/06/2017	SHARK BAY AVIATION	OUTSTANDING INVOICE - CR K. LAUNDRY FLIGHT 10/4/17-11/4/17 ELECTED MEMBER TRAINING, JUST RECEIVED FOR PROCESSING	-1290.00
EFT21632	20/06/2017	BRIAN JOHN GALVIN	REIMBURSEMENT FOR UTILITY ACCOUNTS PAID	-2198.85
EFT21633	20/06/2017	CAMERON LANGRIDGE	SBDC MERCHANDISE	-792.60
EFT21634	20/06/2017	DAVRIC AUSTRALIA PTY LTD	SBDC MERCHANDISE	-295.90
EFT21635	20/06/2017	DENHAM PAPER AND CHEMICAL SUPP.	SMALL BROWN TWIST HANDLE PAPER BAG - MERCHANDISE	-81.35
EFT21636	20/06/2017	ITVISION	UPGRADE SYNERGYSOFT TO 11.1 - UNIVERSE 11.2.5 AND INTERMEDIATE SYNERGYSOFT 10.1.700	-3052.50
EFT21637	20/06/2017	RPS	CONSULTATION AND DEVELOPMENT OF SHARK BAY ECONOMIC PROSPECTUS.	-11000.00
EFT21638	20/06/2017	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-751.40
EFT21639	20/06/2017	TELSTRA CORPORATION LIMITED	SHIRE MOBILE PHONES	-450.34
EFT21640	20/06/2017	VISIT MERCHANDISE	SBDC MERCHANDISE	-922.30
EFT21641	20/06/2017	HOLIDAY GUIDE PTY LTD	COMPLETED BOOKINGS MARKETING FEE - BOOKEASY	-40.33
EFT21642	- 21642	TRUST		
EFT21643	20/06/2017	SQUIRES RESOURCES PTY LTD	HIRE OF 1 x GRADER, 2 x SEMI WATERCARTS, 1 x MULTI TYRE ROLLER AND 3 x MOBILISATION / DEMOBILISATION AT 10 HOURS A DAY FROM 19/5/17 – 15/6/17 INCLUDING CAMPING OF UP TO 5 MEN AT \$150 EACH PER NIGHT FOR WORK ON WOODLEIGH - BYRO ROAD	-99044.00
EFT21644	20/06/2017	WELLARD CONTRACTING & PLANT HIRE SERVICE	HIRE OF SEMI WATERCART, SEMI SIDETIPPER, 8 WHEEL TIPPER AND LABOUR HIRE FOR MONTH OF MAY - OCEAN PARK ROAD AND USELESS LOOP MAINTENANCE	-30244.50
EFT21645	20/06/2017	R & M.D WHITMARSH	27 HOUR HIRE OF DOZER, MOBILISATION AND DEMOBILISATION, 27 DAY HIRE OF GENSET AND BORE PUMP, SUPPLY POLY PIPE AND FITTINGS FOR DAM PLUMBING & 900L DIESEL FOR GENSET TO BUILD DAM AT WOODLEIGH-BYRO	-7820.01

MINUTES OF THE ORDINARY COUNCIL MEETING

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21646	- 21646	TRUST		
EFT21647	26/06/2017	CHUBB FIRE & SECURITY LTD	SBDC SECURITY MONITORING JULY - SEPTEMBER 2017	-139.67
EFT21648	26/06/2017	CENTRAL REGIONAL TAFE	STAFF TRAINING CERTIFICATE III CIVIL CONSTRUCTION 5 PARTICIPANTS FROM DEPOT	-11126.40
EFT21649	26/06/2017	PROFESSIONAL SUPPORT	PC REMOTE SERVER MAINTENANCE	-70.00
EFT21650	26/06/2017	1616 SALT CO. PTY LTD	SBDC MERCHANDISE	-502.80
EFT21651	26/06/2017	TELSTRA CORPORATION LIMITED	SHIRE PHONES AND DATA CHARGES	-1363.07
EFT21652	26/06/2017	COVS AUTOMOTIVE, MINING & INDUSTRIAL SUPPLIES	OIL FILTERS FOR ISUZU D-MAX T-TOP UTE AND ISUZU D-MAX TOWN UTE FOR SERVICE	-42.04
EFT21653	26/06/2017	DENHAM PAPER AND CHEMICAL SUPPLIES	1 BOX TOILET PAPER & 1 BOX PAPER TOWELS FOR SHIRE OFFICE	-121.00
EFT21654	26/06/2017	SHARK BAY FUEL FISHING AND CAMPING CENTRE	SUPPLIES FOR THE DEPOT	-32.50
EFT21655	26/06/2017	TOLL IPEC PTY LTD	FREIGHT - DAVID GRAYS	-75.27
EFT21656	26/06/2017	TRUE VALUE HARDWARE	TOOLS AND SUPPLIES FOR THE DEPOT	-382.73
EFT21657	26/06/2017	PRESTIGE INSTALLATIONS (WA) PTY LTD	INSTALL 8 NEW AIR CONDITIONERS IN CAMP DONGAS, ADD REFRIGERANT TO 6 UNITS INCLUDING TRAVEL COSTS	-2068.00
EFT21658	26/06/2017	PEST-A-KILL	RODENT MONITORING AND BAITING IN SHIRE PROPERTIES	-572.00
EFT21659	26/06/2017	ROBBRO ROAD CONSTRUCTION PTY LTD	CLEANING OF HIRE GRADER AND FUEL FOR OCEAN PARK ROAD WORKS	-416.24
EFT21660	26/06/2017	RED DUST HOLDINGS	HIRE OF 2 SINGLE SIDE TIPPERS WITH OPERATORS FROM 16/5/17 – 18/06/17 AND HIRE OF VOLVO L90F LOADER AND ATTACHMENTS FROM 5/6/17 – 23/6/17 FOR USELESS LOOP ROAD WORKS	-54701.63
EFT21661	26/06/2017	REECE PTY LTD	POLY PIPE AND FITTINGS FOR CAMP ACCOMMODATION UPGRADE	-479.69
EFT21662	26/06/2017	SHARK BAY CLEANING SERVICE	SOAP DISPENSER FOR FORESHORE ABLUTIONS MAINTENANCE	-29.40

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21663	26/06/2017	WELLARD CONTRACTING & PLANT HIRE SERVICE	40 HOURS LABOUR HIRE FOR USELESS LOOP ROAD WORKS, FLOAT HIRE FOR PEARL FARM REMOVAL AND HIRE OF 1 X SEMI WATERCART,1 X SIDE TIPPER, 1 X 8 WHEEL WATERCART,1 X SKID STEER GRADER AND 26.5 HOURS LABOUR FOR OCEAN PARK RD	-9094.25
EFT21664	26/06/2017	RED DUST HOLDINGS	HIRE OF 2 SEMI SIDE TIPPERS WITH OPERATORS FROM 19/06/17 TO 23/6/17 TRAVEL COSTS FOR OPERATORS INCLUSIVE FOR USELESS LOOP ROAD MAINTENANCE	-10890.00
EFT21665	26/06/2017	SQUIRES RESOURCES PTY LTD	HIRE OF 1 GRADER FOR 12 DAYS, 1 X SEMI WATER CART FOR 6 DAYS, 1 X MULTI TYRE ROLLER FOR 3 DAYS INCLUDING 5 MAN CAMP \$750 PER NIGHT FOR 1 DAY, 3 MAN CAMP \$450 PER NIGHT FOR 7 DAYS SUPPLY OF DIESEL FOR GENERATOR, PUMP AND SHIRE VEHICLE	-44363.88
EFT21666	-21667	TRUST		
EFT21668	29/06/2017	SHARK BAY AVIATION	FLIGHTS FOR CR COWELL, CR CAPEWELL, MR GALVIN AND MS BUTTERLY FOR RRG, WALGA ZONE AND SHARK BAY DESTINATION MEETING IN CARNARVON 23/6/17 AND FLIGHTS FOR CR COWELL AND P ANDERSON FOR AVIATION MEETING IN CARNARVON 21/6/17	-1922.00
EFT21669	29/06/2017	BRIAN JOHN GALVIN	UTILITY ACCOUNTS PAID - REIMBURSEMENT	-227.11
EFT21670	29/06/2017	DUN & BRADSTREET	MGL SOLICITOR'S FEES – REFUSE SITE FEES DISPUTE	-619.40
EFT21671	29/06/2017	ETCHED GLASS DESIGN	SBDC MERCHANDISE	-266.70
EFT21672	29/06/2017	GASCOYNE OFFICE EQUIPMENT	OFFICE PRINTING SUPPLIES	-1804.00
EFT21673	29/06/2017	THE HMAS SYDNEY ASSOCIATION	SBDC MERCHANDISE	-488.50
EFT21674	29/06/2017	AMBER PHILLIPPS	A. PHILLIPPS REIMBURSEMENT FOR FOOD – DEPARTMENT OF TRANSPORT TRAINING 26/6/17 - 27/6/17	-55.89
EFT21675	29/06/2017	SHARK BAY CRC	6 INSCRIPTION POSTS FOR JUNE	-12.00
EFT21676	29/06/2017	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES	-277.94

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21677	29/06/2017	TOURISM COUNCIL	ATAP ACCREDITATION 17/18 VCWA GOLDEN I MEMBERSHIP FEE VC ACCREDITATION FEE 17/18 ITALIC I MARKETING LEVY 17/18	-1328.00
EFT21678	- 21678	TRUST		
EFT21679	30/06/2017	BETTA ROADS	88 KG OF POLYCOM (3KM) USELESS LOOP ROAD MAINTENANCE	-26136.00
EFT21680	30/06/2017	ALLELECTRIX PTY LTD	REPAIR OVERHEAD STAIRWAY LIGHT AT DENHAM HALL	-99.00
EFT21681	30/06/2017	DAVID GRAY AND CO PTY LTD	3 X 20L DRUMS OF PYFOG FORMULA FOR MOSQUITO FOGGING	-1135.20
EFT21682	30/06/2017	ATOM-GERALDTON INDUSTRIAL SUPPLIES	3 CABINETS FOR SAFE FLAMMABLE LIQUID STORAGE AT DEPOT	-4576.00
EFT21683	30/06/2017	THINK WATER GERALDTON	1 X 9000L RAIN WATER TANK AND DAVEY HP85 PRESSURE PUMP FOR CAMP UPGRADES	-2739.50
EFT21684	30/06/2017	TOLL IPEC PTY LTD	FREIGHT - 1616 SALT	-15.72
EFT21685	30/06/2017	J & T FREIGHT	FREIGHT - GERALDTON HYDRAULICS, REFUEL GERALDTON, REECE GERALDTON AND DAVID GRAY	-409.05
EFT21686	30/06/2017	JASON SIGNMAKERS	SPEED LIMIT AND STREET SIGN MAINTENANCE, ROAD SIGNAGE FOR OCEAN PARK ROAD WORKS AND ROYALTIES FOR REGION INFORMATION	-7926.60
EFT21687	30/06/2017	PARKER BLACK & FORREST	2 X HOLD OPEN SLIDE BLOCK DEVICES - RECREATION CENTRE MAINTENANCE	-116.60
EFT21688	30/06/2017	PLUMOVATION	BACKFLOW DEVICE TESTING – FISH CLEANING FACILITIES, INSTALLED FRESH WATER LINES AT BUSH CREW CAMP, ANNUAL BACKFLOW DEVICE TESTING RECREATION CENTRE, UNBLOCK MEN'S SHOWER DRAIN AT THE DENHAM HALL, CHANGE CHILDCARE CENTRE WATER SUPPLY FROM BORE TO FRESH, UNBLOCK MEN'S SHOWER AND FLOOR DRAIN AT DOT TOILETS, REMOVE WATER FOUNTAIN AT TOWN OVAL TOILETS	-1760.00
EFT21689	30/06/2017	RED DUST HOLDINGS	HIRE OF VOLVO L90F LOADER AND ATTACHMENTS FROM 5/6/17 TO 30/6/17 FOR USELESS LOOP ROAD MAINTENANCE	-2750.00
EFT21690	30/06/2017	ROADSIDE PRODUCTS	200 X STEEL GUIDE POSTS FOR OCEAN PARK ROAD WORKS	-3630.00

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EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21691	30/06/2017	REPLAS	1 X PREMIER PICNIC SETTING – WALK TRAIL IMPROVEMENTS	-2034.62
EFT21692	30/06/2017	SHARK BAY CLEANING SERVICE	GAS FOR LITTLE LAGOON BBQS AND BIN LINER BAGS FOR USELESS LOOP ROAD	-291.36
EFT21693	30/06/2017	SHARK BAY ELECTRICAL MAINACE HOLDINGS PTY LTD T/A	TURN KNIGHT TERRACE LIGHTS OFF AND BACK ON FOR TOWN CENTRE MAINTENANCE	-133.10
EFT21694	30/06/2017	SHARK BAY FREIGHTLINES	FREIGHT PLUMOVATIONS – GALVINS TANK AND PIPE BUNDLE	-501.60
EFT21695	30/06/2017	SHARK BAY SKIPS	MAIN ROADS SKIP BIN PICK UP MAY 2017	-5698.00
EFT21696	30/06/2017	MCKELL FAMILY TRUST	MONTHLY-RUBBISH COLLECTION AND STREET SWEEPING	-11273.18
EFT21697	30/06/2017	WELLARD CONTRACTING & PLANT HIRE SERVICE	HIRE 8 WHEEL TIPPER X 8.5 HOURS FOR OCEAN PARK ROAD WORKS	-891.00
EFT21698	- 21706	17/18 POSTING PERIOD		
EFT21707	- 21726	TRUST		
TOTAL				\$562,028.38

**SHIRE OF SHARK BAY – POLICE LICENSING TRUST CHEQUES
JUNE 2017
TRUST CHEQUE # 161712**

CHQ AMOUNT	DATE	NAME	DESCRIPTION	
161712	30/6/2017	COMMISSIONER OF POLICE	POLICE LICENSING JUNE 2017	-26343.40
TOTAL				\$26,343.40

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – TRUST EFT
JUNE 2017
EFT 21588 - 21732**

EFT21588	07/06/2017	FERVOR	CLEANING DEPOSIT REFUND	-275.00
EFT21589	- 21592	MUNI		
EFT21593	09/06/2017	JOSEPHINE LINLEY LITTLE	GYM CARD DEPOSIT REFUND	-20.00
EFT21594	09/06/2017	SHANNON MCNEAIR	GYM CARD DEPOSIT REFUND	-20.00
EFT21595	- 21628	MUNI		
EFT21629	19/06/2017	AMANDA BRITTON	GYM CARD DEPOSIT REFUND	-20.00
EFT21630	- 21641	MUNI		
EFT21642	20/06/2017	KERRY MCDONALD	GYM CARD DEPOSIT REFUND	-20.00
EFT21643	- 21645	MUNI		
EFT21646	23/06/2017	SHIRE OF SHARK BAY	PLANNING APPLICATION LOTS 130 & 501 MONKEY MIA RD	-18168.00
EFT21647	- 21665	MUNI		
EFT21666	28/06/2017	MEREDITH IRVING	GYM CARD DEPOSIT REFUND	-20.00
EFT21667	28/06/2017	SCOTT MCMURRICH	GYM CARD DEPOSIT REFUND	-20.00
EFT21668	- 21677	MUNI		
EFT21678	29/06/2017	ANNE FEIST	GYM CARD DEPOSIT REFUND	-20.00
EFT21679	- 21697	MUNI		
EFT21698	- 21706	17/18 POSTING PERIOD		
EFT21707	30/06/2017	SHARK BAY AVIATION	BOOKEASY JUNE 2017	-1236.75
EFT21708	30/06/2017	BLUE DOLPHIN CARAVAN PARK	BOOKEASY JUNE 2017	-1071.00
EFT21709	30/06/2017	BAY LODGE MIDWEST OASIS	BOOKEASY JUNE 2017	-1575.20
EFT21710	30/06/2017	DENHAM SEASIDE CARAVAN PARK	BOOKEASY JUNE 2017	-781.15
EFT21711	30/06/2017	HARTOG COTTAGES	BOOKEASY JUNE 2017	-254.20
EFT21712	30/06/2017	HINCHY PUBLICATIONS	BOOKEASY JUNE 2017	-22.16

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EFT21713	30/06/2017	HAMELIN POOL CARAVAN PARK AND TOURIST CENTRE	BOOKEASY JUNE 2017	-119.85
EFT21714	30/06/2017	HERITAGE RESORT	BOOKEASY JUNE 2017	-475.20
EFT21715	30/06/2017	KINGS NINGALOO REEF TOURS	BOOKEASY JUNE 2017	-1343.00
EFT21716	30/06/2017	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY JUNE 2017	-4074.40
EFT21717	30/06/2017	MONKEY MIA WILDSIGHTS	BOOKEASY JUNE 2017	-3301.86
EFT21718	30/06/2017	NANGA BAY RESORT	BOOKEASY JUNE 2017	-42.50
EFT21719	30/06/2017	DENHAM NATURETIME - 4WD/PHOTOGRAPHY TOURS	BOOKEASY JUNE 2017	-391.60

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21720	30/06/2017	WA OCEAN PARK PTY LTD	BOOKEASY JUNE 2017	-2193.00
EFT21721	30/06/2017	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY JUNE 2017	-652.64
EFT21722	30/06/2017	SHARK BAY HOTEL MOTEL	BOOKEASY JUNE 2017	-80.75
EFT21723	30/06/2017	SHARK BAY CARAVAN PARK	BOOKEASY JUNE 2017	-453.90
EFT21724	30/06/2017	SHIRE OF SHARK BAY	BOOKEASY COMMISSION JUNE 2017	-3149.09
EFT21725	30/06/2017	THREE ISLANDS WHALE SHARK DIVE	BOOKEASY JUNE 2017	-654.50
EFT21726	30/06/2017	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY JUNE 2017	-1751.20
EFT21730	30/06/2017	CONSTRUCTION TRAINING FUND	BCITF JUNE 2017	-91.75
EFT21731	30/06/2017	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	BUILDING LEVY JUNE 2017	-63.50
EFT21732	30/06/2017	SHIRE OF SHARK BAY	BCITF COLLECTION FEE JUNE 2017	-13.25
			TOTAL	\$42,375.45

MINUTES OF THE ORDINARY COUNCIL MEETING

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12.2 FINANCIAL REPORTS TO 30 JUNE 2017
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

**That the monthly financial report to 30 June 2017 as attached be received.
5/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **30 June 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

A Pears

Chief Executive Officer

P Anderson

Date of Report

21 July 2017

26 JULY 2017

SHIRE OF SHARK BAY

MONTHLY FINANCIAL REPORT

For the Period Ended 30 June 2017

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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MINUTES OF THE ORDINARY COUNCIL MEETING

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 30 June 2017							
	Note	Amended Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		14,000	14,000	15,541	1,541	11.01%	▲
General Purpose Funding - Rates	9	1,232,061	1,232,061	1,234,669	2,608	0.21%	▲
General Purpose Funding - Other		1,948,040	1,948,040	2,944,994	996,954	51.2%	▲
Law, Order and Public Safety		60,530	60,530	56,933	(3,597)	(6%)	▼
Health		750	750	2,524	1,774	236.53%	▲
Housing		75,000	75,000	77,914	2,914	3.9%	▲
Community Amenities		266,000	266,000	311,371	45,371	17.06%	▲
Recreation and Culture		415,150	415,150	397,287	(17,863)	(4.3%)	▼
Transport		3,778,270	3,778,270	3,818,165	39,895	1.1%	▲
Economic Services		1,283,714	1,283,714	1,394,673	110,959	8.6%	▲
Other Property and Services		50,000	50,000	59,599	9,599	19.2%	▲
Total Operating Revenue		9,123,515	9,123,515	10,313,669	1,190,154	13.04%	
Operating Expense							
Governance		(298,361)	(298,361)	(266,434)	31,927	(10.7%)	▲
General Purpose Funding		(118,323)	(118,323)	(114,471)	3,852	(3.3%)	▲
Law, Order and Public Safety		(302,997)	(302,997)	(280,266)	22,731	(7.5%)	▲
Health		(64,532)	(64,532)	(62,342)	2,190	(3.4%)	▲
Housing		(164,423)	(164,423)	(153,314)	11,109	(6.8%)	▲
Community Amenities		(657,666)	(657,666)	(595,161)	62,505	(9.5%)	▲
Recreation and Culture		(2,103,183)	(2,103,183)	(2,040,597)	62,586	(3.0%)	▲
Transport		(5,859,591)	(5,859,591)	(5,912,535)	(52,944)	0.9%	▼
Economic Services		(1,740,205)	(1,740,205)	(1,723,469)	16,736	(1.0%)	▲
Other Property and Services		(50,000)	(50,000)	18,896 *	68,896	(137.8%)	▲
Total Operating Expenditure		(11,359,281)	(11,359,281)	(11,129,693)	229,588	(2.0%)	
Funding Balance Adjustments							
Add back Depreciation		1,785,230	1,785,230	1,658,916	(126,314)		
Adjust (Profit)/Loss on Asset Disposal	8	553,457	553,457	636,124	82,667		
Adjust Provisions and Accruals		0	0	0			
Net Cash from Operations		102,921	102,921	1,479,016	1,376,095	1337.04%	
Capital Revenues							
Grants, Subsidies and Contributions	11	2,589,350	2,589,350	2,439,955	(149,395)	(5.8%)	▼
Proceeds from Disposal of Assets	8	119,607	119,607	119,607	0	(0.0%)	▲
Total Capital Revenues		2,708,957	2,708,957	2,559,562	(149,395)	(5.5%)	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(205,000)	(205,000)	(48,473)	156,527	76.35%	▲
Infrastructure - Roads	13	(1,456,400)	(1,456,400)	(1,308,707)	147,693	10.1%	▲
Infrastructure - Public Facilities	13	(1,987,091)	(1,987,091)	(1,558,694)	428,397	21.6%	▲
Infrastructure - Streetscapes	13	(75,000)	(75,000)	(81,482)	(6,482)	(8.6%)	▼
Infrastructure - Footpaths	13	(50,000)	(50,000)	(51,024)	(1,024)	0.00%	▼
Infrastructure - Drainage	13	(40,000)	(40,000)	0	40,000	0.00%	▲
Heritage Assets	13	(146,000)	(146,000)	(75,615)	70,385	48.2%	▲
Plant and Equipment	13	(865,000)	(865,000)	(700,603)	164,397	19.0%	▲
Furniture and Equipment	13	(10,000)	(10,000)	(8,958)	1,042	0.00%	▲
Total Capital Expenditure		(4,834,491)	(4,834,491)	(3,833,556)	1,000,935	20.7%	
Net Cash from Capital Activities		(2,125,534)	(2,125,534)	(1,273,994)	851,540	40.06%	
Financing							
Proceeds Received from Community Groups		0	0	2,372			▲
Transfer from Reserves	7	1,403,081	1,403,081	1,403,081	0	0.00%	
Repayment of Debentures	10	(63,588)	(63,588)	(65,287)	(1,699)	(2.7%)	▼
Transfer to Reserves	7	(683,594)	(683,594)	(686,063)	(2,469)	0.0%	▼
Loans to Community Groups		(20,000)	(20,000)	(20,000)	0	0.0%	
Net Cash from Financing Activities		635,899	635,899	634,103	(4,168)	0.28%	
Net Operations, Capital and Financing		(1,386,714)	(1,386,714)	839,126	2,225,840	160.51%	▲
Opening Funding Surplus(Deficit)	3	1,386,714	1,386,714	1,386,714	0		
Closing Funding Surplus(Deficit)	3	0	0	2,225,840	2,225,840		▲

*Depreciation for June 2017 has not been run due to Asset capitalisation and reconciliation not yet finalised.

This has caused the Operating Expenditure budget to be in an over position. It does not affect the President Cr Cowell

MINUTES OF THE ORDINARY COUNCIL MEETING

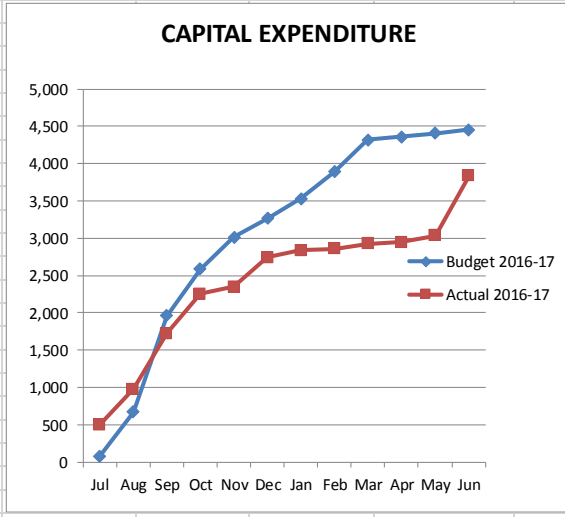
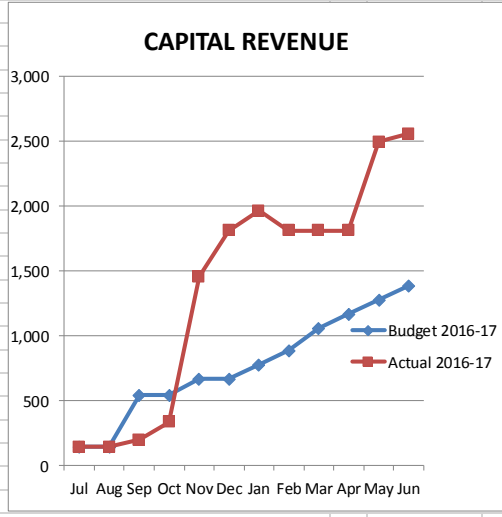
26 JULY 2017

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 30 June 2017				
	Note	Amended Annual Budget	Budget (a)	Actual (b)
Operating Revenues				
Rates	9	1,233,061	1,233,061	1,234,659
Operating Grants, Subsidies and Contributions	11	5,621,480	5,621,480	6,559,318
Fees and Charges		1,354,614	1,354,614	1,554,203
Interest Earnings		58,540	58,540	66,975
Other Revenue		855,820	855,820	898,514
Profit on Disposal of Assets	8	0	0	0
Total Operating Revenue		9,123,515	9,123,515	10,313,669
Operating Expense				
Employee Costs		(2,142,465)	(2,142,465)	(2,030,864)
Materials and Contracts		(6,318,514)	(6,318,514)	(6,237,279)
Utility Charges		(156,360)	(156,360)	(160,786)
Depreciation on Non-Current Assets		(1,785,230)	(1,785,230)	(1,658,916)
Interest Expenses		(17,505)	(17,505)	(17,085)
Insurance Expenses		(162,850)	(162,850)	(159,597)
Other Expenditure		(222,900)	(222,900)	(229,041)
Loss on Disposal of Assets	8	(553,457)	(553,457)	(636,124)
Total Operating Expenditure		(11,359,281)	(11,359,281)	(11,129,692)
Funding Balance Adjustments				
Add back Depreciation		1,785,230	1,785,230	1,658,916
Adjust (Profit)/Loss on Asset Disposal	8	553,457	553,457	636,124
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		102,921	102,921	1,479,017
Capital Revenues				
Grants, Subsidies and Contributions	11	2,589,350	2,589,350	2,439,955
Proceeds from Disposal of Assets	8	119,607	119,607	119,607
Total Capital Revenues		2,708,957	2,708,957	2,559,562
Capital Expenses				
Land Held for Resale			0	0
Land and Buildings	13	(205,000)	(205,000)	(48,473)
Infrastructure - Roads	13	(1,456,400)	(1,456,400)	(1,308,707)
Infrastructure - Public Facilities	13	(1,987,091)	(1,987,091)	(1,558,694)
Infrastructure - Streetscapes	13	(75,000)	(75,000)	(81,482)
Infrastructure - Footpaths	13	(50,000)	(50,000)	(51,024)
Infrastructure - Drainage	13	(40,000)	(40,000)	0
Heritage Assets	13	(146,000)	(146,000)	(75,615)
Plant and Equipment	13	(865,000)	(865,000)	(700,603)
Furniture and Equipment	13	(10,000)	(10,000)	(8,958)
Total Capital Expenditure		(4,834,491)	(4,834,491)	(3,833,556)
Net Cash from Capital Activities		(2,125,534)	(2,125,534)	(1,273,994)
Financing				
Proceeds Received from Community Groups		0	0	2,372
Transfer from Reserves	7	1,403,081	1,403,081	1,403,081
Repayment of Debentures	10	(63,588)	(63,588)	(65,287)
Transfer to Reserves	7	(683,594)	(683,594)	(686,063)
Loans to Community Groups		(20,000)	(20,000)	(20,000)
Net Cash from Financing Activities		635,899	635,899	634,103
Net Operations, Capital and Financing		(1,386,714)	(1,386,714)	839,126
Opening Funding Surplus(Deficit)	3	1,386,714	1,386,714	1,386,714
Closing Funding Surplus(Deficit)	3	0	0	2,225,840

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 30 June 2017								
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)	
		\$	\$	\$	\$	\$	\$	
Land and Buildings	13	0	48,473	48,473	205,000	205,000	156,527	
Infrastructure Assets - Roads	13	0	1,308,707	1,308,707	1,456,400	1,456,400	147,693	
Infrastructure Assets - Public Facilities	13	189,329	1,369,365	1,558,694	1,987,091	1,987,091	428,397	
Infrastructure Assets - Footpaths	13	51,024	0	51,024	50,000	50,000	(1,024)	
Infrastructure Assets - Drainage	13		0	0	40,000	40,000	40,000	
Infrastructure Assets - Streetscapes	13		81,482	81,482	75,000	75,000	(6,482)	
Heritage Assets	13		75,615	75,615	146,000	146,000	70,385	
Plant and Equipment	13	210,894	489,709	700,603	864,998	865,000	164,395	
Furniture and Equipment	13		8,958	8,958	10,000	10,000	1,042	
Capital Expenditure Totals		451,247	3,382,309	3,833,556	4,834,489	4,834,491	1,000,933	



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES					
(a) Basis of Preparation					
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.					
The Local Government Reporting Entity					
All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this 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) Rounding Off Figures					
All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.					
(c) Rates, Grants, Donations and Other Contributions					
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.					
Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.					
(d) Goods and Services Tax (GST)					
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.					
(e) Superannuation					
The Council contributes to a number of Superannuation Funds on behalf of employees.					
All funds to which the Council contributes are defined contribution plans.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(f) Cash and Cash Equivalents					
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.					
(g) Trade and Other Receivables					
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.					
(h) Inventories					
General					
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.					
Land Held for Resale					
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.					
(i) Fixed Assets					
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.					
Mandatory Requirement to Revalue Non-Current Assets					
Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
<i>Land Under Control</i>					
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.					
<i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
Revaluation					
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.					
Transitional Arrangement					
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 Initial Recognition section as detailed above.					
Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.					
Land Under Roads					
In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.					
Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard 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.					
Depreciation					
The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 30 June 2017			
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)			
(j) Fixed Assets (Continued)			
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.			
Capitalisation Threshold			
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.			
(k) Fair Value of Assets and Liabilities			
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:			
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.			

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
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.					
Fair Value Hierarchy					
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:					
Level 1					
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.					
Level 2					
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.					
Level 3					
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.					
Valuation techniques					
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:					
Market approach					
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
Income approach					
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.					
Cost approach					
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.					
(l) Financial Instruments					
Initial Recognition and Measurement					
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.					
Classification and Subsequent Measurement					
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.					
Amortised cost is calculated as:					
(a) the amount in which the financial asset or financial liability is measured at initial recognition;					
(b) less principal repayments and any reduction for impairment; and					
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 30 June 2017	
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)	
(I) Financial Instruments (Continued)	
	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.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(l) Financial Instruments (Continued)					
<i>Impairment</i>					
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.					
<i>Derecognition</i>					
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.					
(m) Impairment of Assets					
In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.					
Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.					
Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(m) Impairment of Assets (Continued)					
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.					
(n) Trade and Other Payables					
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.					
(o) Employee Benefits					
Short-Term Employee Benefits					
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.					
Other Long-Term Employee Benefits					
Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.					
The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.					

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY						
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY						
For the Period Ended 30 June 2017						
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)						
(p) Borrowing Costs						
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.						
(q) Provisions						
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.						
(r) Current and Non-Current Classification						
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.						

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 30 June 2017					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	1,541	11.0%	▲	Permanent	Variance due to actual Insurance Reimbursements exceeding budget
General Purpose Funding - Rates	2,608	0.2%	▲	Permanent	Variance due to reversal of prepaid rates from 2015/16 and Prepaid Rates Taken up as Income 16/17
General Purpose Funding - Other	996,954	51.2%	▲	Timing	Increase due to \$986K FAGS 17-18 Received in Advance plus Interest earned on investments and commissions.
Law, Order and Public Safety	(3,597)	(5.9%)	▼	Permanent	SES Budget was overstated for 16/17 as monies received in June 2016 for 16/17 year.
Health	1,774	236.5%	▲	Permanent	Increase due to Itinerant food vendors and septic tank licences.
Housing	2,914	3.9%	▲	Permanent	Variance due to Housing Reimbursements.
Community Amenities	45,371	17.1%	▲	Permanent	Increased refuse site fees and planning, requisitions and development applications .
Recreation and Culture	(17,863)	(4.3%)	▼	Timing /Permanent	Increase in collection of SBDC entrance fees & merchandise sales offset by Walk Trail Funding of \$50K not received.
Transport	39,895	1.1%	▲	Timing	No reportable variance
Economic Services	110,959	8.6%	▲	Timing	Increase in Contributions, Private Works and Lease income
Other Property and Services	9,599	19.2%	▲	Permanent	Increase in refunds income.
Operating Expense					
Governance	31,927	(10.7%)	▲	Timing	Underspend on Legal Expenses and Shire Office Maintenance and admin
General Purpose Funding	3,852	(3.3%)	▲	Permanent	No reportable variance
Law, Order and Public Safety	22,731	(7.5%)	▲	Timing	Savings in cyclone clean up, contributions,depreciation, Ranger Patrols and Fire Prevention/fighting expenditure.
Health	2,190	(3.4%)	▲	Timing	No reportable variance
Housing	11,109	(6.8%)	▲	Timing	Underspend in Pensioner Unit Operating Expenditure
Community Amenities	62,505	(9.5%)	▲	Timing	Planning projects for tourism and economic development yet to commence.
Recreation and Culture	62,586	(3.0%)	▲	Timing	Walk Trail Improvements recently commenced \$42K plus underspend in various minor maintenance accounts
Transport	(52,944)	0.9%	▼	Timing	Removal of Denham Toilets from Asset Register as DOT Asset \$82K
Economic Services	16,736	(1.0%)	▲	Timing	No reportable variance.
Other Property and Services	68,896	(137.8%)	▲	Timing	Depreciation not run for June 2017
Capital Revenues					
Grants, Subsidies and Contributions	(149,395)	(5.8%)	▼	Timing	Community Bus Grant \$150K not received as under review regarding feasibility
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No reportable variance.
Capital Expenses					
Land and Buildings	156,527	76.4%	▲	Timing	Town Oval Toilets, Recreation Signage Projects not commenced. In addition there is currently an underspend on Housing.
Infrastructure - Roads	147,693	10.1%	▲	Timing	R2R projects for 16/17 to be carried forward to 17/18
Infrastructure - Public Facilities	428,397	21.6%	▲	Timing	Refuse and Recycling project yet to commence.
Infrastructure - Footpaths	(1,024)	0.0%	▼	Timing	No reportable variance.
Infrastructure - Drainage	40,000	0.0%	▲	Timing	Drainage program yet to commence.
Infrastructure - Streetscapes	(6,482)	(8.6%)	▼	Timing	Overspend on Welcome Signage Project and Overlander Solar Project not yet commenced.
Heritage Assets	70,385	48.2%	▲	Timing	Stables refurbishment to be carried forward to 17/18 plus underspend on completed Project - Museum and Art Gallery Lighting of \$63K.
Plant and Equipment	164,397	19.0%	▲	Timing	Variance mainly contributed from Camp upgrade and Community Bus Replacement \$150K.
Furniture and Equipment	1,042	0.0%	▲	Timing	No reportable variance.
Financing					
Loan Principal	(1,699)	(2.7%)	▼	Timing	No reportable variance.

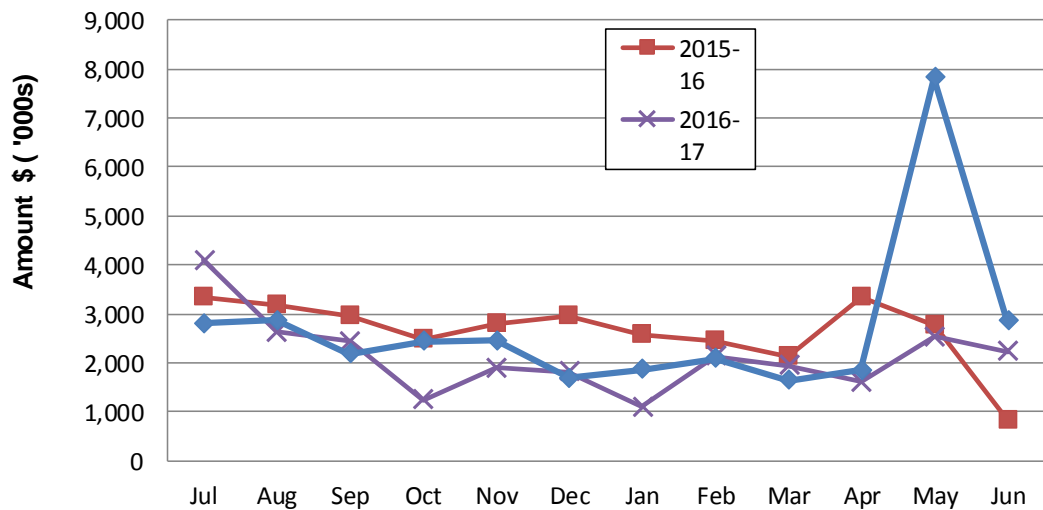
Note: YTD budgets are an estimation at the time of preparing the annual budget.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 30 June 2017				
Note 3: NET CURRENT FUNDING POSITION				
			Positive=Surplus (Negative=Deficit)	
	Note	30 June 2017	30 June 2016	
		\$	\$	
Current Assets				
Cash Unrestricted	4	2,767,393	5,204,528	
Cash Restricted	4	1,238,250	1,955,268	
Receivables - Rates	6	21,187	32,321	
Receivables -Other	6	118,254	196,341	
Interest / ATO Receivable		10,714	8,541	
Inventories		167,219	101,434	
		4,323,017	7,498,433	
Less: Current Liabilities				
Payables		(517,734)	(1,314,810)	
Accruals		(144,092)		
Provisions		(197,101)	(275,101)	
Royalties for Regions Funding		0	(3,200,000)	
		(858,927)	(4,789,911)	
Less: Cash Reserves	7	(1,238,250)	(1,955,268)	
Net Current Funding Position		2,225,840	753,254	

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position

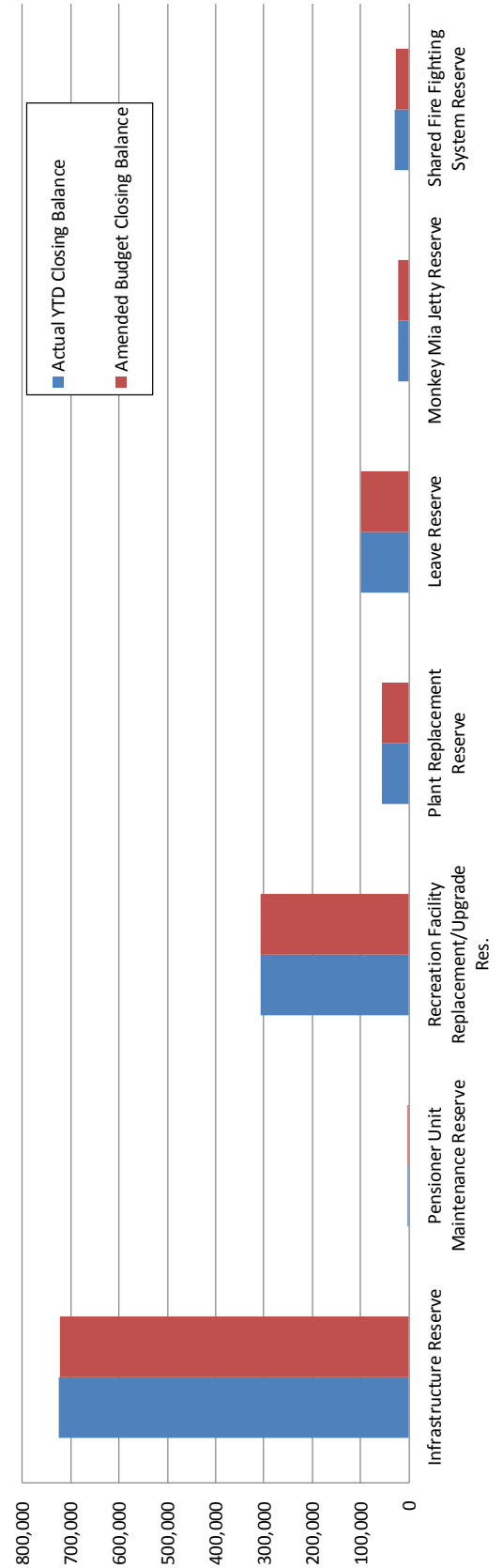
Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 June 2017									
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date		
Note 4: CASH AND INVESTMENTS									
(a) Cash Deposits									
Municipal Bank Account	0.10%	168,047			168,047	Bankwest	At Call		
Reserve Bank Account	0.00%		328,250		328,250	Bankwest	At Call		
Telenet Saver	1.10%	1,848,546			1,848,546	Bankwest	At Call		
Trust Bank Account	0.00%			10,033	10,033	Bankwest	At Call		
Cash On Hand		800			800		On Hand		
(b) Term Deposits									
Municipal Investment	2.35%	750,000			750,000	Bankwest	13/07/2017		
Reserve Investment	2.35%		910,000		910,000	Bankwest	12/07/2017		
Total		2,767,393	1,238,250	10,033	4,015,676				
Comments/Notes - Investments									
Surplus funds invested for terms conducive to cashflow requirements. Although the Municipal Bank Account appears in overdraft, it is not.									
There is a timing issue on the update of the ledger compared to the actual transfer of funds from the Telenet Saver to cover the payments.									

Shire of Shark Bay		NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY For the Period Ended 30 June 2017			
Note 6: RECEIVABLES		30 June 2017	30 June 2016		
Receivables - Rates Receivable		\$	\$	Current	60 Days
Opening Arrears Previous Years	25,814		5,744	\$	\$
Levied this year	1,520,406		1,175,951	84,719	5,503
Less Collections to date	(1,525,033)		(1,155,881)	3,321	24,570
Equals Current Outstanding	21,187		25,814	118,113	
Net Rates Collectable	21,187		25,814		
% Collected	98.63%		97.82%		
Amounts shown above include GST (where applicable)					
Receivables - General					
Receivables - General					
Total Receivables General Outstanding					
Amounts shown above include GST (where applicable)					
Receivables-General					
Receivables-General					
Comments/Notes - Receivables Rates					
Rates collection is better than last year.					
Comments/Notes - Receivables Rates					
No major issues at this time - major debtor is Blue Lagoon Pearls and Shark bay Speedway Club.					

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Name	Opening Balance	Amended Budget Interest Earned		Actual Interest Earned	Amended Budget Transfers In (+)		Actual Transfers In (+)	Amended Budget Transfers Out (-)		Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
		\$			\$			\$				
Infrastructure Reserve	1,302,197	15,000	16,802	16,802	334,554	(928,519)	334,554	(928,519)	(928,519)	(928,519)	723,232	725,034
Pensioner Unit Maintenance Reserve	10,160	100	72	72	10,500	(20,000)	10,500	(20,000)	(20,000)	(20,000)	760	732
Recreation Facility Replacement/Upgrade Res.	366,294	6,400	8,221	8,221	0	(66,750)	0	(66,750)	(66,750)	(66,750)	305,944	307,765
Plant Replacement Reserve	140,462	4,000	2,478	2,478	300,000	(387,812)	300,000	(387,812)	(387,812)	(387,812)	56,650	55,128
Leave Reserve	87,921	2,100	2,278	2,278	10,000	0	10,000	0	0	0	100,021	100,199
Monkey Mia Jetty Reserve	20,627	400	495	495	0	0	0	0	0	0	21,027	21,122
Shared Fire Fighting System Reserve	27,607	540	663	663	0	0	0	0	0	0	28,147	28,270
	1,955,268	28,540	31,009	31,009	655,054	(1,403,081)	655,054	(1,403,081)	(1,403,081)	(1,403,081)	1,235,781	1,238,250

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



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
Note 7a: Cash Backed Reserve Detail - Amended Budget					
2016-17	Opening Balance	Source of Funds	Transfers In (+)	Transfers Out (-)	Closing Balance
Name	\$		\$	\$	\$
Infrastructure Reserve	1,302,197				
Interest		Investment	15,000		
Transfer of funds		General Revenue	334,554		
Foreshore project				216,458	
Jinker				200,000	
Admin Office Carpark				30,000	
Staff Housing				40,000	
Overlander Solar Relocation				10,000	
Museum Lighting				80,000	
Footpath Upgrades				50,000	
Drainage Upgrades				40,000	
Abultion Depot				10,000	
Information Signage				50,000	
Shade Shelters Eastern Foreshore				12,000	
Denham Hall				30,000	
SBDC Emergency Power				3,000	
Town Oval Bore 14-15 CFWD				40,000	
Town Oval Toilets				50,000	
Old Jail and Stables 14-15 CFWD				30,000	
Info Signage - Council Approval Aug Mtg				15,000	
Cycle Ways Extra - Foreshore Project				11,611	
Playground Extra - Foreshore				10,450	
	1,302,197		349,554	928,519	723,232
Pensioner Unit Maintenance Reserve	10,160				
Interest		Investment	100		
Transfer of Funds		General Revenue	10,500		
Upgrade to Units				20,000	
	10,160		10,600	20,000	760
Recreation Facility Replacement/Upgrade Res.	366,294				
Interest		Investment	6,400		
Childcare Centre Softfall				16,000	
Recreation Centre 3 Phase Power				1,750	
Rectification Works Rec Centre				20,000	
Cricket Practice Nets				9,000	
Recreation Centre Signage				20,000	
	366,294		6,400	66,750	305,944
Plant Replacement Reserve	140,462				
Interest		Investment	4,000		
Depreciation		General Funds	300,000		
Camp Upgrades				85,000	
Major Plant items				20,000	
Prime Mover				224,000	
Works Manager- Dual Cab Ute				21,675	
Town Supervisor- Dual Cab Ute				18,422	
Town- Single Cab Ute				18,715	
	140,462		304,000	387,812	56,650
Leave Reserve	87,921				
Interest		Investment	2,100		
Transfer of Funds		General Funds	10,000		
LSL Taken					
	87,921		12,100	0	100,021
Monkey Mia Jetty Reserve	20,627				
Interest		Investment	400		
	20,627		400	0	21,027
Shared Fire Fighting System Reserve	27,607				
Interest		Investment	540	0	
	27,607		540	0	28,147
Total	\$1,955,268		\$683,594	\$1,403,081	\$1,235,781

26 JULY 2017

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 June 2017									
Note 8 CAPITAL DISPOSALS									
Actual YTD Profit/(Loss) of Asset Disposal			Profit (Loss)			Amended Annual Budget Profit/(Loss)		Original Budget YTD 30 06 2017	
Cost	Accum Depr	Proceeds	Profit (Loss)	Plant and Equipment	Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance		
\$	\$	\$	\$		\$	\$	\$		
				Plant and Equipment					
				Transport					
95,000	(4,905)	40,000	(50,095)	Primemover Powerstar	(50,095)	(50,095)	0		
43,000	(1,019)	30,000	(11,981)	Ute Hilux 4x4	(11,981)	(11,981)	0		
34,000	(509)	25,062	(8,429)	Ute Dual Cab	(8,429)	(8,429)	0		
32,000	(787)	24,545	(6,668)	Ute Ford Ranger	(6,668)	(6,668)	0		
96,000	(13,333)	0	(82,667)	LB44- Foreshore Public Toilets	0	(82,667)	(82,667)		
487,891	(11,607)	0	(476,284)	Denham Recreational Boat Ramp (DOT asset)	(476,284)	(476,284)	(0)		
787,891	(32,160)	119,607	(636,124)		(553,457)	(636,124)	(82,667)		
Comments - Capital Disposal/Replacements									

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 30 June 2017											
Rate Type	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2016/17 Budget Rate Revenue \$	2016/17 Budget Interim Rate \$	2016/17 Budget Back Rate \$	2016/17 Budget Total Revenue \$
Differential General Rate											
GRV Rateable Property	0.092319	301	3,595,145	322,890	(565)	(723)	332,520	331,900			331,900
GRV Vacant	0.092319	18	345,894	28,041			32,571	31,933			31,933
GRV - Commercial	0.094872	43	2,041,029	191,231			196,148	193,637			193,637
GRV - Industrial/Residential	0.102160	45	610,127	61,093			63,172	62,331			62,331
GRV Industrial/Residential Vacant	0.092315	2	17,100	(474)			(889)	0			0
GRV Rural Commercial	0.095949	5	304,200	29,188			29,188	29,188			29,188
GRV Resort	0.101279	2	1,112,800	112,703			112,703	112,700			112,700
UV General	0.190448	6	739,348	219,156			219,156	220,000			220,000
UV Mining	0.259757	1	21,367	4,579	(3,746)		1,312	5,550	-4,600		950
UV Pastoral	0.130428	11	654,760	85,399			85,429	85,399			85,399
UV Exploration	0.249757	9	581,262	148,786			148,786	145,174			145,174
Sub-Totals		443	10,023,032	1,202,592	(4,311)	(723)	1,220,096	1,217,812	-4,600	0	1,213,212
Minimum Payment											
GRV Rateable Property	800.00	67		53,600			53,600	53,600			53,600
GRV Vacant	800.00	84		68,000			68,000	68,000			68,000
GRV - Commercial	800.00	25		20,800			20,800	20,800			20,800
GRV - Industrial/Residential	800.00	3		3,200			3,200	3,200			3,200
GRV Industrial/Residential Vacant	500.00	0		0			0	500			500
Rural Commercial	800.00	0		0			0	0			0
UV Resort	800.00	0		0			0	0			0
UV General	835.00	5		4,175			4,175	4,175			4,175
UV Mining	835.00	1		835			835	835			835
UV Pastoral	835.00	0		0			0	0			0
UV Exploration	835.00	0		0			0	835			835
Sub-Totals		185	0	5,010			150,610	151,945			151,110
Concessions							(174,515)				(170,731)
Amount from General Rates							1,196,191				1,193,591
Specified Area Rates							38,468				38,470
Totals							1,234,659				1,232,061
Comments - Rating Information											
The variance between the budget and the actual amounts is due to the transfer of rates paid in advance in 2015/16 and reversed in 2016/17. Should the same trend of excess payments continue in 2016/17 then the level of rates received should reach the budgeted amount.											

26 JULY 2017

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 June 2017									
10. INFORMATION ON BORROWINGS									
(a) Debenture Repayments									
Particulars	Principal 1-Jul-16	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments		
			2016/17 Actual \$	2016/17 Budget \$	2016/17 Actual \$	2016/17 Budget \$	2016/17 Actual \$	2016/17 Budget \$	
Loan 57 Monkey Mia Bore	222,287	0	28,057	28,060	194,230	194,227	6,950	9,425	
Loan 53 - Staff Housing	62,945	0	21,358	19,660	41,587	43,285	255	3,200	
Loan 56 - Staff Housing	79,415	0	15,872	15,870	63,543	63,545	4,209	4,880	
	364,647	0	65,287	63,590	299,360	301,057	11,414	17,505	

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

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 30 June 2017									
Note 11: GRANTS AND CONTRIBUTIONS									
Program/Details	Grant Provider	Approval	2016-17 Budget	Variations Additions (Deletions)	Operating	Capital	Received/Invoiced	Recoup Status	Not Received
		(Y/N)	\$	\$	\$	\$	\$		\$
GENERAL PURPOSE FUNDING									
Grants Commission - General	WALGGC	Y	1,451,000	0	1,451,000	0	2,208,137		(757,137)
Grants Commission - Roads	WALGGC	Y	414,000	0	414,000	0	644,359		(230,359)
LAW, ORDER, PUBLIC SAFETY									
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	3,630	0	3,630	0	7,881		(4,251)
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	48,700	0	48,700	0	36,287		12,413
COMMUNITY AMENITIES									
Grant- Waste Disposal	Shire of Carnarvon	Y	10,000	0		10,000	10,359		(359)
RECREATION AND CULTURE									
Foreshore Revitalisation	Royalties for Regions	Y	1,312,550	0	0	1,312,550	1,312,549		1
Community Bus	Lotterywest	N	150,000	0	0	150,000	0		150,000
Grant- Foreshore	Stronger Communities	Y	20,000	0	0	20,000	20,000		0
Grant-Walking Trail		N	50,000	0	50,000	0	0		50,000
Grant - Foreshore Playground	Lotterywest	Y	89,000	0	0	89,000	89,310		(310)
Grant - Museum Lighting	Tourism WA	Y	36,000	0	0	36,000	36,130		(130)
TRANSPORT									
Road Preservation Grant	State Initiative	Y	99,000	0	99,000	0	99,131		(131)
Useless Loop Road - Mtce	Main Roads WA	Y	315,000	0	315,000	0	315,000		0
Contributions - Road Projects	Pipeline	Y	8,000	0	8,000	0	8,350		(350)
Roads To Recovery Grant - Cap	Roads to Recovery	Y	659,800	0	0	659,800	659,890		(90)
Foreshore - DOT Boat Area	Royalties for Regions	Y	1,887,450	0	1,887,450	0	1,887,451		(1)
RRG Grants - Capital Projects	Regional Road Group	Y	312,000	0	0	312,000	311,717		283
Grant-RBFS Trailer Parking	Recreational Boating Facilities Scheme	Y	450,000	0	450,000	0	450,000		0
DOT - Trailer Parking-Non Cash Contribution	Department of Transport	Y	391,000	0	391,000	0	391,406		(406)
ECONOMIC SERVICES									
Contribution - Monkey Mia	Dept. of Parks and Wildlife	Y	50,000	0	50,000	0	57,524		(7,524)
Grants - 2016 Celebrations	GDC and WA Tourism	Y	452,700	0	452,700	0	452,697		3
Community Grant	Community Development	N	1,000	0	1,000	0	1,095		(95)
TOTALS			8,210,830	0	5,621,480	2,589,350	8,999,273		(788,443)
			5,621,480				6,559,318		
	Operating		2,589,350				2,439,955		
	Non-operating		8,210,830				8,999,273		
Comments - Operating and Non Operating Grants									

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 30 June 2017					
Note 12: TRUST FUND					
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 16	Amount Received	Amount Paid	Closing Balance 30-Jun-17	
	\$	\$	\$	\$	
BCITF Levy	112	574	(686)	0	
Library Card Bond	100	150	(200)	50	
Bookeasy- Sales	0	429,471	(429,471)	0	
Kerb/Footpath Deposit	4,300	0	0	4,300	
Bond Key	2,450	1,890	(2,260)	2,080	
Hall Bond	0	825	(825)	0	
Police Licensing	4,470	271,830	(274,907)	1,393	
Election Deposit	0	80	(80)	0	
Marquee Deposit	0	700	(700)	0	
Building Licence Levy	0	1,284	(1,284)	0	
Road Reserve - Hughes Street	0	2,000	0	2,000	
Rates unidentified Deposit	0	210	0	210	
Sunter Place - Recreation Reserve	95,343	1,438	(96,781)	0	
	106,775	710,452	(807,194)	10,033	

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

CAPITAL WORKS PROGRAM 2016/2017							YTD Actual (Renewal Exp)	Comment
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Amended Budget	YTD Budget	YTD Actual	Variance (Under)/Over		
Land and Buildings								
Governance								
Admin Office Carpark	3.7.1	WKM	(30,000)	(30,000)	(29,840)	(160)	Project completed.	
Governance Total			(30,000)	(30,000)	(29,840)	(160)		
Law, Order and Public Safety								
Emergency Services Building Construction	3.7.1	WKM	0	0	0	0		
Law, Order and Public Safety Total			0	0	0	0		
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(10,000)	(10,000)	0	(10,000)	Balance Carried Fwd 17/18	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	(10,000)	(3,567)	(6,433)	Balance Carried Fwd 17/18	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	(10,000)	(410)	(9,590)	Balance Carried Fwd 17/18	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(10,000)	(10,000)	0	(10,000)	Balance Carried Fwd 17/18	
Pensioner Units Capital	3.7.1	EMCD	(20,000)	(20,000)	0	(20,000)	Balance Carried Fwd 17/18	
Housing Total			(60,000)	(60,000)	(3,977)	(56,023)		
Recreation and Culture								
Denham Town Hall	3.7.1	EMCD	(30,000)	(30,000)	(10,019)	(19,981)	Project continuing - to be carried forward	
Recreation Centre - 3 Phase Power	3.7.1	EMCD	(2,000)	(2,000)	(1,737)	(263)	Project completed.	
Discovery Centre-Emergency Power	3.7.1	EMCD	(3,000)	(3,000)	(2,900)	(100)	Project completed.	
Town Oval Toilets	3.7.1	EMCD	(50,000)	(50,000)	0	(50,000)	Project Being Reviewed	
Recreation Centre - Signage	3.7.1	EMCD	(20,000)	(20,000)	0	(20,000)	To be carried forward 17/18	
Recreation and Culture Total			(105,000)	(105,000)	(14,656)	(90,344)		
Transport								
Depot- New Ablution	3.7.1	WKM	(10,000)	(10,000)	0	(10,000)	Project being reviewed	
Transport Total			(10,000)	(10,000)	0	(10,000)		
Land and Buildings Total			(205,000)	(205,000)	(48,473)	(156,527)		
Drainage/Culverts								
Transport								
Drainage upgrades	3.7.1	WKM	(40,000)	(40,000)	0	(40,000)	Being put to Council for consideration	
Transport Total			(40,000)	(40,000)	0	(40,000)		
Drainage/Culverts Total			(40,000)	(40,000)	0	(40,000)		
Footpaths								
Transport								
Footpath Construction-Denham Footpath Plan	3.7.1	WKM	(50,000)	(50,000)	(51,024)	1,024	Project completed.	
Transport Total			(50,000)	(50,000)	(51,024)	1,024		
Footpaths Total			(50,000)	(50,000)	(51,024)	1,024		

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Furniture & Office Equip.								
Recreation And Culture								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	(10,000)	(8,958)	(1,042)	8,958	To be carried forward 17/18
Recreation And Culture Total			(10,000)	(10,000)	(8,958)	(1,042)		
Furniture & Office Equip. Total			(10,000)	(10,000)	(8,958)	(1,042)		
Heritage Assets								
Recreation And Culture								
Museum and Art Gallery Lighting	2.2.2	WKM	(116,000)	(116,000)	(63,679)	(52,321)	63,679	Project completed.
Refurbishment of Old Jail and Stables - c/fwd	2.2.2	WKM	(30,000)	(30,000)	(11,936)	(18,064)	11,936	Jail completed - Stables to be carried forward 17/18
Recreation And Culture Total			(146,000)	(146,000)	(75,615)	(70,385)		
Heritage Assets Total			(146,000)	(146,000)	(75,615)	(70,385)		
Plant , Equipment and Vehicles								
Recreation and Culture								
Community Bus	1.1.6	WKM	(150,000)	(150,000)	0	(150,000)	0	Report to be put to Council regarding feasibility
Recreation and Culture			(150,000)	(150,000)	0	(150,000)		
Transport								
Prime Mover	1.1.6	WKM	(265,000)	(265,000)	(264,000)	(1,000)	264,000	Purchase completed.
Works Manager-Dual Cab Ute	1.1.6	WKM	(52,000)	(52,000)	(52,081)	81	52,081	Purchase completed.
Town- Dual Cab Ute	1.1.6	WKM	(48,000)	(48,000)	(43,253)	(4,747)	43,253	Purchase completed.
Town- Single Cab Ute	1.1.6	WKM	(45,000)	(45,000)	(41,763)	(3,237)	41,763	Purchase completed.
Camp Upgrades	1.1.6	WKM	(85,000)	(85,000)	(72,443)	(12,557)	72,443	To be carried forward 17/18
Major Plant Items	1.1.6	WKM	(20,000)	(19,998)	(16,169)	(3,829)	16,169	
Boat Jinker	1.1.6	WKM	(200,000)	(200,000)	(210,894)	10,894		Purchase completed.
Transport Total			(715,000)	(714,998)	(700,603)	(14,395)		
Plant , Equipment and Vehicles Total			(865,000)	(864,998)	(700,603)	(164,395)		

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
Public Facilities								
Community Amenities								
Refuse Tip and Recycling	2.4.2	WKM	(388,341)	(388,341)	0	(388,341)		Awaiting confirmation on funding
Community Amenities Total			(388,341)	(388,341)	0	(388,341)		
Recreation And Culture								
Recreation Grounds	1.6.7	WKM	(52,000)	(52,000)	(164)	(51,836)	164	To be carried forward 17/18
Foreshore Revitalisation	3.7.1	CEO	(1,282,000)	(1,282,000)	(1,302,257)	20,257	1,302,257	Project completed
Pontoon for Foreshore	3.7.1	WKM	(48,000)	(48,000)	(49,581)	1,581		Project completed.
Beach Access Ramp	3.7.1	WKM	(40,000)	(40,000)	(40,000)	0		Project completed.
Playground	3.7.1	WKM	(99,750)	(99,750)	(99,748)	(2)		Project completed.
Replace Shade shelters - Eastern Foreshore	3.7.1	WKM	(12,000)	(12,000)	(11,679)	(321)	11,679	Project completed.
Practice Cricket Nets	3.7.1	WKM	(9,000)	(9,000)	(6,361)	(2,639)	6,361	Project completed.
Childcare Centre Softfall	3.7.1	WKM	(16,000)	(16,000)	(15,934)	(66)	15,934	Project completed.
Town Oval Bore	3.7.1	WKM	(40,000)	(40,000)	(32,970)	(7,030)	32,970	To be carried forward 17/18
Recreation And Culture Total			(1,598,750)	(1,598,750)	(1,558,694)	(40,056)		
Public Facilities Total			(1,987,091)	(1,987,091)	(1,558,694)	(428,397)		

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
Roads (Non Town)								
Transport								
Useless Loop Road - RRG 16/17	1.1.6	WKM	(377,600)	(377,600)	(386,521)	8,921	386,521	Project completed.
Ocean Park Road - RRG 16/17	1.1.6	WKM	(90,000)	(90,000)	(101,175)	11,175	101,175	Project completed.
R2R Cycle Ways - Foreshore	1.1.6	WKM	(230,000)	(230,000)	(244,886)	14,886	244,886	Project completed.
R2R 15/16 - Knight Terrace	1.1.6	WKM	(83,000)	(83,000)	(82,882)	(118)	82,882	Project completed.
R2R 15/16 - Hughes Street	1.1.6	WKM	(16,000)	(16,000)	(15,623)	(377)	15,623	Project completed.
R2R 16/17 Woodleigh-Byro Road	1.1.6	WKM	(150,000)	(150,000)	(151,365)	1,365	151,365	Project commenced.
Road Projects R2R 16/17- Knight Terrace	1.1.6	WKM	(359,900)	(359,900)	(211,717)	(148,183)	211,717	To be carried forward
Road Projects R2R 16/17- Old Knight Terrace	1.1.6	WKM	(149,900)	(149,900)	(114,538)	(35,362)	114,538	To be carried forward
Transport Total			(1,456,400)	(1,456,400)	(1,308,707)	(147,693)		
Roads (Non Town) Total			(1,456,400)	(1,456,400)	(1,308,707)	(147,693)	0	
Streetscapes								
Economic Services								
Overlander - Solar Light Improvements	2.1.3	EMCD	(10,000)	(10,000)	0	(10,000)	0	To be carried forward
Welcome Signage	2.1.3	EMCD	(65,000)	(65,000)	(81,482)	16,482	81,482	Project completed.
Economic Services Total			(75,000)	(75,000)	(81,482)	6,482		
Capital Expenditure Total			(4,834,491)	(4,834,489)	(3,833,556)	(1,000,933)		

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13.0 TOWN PLANNING REPORT

13.1 PROPOSED CARPORT – LOT 9 (12) MAINLAND STREET, DENHAM P4180

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 Laundry
Seconded Cr Ridgley

Council Resolution

That Council:

- 1. Approve the application lodged by Ron Lindsay for a carport on Lot 9 (12) Mainland Street, Denham subject to the following conditions:**
 - (i) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - (iii) The roof colour of the carport is to blend and harmonise with the colour of the roof of the existing residence to the satisfaction of the Chief Executive Officer.**
 - (iv) The vehicle crossovers shall be constructed within 6 months of the issue of a Building Permit out of:
 - 150 mm compacted and water bound road base driveway sealed with two coat of bitumen and topped with an approved aggregate; or**
 - A minimum of 100 mm reinforced concrete over a compacted sub-base; or**
 - A minimum of 50 mm thick brick pavers;****to the satisfaction of the Chief Executive Officer.****

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- (v) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**
2. **Include advice notes on any planning approval to advise the applicant that:**
- (a) **Planning consent is not an approval to commence construction. A separate Building Permit must be obtained for the proposed carport.**
- (b) **The Shire of Shark Bay will contribute to one crossing per property only.**

Where the ratepayer elects to construct a crossover, the Council's contribution shall not exceed 50% of the cost of the crossover as defined in paragraphs (1) and (2) and in Council's Fees and Charges Schedule. The square metres calculated shall be the length (from the road kerb to the property line) multiplied by the nominal width. The ratepayer must produce documents stating the full cost of the crossing.

For further information on crossovers, their construction, or eligibility for a subsidy, please contact the Works Manager, Brian Galvin on 0428 178 501.

5/0 CARRIED

BACKGROUND

- *Relevant Planning and Building Approvals*

The original levels of Lot 9 sloped to the south from Mainland Street. Retaining walls were constructed on site in accordance with a Building Licence issued by the Shire in 2010 (Licence No 3113).

In 2015 the owner sought retrospective planning approval for the retaining walls, and approval for a new dwelling/holiday house and outbuilding. The development was approved at the Ordinary Council meeting held on the 29 July 2015.

The planning approval for the single house / holiday home included a number of conditions including:

- (iii) *Prior to occupation or use of the existing dwelling for a holiday home, the owner shall lodge a Fire and Emergency Response Plan to the Shire. The Plan shall address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, and provision of fire extinguishers.*
- (iv) *The owner / applicant to be responsible for implementation of a Fire and Emergency Response Plan and ensure an evacuation plan is displayed in the house.*

MINUTES OF THE ORDINARY COUNCIL MEETING

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- (v) *The owner / applicant to lodge a Holiday Home Management Plan within 3 months of the date of this planning consent. The Holiday Home Management Plan is to nominate a local manager / caretaker within the vicinity of the property, detail how nuisances or noise complaints will be addressed by the manager / caretaker and include information on management of the holiday home and property.*
- (viii) *The house shall be provided with a minimum of two constructed car parking spaces on site to the satisfaction of the Chief Executive Officer. Carparking shall be constructed prior to occupation or alternative time period agreed to in writing by the Chief Executive Officer.*
- (x) *The on site parking and driveway shall be maintained to a trafficable standard to the satisfaction of the Chief Executive Officer. ‘*

Conditions (viii) and (x) are relevant to this new carport application, as the applicant is obligated to provide two constructed carparking bays to service the approved dwelling / holiday home.

The retaining along the southern boundaries has achieved a relatively level lot as viewed from Mainland Street.



Existing dwelling on Lot 9 (Photo taken 13/7/2017)

- *Zoning*
Lot 9 is zoned 'Town Centre' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). An R50 density code applies to the Town Centre zone.
- *Location / existing streetscape*

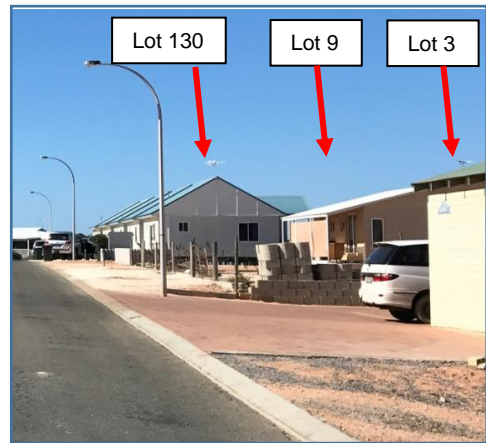
MINUTES OF THE ORDINARY COUNCIL MEETING

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A number of properties along Mainland Street have double street frontage to Knight Terrace. Development on adjacent Lot 3 and Lot 130 have minimal setbacks to Mainland Street – refer aerial below.



Garage on Lot 3 Mainland Street



Development facing Mainland Street – Lot 130

COMMENT

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- Proposed carport

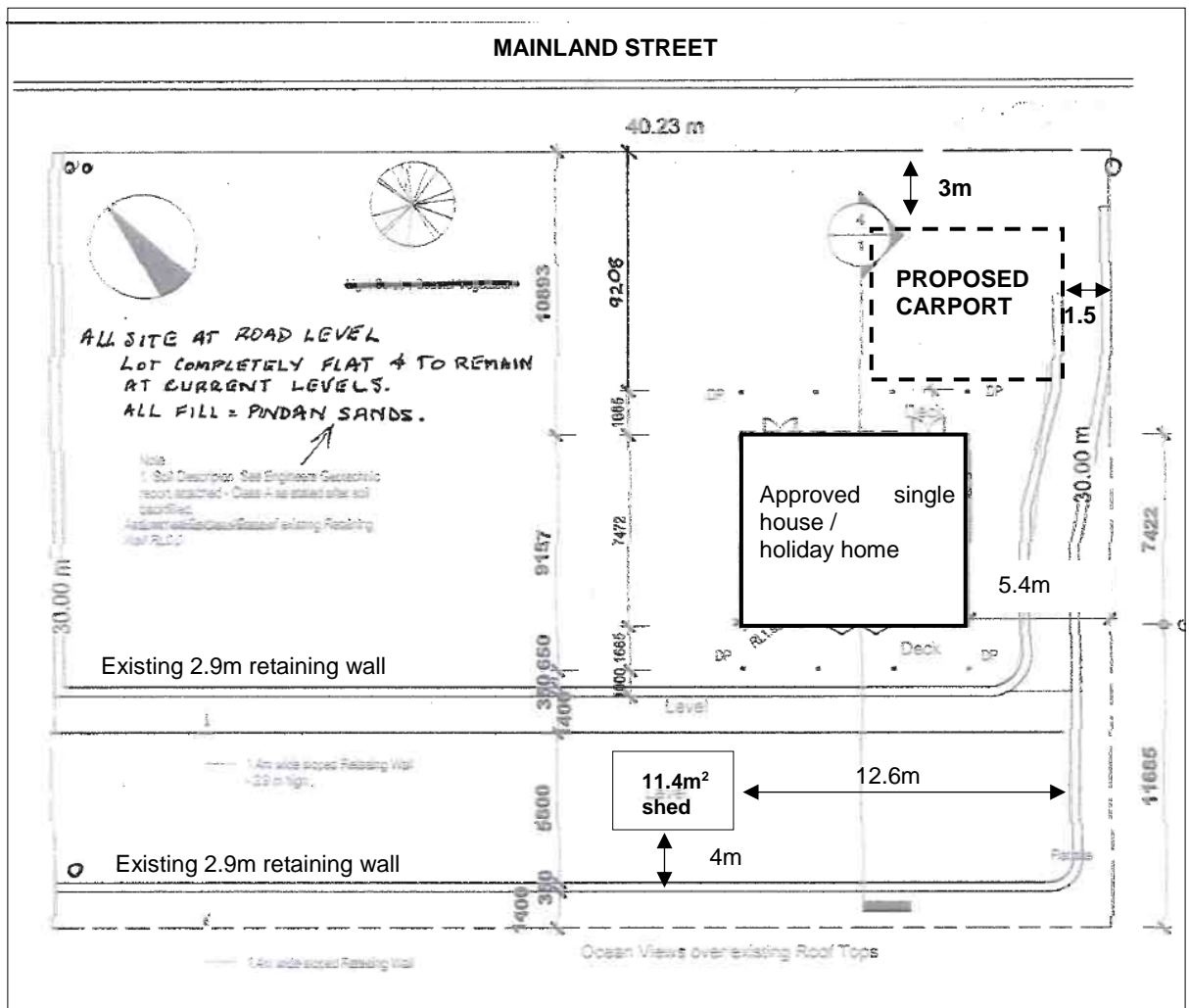
The carport is proposed to be setback 3 metres from Mainland Street and a minimum of 1.5 metres from the eastern boundary.

It is proposed to measure 6.4 metres by 6.4 metres, with a floor area of approximately 40.96m².

Based on an R50 density, the carport complies with the 'deemed to comply' setbacks of the Residential Design Codes. A 2 metre front setback is permissible for an R50 density.

The setbacks would comply even if assessed at a lower residential density of R17 to R30, as the front setback can be reduced by 50% for a carport as long it achieves the average setback.

A site plan is included below for ease of reference.



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It is recommended that carport be supported as it complies with the Residential Design Codes, is ancillary to an approved development, will not adversely impact on the established streetscape, and carparking bays are required to satisfy conditions of the existing planning approval issued in 2015.

- *Related matter*

The 2015 approval for a single house / holiday home included conditions that required the owner to lodge a Fire and Emergency Response Plan and a Holiday Home Management Plan.

Shire Administration has checked Council's records and it does not appear that the conditions have been met.

It is recommended that Council authorise the Chief Executive Officer to write separately to the landowner to seek compliance with the conditions of the existing 2015 approval.

LEGAL IMPLICATIONS

Not applicable (to the proposed carport).

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.

STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy and Draft Local Planning Scheme No 4, Lot 9 is proposed to be zoned 'Tourism'.

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	14 July 2017

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13.2 APPLICATION FOR EXTENSION OF TIME – PLANNING APPROVAL FOR A SINGLE HOUSE (LOT 303 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND)
P4366

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. Note that:

- (a) Planning approval for a single house on Lot 303 Dirk Hartog Island was previously issued on the 3 August 2015 – Attachment 1 at the end of this report.
- (b) A new application has been lodged seeking an extension of time to substantially commence the development.
- (c) There is flexibility under Condition (ix) of the existing planning approval for plan changes to be approved separately in writing by the Chief Executive Officer.

2. In accordance with Regulation 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the application for an extension of time and impose a new Condition (xii) on the planning approval dated 3 August 2015 as follows:

‘(xii) If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of this letter, the approval shall lapse and be of no further effect’

4. Authorise the Chief Executive Officer to advise the applicant that:

- (a) With the exception of Condition (xii) the conditions placed on the planning approval dated 3 August 2015 still apply to the development proposed for Lot 303 Dirk Hartog Island. Note 1 of the approval no longer applies.
- (b) Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension

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of time, as planning requirements may change and a new assessment may be warranted in the future.

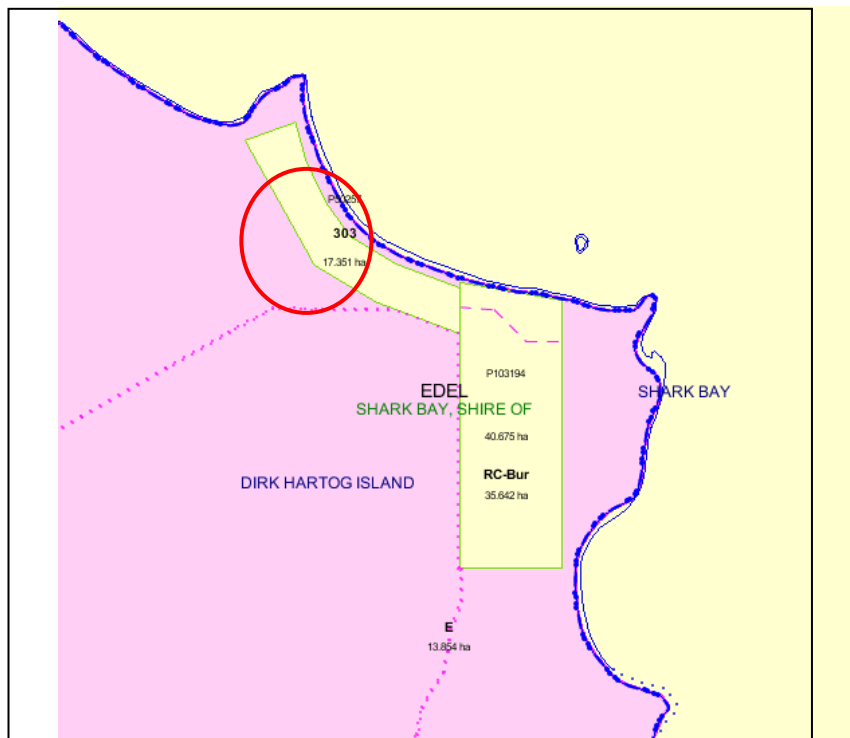
In particular, the bushfire requirements are being reviewed at a state level. In addition the Shire is pursuing a new Local Planning Scheme which will introduce new landuse controls for Lot 303.

5/0 CARRIED

BACKGROUND

- **Location**

A location plan is included below for ease of reference.



- **Zoning**

Lot 303 is zoned 'Rural / Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), and is also contained within a Special Control Area applicable to the Shark Bay World Heritage Property.

- **2013 Application**

Council approved an application for a single house on Lot 303 at the Ordinary Council Meeting held on the 27 February 2013. The approval was valid for 2 years and expired in early 2015.

- **2015 Application**

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Council approved a new application for a single house on Lot 303 at the Ordinary Council Meeting held on the 3 August 2015. The approval requires development to substantially commence within 2 years (ie by 3 August 2017).

Relevant to this application is condition (ix) and Note 1 which state as follows:

(ix) 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 Shires Chief Executive Officer.

Note 1:

If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect. ‘

A copy of the approval is included as Attachment 1.

- ***World Heritage and Environmental Matters***

The original 2013 application was referred to both the Shark Bay World Heritage Advisory Committee and the then Department of Environment and Conservation (now Department of Parks and Wildlife and Department of Environment Regulation).

As the plans are the same as those already commented on in 2013, no new consultation has been undertaken.

COMMENT

The Planning and Development (Local Planning Schemes) Regulations 2015 include ‘deemed provisions’ which automatically apply to all town planning schemes in Western Australia.

The Regulations allow applicants to apply to extend the period for substantial commencement of development, or to amend or delete any condition.

The applicant seeks an additional 2 years in which to substantially commence the development.

As the development is not proposed to substantially change support is recommended.

Town Planning Innovations considers that it should not be construed that ongoing extensions will be granted by the Shire indefinitely as planning legislation and requirements change over time. For example, the Shires Local Planning Scheme No 4 will introduce new landuse controls for Lot 303, and bushfire requirements are being reviewed at a state level.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 2 – explained in the body of this report.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 77:

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- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*
 - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) *to amend or delete any condition to which the approval is subject;*
 - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - (d) *to cancel the approval.*
- (2) *An application under subclause (1) —*
 - (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
- (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
- (4) *The local government may determine an application made under subclause (1) by —*
 - (a) *approving the application without conditions; or*
 - (b) *approving the application with conditions; or*
 - (c) *refusing the application.*

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy and Draft Local Planning Scheme No 4, Lot 303 is proposed to be zoned 'Special Use'.

VOTING REQUIREMENTS

Simple Majority Required

Signatures

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

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ATTACHMENT # 1

O-AP-15066/P4280
Paul Anderson

3 August 2015

Hypermarket Pty Ltd
Po Box 107
NORTH FREMANTLE WA 6159

Dear Mr/Ms,

PROPOSED SINGLE HOUSE - LOT 303 DIRK HARTOG ISLAND

I am pleased to advise that your application for development was considered by Council at its Ordinary Council Meeting held on the 29 July 2015 and has been approved. The attached Planning Approval details a number of conditions which must be met in the course of carrying out the development for which the approval has been granted.

The conditions have been imposed by Council under Clause 10.3 (a) of the Shire of Shark Bay Local Planning Scheme No. 3 and relate specifically to the plan attached to the Planning Application. Failure to comply with any condition of development approval constitutes an offence for which prosecution may be instituted under Part 13 of the *Planning and Development Act 2005*.

A footnote on the Planning Approval indicates that you may have a right of appeal in accordance with the provisions of the *Planning and Development Act 2005*, if you are aggrieved by Council's decision. Please note that appeals must be lodged to the State Administrative Tribunal within 28 days.

If you have any further queries in relation to the above matter, please contact Planning Officer, Liz Bushby on 9474 1722 or Liz@graylewis.com.au.

Yours sincerely

Paul Anderson
CHIEF EXECUTIVE OFFICER

26 JULY 2017

O-AP-15066/P4280
Paul Anderson

**NOTICE OF DETERMINATION ON APPLICATION FOR
PLANNING APPROVAL
(Clause 10.4.1)**

Planning and Development Act 2005
Shire of Shark Bay
Determination on Application for Planning Approval

Location: DIRK HARTOG ISLAND	
Lot: 303	Plan/Diagram: 50557
Volume No: 2729	Folio No: 424
Application Date:	Received on:
Description of proposed development: SINGLE HOUSE	
The application for planning approval is:	
√	Granted subject to the following conditions:
<p>Conditions / reasons for refusal (as applicable):</p> <p>Approve the application lodged by Hypermarket Pty Ltd for a single dwelling on Lot 303 Dirk Hartog Island subject to the following conditions:</p> <p>(i) Lodgement of a detailed colour and material schedule for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall require separate written approval prior to the issue of a building licence, and shall incorporate colours for rainwater tanks, external walls and the roof of the dwelling that are sympathetic and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.</p> <p>(ii) All vehicle parking, driveways, manoeuvring and circulation areas to service the proposed dwelling to be in accordance with the site plan lodged as part of this application, or a plan approved separately in writing by the Shire Chief Executive Officer. The areas must be constructed out of crushed limestone or an alternative trafficable material within 12 months of the issue of a building licence, unless otherwise agreed to in writing by the Chief Executive Officer.</p> <p>(iii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soak wells shall be maintained in a clean and clear condition free of obstruction from anything. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.</p>	

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- (iv) All driveway and parking areas shall be maintained to a trafficable standard at all times.**
- (v) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.**
- (vi) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of the single dwelling building. Approved on site effluent disposal must be installed and in operation prior to occupation of the dwelling.**
- (vii) Water tank(s) with a minimum capacity of 25,000 litres must be installed and in operation prior to occupation of dwelling.**
- (viii) The owners / applicant to lodge a detailed waste management plan addressing how waste disposal will be managed to service the proposed residential use. The waste management plan to be implemented prior to occupation of the single dwelling.**
- (ix) 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 Shires Chief Executive Officer.**
- (x) This approval is for the building to be used as a single house only and is not an approval for any short stay accommodation, residential building, or holiday/ tourist accommodation.**
- (xi) The owner / applicant to lodge a Foreshore Management Plan to the Shire for separate written approval by the Chief Executive Officer prior to occupation or use of the development, or an alternative time period agreed to in writing by the Chief Executive Officer.**


Footnotes/ Advice to the applicant:

- (a) In regards to Condition (i), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog Island which can be used as a guide.**
- (b) In regards to Condition (ii), the applicant is advised that approval for a driveway and parking on Lot 304 is not an approval to utilise the adjacent foreshore or national park. Any permanent access or temporary access into the lot using adjacent land is required to be in accordance with separate approvals by the Department of Parks and Wildlife.**
- (c) In regards to Condition (vi), the owners are advised that a separate application needs to be lodged to the Shire for approval for installation of any on site effluent disposal.**

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- (d) The owners are advised that the Shire will not issue a Certificate of occupancy for the proposed residential dwelling until all servicing requirements have been met including water supply, effluent disposal, waste management and waste disposal.
- (e) To comply with Condition (viii) the owners should submit either a waste management plan approved in writing by the Department of Parks and Wildlife, or written confirmation from the Department of Parks and Wildlife that waste management has been addressed.
- (f) In regards to Condition (xi), the owner / applicant is advised that a foreshore management plan is required to demonstrate how the owners / occupiers intend to utilise the foreshore. The Shire will refer any foreshore management plan to Department of Environment and Conservation, and will not approve a foreshore management plan until it has been endorsed by Department of Environment and Conservation. If pedestrian access is proposed within the foreshore, then there needs to be an approved pathway and appropriate structures, such as boardwalks to maximise foreshore protection. The foreshore management plan needs to clearly state that there will be no permanent access in the foreshore and no vehicular access. Department of Environment and Conservation can offer assistance if you have any queries regarding Condition (xi).
- (g) Please be advised that that planning approval has been granted for the plans as submitted with your application. The Shire Chief Executive officer may approve minor changes to the internal layout in consultation with the Shires Building Surveyor however any plans lodged as part of a building license application shall generally be in accordance with the plans already processed with this planning application.
- (h) A planning consent is not an approval to commence any site works or clearing. A building permit must be obtained for all works. It is recommended that you liaise directly with Department of Environmental Regulations prior to undertaking any clearing of the lot. A separate or amended clearing permit may be required.
- (i) The landowners are advised that due to the remote location and lack of road frontage, the Shire will not provide a rubbish collection service to the development.
- (j) The owners are advised that there are restrictive covenants on the Certificate of Title which place restrictions on development and use of the land. The owners are responsible in ensuring compliance with the covenants.
- (k) The original application was referred to the then Department of Environment and Conservation in 2013 who advised that any basic raw material required for building construction or loading associated with this development will need to be sourced from

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<p>within the freehold Lot 303 or brought to the site from an approved quarry location. Basic raw materials supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of basic raw materials from within the National Park for purposes not associated with protection and management of the park. Any quarry activity on Lot 303 or other freehold areas would be subject to separate assessment.</p>	
Note 1:	If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
<div style="text-align: center;">  </div> <p>Signed: _____ Paul Anderson Chief Executive Officer</p>	
<p>Dated: 3 AUGUST 2015</p>	
<p>For and on behalf of the Shire of Shark Bay</p>	

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- 13.3 APPLICATION FOR AMENDMENTS TO THE PLANNING APPROVAL FOR EIGHT (8) SHORT TERM ACCOMMODATION UNITS (4 DUPLEXES) AND WORKERS ACCOMMODATION (LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281

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 Ridgley
Seconded Cr Laundry

Council Resolution

That Council:

1. Note that:

- (a) **Planning approval for 8 short term accommodation units (4 duplexes) and staff accommodation was previously issued on the 3 August 2015 – Attachment 1 at the end of this report.**
 - (b) **A new application has been lodged seeking modification of Condition (iii) relating to the approved plans, and Condition (xix) for an extension of time to commence the development.**
 - (c) **The applicant has advised that the plans are not proposed to be modified with the exception that a pitched roof is being considered (instead of a curved roof).**
- 2. In accordance with Regulation 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* modify Condition (iii) of the planning approval dated 3 August 2015 for eight (8) short term accommodation units (4 duplex's) and staff accommodation and impose a revised condition (iii) as follows:**
- '(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer'***
- 3. In accordance with Regulation 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the application to modify Condition (xix) of the planning approval dated 3 August 2015 for eight (8) short term accommodation units (4 duplex's) and staff accommodation and impose a revised condition (xix) as follows:**

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'(xix) If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of this letter, the approval shall lapse and be of no further effect'

4. Authorise the Chief Executive Officer to advise the applicant that:
- (a) With the exception of modified Conditions (iii) and (xix) the conditions placed on the planning approval dated 3 August 2015 still apply to the development proposed for Lot 304 Dirk Hartog Island (8 short term accommodation units (4 duplexes) and workers accommodation).
 - (b) Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future.

In particular, the bushfire requirements are being reviewed at a State level for tourist sites which is relevant to the proposal. In addition the Shire is pursuing a new Local Planning Scheme which will introduce new landuse controls for Lot 304.
 - (c) In regards to revised Condition (iii) the applicant needs to submit any revised plans with correspondence seeking separate written approval. The Chief Executive Officer may refer any revised plans to Council prior to granting any written approval, depending on the extent of changes.

5/0 CARRIED

BACKGROUND

- ***Lot History***

Town Planning Innovations is of the understanding that the State Government exchanged freehold parcels of land with the lessee of Dirk Hartog Island. Now there are expectations by owners that the lots can be developed.

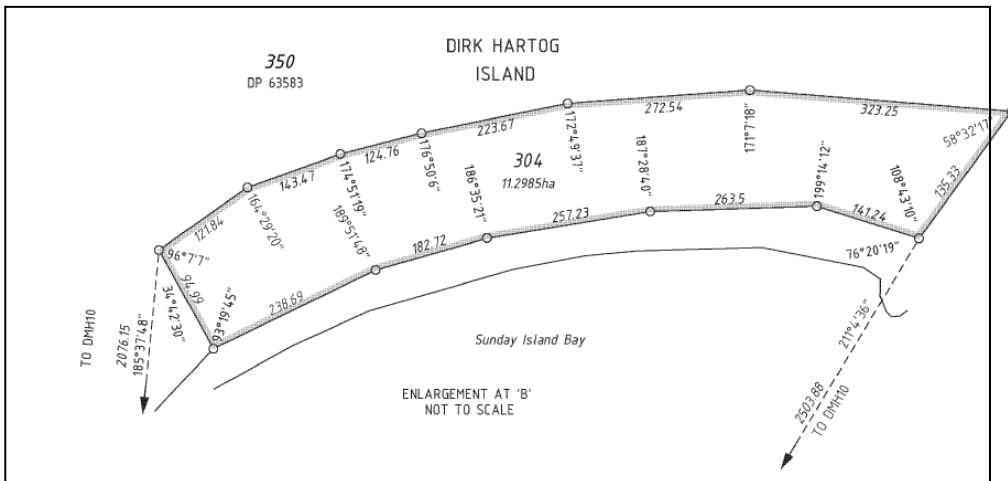
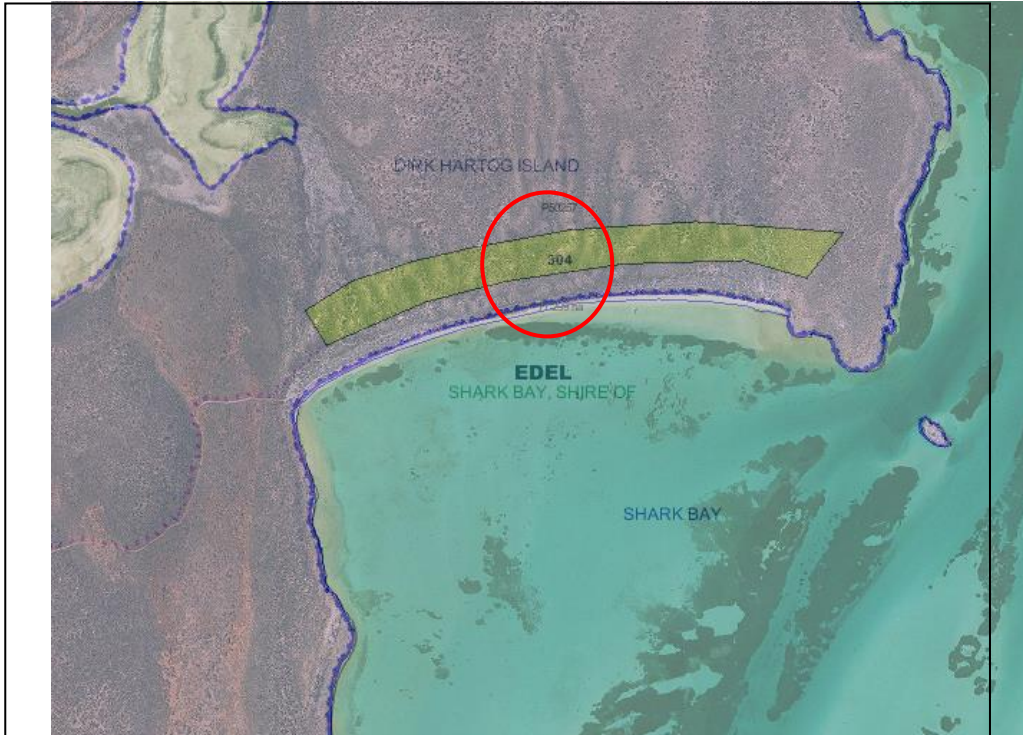
There is a restrictive covenant on the Certificate of Title of Lot 304 which allows the land to be used for the purpose of low impact eco tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The covenant is to the benefit of the Minister for Lands under the Land Administration Act 1997.

- ***Location***

A location plan and survey diagram is included overpage for ease of reference.

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- **Zoning**

Lot 304 is zoned 'Rural / Pastoral' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'), and is also contained within a Special Control Area applicable to the Shark Bay World Heritage Property.

- **2013 Application**

An application for 33 short stay accommodation units was lodged with the Shire of Shark Bay in 2013.

The application was placed on hold pending more detailed plans and additional information from the applicant.

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- **2014/ 2015 Application and existing approval**

The applicant lodged revised plans on the 26 November 2014 for Stage 1 of development consisting of 7 short stay accommodation units.

Following advertising the applicant has submitted final floor plans (3 June 2015) and an amended site plan (16 June 2015).

The application was approved at the Ordinary Meeting of Council held on the 29 July 2015.

Relevant to this application is condition (iii) and (xix) which state as follows:

‘(iii) All development shall be in accordance with the approved plans.

(xix) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect. ‘

The formal planning approval letter was issued on the 3 August 2015 hence the existing approval is due to lapse on the 3 August 2017.

The approved development included:

- Eight short stay accommodation units (envelopes 3, 6, 17 and 23A) on the site plan. The 8 units were comprised of 4 ‘duplex’ designs which have a central common wall.
- Workers accommodation in envelopes 1A; 1B and 23B.



The approved site plan is included as Attachment 2.

- **Approved landuses**

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The tourist accommodation units were considered as 'short term accommodation' defined in the Shire of Shark Bay Local Planning Scheme No 3 as '*means two or more detached dwellings, chalets or similar, on one lot for let for holiday purposes, none of which is occupied by the same tenant for continuous period of four months or more*'.

Some units for staff accommodation, a caretakers dwelling and a managers' house were approved as '*workers accommodation*'.

- ***World Heritage and Environmental Matters***

The 2015 plans were referred to the Environmental Protection Authority who determined not to assess the proposal. The Environmental Protection Authority advised that '*the overall environmental impact of the proposal is not so significant as to require assessment by Environmental Protection Authority*'.

The Shark Bay World Heritage Advisory Committee and Department of Parks and Wildlife were also consulted prior to the 2015 approval being issued.

COMMENT

The Planning and Development (Local Planning Schemes) Regulations 2015 include 'deemed provisions' which automatically apply to all town planning schemes in Western Australia.

The Regulations allow applicants to apply to extend the period for substantial commencement of development, or to amend or delete any condition.

The applicant has advised that they are arranging alternative funding for the development and seek an additional 2 years in which to substantially commence. They also seek flexibility for plan changes that may be required at building permit stage.

The applicant has advised that the approved curved roof may be replaced by a pitched roof.

As the development is not proposed to substantially change support is recommended.

Town Planning Innovations considers that it should not be construed that ongoing extensions will be granted by the Shire indefinitely as planning legislation and requirements change over time. For example, the Shires Local Planning Scheme No 4 will introduce new landuse controls for Lot 304, and bushfire requirements for tourist sites are being reviewed at a state level.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 2 – explained in the body of this report.

Environmental Protection Act 1986 – Part IV of the *Environmental Protection Act 1986* (the Act) makes provision for the Environmental Protection Authority to undertake environmental impact assessment of significant proposals, strategic proposals and schemes.

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Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 77:

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*
 - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) *to amend or delete any condition to which the approval is subject;*
 - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - (d) *to cancel the approval.*
- (2) *An application under subclause (1) —*
 - (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
- (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
- (4) *The local government may determine an application made under subclause (1) by —*
 - (a) *approving the application without conditions; or*
 - (b) *approving the application with conditions; or*
 - (c) *refusing the application.*

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy and Draft Local Planning Scheme No 4, Lot 304 is proposed to be zoned 'Special Use'.

VOTING REQUIREMENTS

Simple Majority Required

Signatures

Author *L Bushby*

Chief Executive Officer *P Anderson*

Date of Report 18 July 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 1

O-AP-15068/P4281
Paul Anderson

3 August 2015

Hypermarket Pty Ltd
Po Box 107
NORTH FREMANTLE WA 6159

Dear Geoff,

PLANNING APPROVAL - LOT 304 DIRK HARTOG ISLAND

I am pleased to advise that your application for development was considered by Council at its Ordinary Council Meeting held on the 29 July 2015 and has been approved. The attached Planning Approval details a number of conditions which must be met in the course of carrying out the development for which the approval has been granted.

The conditions have been imposed by Council under Clause 10.3 (a) of the Shire of Shark Bay Local Planning Scheme No. 3 and relate specifically to the plan attached to the Planning Application. Failure to comply with any condition of development approval constitutes an offence for which prosecution may be instituted under Part 13 of the *Planning and Development Act 2005*.

A footnote on the Planning Approval indicates that you may have a right of appeal in accordance with the provisions of the *Planning and Development Act 2005*, if you are aggrieved by Council's decision. Please note that appeals must be lodged to the State Administrative Tribunal within 28 days.

If you have any further queries in relation to the above matter, please contact Planning Officer, Liz Bushby on 9474 1722 or Liz@graylewis.com.au.

Yours sincerely



Paul Anderson
CHIEF EXECUTIVE OFFICER

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O-CR-15059/P4281
Paul Anderson

**NOTICE OF DETERMINATION ON APPLICATION FOR
PLANNING APPROVAL
(Clause 10.4.1)**

Planning and Development Act 2005
Shire of Shark Bay
Determination on Application for Planning Approval

Location: DIRK HARTOG ISLAND	
Lot: 304 SUNDAY ISLAND BAY	Plan/Diagram: 50257
Volume No: 2729	Folio No: 425
Application Date: 26 JUNE 2015	Received on: 26 JUNE 2015
Description of proposed development: EIGHT (8) SHORT TERM ACCOMMODATION UNITS (4 DUPLEXES) AND STAFF ACCOMMODATION	
The application for planning approval is:	
√	Granted subject to the following conditions:
<p>Conditions / reasons for refusal (as applicable):</p> <p>Approve the application lodged by Hypermarket Pty Ltd for 8 short term accommodation units (4 building envelopes / duplex designs) and 3 workers accommodation units (3 building envelopes) on Lot 304 Dirk Hartog Island subject to the following conditions:</p> <p>(i) The elevation and floor plans lodged with this application shall form part of this planning approval.</p> <p>(ii) Lodgement of a corrected amended site within 3 months of the date of this approval that includes the following as stated in correspondence lodged as part of the application dated 2 June 2015:</p> <ul style="list-style-type: none"> - Envelope 1A (Design 1 – single building) - Envelope 1B (Design 3) - Envelope 3, 6 and 17 (Design 1 duplex) - Envelope 23A (Design 2 duplex) - Envelope 23B (Design 1 – single building) - Internal access driveways and parking areas. <p>(iii) All development shall be in accordance with the approved plans.</p> <p>(iv) Lodgement of a detailed colour and material schedule prior to the issue of a building licence for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall incorporate colours for external walls and the roof of all accommodation units that are sympathetic and blend with the landscape and natural</p>	

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environment of Dirk Hartog Island to the satisfaction of the Shire Chief Executive Officer.

- (v) The units within Building Envelopes 1B, 1A, and 23B are approved as workers accommodation only and shall only be occupied by a person who is:
 - a) engaged in active employment on the subject land;
 - b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis; or
 - c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).
- (vi) The units within Building Envelopes 3, 6, 17 and 23A are approved as short term accommodation for let for holiday purposes, and none of these units shall be occupied by the same tenant for a continuous period of four months or more.
- (vii) Lodgement of detailed servicing site plan for separate written approval by the Chief Executive Officer that stipulates the size and location of all solar infrastructure, rainwater tanks, generator outbuildings and shelters. The colours and materials of any outbuildings and / or equipment shelters shall be sympathetic to and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.
- (viii) Lodgement of detailed site plan and information on any desalination plant for separate written approval by the Shire of Shark Bay Council that stipulates the size, capacity, water source, and location of all associated infrastructure.
- (ix) 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, foreshore areas or national park.
- (x) The owner to provide a suitable reliable potable water supply prior to occupation of any development to the satisfaction of the Shire of Shark Bay.
- (xi) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.
- (xii) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of any short stay accommodation unit or workers accommodation unit.

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<p>(xiii) The owner / applicant to implement the Waste Management Plan dated December 2014 to the satisfaction of the Chief Executive Officer.</p> <p>(xiv) The owner/ applicant to lodge a Fire Emergency and Coastal Risk Management Plan for separate written approval of the Shire Chief Executive Officer within 6 months from the date of this approval (or alternative time period agreed to by the Shire). The Management Plan shall address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, provision of fire extinguishers, water supply for fire emergency, cyclone procedures, and planned or managed retreat for assets which may be impacted on by long term coastal hazards.</p> <p>(xv) The owner / applicant to be responsible for implementation of a Fire Emergency and Coastal Risk Management Plan approved by the Shires Chief Executive Officer.</p> <p>(xvi) The owner/ applicant to lodge a revised Foreshore Management Plan that addresses any future proposed permanent or temporary works in the foreshore.</p> <p>(xvii) All development shall be contained within the lot boundaries unless otherwise approved as part of a Foreshore Management Plan (endorsed by the Department of Parks and Wildlife). This planning approval is not consent for any works outside of the lot boundaries.</p> <p>(xix) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.</p>
<p>Footnotes/ Advice to the applicant:</p> <p>(a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.</p> <p>(b) In regards to Condition (iv), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog island which can be used as a guide.</p> <p>(c) In regards to Condition (vii), this approval excludes the use of wind turbines.</p> <p>(d) In regards to Condition (xi) you need to lodge a separate application for approval of any on site effluent disposal system. The Shire's Principal Environmental Health Officer / Building Surveyor has recommended that you examine a system to cater for all seven units rather than have separate effluent disposal for each unit, and use of aerobic treatment</p>

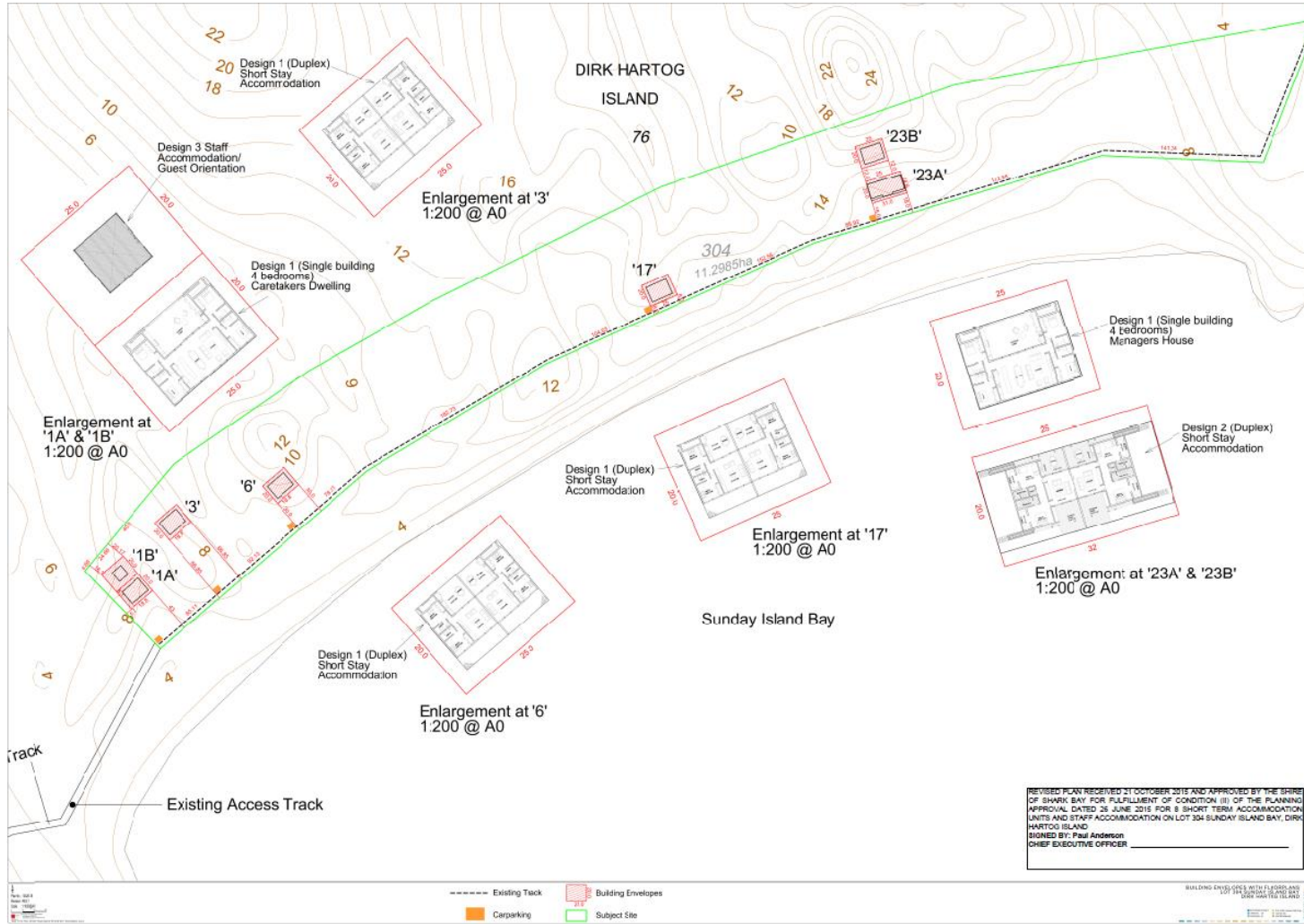
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<p>units. The Health Department of WA recommends use of Aerobic Treatment Units.</p>	
<p>(e) The Management Plan cited in Condition (xiv) can utilise some of the information already included in the Damara report, and is not required to be as comprehensive as a Coastal Hazard Risk and Adaption Plan as there are limited options available to mitigate long term coastal risks.</p>	
<p>(f) In regards to Condition (xvi) it is noted that no works are proposed in the foreshore at this stage. A Foreshore Management Plan is only required if works are proposed in the foreshore and it will need to be endorsed by the Department of Parks and Wildlife.</p>	
<p>(g) The owner has a responsibility under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), to gain separate approval from the Australian Government Minister for the Environment (the Minister) for any actions that have, or are likely to have, a <u>significant impact</u> on a matter of national environmental significance. The nine matters of national environmental significance protected under the Environment Protection and Biodiversity Conservation Act include <u>world heritage properties</u>.</p>	
Note 1:	If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
	
<p>Signed: _____ Paul Anderson Chief Executive Officer</p>	
<p>Dated: 3 AUGUST 2015</p>	
<p>For and on behalf of the Shire of Shark Bay</p>	

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 3



26 JULY 2017

- 13.4 GENERAL CORRESPONDENCE – TIM HARGREAVES – LOT 100 DURLACHER STREET, DENHAM (CRISIS CENTRE) P1075

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

5/0 CARRIED

The visitors in the gallery left the Council Chamber at 4.00 pm.

Moved Cr Bellottie
Seconded Cr Fenny

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.01 pm for open discussion on the item.

5/0 CARRIED

Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

To Reinstate Standing Orders at 4.25pm.

5/0 CARRIED

Moved Cr Bellottie
Seconded Cr Laundry

Council Resolution

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

5/0 CARRIED

26 JULY 2017

Moved Cr Fenny
Seconded Cr MOTION LAPSED FOR WANT OF A SECONDER

Councillor Motion

That Council writes to the Hon. David Templeman, recognising the noble efforts of Tim and Maggie Hargreaves and the enormous value of the Shark Bay Crisis Centre to the Shark Bay community and to formally apply, on their behalf, for an exemption to use their caravans at Lot 100 Durlacher Street for crisis accommodation for longer than 3 months.

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

That Council:

1. **Note that:**
 - (i) **Mr and Mrs Hargreaves wrote to Shire on the 14 June 2016 committing to complying with the conditions of the planning approval dated 3 February 1999. The conditions limit the crisis centre to one caravan for accommodation, for a maximum of 3 nights.**
 - (ii) **Mr Hargreaves has now requested that Council waive any time restrictions for the use of existing caravans for crisis care, however the restriction was imposed as a condition of a planning approval dated 3 February 1999.**
 - (iii) **The requirements under the *Caravan Parks and Camping Grounds Regulations 1997* are separate to the requirements of the existing planning approval, and planning legislation.**
 - (iv) **Under the *Caravan Parks and Camping Grounds Regulations 1997* only the Minister has the ability to approve the use of more than one caravan for a period exceeding 3 months. Hence the Shire has no ability to consider Mr Hargreaves request for a complete waiver of time frames.**
 - (v) **Mr Hargreaves has been advised of the need to lodge a new planning application if he wishes to operate the crisis centre in a different way, and thus far has not lodged any formal application to the Shire for consideration.**
2. **Authorise the Chief Executive Officer and or/ Liz Bushby (Town Planning Innovations) to respond to similar future correspondence by Mr Hargreaves by providing a copy of the same advice already detailed in a letter dated 17 March 2017 and a copy of this report.**
3. **Authorise the Chief Executive Officer to advise Mr Hargreaves as follows:**

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- (a) Shire Administration has already explained the situation thoroughly in letters dated 3 June 2016, 17 June 2016 and 17 March 2017.
- (b) The existing restrictions under the conditions of the planning approval dated 3 February 1999 are not affected by any separate approvals under the *Caravan Parks and Camping Grounds Regulations 1997*.

The Shire Council does not support, nor does it have the power to endorse, the use of caravans for more than 3 months under the Caravan Parks and Camping Grounds Regulations 1997.

- (c) The Shire Council confirms that any further correspondence in relation to this same matter will be actioned by the Chief Executive Officer and / or Liz Bushby (Town Planning Innovations) until or unless a formal planning application is lodged seeking a new approval for a modified proposal for the Crisis Centre.

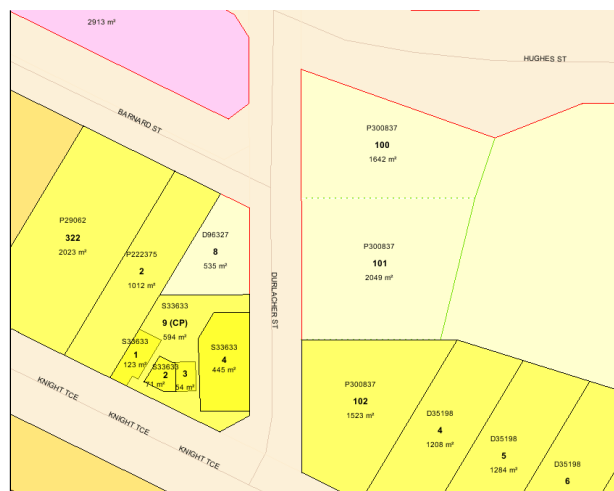
The Chief Executive Officer and Ms Bushby will simply send a copy of previous correspondence in response to any new letters as Council Administration has already explained the only option which is to lodge a new planning application.

- 4. Authorise the Chief Executive Officer to refer a copy of Mr Hargreaves letter and this report to Mr Vincent Alexander Catania MLA and the Minister for Local Government; Heritage; Culture and the Arts for information.

4/1 CARRIED

BACKGROUND

Lot 100 is located on the corner of Durlacher Street and Hughes Street in Denham – refer location plan below. Lot 100 is owned by Margaret Anne Hargreaves.



MINUTES OF THE ORDINARY COUNCIL MEETING

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Councils' records indicate that Lot 100 has been used for operation of a Crisis Centre for an ongoing period to accommodate people in need. At some stage the lot number of the property has changed and it was previously known as Part Lot 58.

There is correspondence by the Shire dating back to 3 September 1998 relating to unauthorised use of caravans for emergency accommodation – Attachment 1 at the end of this report.

A summary of historic Council reports is included below:

Report Item reference	Council meeting date	Resolution
9.5	30 September 1988	That the various issues in respect to the use of the land and the various structures on 6 (Part Lot 23) Durlacher Street Denham be held in abeyance pending further enquiries and obtaining advice from the various sources detailed in the report.
11.1	27 January 1999	That Council grant conditional approval for the placement of three caravans within the Durlacher Street and Hughes Street frontage setback areas of Pt Lot 58 for the purpose of – <ol style="list-style-type: none"> 1 Temporary accommodation of one caravan in accordance with the provisions of the Caravan Parks and Camping Ground Act 1995 and Caravan Parks and Camping Ground Regulations 1997, whereby such use is limited to a maximum of three nights with any one occupant. 2 Use of two caravans for the storage of clothing and household goods for charitable purposes only and not for use as habitation purposes. 3 Such uses shall be subject to the following conditions <ol style="list-style-type: none"> a) The caravans shall be maintained in a neat, clean and tidy state suitable for accommodations purposes (1 van) and free from vermin and pests (3 vans). b) Screening of the vans from view from the adjoining streets to be maintained utilising adequate fences, screens and materials. c) The exteriors of the caravans to be painted in neutral tones and maintained in an acceptable state of repair. d) Each caravan is to be provided with suitable cyclonic tie downs and footings systems for periods of high winds, or alternatively maintained in a moveable state such that they can be towed from the site at any time and relocated to suitable premises when cyclone watch alerts are proclaimed. e) The immediate area around each caravan is to be kept in a neat and tidy state and not to be used for any other materials storage type use. f) Any change or proposal to change use of any of the caravans will require additional approval/consideration by Council.

MINUTES OF THE ORDINARY COUNCIL MEETING

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11.4	11 December 2011	<ol style="list-style-type: none"> 1. That the owners of 6 (part Lot 23) Durlacher Street be requested to remove the two (2) additional caravans and palm fond structures from the lot within seven (7) days as they are considered to be in contravention of Regulation 12(1) of the Caravan Parks and Camping Grounds Regulations 1997 and, if this advice is not complied with then – 2. That an infringement notice be served on the landowners (TA and MA Hargreaves) in relation to the contravention of Regulation 12(1) of the Caravan Parks and Camping Grounds Regulations 1997 and also confirm with the owners that if they do not remove the offending caravans and pay that modified penalty further action may be taken either under the Caravan Parks and Camping Grounds Regulations 1997 or for the contravention of the Town Planning Scheme No 2 (as amended).
20.1	25 May 2016	<ol style="list-style-type: none"> 1. Note the general description of activities carried out on Lot 100 (14) Durlacher Street Denham from a site inspection conducted by the Shires Consultant Planner and Manager of Works. 2. Authorise the Chief Executive Officer to proceed with Option 1 in the report which is to write to the owner of Lot 100 Durlacher Street. 3. Authorise the Chief Executive Officer to write to the owner of Lot 100 (14) Durlacher Street Denham requesting removal of all structures encroaching into the Hughes Street road reserve in accordance with Regulation 6 and/or 7 of the Local Government (Uniform Local Provisions) Regulations 1996 4. Note that further reports will be referred to future Council meetings to keep Councillors informed in regards to this matter.

A planning application was lodged on the 23 December 1998 proposing to use one caravan for short term accommodation and 2 caravans for storage of charitable goods on Part Lot 58 Durlacher Street and Hughes Street Denham.

The application was considered by Council at the Ordinary Meeting held on the 27 January 1999 and conditional approval was granted.

The existing planning approval dated 3 February 1999 was for accommodation and storage facilities for the purpose of:

Approved landuse - Planning Approval dated 3 February 1999	
a	Temporary accommodation of one caravan in accordance with the provisions of the Caravans] Parks and Camping Ground Act 1995 and Caravan Parks and Camping Grounds Regulations 1997, whereby such use is limited to a maximum of three nights with any one occupant.
b	Use of two caravans for the storage of clothing and household goods for charitable purposes only and not for the use as habitation purposes.

COMMENT

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- **Zoning**

Lot 100 is zoned Town Centre under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

- **Historic Advice**

The Shire has explained the situation in detailed correspondence dated 3 June 2016 and 17 June 2016 to Mr Hargreaves.

Despite the above, Mr Hargreaves has continued to approach Council seeking increased flexibility to utilise more than one caravan for accommodation without time restrictions.

Following attendance by Mr Hargreaves to the February 2017 Council meeting, the Shire sent a letter dated 17 March 2017 explaining that:

1. On the 23 December 1998 he lodged a planning application to the Shire seeking approval to use 1 caravan for '*short term shelter*' and 2 caravans for the storage of '*clothes/household goods*'.

The Shire simply approved the application that was proposed at that time. Council has no ability to modify the existing approval retrospectively (being 19 years later).

2. Mr and Mrs Hargreaves provided a written commitment to the Shire on the 14 June 2016 to comply with the existing planning approval.
3. If Mr Hargreaves wants to apply to operate the Crisis Centre in a different way than originally proposed, and was granted approval to do, then he needs to lodge a new planning application so that it can formally be considered by the Shire of Shark Bay Council within the parameters of the relevant legislation.

- **New correspondence**

Mr Hargreaves has lodged a new email to the Shire dated 14 July 2017 seeking support to use 3 caravans for crisis centre clients for more than 3 nights.

The problem with Mr Hargreaves approach is that he has not lodged any new planning application for Shire consideration. Irrespective of other legislation, Mrs Hargreaves (owner), has a legal obligation to comply with the conditions of the existing planning approval dated 3 February 1999.

Council Administration is taking the opportunity to present a general report to Council to:

1. Provide Mr Hargreaves with an opportunity to attend the Council meeting, and represent his submission fully.
2. Reduce resources taken to respond to ongoing letters from Mr Hargreaves on essentially the same matter.

A copy of Mr Hargreaves email is included as Attachment 2 and is summarised below:

MINUTES OF THE ORDINARY COUNCIL MEETING

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SUMMARY OF EMAIL DATED 14 JULY 2017	CONSULTANT COMMENTS
<p>So there be no ambiguity I will re-cap on certain aspects of the situation.</p> <p>For some 30 years my wife & I have run this self-funded Crisis centre as an extension to our Christian Fellowship run from our home at the corner of Hughes & Durlacher Streets in Denham.</p> <p>The overall facility is large, set on nearly half an acre of land roughly in the centre of town & opposite, on respective corners, to the Police Station on, Silver chain Nursing Post, & the Town Hall.</p>	<p>Noted. Lot 100 is zoned 'Town Centre' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').</p>
<p>This community facility, the longest established Registered Charity of its kind in the Gascoyne I understand (of some 30 years) consists of the main house with its central courtyard on approx. half an acre with five bedrooms & three bathrooms plus three on-site caravans.</p>	<p>Noted. This is a statement.</p>
<p>Until June of 2016 there had been no limitation of the length by those in Crisis at this Centre.</p> <p>After June of 2016 the Shire, on the recommendations of Town Planners Gray & Lewis (Mrs. Liz Busby) imposed a limitation length of stay of <i>only</i> 3 nights, for only <i>one</i> individual, in only <i>one</i> caravan.</p> <p>Any breach of this ruling would result in a fine of some \$500,000.00.</p>	<p>This statement is incorrect. The limitation on the length of stay and number of caravans was imposed by Council as a condition of planning approval in December 1998. At that time Gray & Lewis did not consult for the Shire.</p> <p>Following a site inspection by Liz Bushby and Brian Galvin on the 8 April 2016 there was evidence that the owners did not comply with the existing approval. After June 2016 the owner was requested to comply with the existing approval.</p> <p>The limitations have been in place since February 1999. The Shire has simply taken action to enforce compliance since June 2016.</p> <p>The owner has been advised that they can lodge a new planning application.</p>
<p>This situation has resulted in all manner of hardships for my wife & myself, clients & in some instances considerable inconvenience & cost to the local infrastructure of this Town as in Silver Chain, the Police, & the Emergency services.</p>	<p>In 1998 the owner applied for one caravan to be used for short stay, and 2 caravans to be used for the storage of '<i>clothes/household goods</i>'.</p> <p>Mr Hargreaves is complaining about the outcome when Council, at the time, simply approved the development as submitted.</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

<p>The email refers to examples of guests – refer Attachment 1.</p>	<p>Noted.</p>
<p>Councillors & Mr. CEO – every one we have had through our place & helped over a rough patch – bar those few exceptions as mentioned involving the Police & Axillary services & these occurrences ONLY SINCE THE 3 DAY IMPOSITION, have, after a while, got back on their feet. Sometimes it only needs a place to stay rent free for a few months until their Centrelink, or whatever the problem it is, sorts itself out. Sometimes, particularly with deep seated physiological problems, longer. And the neighbouring towns of Geraldton or Carnarvon aren't necessarily easier for people in a fix. In fact on the contrary. There is hardly anything outside of Perth, particularly for men, where people can turn to in times of crisis. This contributes to the high suicide rate of 2 people taking their lives every 24 hours.</p>	<p>Noted. The owner has not lodged any new planning application for consideration by the Shire.</p>
<p>Despite a transient population of approx. 130,000 adults a year through Shark Bay, we have one of the lowest suicide rates in the country. It stands at 3 people in the last 30 years or one every ten years. I know our Crisis Centre has played its part in achieving that figure as I have known those three that took their lives as I have known the many that have seriously considered this final act to put an end to everything.</p>	<p>Noted. This is a statement.</p>
<p>Now I understand there is provision in the Local Gov't Act under the Caravan Park & Camping Ground Regulations 1997 (#11) whereby you as a Council can give permission to utilise a caravan for up to 3 months. But the Minister responsible for Local Government – the Hon. David Templeman MLA - can give approval for a Caravan(s) to be used for longer than 3 months.</p>	<p>Noted. Section 11 allows a person to camp on property which <i>he or she owns or has a legal right to occupy</i> . This regulation relates to the owner camping</p> <p>Noted. In accordance with Regulation 13 (a) and (b) the Minister would have to be satisfied that the land is suitable for camping with respect to safety and health, and access to services. This regulation relates to the owner camping</p> <p>Town Planning Innovations is of the view that it is unlikely the Minister would approve camping where it would contravene an existing planning approval.</p>
<p>Rather than my going to this M.P. myself with an Appeal I am asking this Council to table a motion for a complete waiver of time frames as has been the <i>modus operandi</i> with all previous Councils for the past 30 years.</p>	<p>Under the <i>Caravan Parks and Camping Grounds Regulations 1997</i>, only the Minister has the ability to give written approval.</p> <p>This statement is factually incorrect in regard to previous councils.</p>

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Mr Hargreaves may pursue whichever avenues he wishes, however it will not alter the fact that there is an existing planning approval with conditions that place limitations on the use of caravans.

The owner has been provided with written advice that they can lodge a new planning application to the Shire. If the owner does not pursue a planning application then Town Planning Innovations cannot refer any new proposal to Council for a new determination.

CEO's comment

Mr Hargreaves by his own admissions would appear to have non-compliant with the Town Planning approval that was granted by council in 1999 on numerous occasions.

The reference in regard to previous councils waiving of all time frames as the *modus operandi for the past 30 years* fails to recognise the Town Planning approval that was granted in 1999 and the actions taken in 1998 that precipitated this approval.

Based upon Mr Hargreaves assertions previous councils and administration would have appeared to be remiss in their obligations to uphold the provisions of the Town Planning Scheme and individual town planning approvals, however this particular approval and situation is unique and as evidenced in recent times requires significant resources to ensure a degree of compliance by the individual in accordance with the approval granted and the Shires Town Planning scheme.

LEGAL IMPLICATIONS

Planning and Development Act 2005 –

Under Clause 211 (1)(a) of Part 13 a person who is aggrieved at the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister for Planning.

Under Clause 218 a person who does not comply with a condition of planning approval commits an offence.

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

Caravan Parks and Camping Grounds Act 1995 – This report does not focus on any breaches of the Caravan Parks and Camping Grounds Act 1995 as prosecution for a breach of the existing planning approval is likely to achieve a more successful outcome.

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.

STRATEGIC IMPLICATIONS

Under the Shire of Shark Bay Local Planning Strategy and Draft Local Planning Scheme No 4, Lot 100 is proposed to be zoned 'Commercial' with an R50 density code.

RISK MANAGEMENT

MINUTES OF THE ORDINARY COUNCIL MEETING

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The Shire has obligations to uphold the provisions of the Scheme.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

18 July 2017

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ATTACHMENT # 1

CA 100.04 BU 102 PB:KML
Peter Brooks

3 September 1998

Mr T Hargreaves
6 Durlacher Street
DENHAM WA 6537

Dear Tim

CARAVANS AND NON-APPROVED STRUCTURES

Recently Council Officers have become aware of the presence of 2 additional caravans and the construction of palm frond thatched shade structure surrounding 2 caravans on your property at 6 (part Lot 23) Durlacher Street.

With this situation having been effected by yourself I must draw to your attention a number of issues of concern which will require remedial action in order to remove a cause for complaints.

Concern is raised about the addition of a further 2 caravans onto your land. Whilst these are currently not in a useable/habitable condition the positioning of any of the caravans within the front setback areas from either street is contrary to Town Planning Scheme No 2 which states -

Clause 4.4.10

Except as in hereinafter provided, no caravans, boats, trailers and similar items shall be stored between a dwelling and the street.

Council may grant special approval where certain situations/conditions can be satisfied. This approval would only be expected to apply to 1 caravan - if granted. Accordingly you are requested to arrange relocation of the caravans to a more suitable location on your land or alternatively to the light industrial area - a more appropriate location in this instance.

The issue of your providing emergency accommodation to destitute and delinquent persons is commendable and applauded. However, Council and its Officers need to ensure the overall community good and issues are considered and properly addressed and catered for. Your dwelling is a proper place of habitation and cannot be used as hostel/boarded house or the like within current legislative controls. In particular it is technically not within the scope of the Town Planning Scheme to permit approval of such uses within the Town Centre Zone.

Even though the *Caravan Parks and Camping Grounds Act 1995* and *Regulations 1997* permit Council to grant approval for caravan occupation for a maximum of 3 months in any 12 month period, where this occurs on residential land it is intended usually for direct family

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members and visiting friends and not for other persons. This Act cannot be used in a situation which overrides other Acts such as the *Town Planning and Development Act 1928* which empowers Town Planning Schemes.

Accordingly, you should seek to arrange alternative means to accommodate the people to whom you provide this charitable service. Utilising your residence itself would appear to be the best on-site option and would then be in compliance with the Town Planning Scheme and the Residential Planning Codes (R Codes).

The other matter which needs to be addressed is the construction of the palm frond thatched shade shelters erected (without approval) around two of the caravans. Whilst this has in effect provided a visual screening of the caravans it is considered to be in contravention of Part XV Section 399(1) of the *Local Government (Miscellaneous Provisions) Act 1960*, which states -

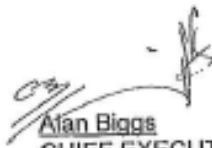
399(1) Except where authorised to do so by a licence under paragraph (a), or a consent under paragraph (b), of subsection (4) of this section or under a by-law of the municipality, no person shall erect on land within the district, a building having external walls wholly or in part of wood, canvas, thatch, or other inflammable material, or having internal partitions or ceilings consisting either wholly or in part of calico, canvas, paper, or other inflammable materials, nor roof a verandah or balcony of a building with canvas or other inflammable material.

The issue here is the inflammable nature of the palm frond thatch as well as the failure to seek and obtain building approval prior to construction being effected. Setbacks from boundaries also need to be considered.

At this time the issues raised above have not been reported upon, or considered by Council and you are invited to provide a written response to enable the matters to be given fair and reasonable consideration. Alternatively, you may wish to remove all the causes of concern and then the matter will not need to be referred to Council for consideration.

I look forward to your response to these issues of concern in due course.

Yours sincerely



Alan Biggs
CHIEF EXECUTIVE OFFICER

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ATTACHMENT # 2

From: [Tim Hargreaves](mailto:Tim.Hargreaves)
To: admin@sharkbay.wa.gov.au; [Paul G Anderson](mailto:Paul.G.Anderson)
Cc: david.templeman@mp.wa.gov.au; Liz
Subject: Shark Bay Crisis Centre - Ministerial Exemption sought
Date: Friday, 14 July 2017 3:16:40 PM
Attachments: [Scan0243.pdf](#)
[Scan0136.pdf](#)
[Scan0108.pdf](#)

To the CEO & All Councillors – Shire of Shark Bay

**Shark Bay Crisis Centre – Ministerial Exemption sought
from current ruling of 3 day stay.**

I refer to past correspondence on the subject of the 3 day limit of stay at the Crisis Centre.

So there be no ambiguity I will re-cap on certain aspects of the situation.

For some 30 years my wife & I have run this self-funded Crisis centre as an extension to our Christian Fellowship run from our home at the corner of Hughes & Durlacher Steets in Denham.

The overall facility is large, set on nearly half an acre of land roughly in the centre of town & opposite, on respective corners, to the Police Station on, Silver chain Nursing Post, & the Town Hall.

This community facility, the longest established Registered Charity of its kind in the Gascoyne I understand (of some 30 years) consists of the main house with its central courtyard on approx. half an acre with five bedrooms & three bathrooms plus three on-site caravans.

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Until June of 2016 there had been no limitation of the length by those in Crisis at this Centre. After June of 2016 the Shire, on the recommendations of Town Planners Gray & Lewis (Mrs. Liz Busby) imposed a limitation length of stay of *only* 3 nights, for only *one* individual, in only *one* caravan. Any breach of this ruling would result in a fine of some \$500,000.00.

This situation has resulted in all manner of hardships for my wife & myself, clients & in some instances considerable inconvenience & cost to the local infrastructure of this Town as in Silver Chain, the Police, & the Emergency services.

Firstly, to take the last scenario of costs to society alone.
(Since Jan.2017)

Peter Harris (ex-Fremantle, late 20's) After 3 days in a van, & our home being full, when told he would have to leave he took himself to the Silver Chain Nursing Post & created a disturbance which necessitated the calling of Police who in turn drove or flew him to Carnarvon.

Frank Gill. Sometime of Hamelin Pool & sometimes of Fremantle. (See attachment). Normally of no trouble, stopping only 3 or 4 days in a van. This time, when told on arrival he could only stay 3 nights, purchased 2 bottles of whisky on the second day & spoke of going to Perth via Hamelin Pool. The whisky I confiscated – without any trouble – but when deciding to leave the following day without staying the third night, he asked for his whisky, proceeded to get drunk & disorderly & finished up on the

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pontoon moored near the fore-shore. Along with the Police, the VMR & then the Silver Chain were involved. He was that afternoon flown down to Perth. Police reckoned on the costs all up came to some \$20,000)

Timmy- Lee Heign (part Aboriginal woman) having just been discharged from Geraldton hospital after third miscarriage in 12 months & partner of Calvin Lovett. He a well-known Rodeo rider of bucking broncs & bulls in the N.T. & Texas whom Council met when we sought some clemency over the 3 day ruling. The town was full because of the Dirk Hartog celebrations. Timmy-Lee was too stressed after her last miscarriage & with having to move from the caravan she was in & back to the house every 3 days thereafter. There being no suitable accommodation they decided to leave Shark Bay. Her partner Calvin had very quickly become something of a hero in the eyes of local kids & they both wanted to stop in Shark Bay. They were anti-drugs & I had in mind a ministry with an influence for much good with local youth. A terrible indictment of Shark Bay & a real loss.

Current very real Crisis for **Matthew & Mary** (real names omitted – like most others I had never met them before) He a social worker, she a school teacher. Matthew was close to finishing a contract in the Metropolitan area involving some 15 clients in need of re-habilitation. One of the clients, having signed over his dog to someone else due to his inability to look after it properly, now demanded it back. On being advised it would be inadvisable at this stage,

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threatened to kill Matthew.

Matthew felt some comfort in knowing his address was not known to the client but unbeknown to Matthew the client established his whereabouts.

On returning home that evening Matthew found two shallow graves had been dug on his property with an effigy placed in each one.

Other than a VRO – which the Police said could take a number of days to process & be heard by a Magistrate – there was little they could do. Matthew & Mary decided to play it safe & leave for somewhere well away & soonest. They left from down South in a hurry & hence their arrival in Shark Bay & inevitably our place being opposite the Police Station. The high front wall, trees & central courtyard give a sense of security. I have lost count of the number of times the Police have brought woman here for safe being when it has proved necessary to serve a VRO on a violent partner. The Crisis Centre fills the bill until they determine where next to go. In all probability a remote Aboriginal community as a social worker & she in a teaching capacity. After the initial 3 nights in a van they are now in the house. But one of my sons, his wife & two children are due up these school holidays. My wife & I are now faced with what we see as a needless complication to life.

Current very real Crisis - **Greg McFarlane** (50) surfer Paradise Q'land. Bad industrial accident 10 years ago – hospitalised/treatment nearly a year – trying to get back on his feet – picked up a bit of work towing a boat for someone

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from Q'land to Perth – had adequate script for a particular pain killer to Perth but transpired the boat had to be taken up to Hedland – trying to get back on Centrelink after boat delivery – now out of script for pain killer – brakes seized up round the Overlander – hence his coming into town & living rough sleeping in back of his ute. Suffers from Sleep Apnea & reliant on oxygen mask. Not a good scene when it rains or is cold at night. Money just about out etc. This man was a fit & heathy individual with his own printing business before his accident. Marriage then folded - has inevitably thought of pulling the pin on life. it's not easy for me say “.. sorry mate but your 3 days are up & you 'll have to be on your way. I'm the one that cops a fine..”

Councillors & Mr. CEO – **every one** we have had through our place & helped over a rough patch – bar those few exceptions as mentioned involving the Police & Axillary services & these occurrences ONLY SINCE THE 3 DAY IMPOSITION, have, after a while, got back on their feet. Sometimes it only needs a place to stay rent free for a few months until their Centrelink, or whatever the problem it is, sorts itself out. Sometimes, particularly with deep seated physiological problems, longer. And the neighbouring towns of Geraldton or Carnarvon aren't necessarily easier for people in a fix. In fact on the contrary. There is hardly anything outside of Perth, particularly for men, where people can turn to in times of crisis. This contributes to the high suicide rate of 2 people taking their lives every 24 hours.

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Despite a transient population of approx. 130,000 adults a year through Shark Bay, we have one of the lowest suicide rates in the country. It stands at 3 people in the last 30 years or one every ten years. I know our Crisis Centre has played its part in achieving that figure as I have known those three that took their lives as I have known the many that have seriously considered this final act to put an end to everything.

Now I understand there is provision in the Local Gov't Act under the Caravan Park & Camping Ground Regulations 1997 (#11) whereby you as a Council can give permission to utilise a caravan for up to 3 months. **But the Minister responsible for Local Government – the Hon. David Templeman MLA - can give approval for a Caravan(s) to be used for longer than 3 months.**

Rather than my going to this M.P. myself with an Appeal I am asking this Council to table a motion for a complete waiver of time frames as has been ***the modus operandi*** with all previous Councils for the past 30 years.

Thank you.

Tim Hargreaves

Attached – 2 old references, one from a Govt. Dept. & one from the private sector.

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13.5 DRAFT LOCAL PLANNING SCHEME NO 4 PRELIMINARY REPORT ON PROPOSED MODIFICATIONS (GENERAL)
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 Lot 556

Cr Fenny left Council Chambers at 4:27pm

Moved Cr Ridgley
Seconded Cr Laundry

Council Resolution

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 that a further report will be referred to the August 2017 Council meeting for Council to formally consider final adoption of Draft Local Planning Scheme No 4 (with modifications).**
3. **Note that this preliminary report focuses on the more significant modifications being examined as part of the Scheme Review that did not form part of the Shires Local Planning Strategy, Strategy submissions or formal advertising.**
4. **Generally support the modifications to Draft Scheme No 4 outlined in this report including:**

ZONING CHANGES

- (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'.**

TEXT CHANGES

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- (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.

MAP CHANGES

- (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.

4/0 CARRIED

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.

COUNCIL MEETING DATE	SUMMARY
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.

MINUTES OF THE ORDINARY COUNCIL MEETING

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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 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.

COMMENT

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

A number of new issues have been raised during advertising.

This report focuses on reporting new modifications to be considered by Council that were not previously identified in the Shire's Local Planning Strategy, or considered as part of previous submissions on the Local Planning Strategy.

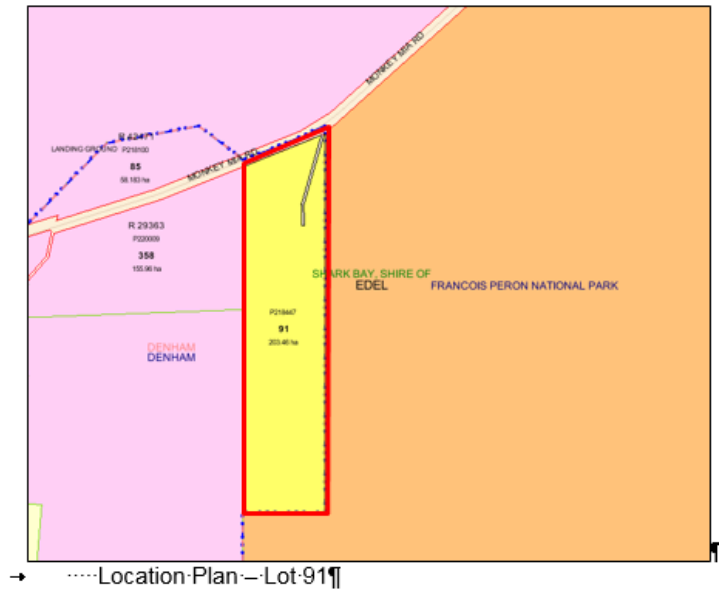
This report concentrates on more significant new modifications identified through:

1. Submissions lodged by non government parties; and
2. Zoning issues identified by Town Planning Innovations through dealing with recent planning proposals.

Each modification is discussed individually below:

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MODIFICATION 1 – AIRPORT : LOT 91 MONKEY MIA ROAD, DENHAM



Lot 91 has an approximate area of 203.46 hectares and contains the Shark Bay Airport and associated airport infrastructure. Access into the lot is via Shark Bay Airport Road which connects to Monkey Mia Road.

Lot 91 is zoned 'Rural/Pastoral' under the existing Shire of Shark Bay Local Planning Scheme No 3 ('Scheme 3'), and was proposed to be zoned 'Rural' under Draft Scheme No 4.

Lot 91 is not within, but is adjacent to, the Special Control Area for the Shark Bay World Heritage Property.

The existing and proposed zoning was identified as being problematic when a planning application was lodged for a temporary 2 year planning approval for storage of 37 transportable buildings on Lot 91 in February 2017.

The objectives and permissible landuses within a Rural zone are not compatible with the existing established airport landuse.

A submission has been lodged by Town Planning Group WA + Place Match seeking support for a 'Special Use zone' for Lot 91 under Draft Scheme 4 which is supported. Town Planning Group recommended that Council be given discretion to consider a fuel depot, hire service, industry, motor vehicle hire, restaurant, shop and storage (with no conditions).

Town Planning Innovations recommends that Draft Scheme allow for a broader range of landuses to maximise future opportunities for the site, and include conditions for future development.

Town Planning Innovations recommends that Council support revised provisions for a Special Use zone for Lot 91.

MINUTES OF THE ORDINARY COUNCIL MEETING

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The proposed modifications were referred to Town Planning Group for comment and they confirmed on the 17 July 2017 that *'the landowner has no objections to your proposed modifications'*.

Changes proposed to Town Planning Group's submission are shown in blue text.

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"> • Airfield • Carpark <p>The local government has discretion to consider the following uses:</p> <ul style="list-style-type: none"> • Animal Establishment – A • Art Gallery – D • Civic use – D • Exhibition Centre - D • Fuel Depot – D • Hire Service - D • Industry – A • Industry Light – D • Lunch bar – D • Motor vehicle hire – D • Office – I • Restaurant/café – D • Shop – D • Storage - D • Telecommunications infrastructure – D • Transport Depot – A • Warehouse/storage – D • Renewable energy facility - D 	<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"> • Provision of adequate services; • Waste management; • Suitable areas on site for carparking, loading, truck movements, access and traffic circulation. <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>

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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.

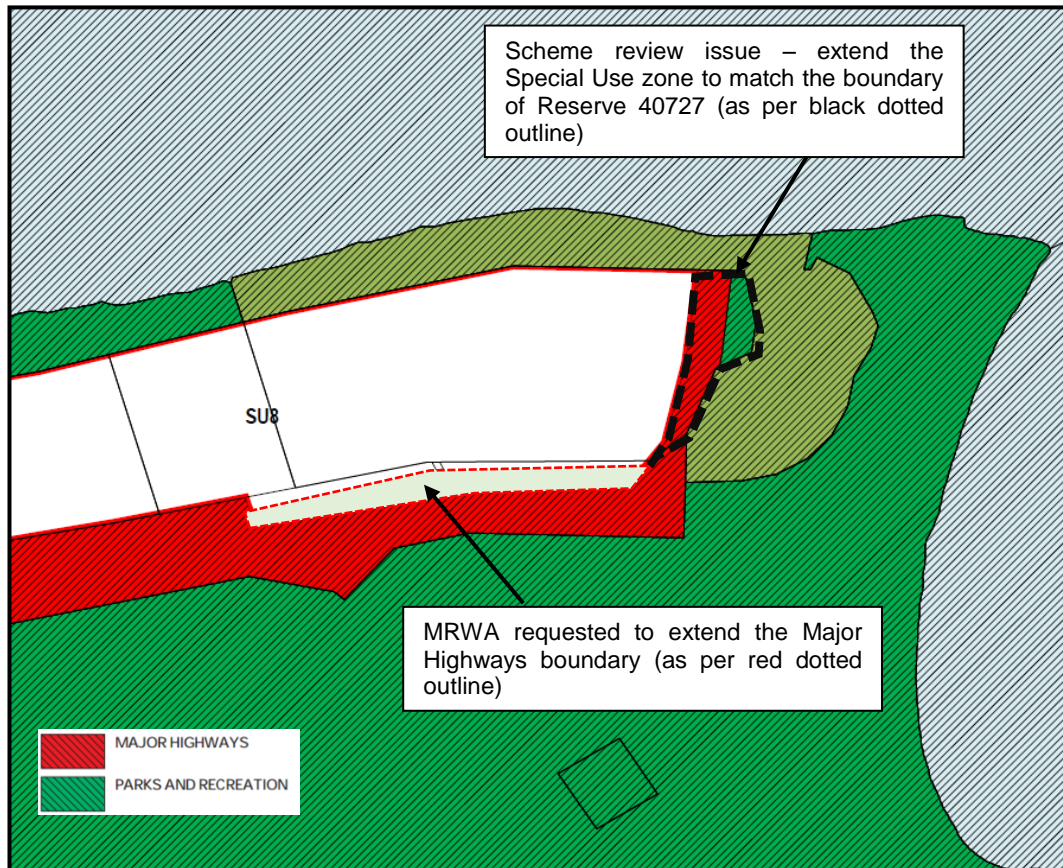
MODIFICATION 2 – MONKEY MIA (MAP CHANGE)

The majority of Reserve 40727 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('Scheme 3'), and Draft Local Planning Scheme No 4 ('Draft Scheme').

Through the Local Structure Plan process the Shire became aware of an existing map anomaly – refer to map over page. This anomaly will be corrected as part of the Scheme Review, as the Special Use zone boundary should align with the boundary of Reserve 40727.

Town Planning Group (on behalf of RAC Tourism Assets Pty Ltd), has requested the map be corrected. Main Roads WA also supported this map correction in their submission.

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Above – Proposed map changes for Monkey Mia

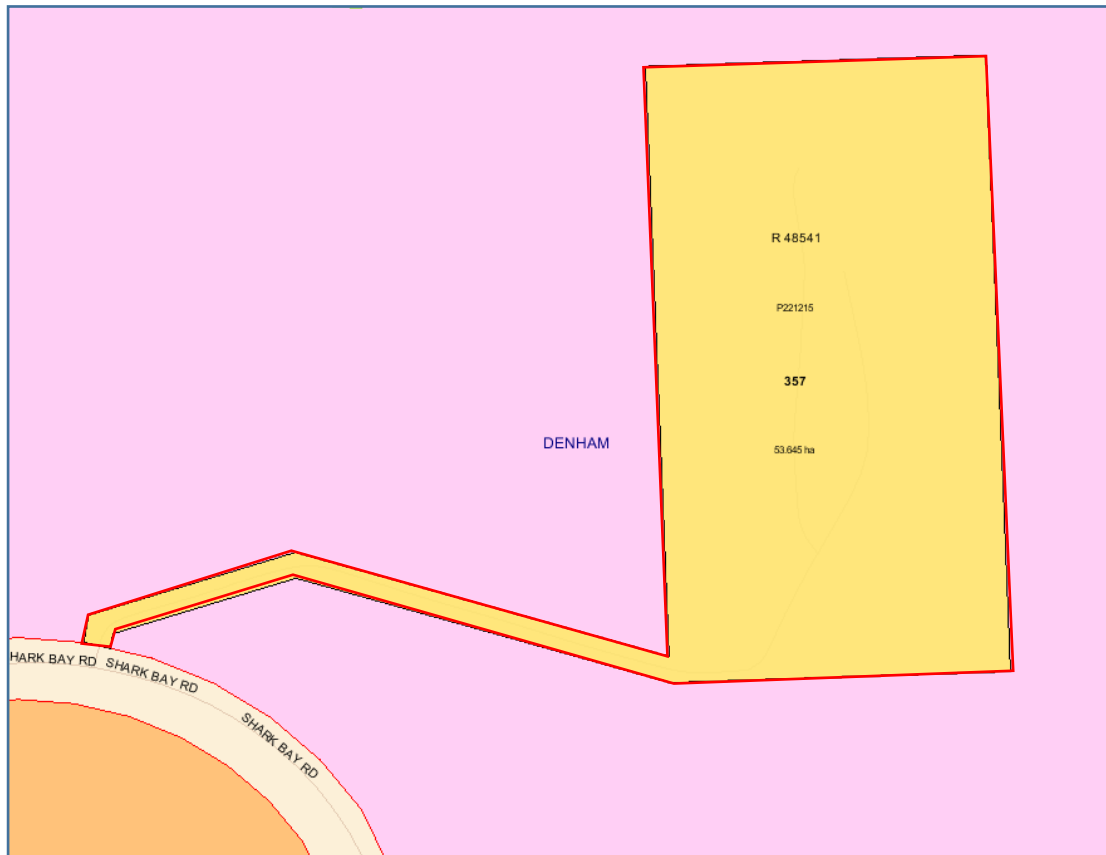
MODIFICATION 3 – LOT 357 (RESERVE 48541) SHARK BAY ROAD, DENHAM

The Shark Bay Waste Disposal Facility is a landfill site located on Lot 357 known as Reserve 48541. Town Planning Innovations recently became aware of the Shires future intentions to develop a shed / recycling facility on the land (subject to funding).

The Shire holds a Management Order over the reserve for 'soil'. Lot 237 is currently zoned 'Rural/Pastoral' under Scheme 3 and was proposed to be zoned 'Rural' under Draft Scheme 4. A Rural zone is not ideal as the landuse controls applicable are not suitable for an established tip site.

It is recommended that a more appropriate classification be employed under Draft Scheme 4 such as a Local Scheme Reserve for Special Purpose.

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Town Planning Innovations has referred this matter to the Department of Planning, Lands and Heritage to conduct informal consultation, as it is crown land.

At the time of writing this report no response had been received from Department of Planning, Lands and Heritage.

MODIFICATION 4 – PROPOSED WASTE SITE IN WANNOO : PORTION OF LOT 219 NORTH WEST COASTAL HIGHWAY, WANNOO

The Billabong Roadhouse and Billabong Hotel/Motel are situated in the Wannoo Town Site at the southern extremity of the Shires boundaries approximately 170 kilometres from the Denham Town Site.

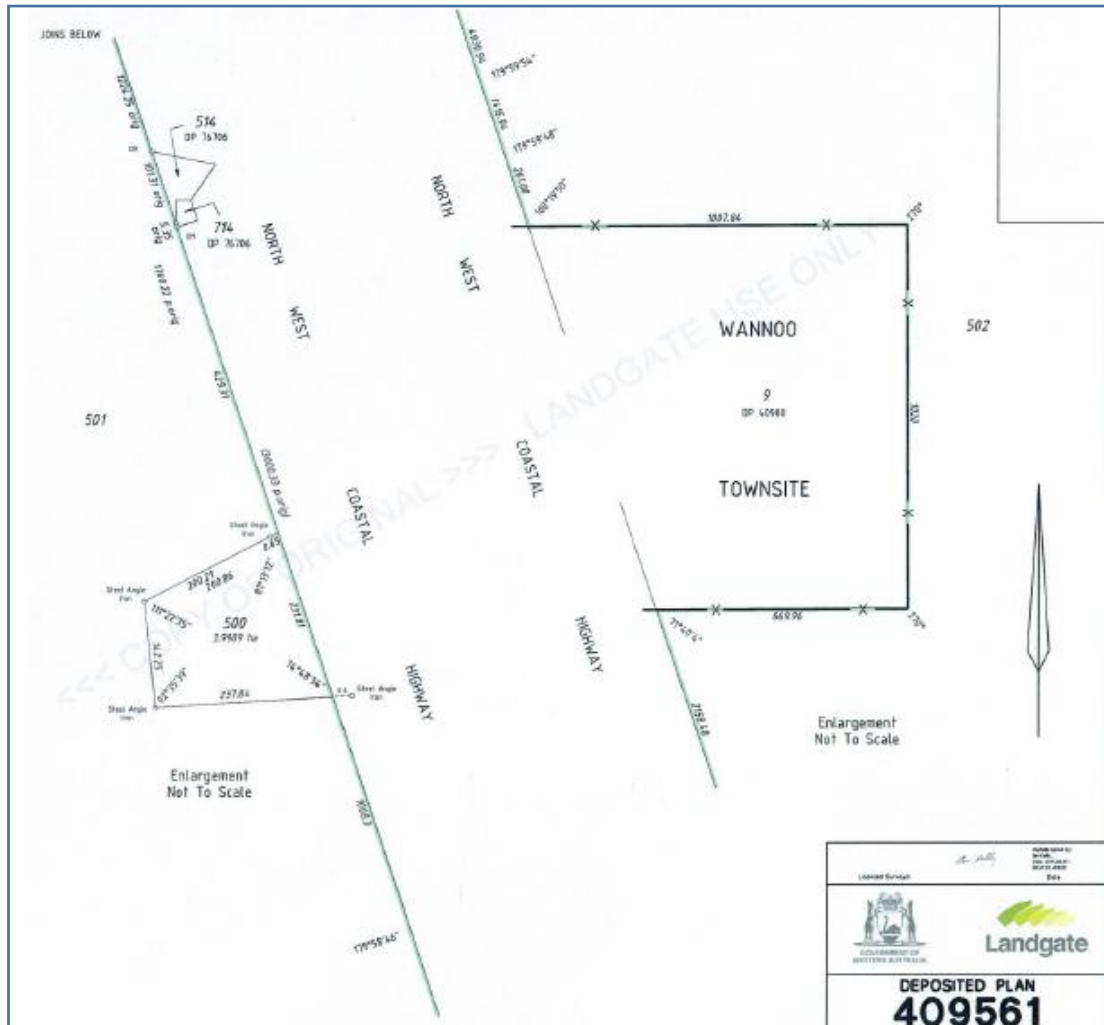
The Billabong Roadhouse and Hotel/Motel were utilising an abandoned Main Roads Western Australia department camp area that is located 3 kilometres south of the Wannoo Town Site (Billabong) 200 metres off the highway as a rubbish disposal site that is on the Meadow Pastoral Lease within Lot 219 on Deposited Plan 220369 currently managed by Harold Crawford of Nerren-Nerren Station.

At the ordinary meeting held on the 29 July 2015, 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.

The excision process was formally initiated through the (then) Department of Lands in 2015 and is ongoing.

26 JULY 2017

The land to be excised has been surveyed, however still has to go through a land assembly process and native title process. It is located to the south of Wannoo townsite.



Ultimately when Lot 500 is excised it will be converted into a reserve with a Management Order to the Shire. It is recommended that a more appropriate classification be employed under Draft Scheme 4 such as a Local Scheme Reserve for Special Purpose.

The Department of Planning has indicated a new scheme classification can be considered if agreeable to the Department of Lands (now known as the Department of Planning, Lands and Heritage).

Town Planning Innovations referred this matter to Department of Planning, Lands and Heritage and no response had been received at the time of writing this report.

26 JULY 2017

MODIFICATION 5 – LOT 2, NANGA (AQUACULTURE)

Lot 2 is currently zoned 'Special Use' and this zoning will be carried through to Draft Scheme No 4. The Special Use zone applies to Lot 1, 2, 3 and 4.



Above: Existing Special use zone (No 5) – Shire of Shark Bay Local Planning Scheme No 3

The Special Use numbering for this area will change from 'SU5' to 'SU4' under Draft Scheme 4.

Town Planning Group WA, on behalf of Pan Holdings Pty Ltd, has requested that 'Agriculture-intensive' be included as discretionary use in the Special Use 4 zone under Draft Scheme 4.

It is recommended that the modification be supported as:

1. The 'agriculture-intensive' landuse definition includes aquaculture.
The definition is contained in Draft Scheme 4 and is as per the Model Scheme Text contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
2. In December 2016, planning approval was granted for aquaculture within the ocean immediately adjacent to Lot 2.
3. Flexibility is sought so that activities associated with aquaculture may be conducted on Lot 2 in the future (subject to separate planning approval).
4. As the same Special Use provisions apply to adjacent Lots 1, 3 and 4 they will also be provided with increased flexibility.

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MODIFICATION 6 – LOT 556 OCEAN PARK ROAD (OCEANARIUM)

The current Special Use provisions applicable to Ocean Park under Scheme 3 limit accommodation to 'camping ground' for '*students involved in educational programs or research*'.

A planning application was lodged in November 2016 for 27 eco-tents for student accommodation and is pending lodgement of additional information by the applicant.

In 2016 the owner sought preliminary support for an amendment to the existing Scheme No 3 to introduce more flexibility for tourist accommodation at Ocean Park.

Council was generally supportive of a scheme amendment, subject to provisions requiring future development to be guided by a Structure Plan endorsed by the Western Australian Planning Commission – Attachment 1 (Minutes 30 November 2016).

Requiring a Structure Plan is consistent with the approach taken for other coastal tourist sites such as Nanga, Hamelin Pool and Monkey Mia.

Taylor Burrell Barnett has lodged a submission on behalf of WA Ocean Park Pty Ltd seeking removal of condition (ii) from Draft Scheme 4 – shown in red text below.

Consistent with the direction provided by Council in November 2017, Town Planning Innovations recommends the following modifications (shown in blue text).

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

No.	Description of Land	Special Use	Conditions
SU13	Edel Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> • oceanarium • shop • restaurant/cafe • camping ground (restricted to students) • workforce accommodation <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 both tourist and research purposes. Different forms of accommodation for tourists may be appropriate where the uses are planned for by a Local Structure Plan.</p> <p>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.</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>

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

No.	Description of Land	Special Use	Conditions
SU13	Edel Location 110		<ul style="list-style-type: none"> iii) A maximum of two dwellings for workers accommodation may be constructed on site. 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: <ul style="list-style-type: none"> (i) A Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, service areas, and rubbish management; (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; (iii) Adequate setbacks to the coast to be provided in accordance with any relevant state planning policy; (iv) A Bushfire Management Plan that addresses any relevant state planning policy or bushfire guidelines.

It is recommended that the modifications be supported. This report provides Council with an opportunity to have input into the changes prior to a report on the entire Draft Scheme No 4 being referred to the August meeting.

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 consent to advertise.

26 JULY 2017

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 to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	19 July 2017

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Attachment 1

MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

14.3 INFORMAL SCHEME AMENDMENT REQUEST – LOT 556 (100) OCEAN PARK ROAD
P4392 / LP00002

AUTHOR

Liz Bushby, Gray and Lewis Land Use Planners

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Gray and Lewis

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

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as Managing Director of Ocean Park

Moved Cr Capewell

Seconded Cr Laundry

Council Resolution

That Council:

1. Authorise the Chief Executive Officer to advise Mr Rick Fenny (Fenny Group) and Mr Edmund Fenny (Ocean Park Management) that:
 - (i) The Shire would be prepared to consider a formal scheme amendment to increase flexibility for tourist accommodation on Lot 556 Ocean Park Road.

The amendment will be assessed on merit however needs to address normal planning considerations, including State Planning Policy 2.6 – State Coastal Planning Policy, State Planning Policy 3.7 – Planning in Bushfire Prone Areas, and the Western Australian Planning Commission Guidelines for Planning in Bushfire Prone Areas.

Any scheme amendment has to be advertised and requires approval by the Minister for Planning.
 - (ii) The owners need to engage a town planning consultant to compile formal scheme amendment documents to be considered at a future Council meeting.
 - (iii) It is recommended that the scheme amendment have regard to existing landuses and any future landuses. Any landuses listed in Schedule 4 should have correlating landuse definitions.
 - (iv) Any formal scheme amendment would be classified as a 'complex' scheme amendment under the Planning and Development (Local Planning Schemes) Regulations 2015 as:
 - The amendment is not earmarked in the Shire of Shark Bay Local Planning Strategy; and
 - The amendment relates to development that is of a scale that is significant relative to development in the locality.
 - (v) Scheme amendment fees would be payable by the proponent.

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

- (vi) **Option 1 outlined in this report is favoured by Council, in relation to Structure Plans.**

5/0 CARRIED

Cr Fenny returned to Council Chambers at 5.21pm

BACKGROUND

- *Amendment 1 to the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme')*

In 2008 a request was lodged by Taylor Burrell Barnett (planning consultants) on behalf of WA Ocean Park Pty Ltd to re-zone Edel Location 110 from 'Rural' to 'Special Use' zone with specific provisions in Schedule 4 of the Shire of Shark Bay Local Planning Scheme No 3.

The amendment was formally initiated by Council (without modification) at the Ordinary Meeting held on the 28 May 2008. Following advertising, Amendment No 1 was adopted by Council (without modification) at the Ordinary Meeting held on the 24 September 2008. Amendment 1 was gazetted on the 17 April 2009.

- *Location and existing development*

Edel location 110 is now known as Lot 556 (100) Ocean Park Road.

The lot has been developed with an oceanarium, restaurant, and ancillary development such as a dwelling and solar infrastructure. It is known as Ocean Park.

The oceanarium includes aquarium tours, dive tours, shark feeding and the operators also organise a range of dive adventures and marine safaris.

The restaurant is open daily for breakfast and lunch, between 9.00am and 3.00pm. It includes a licenced bar and caters for functions, such as kids parties and weddings. A location plan with aerial underlay is included overpage.

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

26 JULY 2017

30 NOVEMBER 2016



Source: Landgate

- *Draft Local Planning Scheme No 4 – Scheme Review*

Gray & Lewis has previously provided advice to the proponents on options to examine the provisions relating to Lot 556 as part of the Scheme Review process.

The proponents were given an opportunity to lodge a preliminary submission on the Scheme Review in April 2015, however did not lodge a submission at the time.

Gray & Lewis has more recently advised the proponents that:

- Advertising material for Draft Scheme 4 is currently being prepared with the objective to commence advertising by the end of November 2016.
- A specific letter will be sent to them during advertising so they have an opportunity to lodge a submission on the Draft Scheme.

If they pursue an amendment to the existing Scheme No 3 as a shorter term solution, then changes to Draft Scheme No 4 can still be considered after advertising.

COMMENT

- *Existing Scheme Provisions*

The provisions applicable to Lot 556 as listed in Schedule 4 of the Scheme are as follows:

No.	Description of Land	Special Use	Conditions
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Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

SU13	Edel Location 110	<p>The following uses are permitted:</p> <ul style="list-style-type: none"> • Oceanarium and associated incidental uses • Shop • Café/ restaurant • Camping ground • Workers accommodation 	<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 both tourist and research purposes.</p> <p>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.</p> <p>iii) A maximum of two dwellings for workers</p>
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• *Scheme Amendment request*

The Shire has been approached by Mr Rick Fenny (Fenny Group) and Mr Edmund Fenny (Oceanpark Management) seeking support for a future amendment to the existing Scheme for the Ocean Park site.

The proponents seek increased flexibility as currently the Scheme limits accommodation to 'camping ground', and only allows camping for student accommodation.

The proponents have lodged a planning application for student accommodation, however would like flexibility in future to cater for tourist accommodation.

• *State Planning Policies*

Any scheme amendment will also be assessed by the Western Australian Planning Commission for compliance with any relevant State Planning Policies.

A scheme amendment is a statutory document and would need to be prepared by a suitably qualified town planning consultant (at the proponents cost).

Any scheme amendment will need to address elements of State Planning Policy 2.6 – State Coastal Planning Policy.

As Lot 556 is located in a bushfire prone area, any amendment also needs to address elements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, and the Western Australian Planning Commission Guidelines for Planning in Bushfire Prone Areas.

The Bushfire guidelines are especially important as they identify any tourism development as a 'vulnerable' landuse.

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

26 JULY 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

- *World Heritage*

The lot is located within a Special Control Area under the Scheme applicable to the world heritage area.

Any scheme amendment would be referred to the Shark Bay World Heritage Advisory Committee and the Department of Parks and Wildlife for comment.

- *Structure Plans – Options for Councillor discussion*

The Scheme requires an Outline Development Plan prior to development of other 'Special Use' zones applicable to coastal tourist sites such as Monkey Mia, Nanga, and Hamelin Pool.

The term 'Outline Development Plan' has been replaced by the term 'Structure Plan' under the Planning and Development (Local Planning Schemes) Regulations 2015.

Council has two options in considering any future scheme amendment for Lot 556 as follows:

Option 1 – Require any scheme amendment to require future development to be in accordance with a Structure Plan endorsed by the Western Australian Planning Commission.

Option 1 provides a consistent approach with other coastal tourist sites and a structure plan would provide the strategic basis to guide future development.

Option 2 – Not request that a structure plan requirement be included as part of any scheme amendment, and allow future development to proceed as a planning application.

Option 2 allows the 'status quo' for Lot 556 to continue.

From a planning perspective, Gray & Lewis sees merit in any substantial development being comprehensively planned for through the structure plan process. However, any requirement for a Structure Plan does add to the complexity of the planning process.

The Structure Plan issue is highlighted for Council discussion. Council can include it's preferred option in point vi of the recommendation/ resolution.

It should be noted that the Department of Planning has indicated an interest in coastal lots and support structure plan requirements for sites such as Monkey Mia. There is potential that the Minister for Planning may consider it suitable for future development at Lot 556 to be guided by a Structure Plan. Ultimately the Minister is the final decision maker on all scheme amendments.

- *Scheme Amendment process*

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

The Scheme Amendment process is governed by the Planning and Development (Local Planning Schemes) Regulations 2015.

Any Scheme Amendment entails:

- i. Referral of a formal scheme amendment to Council to consider adoption (with or without modification) for the purpose of initiating advertising. The Regulations describe amendments as either simple, standard or complex.

Any amendment that is not covered by a Local Planning Strategy is classified as a 'complex' amendment.

If an applicant does not agree with the classification of an amendment they can request advice from the Western Australian Planning Commission.

- ii. Lodgement of the amendment to the Western Australian Planning Commission for assessment prior to advertising.
- iii. Lodgement to the Environmental Protection Authority. Environmental Protection Authority advice is required prior to advertising commencing.
- iv. Advertising for a minimum of 60 days (for complex amendments).
- v. Referral of the amendment (and any submissions) to Council. Council is to consider each submission, and determine whether to adopt the amendment for final approval (with or without modification).
- vi. Lodgement of the amendment to the Western Australian Planning Commission with a request that the Minister for Planning determine the amendment.
- vii. If the Minister for Planning approves the amendment then a notice of the decision is published in the Government Gazette.

LEGAL IMPLICATIONS

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

Shire of Shark Bay Local Planning Scheme No 3 - outlined in the body of this report.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

Fees for scheme amendments are charged based on hourly rates, and the number of staff hours spent on the scheme amendment process.

STRATEGIC IMPLICATIONS

- *Shire of Shark Bay Local Planning Strategy*

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

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MINUTES OF THE ORDINARY COUNCIL MEETING

30 NOVEMBER 2016

The Shire of Shark Bay Local Planning Strategy has been endorsed by Council and the Western Australian Planning Commission. The Strategy does not earmark any changes to the scheme in relation to Lot 556.

The Strategy was advertised for public comment and the owner aspirations were not known at the time of its development.

- *Shire of Shark Bay Tourism Strategy*

The Shire of Shark Bay Tourism Strategy was pursued as a recommendation of the Local Planning Strategy.

The Tourism Strategy states:

'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.'

The proposed amendment is in line with the Tourism Strategy.

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

16 November 2016

Confirmed at the Ordinary meeting of Council held on the 19 December 2016 – Signed by the President Cr Cowell _____

26 JULY 2017

13.6 DRAFT LOCAL PLANNING SCHEME NO 4 – PRELIMINARY REPORT ON PROPOSED MODIFICATIONS – SUBMISSIONS BY MAIN ROADS WA AND DEPARTMENT OF PARKS AND WILDLIFE
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: Proximity Interest – Family Owns Carbla Station

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest Employee of Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service

Officer Recommendation

That Council:

1. Note and generally support the changes requested by Main Roads Western Australia to the Draft Shire of Shark Bay Local Planning Scheme No 4 maps.
2. Endorse the officer recommendation in Attachment 3 on text changes requested by Department of Parks and Wildlife.
3. Support Option ____ in regards to map changes requested by Department of Parks and Wildlife.

Moved Cr Bellottie

Seconded Cr Cowell

Council Resolution

That Council:

1. **Note and generally support the changes requested by Main Roads Western Australia to the Draft Shire of Shark Bay Local Planning Scheme No 4 maps.**
2. **Endorse the officer recommendation in Attachment 3 on text changes requested by Department of Parks and Wildlife.**
3. **Support Option 2 (Determine not to support the map changes by Department of Parks and Wildlife as it involves Unallocated Crown Land which may have potential for future resources, and a whole of government approach, native title processes, and agreement with Department of Mines is not resolved) in regards to map changes requested by Department of Parks and Wildlife.**

4/0 CARRIED

Cr Fenny returned to Council Chamber at 4.35pm.

26 JULY 2017

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 incorporates and implements the recommendations of the Local Planning Strategy.

Related Council resolutions

On the 24 June 2015, Council resolved to adopt the Draft Scheme for the purpose of commencing advertising, and lodged the Draft Scheme to the Western Australian Planning Commission seeking consent to advertise.

On the 9 September 2016 the Western Australian Planning Commission sought a number of modifications to the Draft Scheme, prior to advertising. Council generally supported most modifications at the Ordinary Meeting held on the 28 September 2016.

COMMENT

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

A number of mapping issues have been raised by Main Roads Western Australia and the Department of Parks and Wildlife.

This report concentrates on modifications requested by Main Roads Western Australia and the Department of Parks and Wildlife.

MAIN ROADS WA SUBMISSION

Main Roads WA has lodged a detailed submission to ensure that the 'primary distributor roads' on the Draft Scheme 4 maps reflect existing and proposed roads that fall under their jurisdiction – Attachment 1.

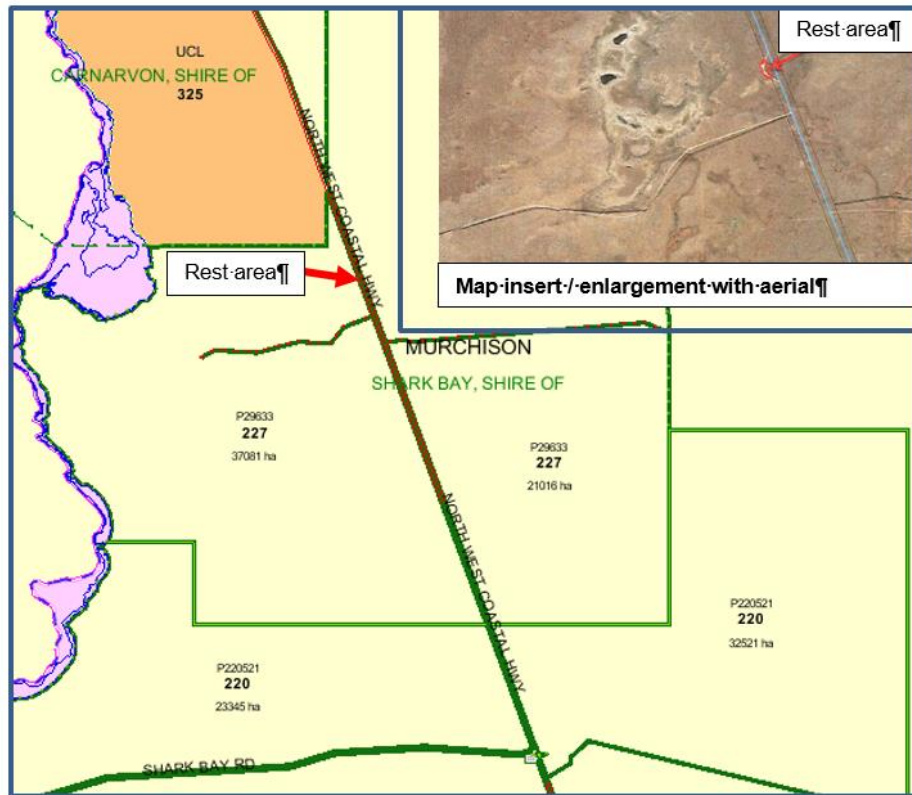
The areas identified are contained on their own Certificate of Title's and either:

- Main Roads WA is the nominated responsible authority, and / or
- There is a registered interest on the title for 'dedicated road'.

In addition to the above there is one rest area on North West Coastal Highway which does not have an individual title for 'dedicated road'. It forms part of Carbla Station (Lot 229), and has not yet been excised from an existing pastoral lease.

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Main Roads WA has requested a portion of Lot 229 be included as they intend to acquire the land through Department of Planning, Lands and Heritage and it is already used as a rest area - aerial below.



Town Planning Innovations recommends that all the changes requested by Main Roads WA be supported. The map changes ensure that any existing or future road areas will be appropriately reserved under Draft Scheme No 4 for 'Major Highway'.

DEPARTMENT OF PARKS AND WILDLIFE SUBMISSION

The Department of Parks and Wildlife has lodged a detailed submission which is included in Attachment 2, and summarised in Attachment 3.

Some of the text changes suggested by Department of Parks and Wildlife, such as including reference to 'environment' as a consideration and clauses on referrals to authorities/government departments are already covered by the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. Where a matter is covered by the Regulations it automatically applies and is not replicated in local planning schemes.

Generic planning matters are mainly covered by the Regulations so that:

- They apply to all local planning schemes across the State of WA;
- Any amendments to the Regulations automatically apply without the need for local planning schemes to be revised / updated; and
- To have generic provisions consistent across Western Australia.

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There are particular issues raised by Department of Parks and Wildlife that warrant specific reporting to Council being:

- A. Modified provision outlining requirements for an environmental report for Special Use zone 14 & 15 (Lots 62, 303, 304 & 305 Dirk Hartog Island).

Department of Parks and Wildlife has suggested re-wording of a clause to state 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 (ERP) (administered by the Department of Parks and Wildlife) areas should be demonstrated.'

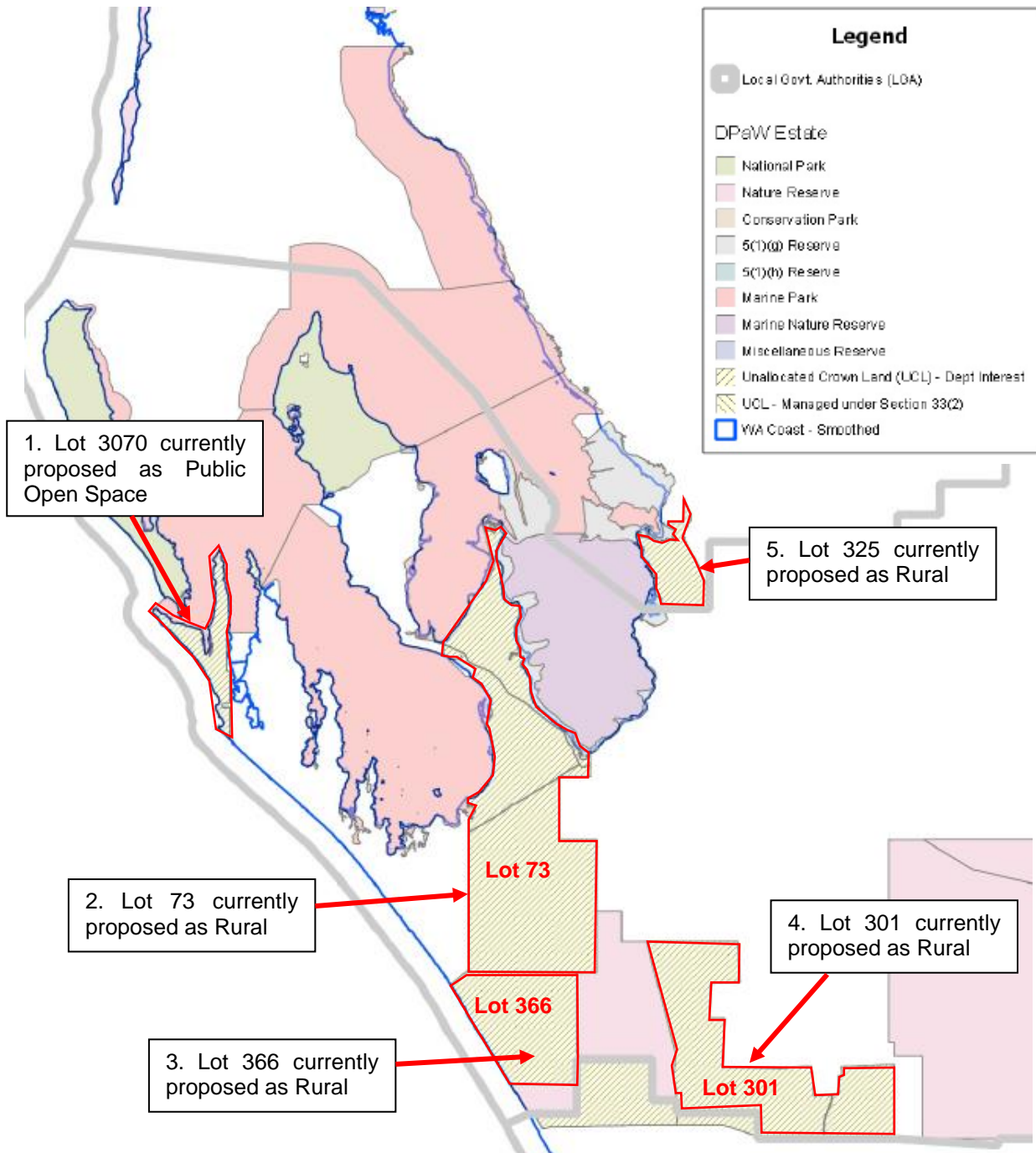
Town Planning Innovations recommends that the clause be modified and expanded as requested by Department of Parks and Wildlife. High regard is afforded to Department of Parks and Wildlife advice given they manage the remainder of the island.

- B. The Department of Parks and Wildlife has requested that areas that they have an interest in be included as 'Environmental Conservation Reserve' instead of a local scheme reserve for 'Public Open Space' or as 'Rural'.

The request covers five large areas of Unallocated Crown Land – refer map over page.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017



It is an unusual situation as the land is not vested to Department of Parks and Wildlife. The Department of Mines and Petroleum objects to Department of Parks and Wildlife's

26 JULY 2017

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. The Department of Mines and Petroleum advises that some of the areas have potential for titanium-zircon mineralisation and most areas have untested potential for petroleum.

The Department of Planning, Lands and Heritage has advised they have no objection to the re-zoning however actual land tenure changes will be dependent on the Department of Biodiversity, Conservation and Attractions 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 Department of Biodiversity, Conservation and Attractions.

Council has two options in dealing with The Department of Parks and Wildlife's request for mapping changes:

OPTION 1 – Support the map changes requested by Department of Parks and Wildlife unreservedly.

OPTION 2 – Determine not to support the map changes by Department of Parks and Wildlife as it involves Unallocated Crown Land which may have potential for future resources, and a whole of government approach, native title processes, and agreement with Department of Mines is not resolved.

Town Planning Innovations favours Option 2 until there is clearer 'whole of government' position on the future of the Unallocated Crown Land. It appears there are reasonably extensive processes to be undertaken until the land tenure can change.

Ultimately the matter will be determined by the Minister for Planning, therefore the officer recommendation has been left open for Council to adopt a preferred option.

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 consent to advertise.

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 known policy implications associated with this matter

FINANCIAL IMPLICATIONS

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

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

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

There are no known risk implications associated with the matter

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

19 July 2017

26 JULY 2017

Attachment 1

12.

Liz

From: HUSTON Isabel (PO) <isabel.huston@mainroads.wa.gov.au>
Sent: Thursday, 9 March 2017 9:45 AM
To: record@sharkbay.wa.gov.au
Cc: liz@graylewis.com.au
Subject: Draft Shire of Shark Bay Local Planning Scheme No. 4
Attachments: Attachment 1 - Markup of Lots to be included/excluded from primary distributor road reserve in Shire of Shark Bay Draft Local Planning Scheme No. 4 Maps.DOCX; Main Roads Response - Draft Shire of Shark Bay Local Planning Scheme No. 4.pdf; Landgate Lodgement Receipt for Responsible Agency Change.pdf; CT LR3132-108.pdf; CT LR3120-644.pdf; CT LR3132-109.pdf; CT LR3120-643.pdf; CT LR3165-458.pdf; CT LR3132-110.pdf; CT LR3165-147.pdf

Hi Paul and Liz,

Please see the attached letter and other documents for additional information. Once I have received confirmation from Landgate regarding the responsibility agency change on a number of lots dedicated as road I will forward this onto the Shire of Shark Bay to support Main Roads recommendations set out in the attached letter.

Kind regards,

Isabel Huston
PLANNING OFFICER
Mid West-Gascoyne Region
Central and Northern Regions
p: +61 08 9956 1238
e: isabel.huston@mainroads.wa.gov.au
w: www.mainroads.wa.gov.au



26 JULY 2017



Enquiries: Isabel Huston on 08 9956 1238
Our Ref: 06/7365, D16#795285
Your Ref: LP00002/O-CR-16108

8 March 2017

Paul Anderson
Chief Executive Officer
Shire of Shark Bay

By email: record@sharkbay.wa.gov.au and liz@graylewis.com.au

ATTENTION: Liz Bushby

Dear Mr Anderson

Draft Shire of Shark Bay Local Planning Scheme No. 4

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 the following recommendations below.

Road Reservation

Main Roads support the inclusion of Primary Distributor Road as a Local Scheme Reserve and the protection afforded by that designation for North West Coastal Highway, Shark Bay Road and Monkey Mia Road.

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).

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:

- The portion of Monkey Mia Road currently situated within the south-west corner of the Lot 1 Shark Bay Road, Denham; and
- Any future intersection upgrades (for example to accommodate a larger number and type of heavy vehicles and/or future population growth).

Once Main Roads seeks to commence the land dealings process, the Shire of Shark Bay and relevant landowners will be notified.

Schedule B - Special Use Zones

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 reworded to include a condition relating to any substantial new development will be subject to the preparation of a Traffic Statement or Assessment produced in accordance with the WAPC's *Transport Impact Assessment Guidelines (Aug 2016)*.

Main Roads Western Australia
Mid-West Gascoyne
Geraldton Office, Eastward Road, PO Box 165, Geraldton WA 6531
Carnarvon Office, 470 Robinson Street, PO Box 480, Carnarvon WA 6701

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138

26 JULY 2017



In addition, we request the rewording of the 3rd condition for Special Use Zone No. 3 in Schedule B- Special Use Zones under clause 21 of the Scheme to be *"Development shall be setback from Shark Bay Road and Monkey Mia Road intersection to the satisfaction of the local government and Main Roads WA"*. The proposed rewording would protect Main Roads future interests to acquire additional land within the south-west corner of the Lot 1 Shark Bay Road.

Vehicle Access

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 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.

If you would like any further information please contact Isabel Huston on 9956 1238.

Yours sincerely

Bernie Miller
Regional Manager
Mid West-Gascoyne Region

26 JULY 2017

(Ref D17#131516) Attachment 1: Identification & property details of affected Lots to be included and excluded from "Primary Distributor Road" Reserve to reflect Main Roads WA Current Management Responsibility within the Shire of Shark Bay

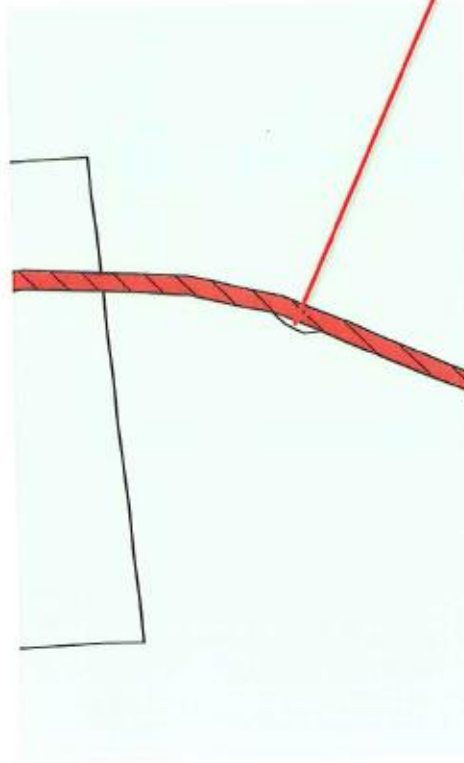


Figure 1: Local Planning Scheme Map No. 4 of 9 Shark Bay Locality South East

Lot 300 to be included as part of 'primary distributor road' reserve and property details below:

- Certificate of Title: LR3165/147
- Deposited Plan: 403041
- Ownership: State of WA
- Responsible Agency: Main Roads WA (Road)
- Status Order/Interest on CT: Road



Figure 2: Lot 300 abutting North West Coastal Highway between 188.3-189.5LK

26 JULY 2017

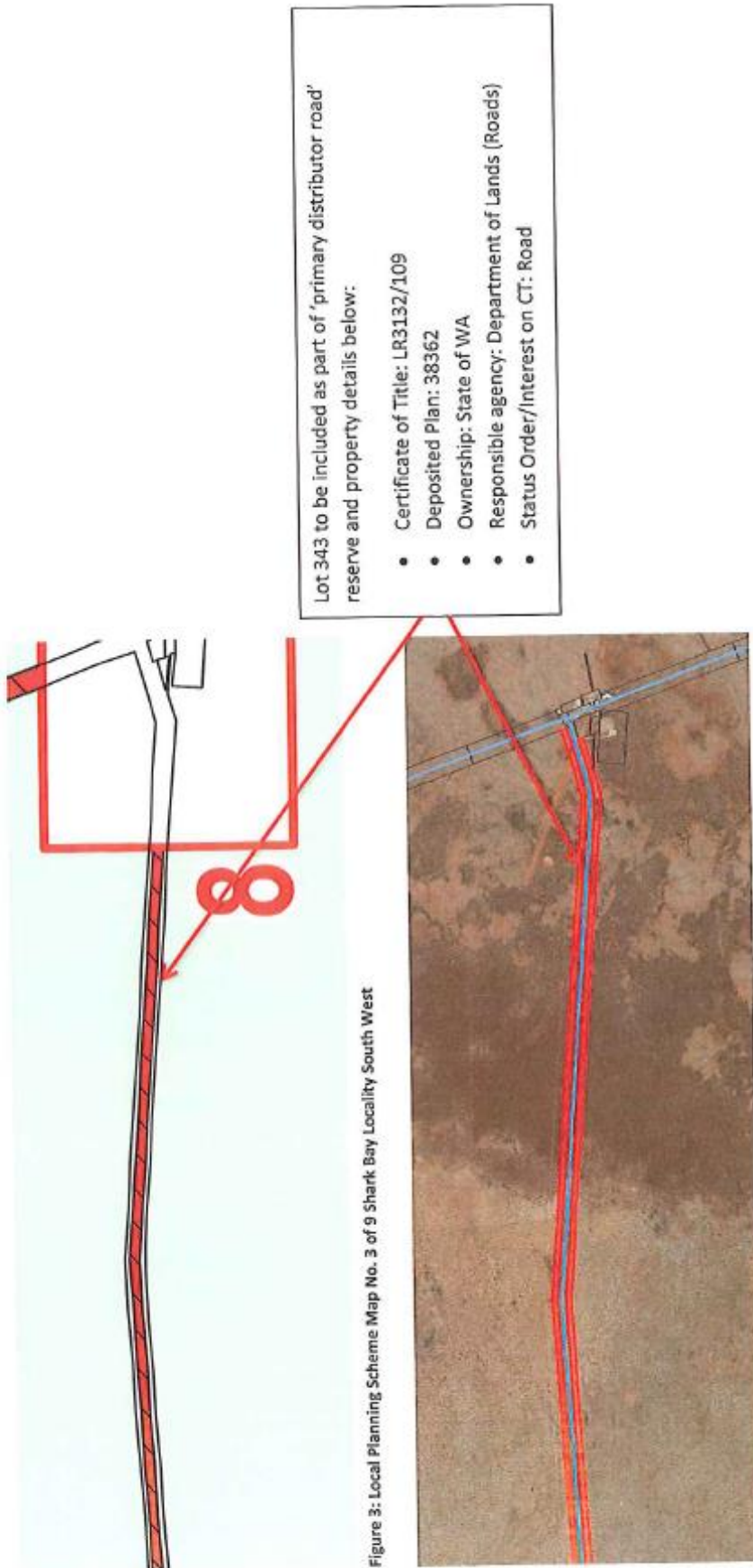
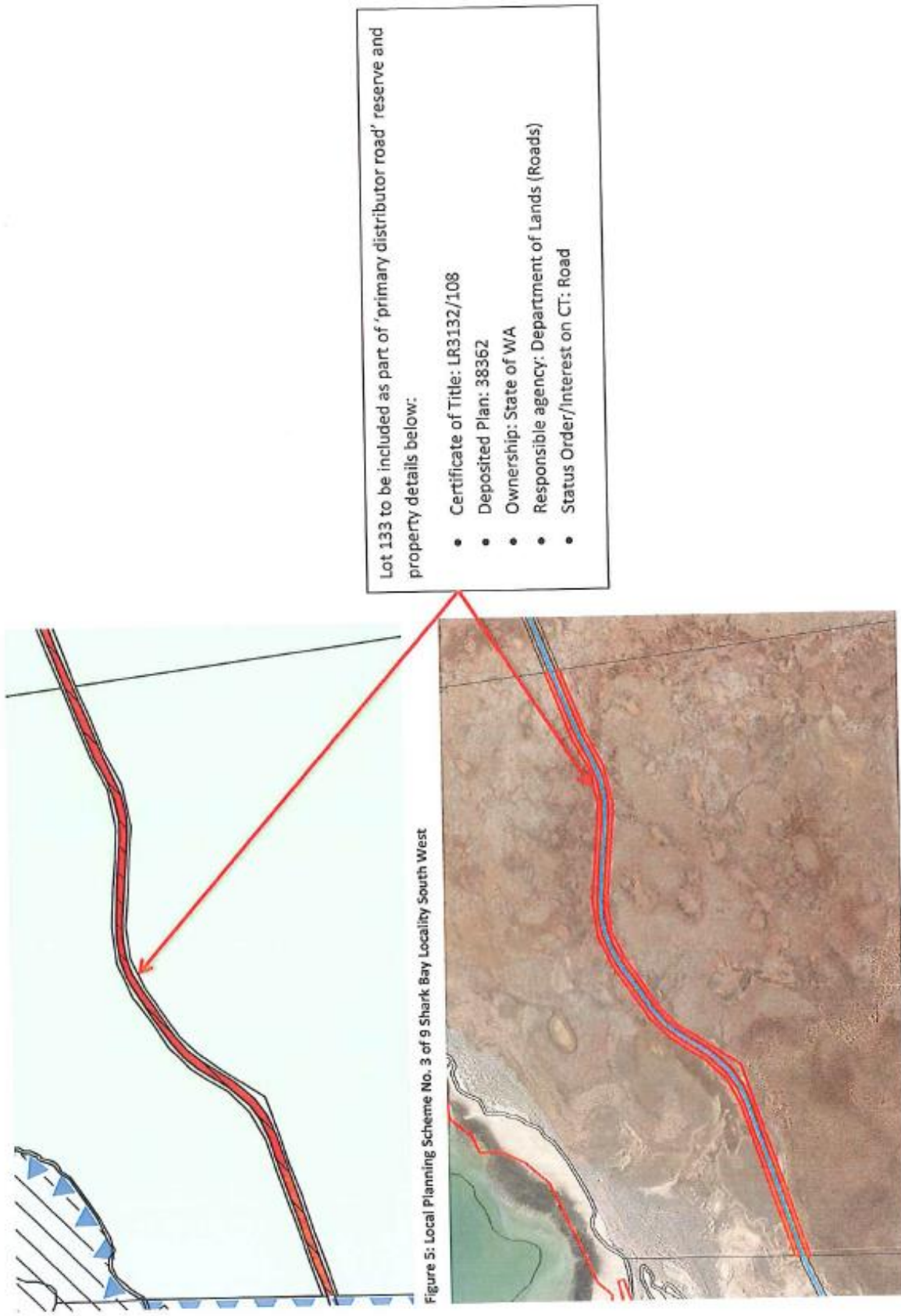


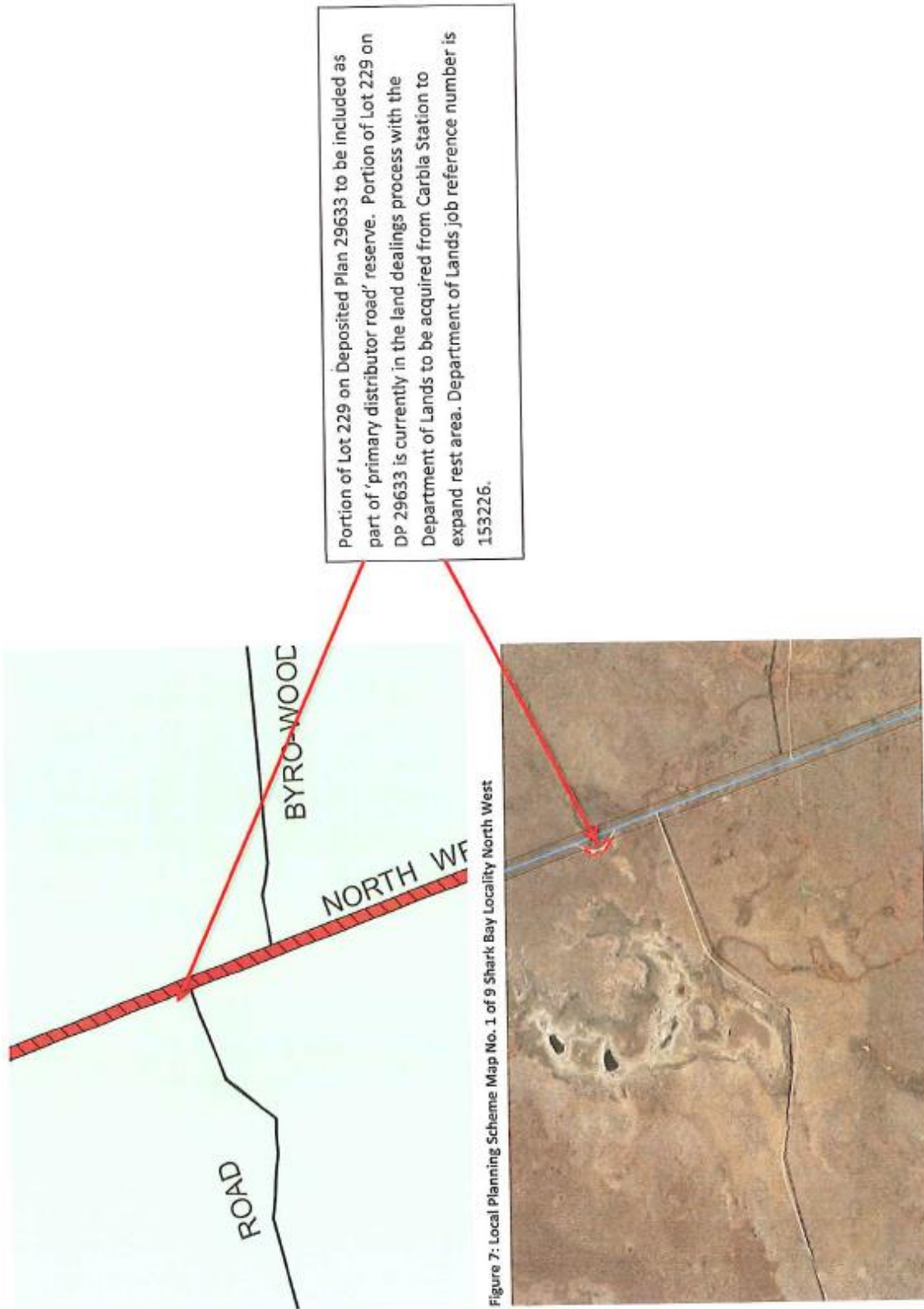
Figure 3: Local Planning Scheme Map No. 3 of 9 Shark Bay Locality South West

Figure 4: Lot 343 abutting Shark Bay Road between 0.14-29.82 SLK

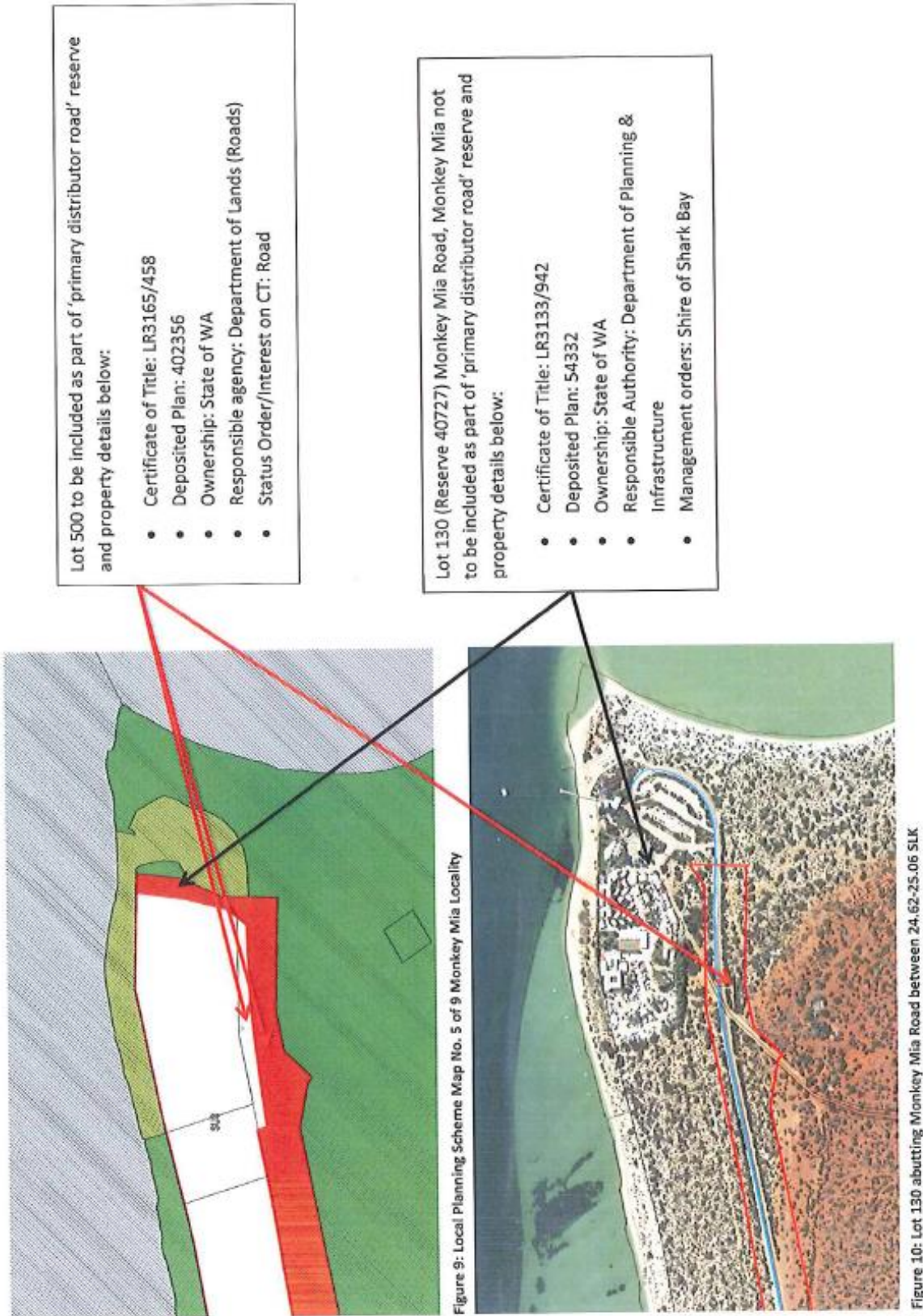
26 JULY 2017



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Lots to be included as part of 'primary distributor road' reserve and property details below:

Lot Number	Certificate of Title	Deposited Plan	Ownership	Responsible agency	Status Order/Interest on CT
343	LR3132/109	38362	State of WA	Department of Lands (Roads)	Road
344	LR3132/110	38362	State of WA	Department of Lands (Roads)	Road
302	LR3120/643	219226	State of WA	Department of Lands (Roads)	Road
303	LR3120/644	219226	State of WA	Department of Lands (Roads)	Road

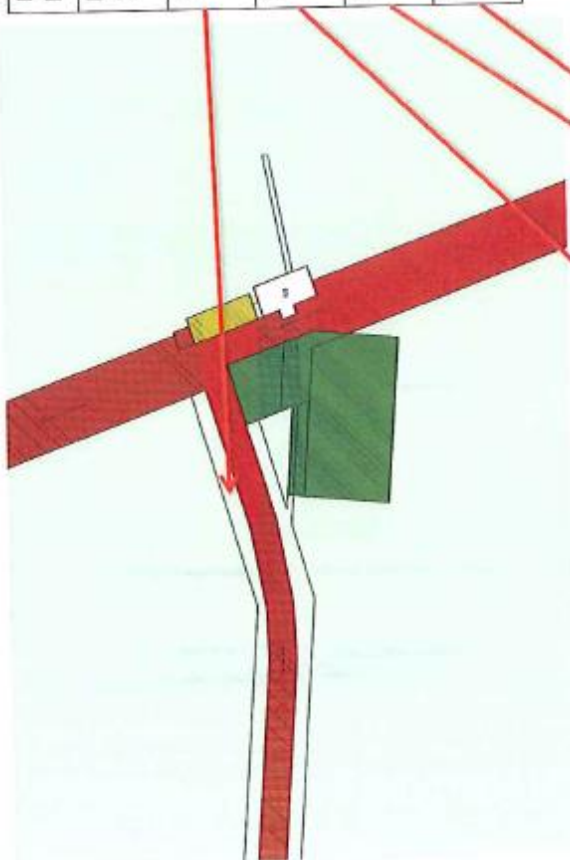


Figure 11: Local Planning Scheme Map No. 8 of 9 Overlander Locality



Figure 12: Location on Shark Bay Road between 0-1.54 SLK and North West Coastal Highway between 280.86-281.32 SLK

Lot 158 (Reserve 24887) to be included as part of 'primary distributor road' reserve and property details below:

- Certificate of Title: LR3012/539
- Deposited Plan: 164816
- Ownership: State of WA
- Responsible Authority: Main Roads WA

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017



REGISTER NUMBER 133/DP38362	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

VOLUME **LR3132** FOLIO **108**

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 133 ON DEPOSITED PLAN 38362

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. J379163 TAKING ORDER. THE DESIGNATED PURPOSE OF ROAD (SHARK BAY ROAD), REGISTERED 1/8/2005.
2. J389594 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents of for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP38362
PREVIOUS TITLE: LR3119-65
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (ROAD)

NOTE 1: J389590 CORRESPONDENCE FILE 03811-1980-02RO

LANDGATE COPY OF ORIGINAL NOT TO SCALE Fri Feb 3 15:56:47 2017 JOB 53068801


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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017



REGISTER NUMBER 303/DP219226	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

VOLUME **LR3120** FOLD **644**

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED**

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REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 303 ON DEPOSITED PLAN 219226

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

I. J389959 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP219226
PREVIOUS TITLE:	LR3120-644
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	SHIRE OF SHARK BAY
RESPONSIBLE AGENCY:	DEPARTMENT OF LANDS (ROAD)

NOTE 1: J389933 CORRESPONDENCE FILE 01135-1985

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

WESTERN



AUSTRALIA

REGISTER NUMBER 343/DP38362	
DUPLICATE EDITIONS N/A	DATE DUPLICATE ISSUED N/A

VOLUME **LR3132** FOLIO **109**

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED**

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REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 343 ON DEPOSITED PLAN 38362

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. J379163 TAKING ORDER. THE DESIGNATED PURPOSE OF ROAD (SHARK BAY ROAD). REGISTERED 1/8/2005.
2. J389594 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

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SKETCH OF LAND: DP38362
PREVIOUS TITLE: LR3119-64
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (ROAD)

NOTE 1: J389591 CORRESPONDENCE FILE 03811-1980-02RO

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017



REGISTER NUMBER 302/DP219226	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED

VOLUME **LR3120** FOLIO **643**

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REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 302 ON DEPOSITED PLAN 219226

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. J389959 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP219226
PREVIOUS TITLE: LR3072-650
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (ROAD)

NOTE 1: J389934 CORRESPONDENCE FILE 01135-1985

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

FORM RA1

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 AS AMENDED
TRANSFER OF LAND ACT 1993 AS AMENDED

RESPONSIBLE AGENCY CHANGE

SUNDRY DOCUMENT (XE)

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 302 on Deposited Plan 219226	Whole	3120	643
Lot 303 on Deposited Plan 219226	Whole	3120	644
Lot 133 on Deposited Plan 38362	Whole	3132	108
Lot 343 on Deposited Plan 38362	Whole	3132	109
Lot 344 on Deposited Plan 38362	Whole	3132	110
Lot 550 on Deposited Plan 402356	Whole	3165	458


RESERVE NUMBER (IF APPLICABLE) (Note 2)

EXISTING RESPONSIBLE AGENCY NAME (Note 3)
Department of Lands

NEW RESPONSIBLE AGENCY NAME (Note 4)
Main Roads Western Australia

REASON FOR RESPONSIBLE AGENCY CHANGE (Note 5)
The above roads are proclaimed as a Main Road or Highway pursuant to section 13 of the *Main Roads Act 1930*.

DETAILS OF AUTHORISED PERSON REQUESTING RESPONSIBLE AGENCY CHANGE (Note 6)
NAME: Nick Kitin
DEPARTMENT: Main Roads Western Australia
POSITION: Land Assembly Manager
ADDRESS: Don Aitken Centre, Waterloo Crescent, East Perth, WA 6004
PHONE: 9323 4358
EMAIL: nick.kitin@mainroads.wa.gov.au
REFERENCE: 06/7365

SIGNATURE OF AUTHORISED PERSON REQUESTING RESPONSIBLE AGENCY CHANGE (Note 7)
Dated: 27 February 2017
Signed: 

MINUTES OF THE ORDINARY COUNCIL MEETING



26 JULY 2017

INSTRUCTIONS

1. This form is only used to record a Responsible Agency change.

NOTES

1. Give a description of the land that requires the Responsible Agency to be changed.
2. State the Reserve number where the Responsible Agency of a reserve is to be changed. If no reserve, leave blank.
3. State the name of the Agency that was previously shown as responsible for the land/reserve as is currently shown on the title/reserve.
4. State the name of the Agency that is now responsible for the land/reserve.
5. State the reason for the Responsible Agency change and refer to evidence that supports the change. Eg. Government gazettal, sections of relevant legislation.
6. In this panel enter the details of the authorised person requesting the Responsible Agency change.
7. The authorised person requesting the Responsible Agency change is to sign in this panel.

EXAMINED

OFFICE USE ONLY

RESPONSIBLE AGENCY CHANGE
SUNDRY DOCUMENT (XE)

LODGED BY
Main Roads Western Australia

ADDRESS
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004

PHONE No. 9323 4358

FAX No.

REFERENCE No. 06/7365

ISSUING BOX No.

PREPARED BY
Nick Kitin

ADDRESS
As above

PHONE No. 9323 4358 FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	Receiving Clerk
6. _____	

Lodged pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

12.
ADDITIONAL INFO.

Liz

From: HUSTON Isabel (PO) <isabel.huston@mainroads.wa.gov.au>
Sent: Tuesday, 11 April 2017 3:06 PM
To: HUSTON Isabel (PO); 'record@sharkbay.wa.gov.au'
Cc: 'liz@graylewis.com.au'
Subject: RE: Draft Shire of Shark Bay Local Planning Scheme No. 4 - Completion of Lodgement for Responsibility Agency Change on Lots dedicated road
Attachments: Updated CT LR3120-643.pdf; Updated CT LR3120-644.pdf; Landgate Order Request Number 53629716 (196 KB); RE: Shark Bay (636 KB)

Hi Liz,

To support Main Roads submission regarding the draft Shire of Shark Bay Local Planning Scheme No. 4, I received notification today from Landgate that the Lodgement for Responsibility Agency Change (dealing number N563575) a number of lots dedicated as road has been "registered", or in other words completed. As an example I have attached a copy of two of the six updated certificate of titles (e.g. LR3120/643 and LR3120/644) which show the responsible agency as "Main Roads Western Australia (Road)" instead of the "Department of Lands (Road)".

Kind regards,

Isabel Huston
PLANNING OFFICER
Mid West-Gascoyne Region
Central and Northern Regions
p: +61 08 9956 1238
e: isabel.huston@mainroads.wa.gov.au
w: www.mainroads.wa.gov.au



From: HUSTON Isabel (PO) [<mailto:isabel.huston@mainroads.wa.gov.au>]
Sent: Thursday, 9 March 2017 9:44 AM
To: 'record@sharkbay.wa.gov.au'
Cc: 'liz@graylewis.com.au'
Subject: Draft Shire of Shark Bay Local Planning Scheme No. 4

Hi Paul and Liz,

Please see the attached letter and other documents for additional information. Once I have received confirmation from Landgate regarding the responsibility agency change on a number of lots dedicated as road I will forward this onto the Shire of Shark Bay to support Main Roads recommendations set out in the attached letter.

Kind regards,

Isabel Huston
PLANNING OFFICER
Mid West-Gascoyne Region
Central and Northern Regions
p: +61 08 9956 1238
e: isabel.huston@mainroads.wa.gov.au
w: www.mainroads.wa.gov.au

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

WESTERN



AUSTRALIA

REGISTER NUMBER 302/DP219226	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

VOLUME
LR3120 FOLIO
643

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 302 ON DEPOSITED PLAN 219226

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. J389959 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP219226
PREVIOUS TITLE: LR3072-650
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY
RESPONSIBLE AGENCY: MAIN ROADS WESTERN AUSTRALIA (ROAD)

NOTE 1: J389934 CORRESPONDENCE FILE 01135-1985

LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Apr 11 14:35:04 2017 JOB 53632433



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017



REGISTER NUMBER 303/DP219226	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED

VOLUME **LR3120** FOLIO **644**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 303 ON DEPOSITED PLAN 219226

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: ROAD

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

I. J389959 DEDICATED ROAD REGISTERED 9/8/2005.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP219226
PREVIOUS TITLE: LR3120-644
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SHARK BAY
RESPONSIBLE AGENCY: MAIN ROADS WESTERN AUSTRALIA (ROAD)

NOTE 1: J389933 CORRESPONDENCE FILE 01135-1985

LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Apr 11 14:45:00 2017 JOB 53632666



26 JULY 2017

Liz

From: landgate.electronic.delivery@landgate.wa.gov.au
Sent: Tuesday, 11 April 2017 12:20 PM
To: HUSTON Isabel (PO)
Subject: Landgate Order Request Number 53629716
Attachments: ATT00001.txt; Order Confirmation.pdf



Unbiased Property Information

Thank you for your order ISABEL

Notification of Change on Dealing N563575
Subscription Number 53282527

The current status of Dealing N563575 is: REGISTERED

The dealing currently contains documents:
N563575 - SUNDRY: INTERNAL DOCUMENT

Please Note: If the dealing requires the collection of a duplicate Certificate of Title,
it will be available for collection from your nominated location in approximately 24 hours.

You can unsubscribe using the following link(s):

1. [Notification of Change on Dealing N563575 - Subscription Number 53282527 - Unsubscribe](#)

If you have any questions, please contact our Customer Service Team on (08) 9273 7373 during
business hours (8:30 to 5:00pm Mon-Fri) or email customerservice@landgate.wa.gov.au.

www.landgate.wa.gov.au

Property Interest Report
Reducing the risk to WA home buyers
Recommended for any property purchase

The banner features a green background with a white and yellow box containing the text. To the right are the Government of Western Australia and Landgate logos.

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

of Landgate shall be understood as neither given nor endorsed by it. It is your responsibility to check any attachments for viruses and defects before opening or sending them on. Landgate's liability is limited to re-supplying affected attachments.

26 JULY 2017



Landgate Order Confirmation

ABN: 86 574 793 858
1 Midland Square, MIDLAND WA 6056

Date: 11/04/2017
Landgate Request Number: 53629716
Account Number: 10020485
Account Name: MAIN ROADS - GERALDTON
Email: isabel.huston@mainroads.wa.gov.au

To: ISABEL HUSTON

Following is a list of products that you have ordered.

Product	Qty	Unit Price	Price	GST	Total inc GST
Notification of Change on Dealing N563575, Email	1	\$0.00	\$0.00	\$0.00	\$0.00
Delivery Costs			\$0.00	\$0.00	\$0.00
Totals:	1		\$0.00	\$0.00	\$0.00

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Liz

From: KITIN Nick (LAM/A) <nick.kitin@mainroads.wa.gov.au>
Sent: Monday, 27 February 2017 3:54 PM
To: HUSTON Isabel (PO)
Subject: RE: Shark Bay
Attachments: 27022017092700-0001.pdf

Isabel

Attached is the lodgement receipt for the document I lodged today for change of agency responsibility. The dealing number is N563575 if you want to track the progress of the registration through Landgate.

Nick Kitin
Land Assembly Manager
Property Management
(08) 9323 4358
w: www.mainroads.wa.gov.au



From: HUSTON Isabel (PO)
Sent: Monday, 27 February 2017 9:49 AM
To: KITIN Nick (LAM)
Subject: RE: Shark Bay

Hi Nick,

I the attached document shows the correct details and the all the lots that need to be changed with Landgate for the responsible agency.

Kind regards,

Isabel Huston
PLANNING OFFICER
Mid West-Gascoyne Region
Central and Northern Regions
p: +61 08 9956 1238
e: isabel.huston@mainroads.wa.gov.au
w: www.mainroads.wa.gov.au



From: KITIN Nick (LAM)
Sent: Monday, 27 February 2017 9:29 AM
To: HUSTON Isabel (PO)
Subject: Shark Bay

26 JULY 2017

Isabel

Have a look at the attached document, and if you are happy I have all the correct details shown I will lodge it today.

Nick Kitin
Land Assembly Manager
Property Management
(08) 9323 4358
w: www.mainroads.wa.gov.au



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

FORM RA1

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 AS AMENDED
TRANSFER OF LAND ACT 1893 AS AMENDED

RESPONSIBLE AGENCY CHANGE

SUNDRY DOCUMENT (XE)

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 302 on Deposited Plan 219226	Whole	3120	643
Lot 303 on Deposited Plan 219226	Whole	3120	644
Lot 133 on Deposited Plan 38362	Whole	3132	108
Lot 343 on Deposited Plan 38362	Whole	3132	109
Lot 344 on Deposited Plan 38362	Whole	3132	110
Lot 550 on Deposited Plan 402356	Whole	3165	458


RESERVE NUMBER (IF APPLICABLE) (Note 2)

EXISTING RESPONSIBLE AGENCY NAME (Note 3)
Department of Lands

NEW RESPONSIBLE AGENCY NAME (Note 4)
Main Roads Western Australia

REASON FOR RESPONSIBLE AGENCY CHANGE (Note 5)
The above roads are proclaimed as a Main Road or Highway pursuant to section 13 of the *Main Roads Act 1930*.

DETAILS OF AUTHORISED PERSON REQUESTING RESPONSIBLE AGENCY CHANGE (Note 6)
NAME: Nick Kitin
DEPARTMENT: Main Roads Western Australia
POSITION: Land Assembly Manager
ADDRESS: Don Aitken Centre, Waterloo Crescent, East Perth, WA 6004
PHONE: 9323 4358
EMAIL: nick.kitin@mainroads.wa.gov.au
REFERENCE: 06/7365

SIGNATURE OF AUTHORISED PERSON REQUESTING RESPONSIBLE AGENCY CHANGE (Note 7)
Dated: 27 February 2017
Signed: 

MINUTES OF THE ORDINARY COUNCIL MEETING



26 JULY 2017

INSTRUCTIONS

1. This form is only used to record a Responsible Agency change.

NOTES

1. Give a description of the land that requires the Responsible Agency to be changed.
2. State the Reserve number where the Responsible Agency of a reserve is to be changed. If no reserve, leave blank.
3. State the name of the Agency that was previously shown as responsible for the land/reserve as is currently shown on the title/reserve.
4. State the name of the Agency that is now responsible for the land/reserve.
5. State the reason for the Responsible Agency change and refer to evidence that supports the change. Eg. Government gazetta, sections of relevant legislation.
6. In this panel enter the details of the authorised person requesting the Responsible Agency change.
7. The authorised person requesting the Responsible Agency change is to sign in this panel.



EXAMINED

OFFICE USE ONLY

RESPONSIBLE AGENCY CHANGE
SUNDRY DOCUMENT (XE)

LODGED BY
Main Roads Western Australia

ADDRESS
Don Aitken Centre, Waterloo Crescent, East Perth
WA 6004

PHONE No. 9323 4358
FAX No.

REFERENCE No. 06/7365

ISSUING BOX No.

PREPARED BY
Nick Kitin

ADDRESS
As above

PHONE No. 9323 4358 FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	Receiving Clerk
6. _____	

Lodged pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Attachment 2



Government of Western Australia
Department of Parks and Wildlife

Regional and Fire Management Services Division - Midwest Region

Your ref: 100872
Our ref: PRS 40858
Enquiries: Claire Krummenacher
Phone: 08 9964 0901
Fax: 08 9964 0977
Email: claire.krummenacher@dpaw.wa.gov.au

Ms Liz Bushby
Gray and Lewis
Suite 5, 2 Hardy Street
SOUTH PERTH WA 6151

Email: liz@graylewis.com.au

Dear Ms Bushby 

SHIRE OF SHARK BAY – DRAFT LOCAL PLANNING SCHEME NO.4 – SUBMISSION FROM THE DEPARTMENT OF PARKS AND WILDLIFE

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 provides the following comments for your consideration.

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 advice on LPS 4 dated 24 August 2015, did not trigger further requirements or amendments to LPS4.

Please find attached recommended amendments to clarify clauses proposed in draft LPS 4. These recommendations largely relate to the "Special Control Area" and "Special Use Zones" sections of LPS 4. 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.

Thank you for the opportunity to comment. If you have any queries on the above matter please call Claire Krummenacher on 9964 0901.

Yours sincerely

Nigel Sercombe
REGIONAL MANAGER
Midwest Region

3 April 2017

Attc.

cc. Chief Executive Officer
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Midwest Region: 1st Floor, The Foreshore Centre, 201 Foreshore Drive, Geraldton
Phone: (08) 9964 0901 Fax: (08) 9964 0977
Postal Address: PO Box 72, Geraldton, Western Australia 6531
www.dpaw.wa.gov.au

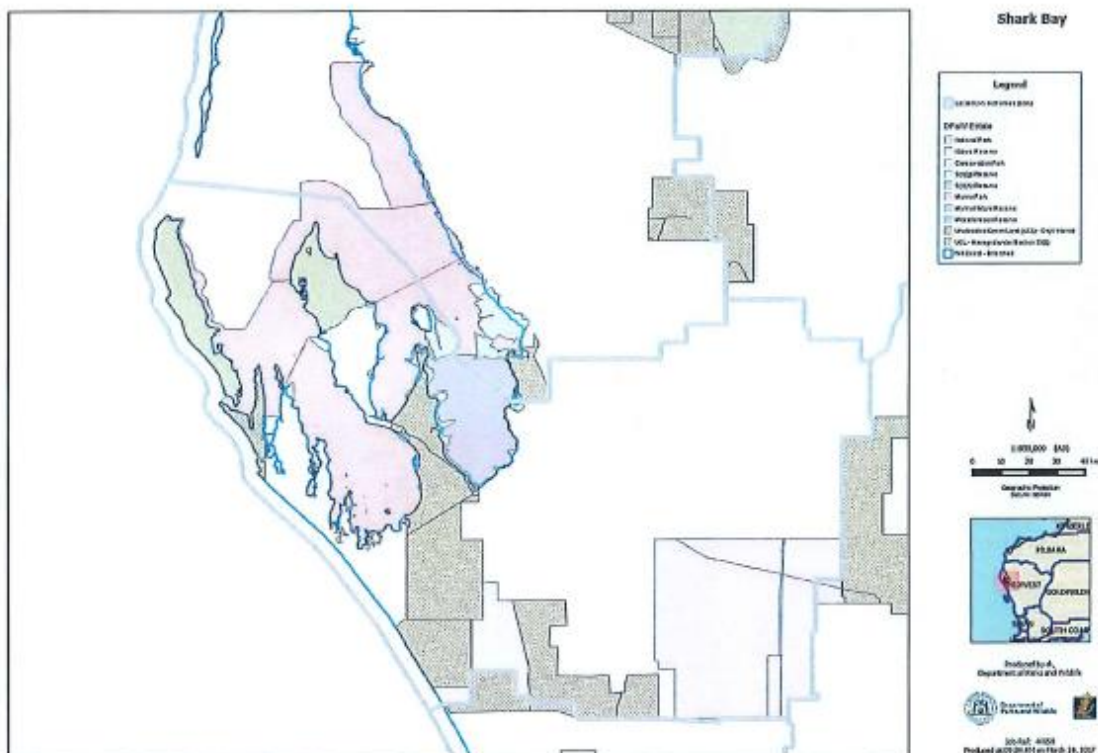
MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

SHIRE OF SHARK BAY DRAFT LOCAL PLANNING SCHEME NO.4 CHANGES/COMMENTS – SUGGESTED ADDITIONS IN ITALICS	
Clause 21 Special Use Zones Clause 21(f) Page 18	Suggest adding <i>"or the managing authority"</i> – as Dirk Hartog Island is managed Department Parks and Wildlife
Part 5 Special Control Areas Clause 35 Page 41	Suggest Clauses to address: - Environmental Capability – suggest additional clause to be included similar clause to 35.1(b); - Additional clause: <i>Any other matters that the Local Government may consider relevant to the application</i>
35.3 Referral of Applications Page 42	Suggest adding on/rewording to include <i>"... and any other Authorities/Departments that the Local Government may consider relevant"</i>
Schedule B - Special Use Zones	
SU14 & SU15 (1)(iv) Page 69 and 72	Makes reference to Department of Regional Development and Lands – should this read <i>Departments</i> – suggest adding '(or equivalent)'
SU14 & SU15 (1)(iv) Page 69 and 72	Suggest rewording (iv) An environmental report that demonstrates that the Structure Plan and proposed <i>use and/or development</i> will have a low impact on the natural environment, <i>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.</i>
Scheme Maps	
Map 1 of 9 Map 2 of 9	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 Interest" and "UCL – Managed under Section 33(2)" – this is land to be included in the "Environmental Conservation Reserve".
Scheme Explanatory Report	
2.0 Location and Regional Setting Page 1 Final Paragraph – 2 nd sentence	Clarify wording – 1 st to be classified <i>in Western Australia</i>

MINUTES OF THE ORDINARY COUNCIL MEETING

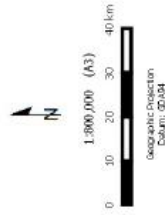
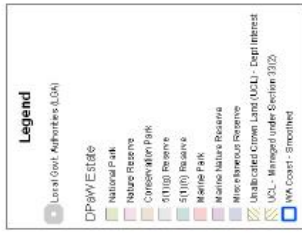
26 JULY 2017



This document contains information that is exempt from public release under the Freedom of Information Act 2009. It is not to be distributed, published, or otherwise made available to the public. If you are in any doubt, please contact the Department of Planning and Infrastructure.

26 JULY 2017

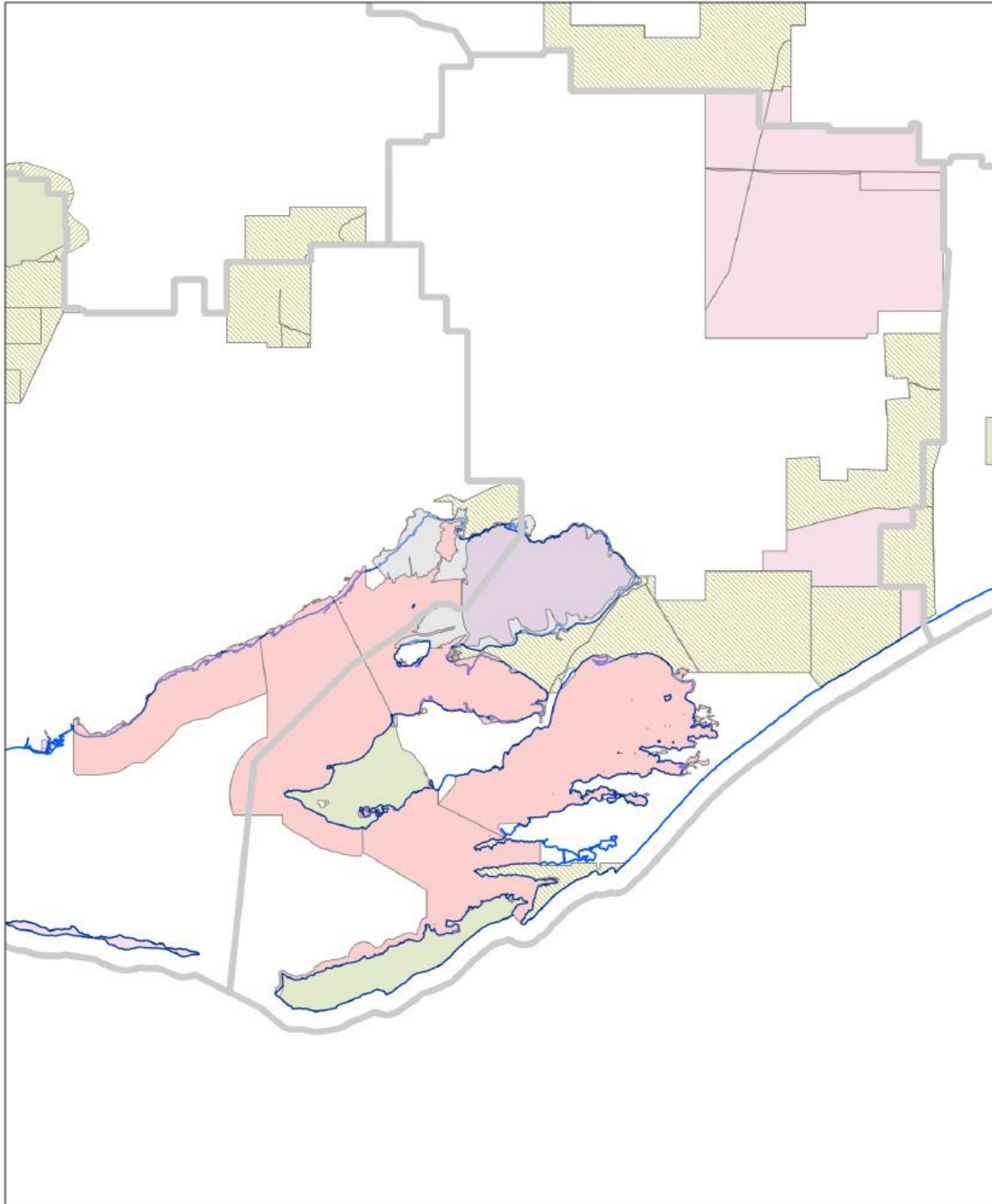
Shark Bay



Produced by:
Department of Parks and Wildlife



Job Ref: 40029
Produced at 09:51 AM on March 28, 2017



The Department of Parks and Wildlife does not guarantee that this map is without error and disclaims all liability for any error, loss or other consequences which may arise from reliance on any information depicted. Roads and tracks on land managed by DP&W in use contain unmarked hazards and their surface condition is variable. Exercise caution and adhere to conditions on all roads.

26 JULY 2017

Attachment 3

DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 SUMMARY OF DP <small>AW</small> SUBMISSION			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendation on text modifications
Department of Parks and Wildlife PO Box 72 Geraldton WA 6531	<p>a. 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>b. 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>26c. 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>a. Noted.</p> <p>b. Noted. The Scheme was referred to the EPA and no environmental assessment was required.</p> <p>26c. 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>That the submission be partially upheld, and the following modifications be made as a result of the submission:</p> <p>Mod 1 - Update reference from 'Department of Regional Development and Lands' to 'Department of Primary Industries and Regional Development (or equivalent)' <i>Reason: The Department name has changed since amalgamation.</i></p> <p>Mod 2 – Dirk Hartog freehold lots SU14 & SU15 (1)(iv) be reworded to state:</p>

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DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 SUMMARY OF DPaW SUBMISSION			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendations on text modifications
	<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>d. 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>d. 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"> (1) The local government is the determining authority and ; (2) The Shire has to have regard to any recommendations of DPaW as stated separately in Clause 35.2 (c) and (3) Clause 35.3 specifically requires development applications to be referred to DPaW. <p>All of the above covers DPaWs interests.</p>	<p>(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><i>Reason: Requested by DPaW who manage the remainder of the island.</i></p>

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DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 SUMMARY OF DRAW SUBMISSION			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendation on text modifications
	<p>e. Part 5 Special Control Areas Clause 35 Page 41 Suggest Clauses to address:</p> <ul style="list-style-type: none"> • Environmental Capability – suggest additional clause to be included similar clause to 35.1(b); • Additional clause: Any other matters that the Local Government may consider relevant to the application. 	<p>e. Noted.</p> <ul style="list-style-type: none"> • 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. • 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. 	
	<p>f. 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>f. 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>	

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DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 SUMMARY OF DRAW SUBMISSION			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendation on modifications
	<p>a. Schedule B – Special Use Zones SU14 & 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> <p>b. SU14 & 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>a. Upheld. The Department name has changed so it can be updated to refer to the new Department of Primary Industries and Regional Development (or equivalent).</p> <p>a. This item is included in the July 2017 report for consideration by Council.</p>	

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DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 SUMMARY OF DPAW SUBMISSION			
Name/Address of Submitter	Summary of Submission	TPI (Consultant) Officer Comment	Recommendation on text modifications
	<p>i. Scheme Maps Map 1 of 9 Map 2 of 9 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>j. Scheme Explanatory Report 2.0 Location and Regional Setting Page 1 Final Paragraph – 2nd sentence Clarify wording – 1st to be classified in Western Australia.</p>	<p>i. Scheme Maps This item is included in the July 2017 report for consideration by Council.</p>	

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13.7 PROPOSED OUTBUILDING – 1B CROSS STREET, DENHAM
P1199

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:

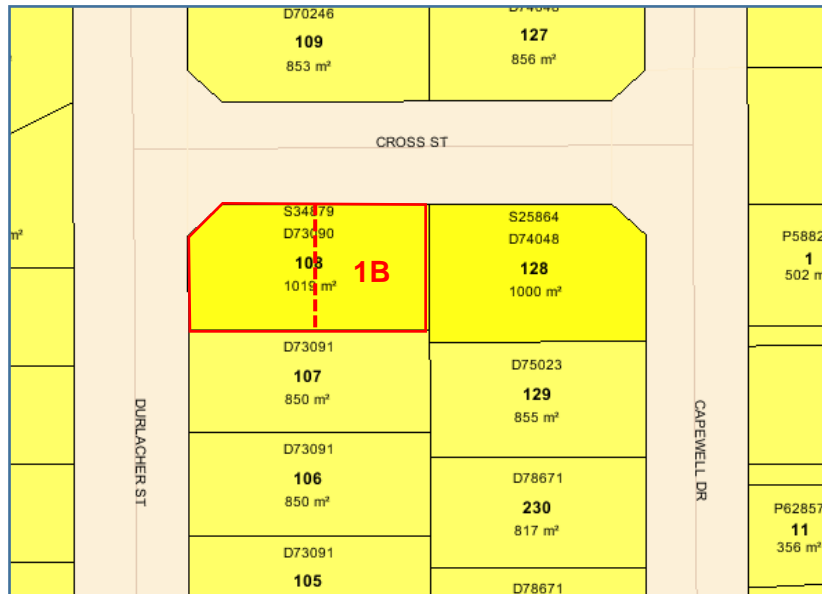
1. **Approve the application lodged by Jesse Gray and Laura Tomlinson for an outbuilding on 1B Cross Street, Denham subject to the following conditions:**
 - (i) **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - (ii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - (iii) **The colours of the outbuilding are to be non-reflective and complement the colours of the existing dwelling and / or patio to the satisfaction of the Chief Executive Officer.**
 - (iv) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**
2. **Include advice notes on any planning approval to advise the applicant that:**
 - (a) **Planning consent is not an approval to commence construction. A separate Building Permit must be obtained for the proposed carport.**

5/0 CARRIED

26 JULY 2017

BACKGROUND

Lot 108 comprises of two strata lots and is zoned 'Residential' with a density code of R10/20 under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').



The lot has been developed with 2 grouped dwellings.

COMMENT

- *Proposed Development*

The application is for a 7 metre by 5 metre (35m²) outbuilding to the south of the existing dwelling and patio.



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- *Residential Design Codes (‘the Codes’)*

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

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

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

Clause 5.4.3 C3 ‘deemed to comply’ criteria / Outbuildings that:	Officer Comment (Gray & Lewis)
(i) are not attached to the building	Complies.
(ii) are non-habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Complies.
(iv) do not exceed a wall height of 2.4 metres	Variation. A wall height of 3 to 3.5 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Variation. A 1 metre side and rear setback is required and a 0.5 metre setback is provided.

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

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

The main variation to the Codes is the proposed 3 to 3.5 metre wall height in lieu of 2.4 metres. The side and rear setback variations are supported.

The applicant has advised setback variations are proposed as they wish to maximise use of the rear yard.

Gray & Lewis is of the view that the outbuilding complies with the abovementioned Design Principle as it is proposed to the rear of the existing dwelling, is well setback from the street, and the additional wall height will not have any significant visual impact on neighbours.

26 JULY 2017

- *Consultation*

The application was referred to nearby and surrounding landowners for comment. Advertising closed on the 14 July 2017 and no submissions have been received.

LEGAL IMPLICATIONS

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

- Clause 5.3 of the Scheme requires development to conform to the Residential Design Codes.
- Clause 8.2 (b) of the Scheme provides an exemption for outbuildings from obtaining planning approval where they are less than 60m², except where a variation to the Residential Design Codes is proposed.
- Clause 10.2 of the Scheme outlines matters to be considered by the local government including things such as the compatibility of a use or development with its setting, preservation of amenity, and relationship to development on adjacent land etc. Importantly Clause 10.2 (c) requires Council to consider any approved statement of planning policy of the Commission (such as the Residential Design Codes).

Planning and Development (Local Planning Schemes) Regulations 2015 -

Regulation 61(1)(d) only exempts ancillary outbuildings from requiring planning approval where they comply with the 'deemed to comply' requirements of the Residential Design Codes.

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.

POLICY IMPLICATIONS

There are no policy implications associated with this report

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report

RISK MANAGEMENT

There are no known risks associated with this report

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

19 July 2017

26 JULY 2017

14.0 BUILDING REPORT

There are no building reports for the Ordinary Council meeting being held in July 2017

15.0 HEALTH REPORT

There are no health reports for the Ordinary Council meeting being held in July 2017

16.0 WORKS REPORT

**16.1 FRY COURT FOOTPATH
RD00015**

AUTHOR

Works Manager

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Proximity Interest – Family owns property on Fry Court

Cr Fenny left Council Chambers at 4.38pm.

Officer Recommendation

That Council

Option 1. That Council endorse the Five (5) Year Capital Plan 2017/2018 to 2020/2021 for new footpaths within the Township of Denham with Fry Court footpath on the right hand side on the attached map option 1 for an estimated cost of \$48,060.00.

Option 2. That Council endorse the Five (5) Year Capital Plan 2017/2018 to 2020/2021 for new footpaths within the Township of Denham with Fry Court footpath on the left hand side as indicated on the attached map option 2.

Option 3. That Council endorse the Five (5) Year Capital Plan 2017/2018 to 2020/2021 for new footpaths within the Township of Denham with Fry Court footpath on the left hand side as indicated on the attached map option 3.

Moved Cr Bellottie

Seconded Cr MOTION LAPSED FOR WANT OF A SECONDER

Councillor Motion

That Council endorse the Five (5) Year Capital Plan 2017/2018 to 2020/2021 for new footpaths within the Township of Denham with Fry Court footpath on the left hand side as indicated on the attached map option 3.

Moved Cr Laundry

Seconded Cr Cowell

Council Resolution

That Council endorse the Five (5) Year Capital Plan 2017/2018 to 2020/2021 for new footpaths within the Township of Denham with Fry Court footpath on the right hand side on the attached map option 1 for an estimated cost of \$48,060.00.

4/0 CARRIED

26 JULY 2017

Cr Fenny returned to Council Chambers at 4:45pm.

BACKGROUND

Council made the following Resolution at the Ordinary Council meeting held on 28 June 2017.

Moved Cr Capewell
Seconded Cr Bellottie

Council Resolution

1. ***That Council endorse the Five (5) Year Footpath Capital Plan 2017/2018 to 2020/2021 within the township of Denham.***
2. ***That funding of \$50,000 be included in the draft 2017/2018 budget to undertake the programmed 2017/2018 footpath programmes from the Fry Court/Knight Terrace Intersection to the cul-de-sac at the end of Fry Court, and a report be presented to Council regarding the alignment of the proposed footpath prior to construction.***
3. ***That a new footpath be added to the Five (5) Year Footpath Capital Plan for installation in the 2021/2022 financial year at the following location of Silver Chain***

4/0 CARRIED

COMMENT

Council has requested administration to present a report on options for the installation of the Fry Court footpath on the right side of the road.

The footpath programme for Fry Court was originally planned to be aligned with the left side of Fry court as depicted in pink in the accompanying diagrams.

The following options are presented.

Option 1.

The right side was originally identified as the most cost effective and practical option to construct a footpath 270 metres long with an expected cost of \$48,060.00.

With the installation of a footpath on the right hand side there will be a need to remove four date palms on the road reserve at 6A and 6B Fry Court.

These palms are creating a sight vision issue to vehicle traffic and would be a hazard to pedestrians.

With the installation of a footpath on this side of the road there will be an opportunity to rectify this issue with minimal expense due to the earthworks required in the area associated with the footpath construction.

Option 2.

There are some concerns with the installation of a footpath on the left side of Fry Court as depicted in red in the accompanying diagrams.

26 JULY 2017

The distance on the left side to the end of the cul-de-sac is, when taking into consideration previously installed driveways, is approximately 290 metres.

This equates to an expected cost of \$51,620, an increase of \$3,560.00 over option 1, this does not take into consideration any variations to crossovers or driveways that would be required. Further investigations and negotiations would be required with residents to establish their expectations in regard to driveway access to Fry Court.

In conjunction to the added length there is an issue with the topography of the area from lots 11 to 17 Fry Court.

The land from 11 Fry Court to 17 Fry Court ranges from plus 7.3 to plus 14.3 percent. Lots 11, 13 and 17 Fry Court have established crossovers with slope percentages of 8, 8 and 7.3 respectively.

Lots 15, 19, 21 and 25 Fry Court have gravel constructed crossovers with slope percentages of 13.9, 12.3, 14.3 and 13.5.

Although it is possible to excavate the ground between driveways to install a footpath, the chance of rain events depositing gravel and sand onto the footpath is considerably increased.

There would also be a significant hazard for pedestrians and mobility scooters as the cross fall associated with the driveways is in excess of recommended levels for safe transit

The only practical option would be to install retaining walls or vary the cross fall of the driveways along these sections that intersect with the footpaths.

The retaining wall required to eliminate wash onto the footpath is 30 metres long with an associated cost expected to be around \$5,000.

Footpaths across the driveways at 15, 19, 21 and 25 Fry Court would have a cross fall of 13.9, 12.3, 14.3 and 13.5 percent respectively.

These driveways would require the grades to be reduced to facilitate safe transit which would incur significant costs and require ongoing maintenance due to their current gravel construction.

There also is lamp post between lots 15 and 17 Fry Court that is only 1.8 metres off the kerb that would not meet the two metre requirements for footpaths.

These costs are difficult to estimate given the variation in driveways and a detailed assessment would need to be undertaken along with consultation with the property owners to seek their cooperation to vary their driveway access to facilitate the construction of a footpath with the correct crossfalls, and to enable unimpeded access to their properties.

Option 3.

A third option exists as depicted in green in the accompanying diagrams where the footpath could stop at the cul-de-sac, cross over Fry Court and continue towards the end of Fry Court.

This option reduces the overall length down to approximately 255 metres resulting in an expected cost of \$45,390.00 this does not take into consideration any variations to

26 JULY 2017

crossovers or driveways that would be required. Further investigations and negotiations would be required with residents to establish their expectations in regard to driveway access to Fry Court.

This option eliminates the lamp post from the equation although still retains the issues of high percentage cross falls through the crossovers at lots 17, 19, 21 and 25 Fry Court.

As in option two these driveways would require the grades to be reduced to facilitate safe transit which would incur significant costs and require ongoing maintenance due to their current gravel construction.

There is a high risk of depositing large amounts of gravel on the footpath across these driveways through normal vehicle movements and wash from rain events.

As in option 2 these costs are difficult to estimate given the variation in driveways and a detailed assessment would need to be undertaken along with consultation with the property owners to seek their cooperation to vary their driveway access to facilitate the construction of a footpath with the correct crossfalls. And to enable unimpeded access to their properties.

Supplementary information:

The following is an extract from the Department of Transport Planning and designing for pedestrian's guidelines, Page 105

7.8 Crossovers / Driveways

Objective

To illustrate the important issues when extending footpaths across driveways and to ensure barriers are not created for pedestrians.

Key Points

Design details for a footpath must be maintained throughout the crossover. Generally paths should continue through crossovers, providing a clear visual cue of pedestrian priority across driveways. The crossover should be as flat as possible throughout the width of the footpath. Crossfall must not be greater than 1:40.

Note: Grades are determined by the angle of the slope i.e. 1:30 crossfall is greater than 1:40 due to the angle

If the full width of the footpath cannot be constructed to footpath design details, then a minimum of 1.2 m must be flat, preferably adjacent to the building line. Truncation at the building line is required to provide adequate visibility between pedestrians

Attachment 1 is a scale graphical representation showing the difference between a 2 percent (1:50) and 12 percent (1:8) crossfall.

LEGAL IMPLICATIONS

There are no legal implications associated with this report

POLICY IMPLICATIONS

Option 2 and 3 would contravene Council Policies:

26 JULY 2017

9 Transport

9.1 crossovers

Detail 4. The gradient shall be positive 2% (1:50) for the first 1.5 metres from the kerb line.

Any footpath installed should be cognisant of disability access and inclusion guidelines and be constructed in a manner that is safe for mobility limited pedestrians to navigate.

FINANCIAL IMPLICATIONS

Councils 2017/18 draft budget includes \$50,000 for the installation of footpaths

Option 1.

Fry Court from Fry Court/Knight Terrace intersection to the cul-de-sac on the right hand side.

Installation of footpath only Estimated cost \$48,060.00

Option 2.

Fry Court from Fry Court/Knight Terrace intersection to the cul-de-sac on the Left hand side.

Installation of footpath only Estimated cost \$51,620.00

Retaining Wall. Estimated cost \$5,000.00

Total \$56,620.00

This estimate does not include the variation to the cross falls associated with the resident's driveways.

Option 3.

Fry Court from Fry Court/Knight Terrace intersection to the cul-de-sac on the Left hand side, stop at the cul-de-sac and cross over Fry Court and continue towards the end of Fry Court.

Installation of footpath only Estimated cost \$45,390.00

This estimate does not include the variation to the cross falls associated with the driveways.

STRATEGIC IMPLICATIONS

Outcome 1.1 - Develop Infrastructure and Investment that is sustainable and an ongoing legacy to the Shire

RISK MANAGEMENT

There are no risks associated with this report

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

B Galvin

Chief Executive Officer

P Anderson

Date of Report

17 July 2017

26 JULY 2017

Fry Court Footpath Option 1



26 JULY 2017

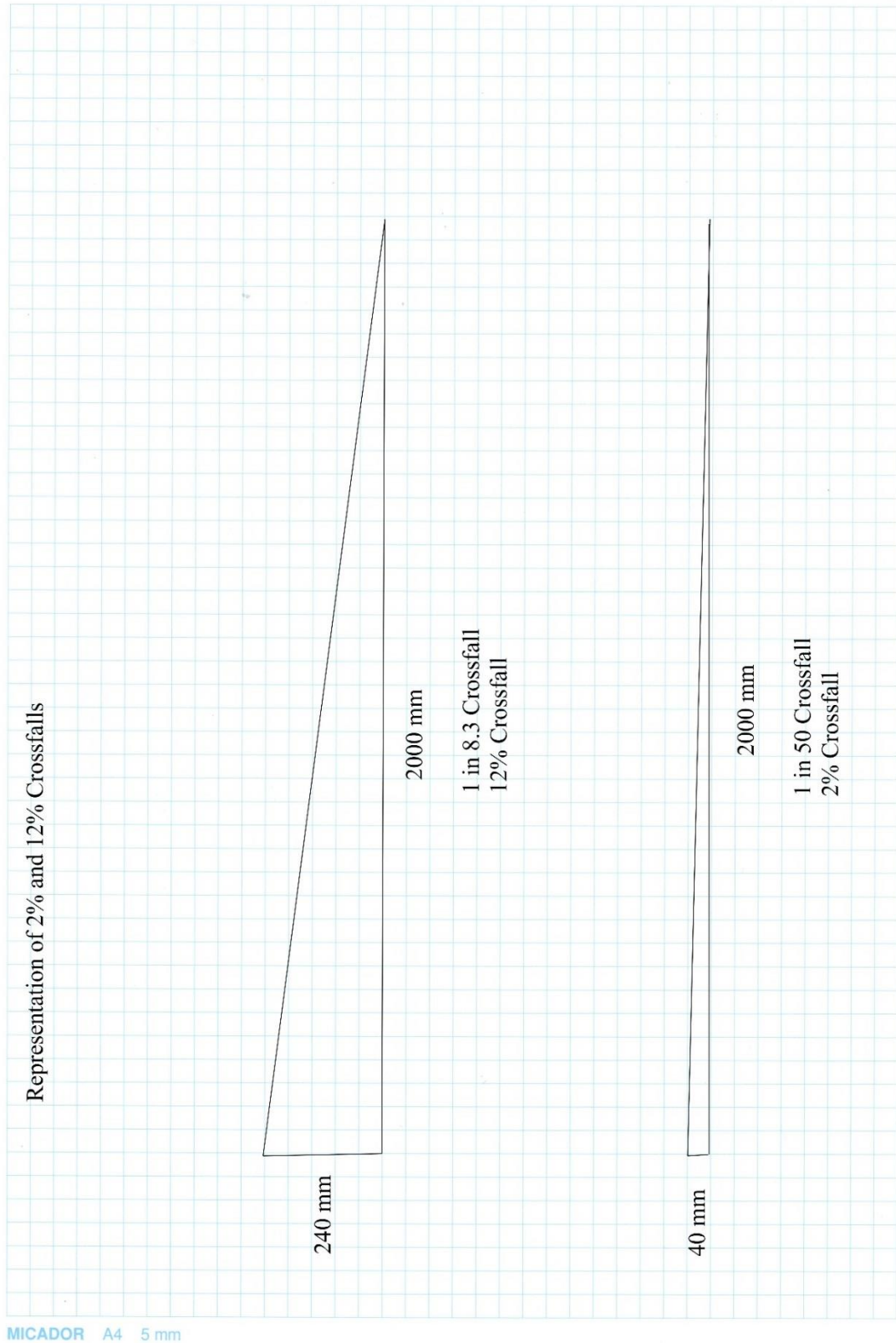
Fry Court Footpath Option 2



Fry Court Footpath Option 3



Attachment 1



26 JULY 2017

17.0 TOURISM, RECREATION AND CULTURE REPORT

17.1 DIRK HARTOG – PRESERVATION OF MODA 1616 PERIOD GARMENTS ED00005

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Fenny

Council Resolution

That Council agree to maintain the current MODA 1616 period costume display in the Shark Bay World Heritage Discovery and Visitor Centre and no further preservation work is to be conducted.

5/0 CARRIED

BACKGROUND

At the November 2016 meeting, Council agreed for Administration to conduct consultation and research into the costs of preserving the MODA 1616 replica garments as a time capsule thus celebrating the 400 years of Dirk Hartog discovery.

COMMENT

Through research and the Shire's links with the WA Maritime Museum, information was gathered around the minimum conservation requirements associated with such a project. This incorporated the need for costs relating to manufacturing of made-to-fit mannequins which could hold the garments and materials in place over longer periods of time.

Additional light-reflective and a one-off Perspex display cabinet would have to be constructed to house the garments.

This information was relayed to the Shark Bay Arts Council with the central artists responsible for the making the garments conveying they thought the preservation process was too expensive and difficult to manage. They agreed not to go ahead with the project.

They agreed to maintain the existing display in the Shark Bay World Heritage Discovery and Visitor Centre and suggested there might be opportunities in the future to add/change the period costume display in relation to other historic commemorations.

LEGAL IMPLICATIONS

There are no legal implication relating to this report.

POLICY IMPLICATIONS

There are no policy implication relating to this report

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

FINANCIAL IMPLICATIONS

Consideration to the minimal cost of power and water.

STRATEGIC IMPLICATIONS

OUTCOME 3.1

Existing strong community spirit and pride will be fostered, promoted and encouraged.

RISK MANAGEMENT

There are no risks associated with this item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Butterly

Chief Executive Officer

P Anderson

Date of Report

18 July 2017

26 JULY 2017

18.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions of which previous notice have been given.

19.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

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

19.1 Monkey Mia Jetty – Local Government Property Local Law.

5/0 CARRIED

19.1 Monkey Mia Jetty – Local Government Property Local Law
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Proximity Interest – Works from Jetty

Cr Ridgley left Council Chambers at 4.48pm.

Officer Recommendation

Option 1

1. Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.
2. In consideration of the issues raised by Monkey Mia Wild Sights regarding the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017 be withdrawn.
3. That in consideration of the issues raised by Monkey Mia Wild Sights the Shire of Shark Bay Property Local Law Division 2 commercial jetty be reviewed to ensure greater clarity in the wording of the Local Laws applicable to the use of the Monkey Mia jetty.

Option 2

1. Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.
2. Advise Monkey Mia Wild Sights that the resolution of February 2017 meeting of Council stands and that the infringements will be progressed through the courts.

26 JULY 2017

Moved Cr Fenny Option 1
Seconded Cr MOTION LAPSED FOR WANT OF A SECONDER

Officer Recommendation

- 1 Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.
- 2 In consideration of the issues raised by Monkey Mia Wild Sights regarding the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017 be withdrawn.
- 3 That in consideration of the issues raised by Monkey Mia Wild Sights the Shire of Shark Bay Property Local Law Division 2 commercial jetty be reviewed to ensure greater clarity in the wording of the Local Laws applicable to the use of the Monkey Mia jetty.

Moved Cr Laundry
Seconded Cr Cowell

Council Resolution

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

4/0 CARRIED

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

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

4/0 CARRIED

Moved Cr Laundry
Seconded Cr Bellottie

Council Resolution

- 1 **Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.**
- 2 **Advise Monkey Mia Wild Sights that the resolution of February 2017 meeting of Council stands and that the infringements will be progressed through the courts.**

3/1 CARRIED

Cr Ridgely returned to Council Chambers 5.21pm

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

BACKGROUND

The Council at the ordinary meeting held in February 2017 resolved the following:

That the Council endorse the administration in issuing infringement notices in accordance with the Shire of Shark Bay Property Local Law to the following alleged infringements:

Vessel	Date	Time	Local Law Section	Penalty	
Shotover	9/01/17	16.52pm	7.5(2)(b)	\$500	Obstructing approach
Shotover	9/01/17	17.23pm	7.5(2)(b)	\$500	Obstructing approach
Shotover	11/01/17	11.26am	7.5(2)(b)	\$500	Obstruction approach
Shotover	11/01/17	11.49am	7.5(2)(b)	\$500	Obstructing departure
Shotover	21/01/17	17.36pm	7.5(2)(b)	\$500	Obstructing approach
Shotover	25/01/17	16.24pm	7.5(2)(b)	\$500	Obstructing approach
Shotover	26/01/17	16.40pm	7.5(2)(b)	\$500	Obstructing approach
Shotover	26/01/17	17.30pm	7.5(2)(b)	\$500	Obstructing departure
Mazda Dual Cab/ Trailer	30/01/17	13.21-14.10pm	7.6(2)	\$300	Vehicle on jetty for 49 minutes

The infringement in accordance with Local Law section 7.6 (2) for the Mazda dual cab and trailer has since been paid.

Due to the construction of the Local Laws the breaches of section 7.5 (2)(b) are dealt with by the issuing of infringements in accordance with section 7.3(1) as it was a deemed obstruction offence that occurred.

Following the issuing of the infringements to Monkey Mia Wild Sights (Shotover) email correspondence (attached) was received from Monkey Mia Wild Sights in the first instance questioning the charges and demanding proof.

The information contained on the CCTV footage was provided the Monkey Mia Wild Sights.

Further email correspondence from Monkey Mia Wild Sights was received and responded to (attached) addressing the issues raised where possible and requesting that they confirm whether they will be paying the infringements or whether they wish to have the matters determined by a court.

No advice was received addressing this request and the matter was subsequently progressed to a court hearing to resolve the issue.

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The matter was originally listed for a hearing at the Denham court on 23 June 2017.

Due to Monkey Mia Wild Sights not having a company representative appointed to appear, the matter was held over until the 28 July 2017.

Since the initial court appearance representatives from Monkey Mia Wild Sights have made appeals to Councillors regarding the infringements who have been advised to put their submission in writing to enable the Council to further consider the matter.

A submission has now been received from Monkey Mia Wild Sights (attached) detailing their interpretation of the Local Laws and objection to the infringements that have been issued.

COMMENT

The Council may or may not consider any written submission by Monkey Mia Wild Sights in regard to the infringements and progress of the matter through the courts.

If the Council receives the submission and resolves to withdraw the infringements on the interpretations presented by Monkey Mia Wild Sights, a precedent could be set that may render future application of the relevant sections of the Local Law difficult.

Alternatively the Council may elect to progress the matter through the courts to have the courts determine the interpretation of the Local Law.

Monkey Mia Wild Sights would then have the opportunity to present their arguments in relation to their interpretation of the Local Law to an independent adjudicating body.

A ruling by the courts would either reinforce the Councils interpretations contained within the Local Laws and uphold the infringements or dismiss the infringements and identify any inconsistencies that Council may consider addressing.

To assist Council in its deliberations a confidential opinion (Attached as confidential item) from McLeod's solicitors was sought on the interpretation of the Local Law that has been presented by Monkey Mia Wild Sights.

This confidential advice can be used as the basis for Councils prosecution if Council chooses to progress the matter through the courts.

The Council may give consideration to the following options;

Option 1

- 1. Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.**
- 2. In consideration of the issues raised by Monkey Mia Wild Sights regarding the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017 be withdrawn.**
- 3. That in consideration of the issues raised by Monkey Mia Wild Sights the Shire of Shark Bay Property Local Law Division 2 commercial jetty be reviewed to ensure clarity in the wording of the Local Laws.**

26 JULY 2017

Option 2

1. **Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.**
2. **Advise Monkey Mia Wild Sights that the resolution of February 2017 meeting of Council stands and that the infringements will be progressed through the courts.**

LEGAL IMPLICATIONS

The Shire of Shark Bay Local Government Property Local Laws applies specifically section 7 Division 2 Monkey Mia jetties and Boat Ramp.

7.3 When vessels may be moored

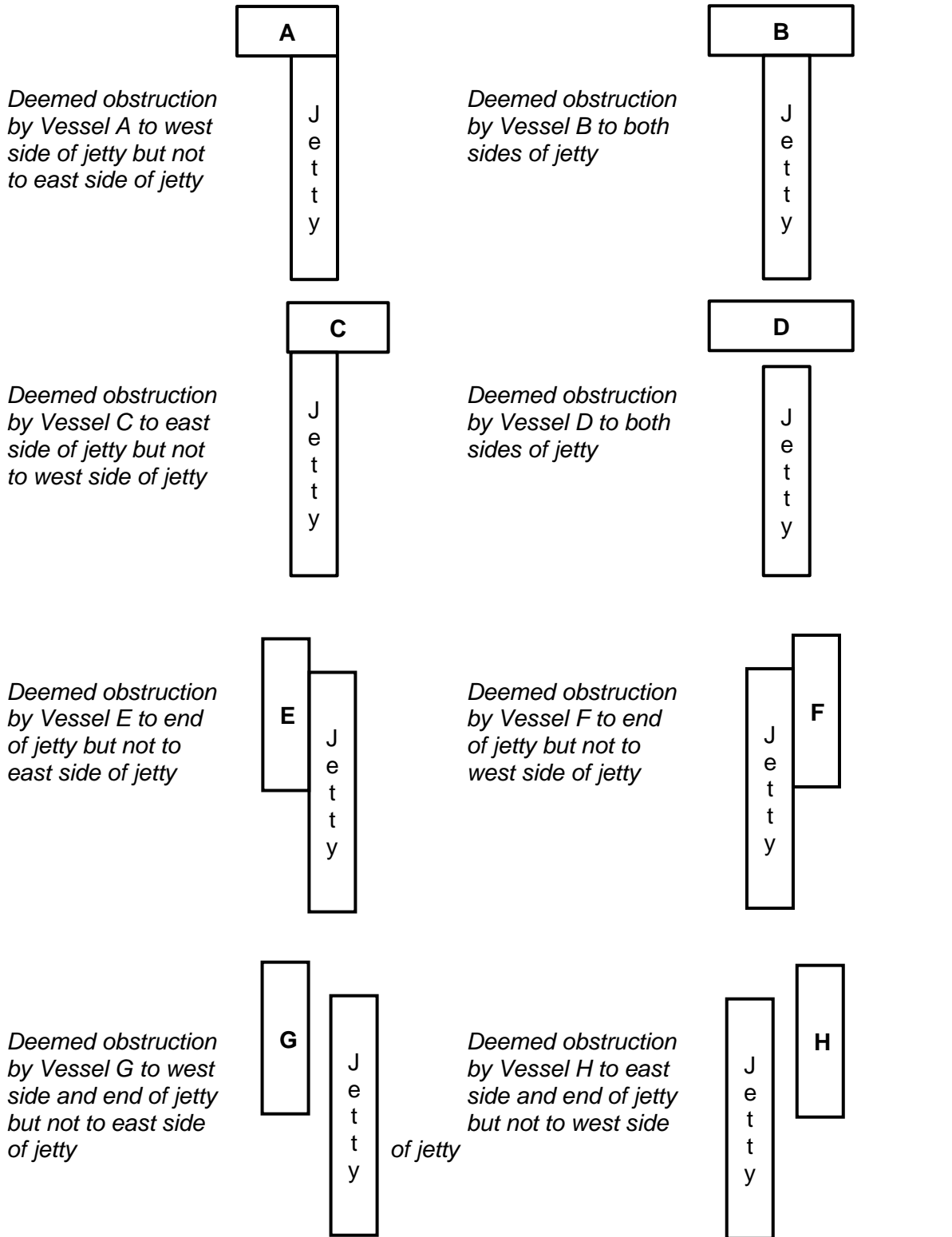
- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
 - (a) the vessel is in distress, and then only –
 - (i) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (ii)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

7.5 Deemed obstruction by vessels

- (1) When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.

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- (2) A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –
- (a) when moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty; or
 - (b) when moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty .



MINUTES OF THE ORDINARY COUNCIL MEETING

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

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The action to take the matter through the courts and is difficult to estimate due to unknown costs associated with the degree of defence that is undertaken by the defendants. However in a matter such as this it could be estimated to cost up to \$5,000, utilising the services of Councils solicitor.

In the event of a successful action some of the costs may be recoverable or in the event of an unsuccessful action there may be some costs to pay to the defendant.

The extent of these costs is determined and limited by the courts.

If the Council resolves to withdraw the infringements, there may be the costs to review the Local Law if Council considers this action necessary.

The costs to review a Local Law could be in the vicinity of \$2,500 to \$3,000 dependent upon the degree of the review considered.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a medium risk item to Council given the possibility of a challenge to the Councils Local Law authority to impose the alleged infringements.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

24 July 2017

26 JULY 2017

ATTACHMENT

18th July 2017

Mr P. Anderson
Shire of Shark Bay
65 Knight Terrace
Denham WA 6537

Hello Paul,

I'd be obliged if you place the following matters on the agenda for the July 2017 meeting of the Shire Council.


Council is currently pursuing us for fines it has imposed subsequent to its belief that we had breached Local Laws regarding the Monkey Mia jetty. Following discussion with Councillors and most operators using the Monkey Mia jetty it has become apparent that the Local Laws are being interpreted differently by the parties.

In simple terms, the operators interpret:
Clause 7.5.1 provides for a vessel obstructing access to the jetty to cease its obstruction when asked to do so by another vessel requiring access to the jetty. Failure to do so is a breach of the Local Law.
Clause 7.5.2 defines only the term "obstruction".

Previous conflict between Jetty users regarding access to the jetty resulted in Local Laws being rewritten to define Jetty access rules. **Since the introduction of the current Local Laws there has been no further conflict between the users with regard to jetty access because of operators' interpretation of the Local Laws.**

From my involvement in the process of framing the Local Laws I know that the Shire Council wanted to minimise its administration of the jetty. However the present situation whereby the Shire Council considers it a breach of Local Laws even when an operator is not asked to move by any other operator and all the operators provide statements their access was not obstructed, demonstrates the Local Laws are open to interpretation and the detriment of commonsense. No doubt this was not Council's intention.

The Local Laws 7.5.1 and 7.5.2 are also open to interpretation in that the obstructing vessel berthed at the jetty be required to know the **intention** of an approaching vessel without any prior communication from the approaching vessel which may berth at either of the two jetties or the beach.



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Australia Special Award

2001 Responsible
Tourism Showcase (USA):
Honoree for Australia
FACET Golden Guide Award
Finalist 2006

Western Australia
Tourism Awards -
Ecotourism:
Silver Medalist 2006
Finalist 2001 Finalist 2000

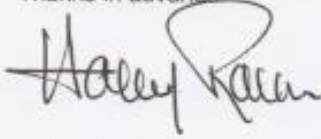


26 JULY 2017

It makes no sense that a ratepayer and the Shire Council expend the time, effort and expense in using solicitors and the court system to determine a simple, common sense, administrative matter. I therefore respectfully:

1. Submit that the Shire Council accept that the operators interpretation has resulted in a harmonious situation and request that the Council amend the Local Laws to ensure the operators' interpretation is adopted and the Local Laws are no longer open to interpretation.
2. Request that, in view of the above, the Shire Council halts its current prosecution of my business under its interpretation of the Local Laws and that the fines presently imposed thereunder be withdrawn.

Thanks in advance



Harvey Raven



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

-----Original Message-----

From: bookings@monkeymiawildsights.com.au
[<mailto:bookings@monkeymiawildsights.com.au>]
Sent: Thursday, 20 April 2017 12:05 PM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Subject: Alleged jetty obstruction allegations

Hello Paul,

I refer to my email to you dated 7th April, 2017. Said correspondence contained Notice requiring you to present specifically demanded evidence. Said evidence was reasonably demanded in order to verify any claims you may have against me. You were given seven (7) days to present such evidence, or to abandon your claims.

Considering the Shire of Shark Bay Local Government Property Act by law 7.5 (1) I do not recognize your claim of Shotover being obstructive and therefore consider the matter at an end and again ask that you cease and desist with your allegations.

Cheers,

Fran Raven

bookings@monkeymiawildsights.com.au <<mailto:bookings@monkeymiawildsights.com.au>>

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Finalist 2006

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Special Award Advanced Ecotourism Accredited Accredited Tourism Business Green

Leader

BOOKINGS

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Freefax : 1800 241 480

Email: bookings@monkeymiawildsights.com.au

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Web: <http://www.monkeymiawildsights.com.au>

ADMIN

Email: info@monkeymiawildsights.com.au <<http://monkeymiawildsights.com.au>>

Ph: +61 8 99 481 481

Fx: +61 8 99 481 471

Mail: PO Box 22, Denham, Western Australia 6537

Raven Multihulls Pty. Ltd. (ABN 62 010 881 562) trading as Monkey Mia Wildsights

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26 JULY 2017



From: bookings@monkeymiawildsights.com.au [<mailto:bookings@monkeymiawildsights.com.au>]
Sent: Friday, 7 April 2017 10:36 AM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Subject: Monkey Mia Jetty Obstruction allegations

Hello Paul,

I am responding to your letter dated 29th March, received by me on the 3rd April, 2017.

You are basing your claim on the Shire of Shark Bay Local Government Property Act.

You have alleged we are in breach of clause 7.3 (1) and 7.5 (2) only. However I refer you to clause 7.5 (1) which I set out below for your information:-

7.5 DEEMED OBSTRUCTION BY VESSELS

(1) When **requested to provide unimpeded approach** or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.

In support of your claim you provided us CCTV footage of the incidents. The CCTV footage shows all other vessels moving to and fro unimpeded.

You have omitted to provide evidence that the skippers of the approaching vessels requested us to "provide unimpeded approach".

We have therefore sought, received and attached herewith statements from the skippers of all of the relevant vessels which are the subject of your allegations.

We ask you, within 7 days of receipt of this email, to either provide evidence that we were requested to provide unimpeded approach by the other skippers, or confirm to us that you will cease and desist with these allegations.

Cheers,

Fran Raven

accounts@monkeymiawildsights.com.au

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MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

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Freefax : 1800 241 480

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Web: <http://www.monkeymiawildsights.com.au>

ADMIN

Email: info@monkeymiawildsights.com.au

Ph: +61 8 99 481 481

Fx: +61 8 99 481 471

Mail: PO Box 22, Denham, Western Australia 6537

Raven Multihulls Pty. Ltd. (ABN 62 010 881 562) trading as Monkey Mia Wildsights

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From: **sales** - sales@bluelagoon.com.au
Subject: Monkey Mia Jetty
Date: 20 March 2017 at 9:55 am
To: bookings@monkeymiawildsights.com.au



Due to the training and high levels of experience required for landing vessels around obstructions on a pearl farm, no vessel in any position on the Monkey Mia jetty is deemed to be obstructing access to our vessels.

Robert Morgan
Farm Manager
Blue Lagoon Pearls

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

From: Shark Bay Tours info@sharkbaytours.com 
Subject: Mac Attack Fishing Charters
Date: 15 March 2017 at 12:53 pm
To: accounts@monkeymiawildsights.com.au

ST

To Whom it May Concern

In the month of January while I was in use of the Jetty at Monkey Mia, Quinn Raven and the crew members of Shotover, on numerous occasions asked me when departing and docking Mac Attack on the jetty, if I wished for them to move their vessel. I declined as the vessel would not be obstructing me from manoeuvring my vessel in any way.

If you would like to speak with me further regarding this matter, you may phone me on 0409 205 900

Regards

Garth Dobney

Owner/Operator

Mac Attack Fishing Charters

www.sportfish.com.au

E : info@sharkbaytours.com

Ph : 0428 777 109

From: bookings@monkeymiawildsights.com.au
Subject: Fwd: Alleged offences - Shotover Obstructing Approach
Date: 7 April 2017 at 10:25 am
To:



From: Chris Todd <kitdownunder@hotmail.com>
Subject: Re: Alleged offences - Shotover Obstructing Approach
Date: 9 March 2017 at 11:27:12 am AWST
To: "bookings@monkeymiawildsights.com.au" <bookings@monkeymiawildsights.com.au>

Hi Fran,

I've racked my brain over this one and I can't recall any occasion when Shotover blocked Aristocat II during the month of January 2017 with the exception of two occasions when Aristocat II had a sunset cruise. On both of those occasions Harvey Raven and I discussed the situation, prior to my berthing Aristocat and I declined his offer to move the Shotover. Frankly, on those particular occasions the wind and tide being slight, I deemed it unnecessary. As I recall I said to Harvey Raven:

"You stay where you are Harvey and don't move. I'll come around the back of you onto the jetty. You load your passengers and depart leaving me clear to load my passengers and depart after you.

At the end of your cruise you come alongside, unload your passengers and depart and then I will be clear to do the same." Harvey agreed and that's the way it happened.

On the first occasion Harvey Raven was the Skipper and on the second occasion Quinn Raven was the Skipper however on both occasions the discussion was with Harvey who relayed my plan to Quinn.

If there were any other occasions when Shotover and Aristocat shared the jetty at the same time in January then I don't recall them.

Chris Todd



26 JULY 2017

LE00011 / O-CR-16290
Paul Anderson

29 March 2017

Mrs F Raven
111 KNIGHT TERRACE
DENHAM WA 6537

Dear Mrs Raven

MONKEY MIA JETTY - OBSTRUCTION

Thank you for your email received 20 March 2017.

For the reasons set out in my previous letter, your vessel is deemed to be obstructing the commercial jetty when another vessel approaches the jetty if your vessel is moored at the end of the jetty and a portion of the vessel is extending beyond a side of the jetty.

While I accept that Monkey Mia Wildsights has a long history of tying up vessels at the end of the commercial jetty, that activity is now regulated by the Local Law. Harvey confirmed he was aware of what was contained in the new Local Laws on 16 March 2016. As a result, your vessels cannot be moored at the end of the commercial jetty when another vessel approaches. If one of your vessels is moored at the end of the jetty when another vessel approaches the jetty, it will be deemed to be obstructing under clause 7.5(2) of the Local Law.

Please confirm whether you will be paying the infringements or whether you wish to have the matters determined by a court.

Yours sincerely

Paul Anderson
CHIEF EXECUTIVE OFFICER



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

From: bookings@monkeymiawildsights.com.au [<mailto:bookings@monkeymiawildsights.com.au>]
Sent: Monday, 20 March 2017 10:15 AM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Subject: Monkey Mia Jetty

Hello Paul,

I refer to your letter dated 14th March, 2017 and deny any allegations that we were obstructing any vessel approaching or departing the Monkey Mia jetty.

Obstruction means obstruction so actual proof of obstruction is necessary. Clearly, from viewing the footage, there was never a hint of obstruction.

Provide hard proof of obstruction, define obstruction, again I consider your allegations as unsubstantiated. We have been tying up at the end of the Monkey Mia jetty for 23 years. We do not obstruct. Why do you insist we do?

Cheers,

Fran Raven

bookings@monkeymiawildsights.com.au

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MINUTES OF THE ORDINARY COUNCIL MEETING

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From: bookings@monkeymiawildsights.com.au [<mailto:bookings@monkeymiawildsights.com.au>]
Sent: Thursday, 9 March 2017 6:00 PM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Subject: Alleged offences

Hello Paul,

I refer to a letter I received from yourself dated 2nd March, 2017, received by me yesterday.

In that letter you refer to 8 alleged infringements caused by Shotover on the Monkey Mia Jetty and requesting that I pay you \$4,000 by the 4th April, 2017 for such alleged offences.

I have spoken to my staff about these alleged offences and all emphatically deny obstructing any vessel's approach or departure from the Monkey Mia jetty on the dates to which you refer, which are 9.1.17, 9.1.17, 11.1.17, 11.1.17, 21.1.17, 25.1.17, 26.1.17 and 26.1.17.

Accordingly I formally request full disclosure and ask that you provide evidence of any obstruction caused by Shotover.

If you are unable to provide such evidence as requested within 7 (seven) days of receipt of this email, I will consider you have no proof and will close the matter.

I await your advices.

Cheers,

Fran Raven

bookings@monkeymiawildsights.com.au

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26 JULY 2017

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26 JULY 2017

LE00011 / O-LEG-16262
Paul Anderson

14 March 2017

MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Mr Raven

COMMERCIAL JETTY INFRINGEMENTS

Thank you for your email requesting information in relation to the 8 infringement notice issued as a result of the vessel 'Shotover' breaching clause 7.3 of the Shire of Shark Bay Local Government Property Local Law (**Local Law**) on 8 occasions between 8 and 26 January 2017. As you are no doubt aware, the vessel Shotover is a 'commercial vessel' for the purposes of the Local Law.

Clause 7.3(1)(c) of the Local Law provides:

"Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –

(c) the vessel is a commercial vessel other than a fishing vessel, and –

- (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;*
- (ii) is not deemed to be obstructing in accordance with clause 7.5;*
- (iii) the vessel is moored for not more than two hours; and*
- (iv) a period of more than one hour has passed since the boat last cast off from the jetty."*

Accordingly, a person may only moor a vessel at the commercial jetty if all of the requirements of sub-paragraph (c) are met.

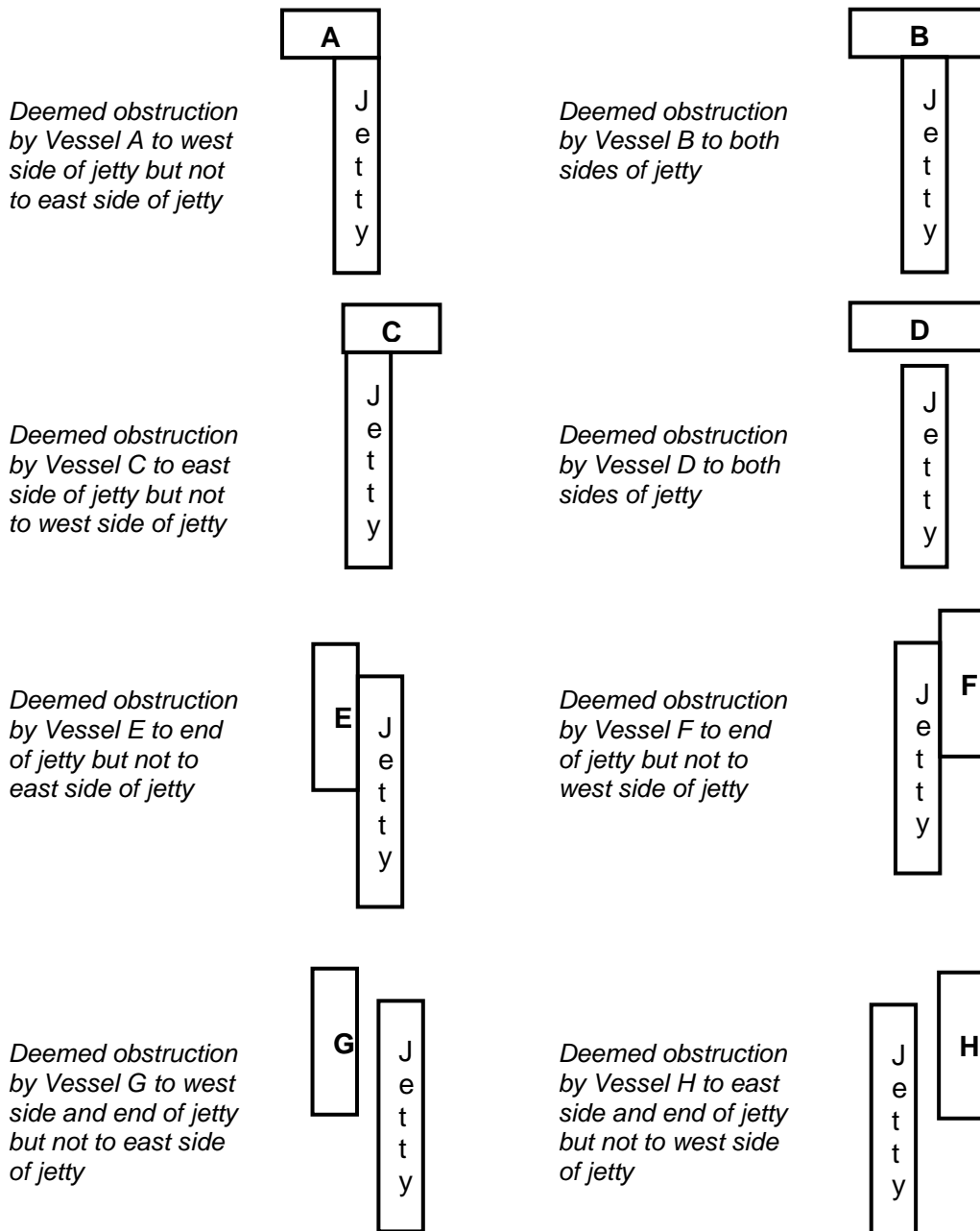
On the days in question, Shotover had not complied with sub-paragraph (c)(ii) because Shotover was deemed to be obstructing under clause 7.5 of the Local Law.

Clause 7.5(2) of the Local Law provides:

"A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –

- (a) when moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty; or*
- (b) when moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty.*

26 JULY 2017



On all occasions for which infringement notices have been issued, Shotover was moored at the end of the commercial jetty with a portion of the vessel extending beyond both sides of the jetty as shown in example 'B' above. As a result, Shotover was deemed to be obstructing vessels approaching or departing the commercial jetty whether or not the approaching or departing vessel was actually obstructed.

Furthermore, because Shotover was deemed to be obstructing under clause 7.5(2), the prior written authorisation of the Shire was required for Shotover to be moored at the commercial jetty on the days in question. As the Shire had not given written authorisation for Shotover to moor, Monkey Mia Wildsights has been given infringement notices for contravening clause 7.3(1) of the Local Law on those days.

26 JULY 2017

Should you wish to have a copy of the CCTV footage of Shotover moored at the end of the commercial jetty in a manner which was deemed to obstruct under clause 7.5 and, therefore, in breach of clause 7.3(1), please contact the Mrs R Mettam at the Shire office.

In order to ensure further infringement notices are not issued, please ensure Shotover is moored in accordance with the Shire of Shark Bays Local Government Property Laws.

We look forward to your future cooperation in this matter.

Yours sincerely

Paul Anderson
CHIEF EXECUTIVE OFFICER



MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Sent: Monday, 21 March 2016 8:18 AM
To: 'Harvey Raven'
Cc: Steve Nicholson; 'Mills, Stephen'; Quartermain, Rod; president
(cheryl.cowell@dpaw.wa.gov.au)
Subject: RE: Jetty issues

Dear Harvey

I note your comments in regard to the current amended Local Laws.

In regard to your comment of alleged manipulation of the spirit of the Local Laws I would like to clarify if any vessel is moored on the northern face or any section of the Monkey Mia jetty in a manner that is proved to be deemed obstruction (in accordance with section 7.5 of the Local Laws) it is committing an offence regardless of weather conditions.

I would also encourage yourself and all users of the Shires facilities to make themselves fully aware of the implications of the current Local Laws and to implement a system that ensures section 7.5 (1) can be complied with and understood by all parties utilising the council facility.

Regards

Paul Anderson

Chief Executive Officer

Shire of Shark Bay

a: PO Box 126, Denham WA 6537

ph: 08 9948 1218 | fax: 08 9948 1237 | mob: 0427 948 925

w: <http://www.sharkbay.wa.gov.au/>



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From: Harvey Raven [<mailto:hr@monkeymiawildsights.com.au>]
Sent: Wednesday, 16 March 2016 11:26 PM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Cc: Steve Nicholson <steve.nicholson@dpaw.wa.gov.au>
Subject: Re: Jetty issues

Thanks for the detailed explanation Paul, however I am aware of what is contained in the Local Laws, having spent an inordinate amount of time in trying, unsuccessfully, to make them manageable.

It seems that if we moor on the northern face, Captain Ridgley will ask us to move regardless of the weather conditions. I don't believe that manipulation is in the spirit of the Local Laws.

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

Cheers,

Harvey Raven

hr@monkeymiawildsights.com.au

Monkey Mia Ph +61 (0)8 99 481 481

Monkey Mia Fx +61 (0)8 99 481 471

Mobile +61 (0)400 481 480

skype harveyraven

Web www.monkeymiawildsights.com.au

Mail: **Monkey Mia WA 6537**

On 15 Mar 2016, at 4:26 PM, Paul Anderson <ceo@sharkbay.wa.gov.au> wrote:

Dear Harvey

I note your comments and the information regarding the alleged activities on the Monkey Mia Jetty at about 10:20am on 15 March 2016 and your and Mr Ridgley's actions .

As you are aware the Shire went through an extensive process which resulted in amendments to the Local Laws specifically applicable to the use of the jetties and boat ramps at Monkey Mia.

I have previously sent all current users of the Monkey Mia Facilities copies of the current Local Laws that are now in place.

I can advise that the Local Laws section 7.5 Deemed obstruction by vessels was included to clearly define what was required in the circumstances you have described.

I note that you indicate in your correspondence that

"there was no necessity to require us to move our vessel."

For your information Section 7.5 (1) states

When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching the commercial jetty to moor to the jetty, or departing the jetty.

Further section 7.5(2) states

A moored vessel will be deemed to obstruct a vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty if –

(a) When moored to the side of the jetty, a portion of the vessel extends beyond the end of the jetty: or

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

(b) *When moored at the end of the jetty, a portion of the vessel extends beyond the side of the jetty.*

In accordance with clause 7.5(2) diagrams A,B,C and D any vessel moored at the end of the jetty (Northern Face) is deemed obstructing to approaching and departing vessels.

I will investigate this matter further and take appropriate action if required in accordance with the Shires current Local Laws.

I would also encourage yourself and all users of the Shires facilities to make themselves fully aware of the implications of the current Local Laws.

Regards

Paul Anderson

Chief Executive Officer

Shire of Shark Bay

a: PO Box 126, Denham WA 6537

ph: 08 9948 1218 | fax: 08 9948 1237 | mob: 0427 948 925

w: <http://www.sharkbay.wa.gov.au/>

[<image001.jpg>](#)



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From: Harvey Raven Wildsights [<mailto:hr@monkeymiawildsights.com.au>]
Sent: Tuesday, 15 March 2016 12:00 AM
To: Paul Anderson <CEO@sharkbay.wa.gov.au>
Cc: Steve Nicholson <steve.nicholson@dpaw.wa.gov.au>
Subject: Jetty issues

Hello Paul,

I advise that this morning at about 1020. We were attending to rigging maintenance with a crew person up the mast of our vessel "Shotover", which was berthed across the northern face, as it has done daily for 22 years, when "Aristocat 2' approached the jetty to berth. I perceived from Skipper Greg Ridgley gesticulations, since we were unaware of any other form of communication, that he wanted us to move off the end of the jetty.

I signalled for him to go to the eastern side, he shook his head and pointed to the west side.

The easiest means of our clearing the end of the jetty was to swing our stern on to the western side to permit clear access to the eastern side, something we have done for the last 14 years or more when "Aristocat 2" wanted access to the eastern side as "Aristocat 2" had been previously told that he was not to berth on the western side.

Captain Ridgley continued to indicate that he wanted access to the western side. As we were already half alongside the western side and I now had 6 persons on board waiting to get back to the job on hand and "Aristocat 2" had guests waiting to to disembark and embark, I promptly

MINUTES OF THE ORDINARY COUNCIL MEETING

26 JULY 2017

moved “Shotover” completely down the western side in order to provide “Aristocat 2” access to both the northern and eastern sides of the jetty.

“Aristocat 2” then berthed on the northern face.

I point out that the weather was fair and all sides of the jetty were easily accessible even with a vessel across the northern face. There was no necessity to require us to move our vessel. The request appeared to be made, simply because it could. In view of the number of guests who were apparently filming us it appears that Captain Ridgley continues to involve visitors in the operational issues he creates.

I keep hearing of complaints made by visitors about our behaviour, this is a prime example of the cause of complaints.

Cheers,

Harvey Raven

hr@monkeymiawildsights.com.au

Monkey Mia Ph +61 (0)8 99 481 481

Monkey Mia Fx +61 (0)8 99 481 471

Mobile +61 (0)400 481 480

skype harveyraven

Web www.monkeymiawildsights.com.au

Mail: **Monkey Mia WA 6537**

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20.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

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

5/0 CARRIED

20.1 HAMELIN STATION - LOT 74 AND LOT 220 SHARK BAY ROAD – POTENTIAL MODIFICATIONS TO DRAFT SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4 P2001 / 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: Impartiality Interest – Family own adjoining station (Carbla)

Moved Cr Cowell
Seconded Cr Laundry

Council Resolution

That Council:

- 1. Note the preliminary advice provided by McLeods Barristers and Solicitors (Attachment 1) on potential landuse classifications for future development at Hamelin Station.**
- 2. Generally support further investigation into modifying the Draft Shire of Shark Bay Local Planning Scheme No 4 to include additional uses for Hamelin Station, and authorise Liz Bushby (Town Planning Innovations) to liaise with Bush Heritage Australia and the Department of Lands regarding this matter.**
- 3. Note that a further report will be referred to the meeting scheduled for the 30 August 2017 for Council to formally consider final adoption of Draft Local Planning Scheme No 4 (with modifications).**
- 4. Retain the proposed ‘Rural’ zoning and list a number of discretionary Additional Uses including restaurant, caravan park, and residential building.**

5/0 CARRIED

26 JULY 2017

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

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

5/0 CARRIED

21.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 30 August 2017, commencing at 9.30am, at Hamelin Pool Station.

22.0 CLOSURE OF MEETING

As there was no further business the President closed the Ordinary Council meeting at 5.40pm.