

# SHIRE OF SHARK BAY MINUTES

22 SEPTEMBER 2017

## ORDINARY COUNCIL MEETING



STROMATOLITES – SHARK BAY



22 SEPTEMBER 2017



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

## MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on Friday 22 September 2017 commencing at 3.00 pm.

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**1.0 DECLARATION OF OPENING**

Councillor Bellottie the Presiding member declared the Ordinary Council meeting open at 3.00pm.

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

**ATTENDANCES**

Cr L Bellottie Presiding member – Ref: Ordinary Council meeting 30 August 2017 Item 11.3

Cr E Fenny  
Cr K Laundry  
Cr G Ridgley

Mr P Anderson Chief Executive Officer  
Ms A Pears Executive Manager Finance and Administration  
Ms L Butterly Executive Manager Community Development  
Mr B Galvin Works Manager  
Mrs R Mettam Executive Assistant

**APOLOGIES**

Cr C Cowell President – Leave of Absence approved Ordinary Council meeting 28 June 2017 Item 19.1

Cr K Capewell Deputy President – Leave of Absence approved Ordinary Council meeting 30 August 2017

**VISITORS**

1 visitor

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

There are no public question on notice.

**4.0 PUBLIC QUESTION TIME**

The Presiding member opened public question time at 3.01pm.

Ms Patricia Cox spoke about the submission to the Town Planning Scheme No.4 and queried her questions as emailed dated 20 September 2017.

The Chief Executive Officer advised that correspondence in reply to the email had been emailed and posted to Ms Cox today, as per below.

I would like to raise a couple of questions in regards to the special zoning for my neighbour Hamelin Station Stay

*Question 1*

*In regards to the July 2017 unconfirmed minutes item 20.1 note 1. I could not find any attachment 1 from the McLeod solicitors in regards to their preliminary advise for land use in regards to Hamelin Station Stay*

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Answer Question 1

McLeods is the Shires solicitor and any legal advice provided to the Shire is confidential and not available to the general public. Legal advice to the Shire is protected under the Local Government Act 1995, and for this reason Item 20.1 was dealt with as a confidential item behind closed doors in accordance with section 5.23(2) of the *Local Government Act 1995*.

Question 2

*In regards to the August unconfirmed minutes attachment 6 page 191, special use/additional zoning for Hamelin Station*

***My question is why is this even being proposed and encouraged by the Shire of Shark Bay in the Town Planning Scheme 4 as parts of the additional uses will be competing directly against an established business with all of the same facilities already in place ?***

Answer Question 2

Bush Heritage Australia approached the Shire seeking support for future development and as a result the Shires Consultant Planner recommended changes to Draft Scheme No 4 to provide greater flexibility. This matter was considered by Council in August 2017 and Councilors were generally supportive.

Any future development will still require separate planning approval by the Shire so the Draft Scheme would simply give Council discretion to consider any future application.

Question 3

*I have no objection to the science centre, exhibition centre and the theater but I do have an objection to following parts on the table,*

1. Liquor store
2. Restaurant
3. Bar
4. Tourism development (only depending on what this implies)

***As these facilities will be in direct competition with my business adjoining this property who are a non for profit organization specializing in conservation which is funded by public donations and government grants,***

Answer Question 3

The Shire cannot take into account commercial competition as it is not a valid planning consideration. This is specified under Regulation 67 (v) of the Planning and Development (Local Planning Schemes) Regulations 2015 which outlines that local governments cannot consider '*potential loss that may result from economic competition between new and existing businesses*'.

An example is that there may be an established news agency in Denham. If a planning application is lodged for a second news agency in Denham the Shire Council cannot legitimately refuse it based on economic competition. The Shire also cannot take into account whether a business is funded privately, by a landowner, or by government funding or grants. Funding of development is purely up to the owner / developer.

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A report on the Draft Scheme is proposed to be referred to the October Council meeting and you are welcome to attend.

The Presiding member closed public question time at 3.30 pm.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6.0 PETITIONS**

There were no petitions presented to the Ordinary Council meeting.

**7.0 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 AUGUST 2017**

Moved            Cr Ridgley  
Seconded       Cr Laundry

**Council Resolution**

**That the minutes of the Ordinary Council meeting held on 30 August 2017, as circulated to all Councillors, be confirmed as a true and accurate record.**

**4/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

Nil

**9.0 PRESIDENT'S REPORT**

GV00002

**Council Committee Membership**

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

**Other Committee Membership**

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

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Meeting Attendance

21 August 2017	Teleconference - Country Clinical Manager, Silver Chain
6 September	Official Opening of Police Station upgrade
7	Western Australian Local Government Association State Council presentations/fieldtrips - Perth
8	Western Australian Local Government Association State Council meeting
10	Farewell – Denice Lockhart – Silver Chain
19	Destination Shark Bay meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	13 September 2017

Moved	Cr Fenny
Seconded	Cr Ridgley

Council Resolution

**That the President's activity report for September 2017 be received.**  
**4/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

10.1 CR FENNY  
GV00017

Nil report for the September 2017 Ordinary Council meeting.

10.2 CR BELLOTTIE  
GV00010

Nil report for the September 2017 Ordinary Council meeting.

10.3 CR CAPEWELL  
GV00005

Nil report for the September 2017 Ordinary Council meeting.

10.4 CR RIDGLEY  
GV00008

Committee Membership

Member	Works Committee
Member	Audit Committee
Member	Shark Bay Marine Facilities Management Committee

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Member Shark Bay 2016 Commemoration Advisory Committee  
Member Regional Collaboration Group – Gascoyne  
Member Shark Bay Tourism Committee

Meeting Attendance

30–31 August 2017 Attended the Department of Biodiversity, Conservation and Attractions event on Dirk Hartog Island for the Dirk Hartog Island National Park Ecological Restoration Project, the translocation pilot release of banded hare-wallabies and rufous hare-wallabies.  
5 September Attended the Annual General Meeting for the Shark Bay Tourism Committee

Signatures

Councillor *Councillor Ridgley*  
Date of Report 15 September 2017

Moved Cr Fenny  
Seconded Cr Laundry

Council Resolution

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

**4/0 CARRIED**

10.5 CR LAUNDRY  
GV00013

Nil report for the September 2017 Ordinary Council meeting.



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**11.0 ADMINISTRATION REPORT**  
Nil

**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 Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$588,749.75 be accepted.**

**4/0 CARRIED**

Comment

The schedules of accounts for payment covering -  
Municipal fund credit card direct debits for the month of August 2017 totalling \$688.06

Municipal fund account cheque numbers 26861 to 26863 totalling \$13,659.43

Municipal fund direct debits to Council for the month of August 2017 totalling \$21,496.49

Municipal fund account electronic payment numbers MUNI 21848 to 21956, 21886 to 21960 and 21964 to 21989 totalling \$270,341.72

Municipal fund account for October 2017 payroll totalling \$110,873.00

No Trust fund account cheque numbers were issued for August 2017

Trust fund Police Licensing for July and August 2017 cheque numbers 171801 and 171802 totalling \$95,900.60 and

Trust fund account electronic payment numbers 21857 to 21886, 21915, 21916, 21947 to 21950, 21961 to 21963, 21990 and 22016 to 22042 totalling \$75,790.45

The schedule of accounts submitted to each member of Council on 18 September 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.

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LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

13 September 2017

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

**CREDIT CARD TOTAL \$688.06**

**CEO**

DATE	NAME	DESCRIPTION	AMOUNT
26/6/2017	WALDORF APARTMENTS GERALDTON	STAFF ACCOMMODATION – TRAINING –GERALDTON-AMBER PHILLIPPS – DOT TRAINING	154.00

**\$154.00**

**EMCD**

3/7/2017	QANTAS	SHIRE PRESIDENT WALGA STATE COUNCIL MEETING	197.60
3/7/2017	VIRGIN	RETURN FLIGHT SHIRE PRESIDENT WALGA COUNCIL MEETING	191.46

**\$389.06**

**EMFA**

3/7/2017	GERALDTON OCEAN WEST APARTMENTS	ACCOMMODATION SHIRE PRESIDENT WALGA STATE COUNCIL MEETING	145.00
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**\$145.00**

**SHIRE OF SHARK BAY – MUNI CHQ  
AUGUST 2017  
CHEQUE 26861-26863**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
26861	29/08/2017	SHIRE OF SHARK BAY	RUBBISH CHARGES 2017/18 FOR RESIDENTIAL SHIRE PROPERTIES	-6878.00
26862		CANCELLED		
26863	30/08/2017	WATER CORPORATION	SHIRE PROPERTIES ACCOUNTS	-6781.43
			<b>TOTAL</b>	<b>\$13,659.43</b>

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

<b>DD</b>	<b>DATE</b>	<b>NAME</b>		<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD13846.1	05/08/2017	BANKWEST	CORPORATE	CREDIT CARD ACCOUNT-SEE ATTACHED SHEET	-688.06
DD13846.2	05/08/2017	MASTERCARD			
		MOORE STEPHENS		FINANCIAL, MANAGEMENT REPORTING AND BUDGET MANUAL FOR 17/18 FINANCIAL YEAR	-1650.00
DD13849.1	06/08/2017	ING DIRECT		SUPERANNUATION CONTRIBUTIONS	-56.80
DD13849.2	06/08/2017	MACQUARIE SUPER ACCUMULATOR		PAYROLL DEDUCTIONS	-410.59
DD13849.3	06/08/2017	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-241.44
DD13849.4	06/08/2017	AMP SUPERANNUATION		PAYROLL DEDUCTIONS	-594.54
DD13849.5	06/08/2017	AUSTRALIAN SUPER		PAYROLL DEDUCTIONS	-1070.89
DD13849.6	06/08/2017	AUSTRALIAN	ETHICAL	PAYROLL DEDUCTIONS	-382.97
		SUPERANNUATION			
DD13849.7	06/08/2017	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	-200.82
DD13849.8	06/08/2017	SUN SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-201.33
DD13849.9	06/08/2017	REST		SUPERANNUATION CONTRIBUTIONS	-220.13
DD13869.1	20/08/2017	ING DIRECT		SUPERANNUATION CONTRIBUTIONS	-46.53
DD13869.2	20/08/2017	MACQUARIE SUPER ACCUMULATOR		PAYROLL DEDUCTIONS	-410.59
DD13869.3	20/08/2017	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-241.44
DD13869.4	20/08/2017	AMP SUPERANNUATION		PAYROLL DEDUCTIONS	-594.54
DD13869.5	20/08/2017	AUSTRALIAN SUPER		PAYROLL DEDUCTIONS	-1075.81
DD13869.6	20/08/2017	AUSTRALIAN	ETHICAL	PAYROLL DEDUCTIONS	-382.97
		SUPERANNUATION			
DD13869.7	20/08/2017	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	-191.48
DD13869.8	20/08/2017	SUN SUPERANNUATION		PAYROLL DEDUCTIONS	-400.11
DD13869.9	20/08/2017	REST		SUPERANNUATION CONTRIBUTIONS	-220.13
DD13849.10	06/08/2017	WALGA SUPERANNUATION PLAN P/ L		PAYROLL DEDUCTIONS	-3270.35
DD13849.11	06/08/2017	BT SUPER FOR LIFE		SUPERANNUATION CONTRIBUTIONS	-717.14
DD13849.12	06/08/2017	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	-1078.42
DD13849.13	06/08/2017	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-237.16
DD13849.14	06/08/2017	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-191.48

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DD13849.15	06/08/2017	MLC SUPER FUND		SUPERANNUATION CONTRIBUTIONS	-150.68
DD13849.16	06/08/2017	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-176.06
DD13849.17	06/08/2017	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.12
		ADMINISTRATION LTD			
DD13869.10	20/08/2017	WALGA SUPERANNUATION PLAN P/L		PAYROLL DEDUCTIONS	-3284.01
DD13869.11	20/08/2017	BT SUPER FOR LIFE		SUPERANNUATION CONTRIBUTIONS	-717.14
DD13869.12	20/08/2017	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	-1233.88
DD13869.13	20/08/2017	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-237.16
DD13869.14	20/08/2017	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-191.48
DD13869.15	20/08/2017	MLC SUPER FUND		SUPERANNUATION CONTRIBUTIONS	-152.14
DD13869.16	20/08/2017	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-173.98
DD13869.17	20/08/2017	WESTPAC	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.12
		ADMINISTRATION LTD			
<b>TOTAL</b>					<b>\$21,496.49</b>

**SHIRE OF SHARK BAY – MUNI EFT  
AUGUST 2017-  
EFT 21848-21956, 21886-21960, 21964-21989**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21848	01/08/2017	BATTERY MART	BATTERY FOR SOLAR LIGHT - SAPPI PARK	-189.20
EFT21849	01/08/2017	HUGGABLE TOYS	MERCHANDISE SBDC	-186.45
EFT21850	01/08/2017	PURCHER INTERNATIONAL PTY LTD	RADIATOR, CUSHIONS FOR MOUNTS-PRIME MOVER, STARTER MOTOR FOR 4WD FUSO TRUCK	-2413.92
EFT21851	01/08/2017	PLUMOVATION	REPAIRS - FORESHORE D.O.T TOILETS	-165.00
EFT21852	01/08/2017	SHARK BAY STATE EMERGENCY SERVICE	EMERGENCY SERVICES FUNDS-1 <sup>st</sup> QUARTER PAMENT	-11000.00
EFT21853	01/08/2017	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR	-495.00
EFT21854	01/08/2017	SANTALEUCA SANDLEWOOD	MERCHANDISE - SBDC	-146.30
EFT21855	01/08/2017	TELSTRA CORPORATION LIMITED	SMS-PUBLIC WITH COMMUNITY MESSAGES	-138.84

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<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21856	01/08/2017	TOWN PLANNING INNOVATIONS	PLANNING SERVICES JULY 2017-SCHEME REVIEW, WANNOO WASTE DISPOSAL SITE AND MONKEY MIA STRUCTURAL PLAN	-14115.37
EFT21857	21886	TRUST		
EFT21887	07/08/2017	STATE LIBRARY OF WA	BETTER BEGINNINGS PROGRAM 2017/2018	-82.50
EFT21888	07/08/2017	ALLELECTRIX PTY LTD	REPAIRS FOR POWER OUTAGE - OFFICE	-99.00
EFT21889	07/08/2017	AIR LIQUIDE	RENTAL OF CYLINDERS AND GAS-WORKSHOP	-787.43
EFT21890	07/08/2017	AUSCOINSWEST	MERCHANDISE SHARK BAY COINS-SBDC	-672.87
EFT21891	07/08/2017	BUNNINGS BUILDING SUPPLIES	TOOLS AND HARDWARE	-780.89
EFT21892	07/08/2017	BLACKWOODS ATKINS	HAND CLEANER AND RAGS	-149.83
EFT21893	07/08/2017	CORAL COAST PLUMBING	UNBLOCK DUMP POINT INFORMATION BAY AND FIX WATER METER PENSIONER UNIT 12	-220.00
EFT21894	07/08/2017	CONPLANT AUSTRALIA	WHEEL STUDS-MULTI TYRED ROLLER	-173.45
EFT21895	07/08/2017	GRIFFIN CIVIL	KNIGHT TERRACE UPGRADES	-91123.24
EFT21896	07/08/2017	HORIZON POWER	STREET LIGHTING	-3289.31
EFT21897	07/08/2017	TOLL IPEC PTY LTD	FREIGHT- SBDC INDEPENDENCE, ETCHED GLASS	-109.20
EFT21898	07/08/2017	INSTANT WEIGHING	COMPULOAD TO SCALES-CALIBRATION OF SCALES FOR KOMATSU FRONT END LOADER AND 5 WHEEL LOADER	-3025.00
EFT21899	07/08/2017	MARKET FORCE ADVERTISING	ADVERTISING FOR ROAD CLOSURE PORTION OF HUGHES STREET	-196.77
EFT21900	07/08/2017	MEEGAN GOOCH	REFUND FOR FOUND GYM CARD	-20.00
EFT21901	07/08/2017	NICOLE CROWLEY	REFUND FOR FOUND GYM CARD	-20.00
EFT21902	07/08/2017	NORTHAMPTON OLD SCHOOL COMMUNITY	REFUND OF CLEANING DEPOSIT	-275.00
EFT21903	07/08/2017	PASCAL PRESS	MERCHANDISE SBDC - KIDS BOOKS	-407.83
EFT21904	07/08/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-234.30
EFT21905	07/08/2017	PERTH STITCHINGS	MERCHANDISE EMBROIDERED POLOS	-1064.80
EFT21906	07/08/2017	RICHARD CLAUDE MORONEY	CLEAN UP & REMOVE RUBBISH SBDC	-50.00
EFT21907	07/08/2017	REECE PTY LTD	SUPPLY MATERIALS FOR USELESS LOOP RD	-161.48
EFT21908	07/08/2017	RAY WHITE REAL ESTATE SHARK BAY	RENT ON 34 HUGHES ST	-1170.00

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<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21909	07/08/2017	SKIPPERS AVIATION	FLIGHTS- MR TIM EASTWOOD, MS ROBYN JOHNSTON COMMUNITY DEVELOPMENT	-1795.00
EFT21910	07/08/2017	SHARK BAY COMMUNITY RESOURCE CENTRE	SPORTS AND REC CENTRE MANAGEMENT	-10056.65
EFT21911	07/08/2017	MCKELL FAMILY TRUST	MONTHLY - STREET SWEEPING	-11273.18
EFT21912	07/08/2017	TELSTRA CORPORATION LIMITED	1300 PHONE # SBDC	-28.58
EFT21913	07/08/2017	TRAFFIC FORCE	2017 TRAFFIC MANAGEMENT PLAN REVISION	-396.00
EFT21914	07/08/2017	WA MUSEUM	MERCHANDISE SBDC BOOKS	-183.00
EFT21917	14/08/2017	STATE LIBRARY OF WA	ANNUAL FEE FOR LOST & DAMAGED 2017-18	-220.00
EFT21918	14/08/2017	AUSTRALIA POST	LOCAL POST-MONTHLY ACCOUNT	-145.69
EFT21919	14/08/2017	IBIS STYLES GERALDTON	ACCOMMODATION- R. HEWITT AUSCHEM TRAINING COURSE	-357.00
EFT21920	14/08/2017	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY MONTHLY COMMISSION	-607.37
EFT21921	14/08/2017	CENTRAL REGIONAL TAFE	AUSCHEM TRAINING COURSE ROGER HEWITT	-456.80
EFT21922	14/08/2017	DAVRIC AUSTRALIA PTY LTD	MERCHANDISE-GROWING PETS SBDC	-293.26
EFT21923	14/08/2017	CDH ELECTRICAL	ELECTRICAL REPAIR TO SENIORS ROOM TOWN HALL	-175.80
EFT21924	14/08/2017	EARTHCARE	PLAYGROUND SAFETY AUDIT	-715.00
EFT21925	14/08/2017	ELGAS LIMITED	GAS BOTTLE REFUSE SITE	-166.00
EFT21926	14/08/2017	SHIRE OF EAST PILBARA	CONTINUITY OF SERVICE – LONG SERVICE LEAVE PAYMENT - ALLEN COOPER	-1462.79
EFT21927	14/08/2017	DENHAM IGA X-PRESS	MONTHLY ACCOUNT	-1246.44
EFT21928	14/08/2017	SHARK BAY SUPERMARKET	MONTHLY ACCOUNT	-695.01
EFT21929	14/08/2017	REFUEL AUSTRALIA	MONTHLY ACCOUNT	-391.14
EFT21930	14/08/2017	J & T FREIGHT	FREIGHT - ENVIRO PIPES, REPLAS, BATTERY MART, BUNNINGS PLANTS	-971.90
EFT21931	14/08/2017	LANDGATE	GRV VALUATION	-65.50
EFT21932	14/08/2017	LGIS LIABILITY	INSURANCE - MARINE CARGO	-330.00
EFT21933	14/08/2017	KEVIN LAUNDRY	LOCAL GOVERNMENT CONFERENCE REIMBURSEMENT	-73.00
EFT21934	14/08/2017	MCLEODS BARRISTERS AND SOLICITORS	LEGAL COSTS MURPHY - LOT 50 DAMPIER RD	-1207.78
EFT21935	14/08/2017	TRUE VALUE HARDWARE	MONTHLY HARDWARE ACCOUNT	-1307.79

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT21936	14/08/2017	NEW SOUTH BOOKS	MERCHANDISE SBDC AUSTRALIAN BIRD GUIDE	-159.75
EFT21937	14/08/2017	PURCHER INTERNATIONAL PTY LTD	FREIGHT FOR STARTER MOTOR FUSO 4WD TRUCK	-106.21
EFT21938	14/08/2017	PEST-A-KILL	PEST CONTROL BI MONTHLY ACCOUNT	-330.00
EFT21939	14/08/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-70.00
EFT21940	14/08/2017	PAULS TYRES	BUS - SUPPLY AND FIT 2 NEW STEER TYRES, CHANGE OVER REPAIR TO RIM ON MULTI TYRED ROLLER, REPAIR O RING DRIVE TYRE GRADER, REPAIR PUNCTURED TYRE ON WATER CART, REPAIR 2 TYRES ON GRADER, REPAIR 2 TYRES ON ROBBRO GRADER, SUPPLY AND FIT NEW STEER TYRES 3 TON HINO, REPAIR 2 TYRES FORD RANGER, REPAIR TRAILER TYRE-SEMI TRAILER, REPAIR TYRE ON ROLLER	-4050.50
EFT21941	14/08/2017	SHARK BAY CLEANING SERVICE	MONTHLY CLEANING ACCOUNT	-21275.53
EFT21942	14/08/2017	SCAMPER DESIGN	BANNERS DESIGN AND PRODUCTION	-678.04
EFT21943	14/08/2017	SCIENCE AND NATURE PTY LTD	MERCHANDISE SBDC MARINE FOSSILS KIT	-306.68
EFT21944	14/08/2017	TRUCKLINE PARTS CENTRE	SEALS, BEARINGS TRI AXLE LOW LOADER	-1397.95
EFT21945	14/08/2017	HOLIDAY GUIDE PTY LTD	COMMISSIONS - SBDC	-54.55
EFT21946	14/08/2017	WAJON PUBLISHING COMPANY	MERCHANDISE SBDC SPRING WILDFLOWERS	-538.00
EFT21947		TRUST	BOOKS	
EFT21951	14/08/2017	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-19921.00
EFT21952	15/08/2017	GLENN BANGAY	REIMBURSEMENT FOR G BANGAY - MEALS	-88.49
EFT21953	15/08/2017	MT ROMANCE AUSTRALIA PTY LTD	MERCHANDISE - SBDC GIFT PACKS	-345.27
EFT21954	15/08/2017	MURRAY VIEWS	MERCHANDISE 3D POSTCARDS - SBDC	-825.33
EFT21955	15/08/2017	OCLC (UK) LTD	AMLIB LIBRARY SOFTWARE ANNUAL MAINTENANCE	-1918.96
EFT21956	15/08/2017	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MONKEY MIA FAMILY DAY PASS - SBDC	-3172.50
EFT21957	15/08/2017	SHARK BAY COMMUNITY RESOURCE CENTRE	COMMUNITY RESOURCECENTRE MEMBERSHIP	-100.00



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21958	15/08/2017	SHARK BAY CLEANING SERVICE	REIMBURSMENT FOR ITEMS HUGHES ST UNIT	-62.97
EFT21959	15/08/2017	SHARNA TIMMER	REFUND FOUND GYM CARD	-20.00
EFT21960	15/08/2017	WA MUSEUM	MERCHANDISE SBDC BOOKS	-296.85
EFT21961	21963	TRUST		
EFT21964	29/08/2017	ARROW ALPHA INDUSTRIES	WATER FILTER FOR RECREATION CENTRE	-207.90
EFT21965	29/08/2017	ALLIGHT PTY LTD	REPAIRS TO DIESEL PUMP 30KVA GENERATOR	-2820.97
EFT21966	29/08/2017	BOOLBARDIE COUNTRY CLUB	ROUND 1 COUNCIL ASSISTANCE PROGRAM 2017/18	-952.00
EFT21967	29/08/2017	BATAVIA COAST TRIMMERS	SUPPLY NEW SHADE SAIL	-3232.00
EFT21968	29/08/2017	BURTON TILING MAINTENANCE	REPAIRS 51 DURLACHER BATHROOM	-3132.80
EFT21969	29/08/2017	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	ANNUAL ALL PARKS PASS - SBDC	-1188.00
EFT21970	29/08/2017	CRANETECH	GREASE NIPPLE MITSUBISHI TIP TRUCK	-28.09
EFT21971	29/08/2017	DENHAM DIESEL SERVICES	FREIGHT GENSET – TO SHIRE DEPOT	-550.00
EFT21972	29/08/2017	DOWNER EDI WORKS PTY LTD	1000 L POD OF EMULSION	-1375.00
EFT21973	29/08/2017	GUARDIAN PRINT	PARKING INFRINGEMENT NOTICE BOOKS	-320.00
EFT21974	29/08/2017	HOISTING EQUIPMENT SPECIALISTS	CLOTHING AND SAFETY EQUIPMENT	-114.40
EFT21975	29/08/2017	HORIZON POWER	ELECTRICITY – SHIRE PROPERTIES	-7808.50
EFT21976	29/08/2017	RJ & D HEWITT	ERECT DEPOT FENCE	-2000.00
EFT21977	29/08/2017	HUGGABLE TOYS	MERCHANDISE SBDC	-807.18
EFT21978	29/08/2017	J & T FREIGHT	FREIGHT – DOWNER, TRUCKLINE, TOTALLY WORKWEAR AND ASHDOWN INGRAM	-490.50
EFT21979	29/08/2017	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEES - PROPOSED LAND USES HAMELIN STN, MURPHY LOT 50 DAMPIER ROAD	-10102.73
EFT21980	29/08/2017	PLUMOVATION	PENSIONER UNIT 9 BATHROOM REFURBISHMENT	-616.00
EFT21981	29/08/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-508.50
EFT21982	29/08/2017	BUCKINGHAM PEWTER	MERCHANDISE SBDC - COASTERS	-141.50
EFT21983	29/08/2017	QUEENSBERRY TECHNOLOGY	INFORMATION ANNUAL SECURITY FEE FOR BOOKEASY	-495.00

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21984	29/08/2017	SKIPPERS AVIATION	FLIGHTS D WILSON, C COWELL, K KEMPLIN	-2154.00
EFT21985	29/08/2017	SHARK BAY BUSINESS & TOURISM	SBBTA MEMBERSHIP 2017/18	-275.00
EFT21986	29/08/2017	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS, MARINA SKIP BINS	-5137.00
EFT21987	29/08/2017	TELSTRA CORPORATION LIMITED	LANDLINE AND INTERNET ACCOUNT AUG 17	-2012.04
EFT21988	29/08/2017	TOLL EXPRESS	FREIGHT FOR BROCHURES	-515.37
<b>TOTAL</b>				<b>\$270,341.72</b>

**SHIRE OF SHARK BAY – TRUST CHEQUE  
AUGUST 2017**

**TRUST CHEQUE # 171801-171802**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
171801	01/08/2017	COMMISSIONER OF POLICE	POLICE LICENSING JULY 2017	-70028.95
171802	31/08/2017	COMMISSIONER OF POLICE	POLICE LICENSING AUGUST 2017	-25871.65
<b>TOTAL</b>				<b>\$95,900.60</b>

NOTE: July Police Licensing was paid on the 1 August 2017 and was not included on July's Report.

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

**EFT21857-21886, 21915, 21916, 21947-21950, 21961-21963, 21990, 22016-22042**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT21857	01/08/2017	JAMES SNR POLAND	BOOKEASY JULY 2017	-64.00
EFT21858	01/08/2017	MAC ATTACK FISHING CHARTERS	BOOKEASY JULY 2017	-956.25
EFT21859	01/08/2017	SHARK BAY AVIATION	BOOKEASY JULY 2017	-1032.75
EFT21860	01/08/2017	BAY LODGE MIDWEST OASIS	BOOKEASY JULY 2017	-963.60
EFT21861	01/08/2017	BLUE LAGOON PEARLS	BOOKEASY JULY 2017	-608.00
EFT21862	01/08/2017	NINGALOO CORAL BAY	BOOKEASY JULY 2017	-238.85
EFT21863	01/08/2017	SHARK BAY COASTAL TOURS	BOOKEASY JULY 2017	-1938.00

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

EFT21864	01/08/2017	DENHAM SEASIDE CARAVAN PARK	BOOKEASY JULY 2017	-141.95
EFT21865	01/08/2017	EMILY ELIZABETH WARD	BOOKEASY JULY 2017	-28.00
EFT21866	01/08/2017	HAMELIN POOL CARAVAN PARK	BOOKEASY JULY 2017	-65.45
EFT21867	01/08/2017	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY JULY 2017	-73.18
EFT21868	01/08/2017	KINGS NINGALOO REEF TOURS	BOOKEASY JULY 2017	-671.50
EFT21869	01/08/2017	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY JULY 2017	-5717.36
EFT21870	01/08/2017	MONKEYMIA WILDSIGHTS	BOOKEASY JULY 2017	-6963.18
EFT21871	01/08/2017	NANGA BAY RESORT	BOOKEASY JULY 2017	-221.00
EFT21872	01/08/2017	DENHAM NATURETIME TOURS/PHOTOGRAPHY TOURS	BOOKEASY JULY 2017	-1394.80
EFT21873	01/08/2017	WA OCEAN PARK PTY LTD	BOOKEASY JULY 2017	-2042.50
EFT21874	01/08/2017	OCEANSIDE VILLAGE	BOOKEASY JULY 2017	-299.20
EFT21875	01/08/2017	PATRICA ANDREW	BOOKEASY JULY 2017	-304.00
EFT21876	01/08/2017	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY JULY 2017	-306.00
EFT21877	01/08/2017	RAC TOURISM ASSETS	BOOKEASY JULY 2017	-829.84
EFT21878	01/08/2017	SHARK BAY HOTEL MOTEL	BOOKEASY JULY 2017	-531.25
EFT21879	01/08/2017	SHARK BAY CARAVAN PARK	BOOKEASY JULY 2017	-709.75
EFT21880	01/08/2017	SHARK BAY COACHES AND TOURS	BOOKEASY JULY 2017	-35.20
EFT21881	01/08/2017	SHARK BAY HOLIDAY COTTAGES	BOOKEASY JULY 2017	-306.00
EFT21882	01/08/2017	SHIRE OF SHARK BAY	COMMISSION JULY 2017 BOOKEASY	-4192.46
EFT21883	01/08/2017	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY JULY 2017	-255.20
EFT21884	01/08/2017	WICKED CAMPERS	BOOKEASY JULY 2017	-254.15
EFT21885	01/08/2017	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY JULY 2017	-823.68
EFT21886	01/08/2017	SHARON COUSINS	LIBRARY REFUND	-50.00
EFT21915	08/08/2017	MATTHEW WALMSEY	GYM CARD REFUND	-20.00
EFT21916	08/08/2017	RON GORDON	GYM CARD REFUND	-20.00
EFT21947	14/08/2017	CONSTRUCTION TRAINING FUND	BCITF ROBERT SULLIVAN	-151.75
EFT21948	14/08/2017	DEPARTMENT OF MINES, REGULATION AND SAFETY	INDUSTRY BUILDING LEVY ROBERT SULLIVAN	-270.85
EFT21949	14/08/2017	SHIRE OF SHARK BAY	BCITF COLLECTION FEE	-18.25
EFT21950	14/08/2017	NOEMIE RUSSELL	GYM CARD REFUND	-20.00
EFT21961	23/08/2017	AIYANA JOAN CHRISTIE WRIGHT	KERB DEPOSIT WRIGHT	-1000.00
EFT21962	23/08/2017	JACK MATTHEWS	GYM CARD DEPOSIT REFUND	-20.00
EFT21963	28/08/2017	LEI PENG	GYM CARD DEPOSIT REFUND	-20.00

MINUTES OF THE ORDINARY COUNCIL MEETING

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EFT21990	31/08/2017	GARRY WILLIAM POPE		GYM CARD DEPOSIT REFUND	-20.00
EFT22016	31/08/2017	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY		BULDING LEVY R LINDSAY	-56.65
EFT22017	31/08/2017	SHIRE OF SHARK BAY		BUILDING LEVY COLLECTION FEE	-5.00
EFT22018	31/08/2017	JAMES SNR POLAND		BOOKEASY AUGUST 2017	-32.00
EFT22019	31/08/2017	MAC ATTACK FISHING CHARTERS		BOOKEASY AUGUST 2017	-297.50
EFT22020	31/08/2017	SHARK BAY AVIATION		BOOKEASY AUGUST 2017	-3922.75
EFT22021	31/08/2017	BUSH HERITAGE HAMELIN STATION STAY		BOOKEASY AUGUST 2017	-47.60
EFT22022	31/08/2017	BAY LODGE MIDWEST OASIS		BOOKEASY AUGUST 2017	-1346.40
EFT22023	31/08/2017	BLUE LAGOON PEARLS		BOOKEASY BLUE LAGOON AUGUST 2017	-120.00
EFT22024	31/08/2017	NINGALOO CORAL BAY		BOOKEASY AUGUST 2017	-81.60
EFT22025	31/08/2017	SHARK BAY COASTAL TOURS		BOOKEASY AUGUST 2017	-6290.00
EFT22026	31/08/2017	DENHAM SEASIDE CARAVAN PARK		BOOKEASY AUGUST 2017	-607.57
EFT22027	31/08/2017	HINCHY PUBLICATIONS		BOOKEASY AUGUST 2017	-66.49
EFT22028	31/08/2017	INTEGRITY COACH LINES (AUST) PTY LTD		BOOKEASY AUGUST 2017	-73.10
EFT22029	31/08/2017	MONKEY MIA YACHT CHARTERS (ARISTOCAT)		BOOKEASY AUGUST 2017	-10232.64
EFT22030	31/08/2017	MONKEYMIA WILDSIGHTS		BOOKEASY AUGUST 2017	-3327.09
EFT22031	31/08/2017	NANGA BAY RESORT		BOOKEASY AUGUST 2017	-25.50
EFT22032	31/08/2017	DENHAM NATURETIME TOURS/PHOTOGRAPHY TOURS	- 4WD	BOOKEASY AUGUST 2017	-822.80
EFT22033	31/08/2017	WA OCEAN PARK PTY LTD		BOOKEASY AUGUST 2017	-6127.65
EFT22034	31/08/2017	OCEANSIDE VILLAGE		BOOKEASY AUGUST 2017	-352.00
EFT22035	31/08/2017	PATRICA ANDREW		BOOKEASY AUGUST 2017	-104.00
EFT22036	31/08/2017	RAC TOURISM ASSETS		BOOKEASY AUGUST 2017	-80.96
EFT22037	31/08/2017	SHARK BAY HOTEL MOTEL		BOOKEASY AUGUST 2017	-106.25
EFT22038	31/08/2017	SHARK BAY CARAVAN PARK		BOOKEASY AUGUST 2017	-76.50
EFT22039	31/08/2017	SHARK BAY HOLIDAY COTTAGES		BOOKEASY AUGUST 2017	-499.50
EFT22040	31/08/2017	SHIRE OF SHARK BAY		BOOKEASY COMMISSION AUGUST 2017	-5888.23
EFT22041	31/08/2017	TRADEWINDS SEAFRONT APARTMENTS		BOOKEASY AUGUST 2017	-510.40
EFT22042	31/08/2017	WULA GURA NYINDA ECO ADVENTURES		BOOKEASY AUGUST 2017	-1112.32
<b>TOTAL</b>					<b>\$75,790.45</b>

NOTE: July Bookeasy was paid on the 1 August 2017 and was not included on July's Report.

22 SEPTEMBER 2017

12.2 FINANCIAL REPORTS TO 31 AUGUST 2017  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved           Cr Laundry  
Seconded       Cr Ridgley

**Council Resolution**

**That the monthly financial report to 31 August 2017 as attached be received.**  
**4/0 CARRIED**

Comment

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

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author  
Chief Executive Officer  
Date of Report

*A Pears*  
*P Anderson*  
15 September 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

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

22 SEPTEMBER 2017

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 August 2017							
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Governance		26,092	2,666	752	(1,914)	(71.79%)	▼
General Purpose Funding - Rates	9	1,261,908	1,261,908	1,312,548	50,640	4.01%	▲
General Purpose Funding - Other		951,069	228,799	234,165	5,366	2.3%	▲
Law, Order and Public Safety		74,560	28,885	15,733	(13,152)	(46%)	▼
Health		2,450	779	820	41	5.26%	▲
Housing		86,210	13,602	19,379	5,777	42.5%	▲
Community Amenities		277,400	211,234	215,816	4,582	2.17%	▲
Recreation and Culture		264,077	45,840	87,699	41,859	91.3%	▲
Transport		424,858	69,480	230,439	160,959	231.7%	▲
Economic Services		857,420	188,622	152,371	(36,251)	(19.2%)	▼
Other Property and Services		48,000	8,600	5,183	(3,417)	(39.7%)	▼
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>2,060,415</b>	<b>2,274,905</b>	<b>214,490</b>	<b>10.41%</b>	
<b>Operating Expense</b>							
Governance		(316,123)	(150,166)	(62,604)	87,562	(58.3%)	▲
General Purpose Funding		(120,131)	(20,188)	(18,870)	1,318	(6.5%)	▲
Law, Order and Public Safety		(369,108)	(69,233)	(36,660)	32,573	(47.0%)	▲
Health		(64,505)	(10,102)	(8,227)	1,875	(18.6%)	▲
Housing		(174,554)	(29,680)	(26,165)	3,515	(11.8%)	▲
Community Amenities		(646,090)	(134,543)	(122,004)	12,539	(9.3%)	▲
Recreation and Culture		(2,320,535)	(531,465)	(236,660)	294,805	(55.5%)	▲
Transport		(1,513,695)	(261,348)	(191,810)	69,538	(26.6%)	▲
Economic Services		(1,161,813)	(246,211)	(87,972)	158,239	(64.3%)	▲
Other Property and Services		(47,500)	(28,174)	(34,953)	(6,779)	24.1%	▼
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(1,481,110)</b>	<b>(825,925)</b>	<b>655,185</b>	<b>(44.2%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,689,050	281,506	0	(281,506)		
Adjust (Profit)/Loss on Asset Disposal	8	53,802	0	0	0		
Adjust Provisions and Accruals		0	0	0	0		
<b>Net Cash from Operations</b>		<b>(717,158)</b>	<b>860,811</b>	<b>1,448,980</b>	<b>588,169</b>	<b>68.33%</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	902,247	419,107	268,804	(150,303)	(35.9%)	▼
Proceeds from Disposal of Assets	8	245,000	0	0	0		▲
<b>Total Capital Revenues</b>		<b>1,147,247</b>	<b>419,107</b>	<b>268,804</b>	<b>(150,303)</b>	<b>(35.9%)</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(140,000)	(22,780)	0	22,780	100.00%	▲
Infrastructure - Roads	13	(1,092,536)	(301,897)	(184,887)	117,010	38.8%	▲
Infrastructure - Public Facilities	13	(624,121)	(47,654)	(2,155)	45,499	95.5%	▲
Infrastructure - Streetscapes	13	(7,500)	0	0	0		▲
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.00%	▲
Infrastructure - Drainage	13	(44,715)	(15,786)	(2,626)	13,160	0.00%	▲
Heritage Assets	13	(20,000)	(8,000)	0	8,000	100.0%	▲
Plant and Equipment	13	(758,000)	(276,334)	(2,059)	274,275	99.3%	▲
Furniture and Equipment	13	(21,000)	(12,666)	0	12,666	0.00%	▲
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(685,117)</b>	<b>(191,727)</b>	<b>493,390</b>	<b>72.0%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(266,010)</b>	<b>77,077</b>	<b>343,087</b>	<b>128.98%</b>	
<b>Financing</b>							
Proceeds from Self Supporting Loans		5,342	0	0	0	0.00%	
Transfer from Reserves	7	640,581	0	0	0	0.00%	
Repayment of Debentures	10	(67,020)	(12,329)	(12,329)	0	0.0%	▼
Transfer to Reserves	7	(479,050)	(1,046)	(1,046)	0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>(13,375)</b>	<b>(13,375)</b>	<b>0</b>	<b>0.00%</b>	
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>581,426</b>	<b>1,512,682</b>	<b>931,256</b>	<b>(160.17%)</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,227,930</b>	<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>2,809,356</b>	<b>3,740,612</b>	<b>931,256</b>	<b>(33.15%)</b>	<b>▲</b>

Note: Depreciation has not been run until finalisation of 2016-17 year end audit.

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

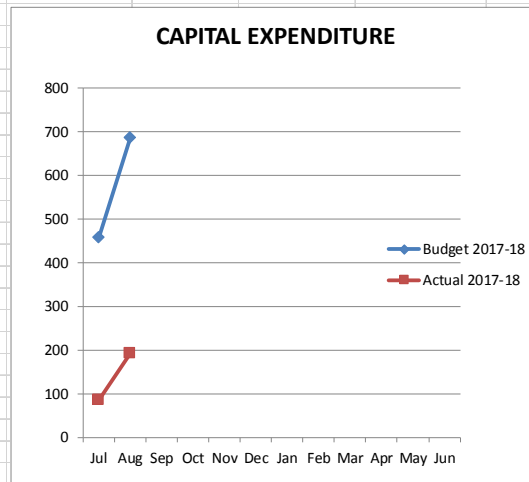
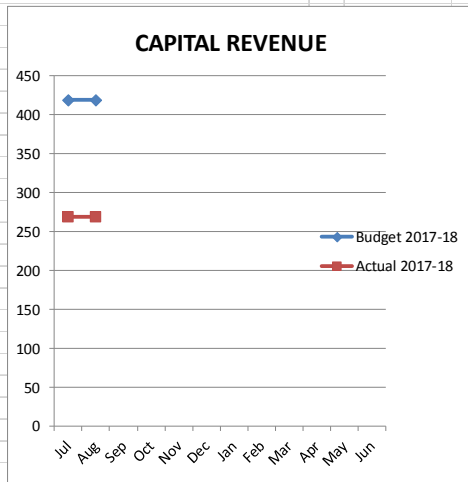
SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 August 2017				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>		\$	\$	\$
Rates	9	1,261,908	1,261,908	1,312,548
Operating Grants, Subsidies and Contributions	11	1,400,524	382,470	490,095
Fees and Charges		1,395,260	385,344	446,065
Interest Earnings		47,060	4,653	5,794
Other Revenue		159,200	26,040	20,403
Profit on Disposal of Assets	8	10,092	0	0
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>2,060,415</b>	<b>2,274,905</b>
<b>Operating Expense</b>				
Employee Costs		(2,224,126)	(375,362)	(321,560)
Materials and Contracts		(2,227,667)	(640,121)	(342,420)
Utility Charges		(172,022)	(26,272)	(28,953)
Depreciation on Non-Current Assets		(1,689,050)	(281,506)	0
Interest Expenses		(14,360)	2,500	3,194
Insurance Expenses		(162,150)	(93,325)	(93,129)
Other Expenditure		(180,785)	(67,024)	(43,057)
Loss on Disposal of Assets	8	(63,894)	0	0
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(1,481,110)</b>	<b>(825,925)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,689,050	281,506	0
Adjust (Profit)/Loss on Asset Disposal	8	53,802	0	0
Adjust Provisions and Accruals		0	0	0
<b>Net Cash from Operations</b>		<b>(717,158)</b>	<b>860,811</b>	<b>1,448,980</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	902,247	419,107	268,804
Proceeds from Disposal of Assets	8	245,000	0	0
<b>Total Capital Revenues</b>		<b>1,147,247</b>	<b>419,107</b>	<b>268,804</b>
<b>Capital Expenses</b>				
Land Held for Resale			0	0
Land and Buildings	13	(140,000)	(22,780)	0
Infrastructure - Roads	13	(1,092,536)	(301,897)	(184,887)
Infrastructure - Public Facilities	13	(624,121)	(47,654)	(2,155)
Infrastructure - Streetscapes	13	(7,500)	0	0
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(44,715)	(15,786)	(2,626)
Heritage Assets	13	(20,000)	(8,000)	0
Plant and Equipment	13	(758,000)	(276,334)	(2,059)
Furniture and Equipment	13	(21,000)	(12,666)	0
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(685,117)</b>	<b>(191,727)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(266,010)</b>	<b>77,077</b>
<b>Financing</b>				
Proceeds from Self Supporting Loans		5,342	0	0
Transfer from Reserves	7	640,581	0	0
Repayment of Debentures	10	(67,020)	(12,329)	(12,329)
Transfer to Reserves	7	(479,050)	(1,046)	(1,046)
Loans to Community Groups				
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>(13,375)</b>	<b>(13,375)</b>
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>581,426</b>	<b>1,512,682</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,227,930</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>2,809,356</b>	<b>3,740,612</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY							
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING							
For the Period Ended 31 August 2017							
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	0	0	22,780	140,000	22,780
Infrastructure Assets - Roads	13	0	184,887	184,887	301,897	1,092,536	117,010
Infrastructure Assets - Public Facilities	13	2,155	0	2,155	47,654	624,121	45,499
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0
Infrastructure Assets - Drainage	13	2,626	0	2,626	15,786	44,715	13,160
Infrastructure Assets - Streetscapes	13	0	0	0	0	7,500	0
Heritage Assets	13	0	0	0	8,000	20,000	8,000
Plant and Equipment	13	2,059	0	2,059	276,334	758,000	274,275
Furniture and Equipment	13	0	0	0	12,666	21,000	12,666
<b>Capital Expenditure Totals</b>		<b>6,840</b>	<b>184,887</b>	<b>191,727</b>	<b>685,117</b>	<b>2,757,872</b>	<b>493,390</b>



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

<b>SHIRE OF SHARK BAY</b>	
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>	
<b>For the Period Ended 31 August 2017</b>	
<b>1. SIGNIFICANT ACCOUNTING POLICIES</b>	
<b>(a) Basis of Preparation</b>	
	This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.
	Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.
	<b>The Local Government Reporting Entity</b>
	All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.
	In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.
	All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.
<b>(b) Rounding Off Figures</b>	
	All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.
<b>(c) Rates, Grants, Donations and Other Contributions</b>	
	Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.
	Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.
<b>(d) Goods and Services Tax (GST)</b>	
	Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).
	Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.
	Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.
<b>(e) Superannuation</b>	
	The Council contributes to a number of Superannuation Funds on behalf of employees.
	All funds to which the Council contributes are defined contribution plans.

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2017					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
	<b>(f) Cash and Cash Equivalents</b>				
	Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.				
	Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.				
	<b>(g) Trade and Other Receivables</b>				
	Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.				
	Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.				
	Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.				
	<b>(h) Inventories</b>				
	<b>General</b>				
	Inventories are measured at the lower of cost and net realisable value.				
	Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.				
	<b>Land Held for Resale</b>				
	Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.				
	Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.				
	Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.				
	<b>(i) Fixed Assets</b>				
	Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.				
	<b>Mandatory Requirement to Revalue Non-Current Assets</b>				
	Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.				

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2017				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
<b>Revaluation</b>				
Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.				
<b>Transitional Arrangement</b>				
During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.				
Those assets carried at cost will be carried in accordance with the policy detailed in the <b>Initial Recognition</b> section as detailed above.				
Those assets carried at fair value will be carried in accordance with the <b>Revaluation Methodology</b> section as detailed above.				
<b>Land Under Roads</b>				
In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.				
Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.				
In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.				
Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.				
Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.				
<b>Depreciation</b>				
The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.				

MINUTES OF THE ORDINARY COUNCIL MEETING

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SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2017				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(j) Fixed Assets (Continued)</b>				
Major depreciation periods used for each class of depreciable asset are:				
Buildings				10 to 50 years
Furniture and Equipment				5 to 10 years
Plant and Equipment				5 to 10 years
Heritage				25 to 100 years
Sealed Roads and Streets				
- Subgrade				Not Depreciated
- Pavement				80 to 100 years
- Seal	Bituminous Seals			15 to 22 years
	Asphalt Surfaces			30 years
Formed Roads (Unsealed)				
- Subgrade				Not Depreciated
- Pavement				18 years
Footpaths				40 to 80 years
Drainage Systems				
- Drains and Kerbs				20 to 60 years
- Culverts				60 years
- Pipes				80 years
- Pits				60 years
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.				
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.				
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.				
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.				
<b>Capitalisation Threshold</b>				
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.				
<b>(k) Fair Value of Assets and Liabilities</b>				
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:				
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.				

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2017					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(k) Fair Value of Assets and Liabilities (Continued)</b>					
As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.					
To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).					
For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.					
<b>Fair Value Hierarchy</b>					
AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:					
<b>Level 1</b>					
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.					
<b>Level 2</b>					
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.					
<b>Level 3</b>					
Measurements based on unobservable inputs for the asset or liability.					
The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.					
<b>Valuation techniques</b>					
The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:					
<b>Market approach</b>					
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.					

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2017					
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
	<b>(k) Fair Value of Assets and Liabilities (Continued)</b>				
	<b>Income approach</b>				
	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.				
	<b>Cost approach</b>				
	Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.				
	Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.				
	As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.				
	<b>(l) Financial Instruments</b>				
	<b>Initial Recognition and Measurement</b>				
	Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).				
	Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.				
	<b>Classification and Subsequent Measurement</b>				
	Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.				
	Amortised cost is calculated as:				
	(a) the amount in which the financial asset or financial liability is measured at initial recognition;				
	(b) less principal repayments and any reduction for impairment; and				
	(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.				



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2017				
<b>1.</b>	<b>SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>			
<b>(l)</b>	<b>Financial Instruments (Continued)</b>			
	<b><i>Impairment</i></b>			
	A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).			
	In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.			
	In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.			
	For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.			
	<b><i>Derecognition</i></b>			
	Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.			
	Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.			
<b>(m)</b>	<b>Impairment of Assets</b>			
	In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.			
	Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.			
	Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.			

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 August 2017				
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>				
<b>(m) Impairment of Assets (Continued)</b>				
	For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.			
<b>(n) Trade and Other Payables</b>				
	Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.			
<b>(o) Employee Benefits</b>				
	<b>Short-Term Employee Benefits</b>			
	Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.			
	The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.			
	<b>Other Long-Term Employee Benefits</b>			
	Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.			
	The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.			

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 August 2017					
<b>1. SIGNIFICANT ACCOUNTING POLICIES (Continued)</b>					
<b>(p) Borrowing Costs</b>					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
<b>(q) Provisions</b>					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
<b>(r) Current and Non-Current Classification</b>					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 August 2017					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(1,914)	(71.8%)	▼	Timing	Variance due to nominal reimbursements as budget estimated
General Purpose Funding - Rates	50,640	4.0%	▲	Timing	Variance due to reversal of prepaid rates from 2016/17 of \$22K and Rates issued in August 2017 and RAC concession not yet approved by Council of \$73K
General Purpose Funding - Other	5,366	2.3%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(13,152)	(45.5%)	▼	Timing	Variance due to timing of Coastal Hazards Identification Grant not yet received
Health	41	5.3%	▲	Timing	Increase due to Itinerant food vendors licences.
Housing	5,777	42.5%	▲	Timing	Rent Received in Advance
Community Amenities	4,582	2.2%	▲	Timing	No Reportable Variance
Recreation and Culture	41,859	91.3%	▲	Timing	Increase in collection of SBDC entrance fees & merchandise sales and Park Passes
Transport	160,959	231.7%	▲	Timing	SSB received \$100K for the Road Preservation Grant but is due to repay \$42K as a result of the Reinstatement of the Vehicle Concession
Economic Services	(36,251)	(19.2%)	▼	Timing	Increase in Registrations and Camping Fees offset by MRWA Private Works not yet commenced
Other Property and Services	(3,417)	(39.7%)	▼	Timing	Decrease in refunds income.
<b>Operating Expense</b>					
Governance	87,562	(58.3%)	▲	Timing	Due to Year to Date Budget timing and underspend in overall costs
General Purpose Funding	1,318	(6.5%)	▲	Timing	Due to Year to Date Budget timing and underspend in overall costs
Law, Order and Public Safety	32,573	(47.0%)	▲	Timing	Due to Year to Date Budget timing and underspend in overall costs
Health	1,875	(18.6%)	▲	Timing	Due to Year to Date Budget timing differences and underspend in overall costs
Housing	3,515	(11.8%)	▲	Timing	Due to Year to Date Budget timing differences and underspend in overall costs
Community Amenities	12,539	(9.3%)	▲	Timing	Due to Year to Date Budget timing differences and underspend in overall costs
Recreation and Culture	294,805	(55.5%)	▲	Timing	Due to Year to Date Budget timing differences and underspend in overall costs
Transport	69,538	(26.6%)	▲	Timing	Due to Year to Date Budget timing and depreciation not run in July 2017
Economic Services	158,239	(64.3%)	▲	Timing	Due to Year to Date Budget timing differences and underspend in overall costs
Other Property and Services	(6,779)	24.1%	▼	Timing	Stock Purchases and Issues timing is causing this variance
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(150,303)	(35.9%)	▼	Timing	Community Bus Grant \$150K has not been received
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No reportable variance.
<b>Capital Expenses</b>					
Land and Buildings	22,780	100.0%	▲	Timing	Town Oval Toilets, Recreation Signage, Denham Town Hall and Staff Housing Projects not commenced.
Infrastructure - Roads	117,010	38.8%	▲	Timing	Road Projects are yet to commence. Finalisation of Knight Road and Old Knight Road have been completed.
Infrastructure - Public Facilities	45,499	95.5%	▲	Timing	Refuse and Recycling project and Park and Recreation Improvements yet to commence.
Infrastructure - Footpaths	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Drainage	13,160	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Streetscapes	0	0.0%	▼	Timing	No Reportable Variance
Heritage Assets	8,000	100.0%	▲	Timing	Stables refurbishment yet to commence
Plant and Equipment	274,275	99.3%	▲	Timing	No Plant and Equipment has been purchased
Furniture and Equipment	12,666	0.0%	▲	Timing	No Reportable Variance
<b>Financing</b>					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

MINUTES OF THE ORDINARY COUNCIL MEETING

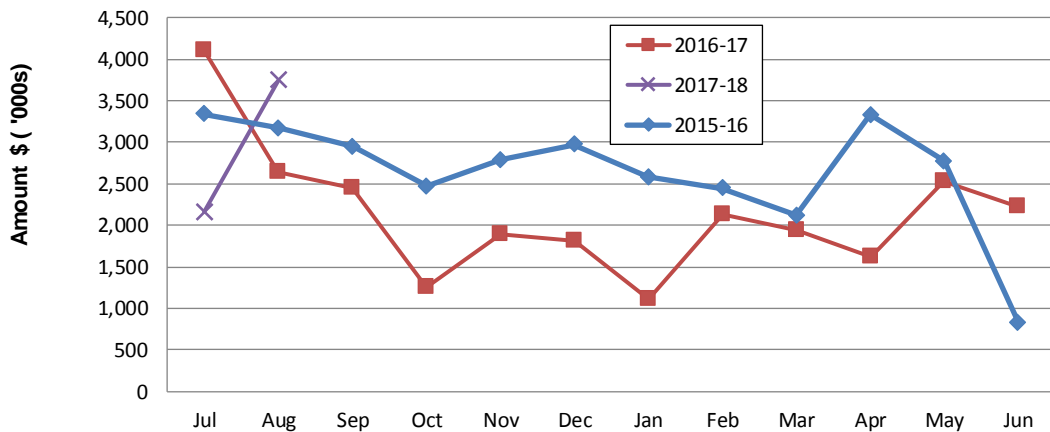
22 SEPTEMBER 2017

**Shire of Shark Bay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 August 2017**

**Note 3: NET CURRENT FUNDING POSITION**

	Note	Positive=Surplus (Negative=Deficit)		
		31 August 2017	30th June 2017	31 July 2016
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	2,298,736	2,767,393	3,862,970
Cash Restricted	4	1,239,296	1,238,250	1,955,268
Receivables - Rates	6	1,461,684	21,187	1,522,181
Receivables -Other	6	295,039	122,021	826,205
Interest / ATO Receivable		6,948	6,948	8,541
Inventories		187,603	187,603	190,158
		5,489,306	4,343,402	8,365,323
<b>Less: Current Liabilities</b>				
Payables		(305,664)	(527,416)	(1,414,537)
Royalties for Regions Funding				(700,000)
Accruals			(146,072)	
Provisions		(203,734)	(203,734)	(197,101)
		(509,398)	(877,222)	(2,311,638)
Less: Cash Reserves	7	(1,239,296)	(1,238,250)	(1,955,268)
<b>Net Current Funding Position</b>		<b>3,740,612</b>	<b>2,227,930</b>	<b>4,098,417</b>

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 August 2017

<b>Note 4: CASH AND INVESTMENTS</b>							
	<b>Interest Rate</b>	<b>Unrestricted \$</b>	<b>Restricted \$</b>	<b>Trust \$</b>	<b>Total Amount \$</b>	<b>Institution</b>	<b>Maturity Date</b>
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	140,952			140,952	Bankwest	At Call
Reserve Bank Account	0.00%		19,296		19,296	Bankwest	At Call
Telenet Saver	1.10%	2,156,984			2,156,984	Bankwest	At Call
Trust Bank Account	0.00%			9,413	9,413	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
Municipal Investment					0	Bankwest	
Reserve Investment	2.35%		1,220,000		1,220,000	Bankwest	27/10/2017
<b>Total</b>		<b>2,298,736</b>	<b>1,239,296</b>	<b>9,413</b>	<b>3,547,445</b>		
<b>Comments/Notes - Investments</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

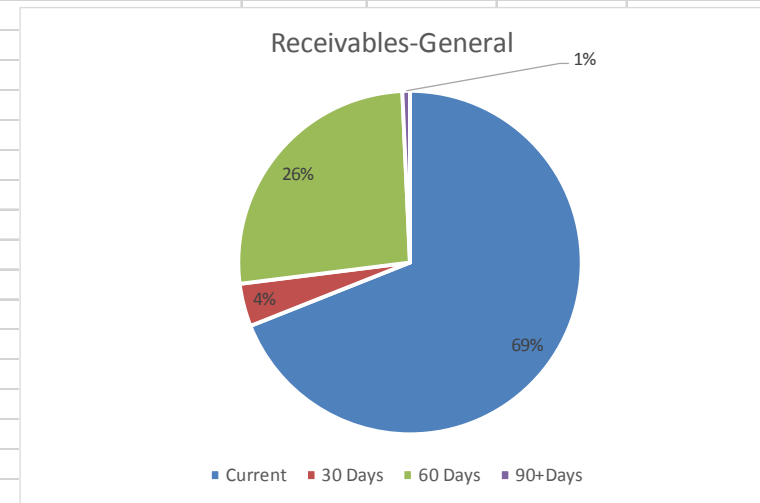
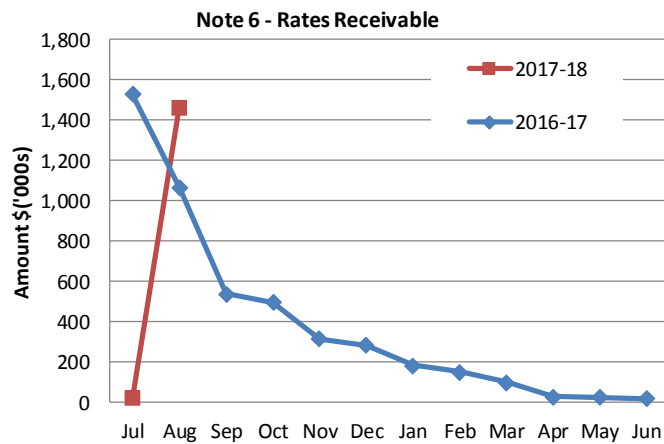
For the Period Ended 31 August 2017

**Note 6: RECEIVABLES**

Receivables - Rates Receivable	31 August 2017	30 June 2017
	\$	\$
Opening Arrears Previous Years	21,187	25,814
Levied this year	1,566,223	1,520,406
Less Collections to date	(125,726)	(1,525,033)
Equals Current Outstanding	<b>1,461,684</b>	<b>21,187</b>
<b>Net Rates Collectable</b>	<b>1,461,684</b>	<b>21,187</b>
% Collected	7.92%	98.63%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	203,057	11,859	77,305	2,112
<b>Total Receivables General Outstanding</b>				<b>293,269</b>

Amounts shown above include GST (where applicable)



**Comments/Notes - Receivables Rates**

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



MINUTES OF THE ORDINARY COUNCIL MEETING

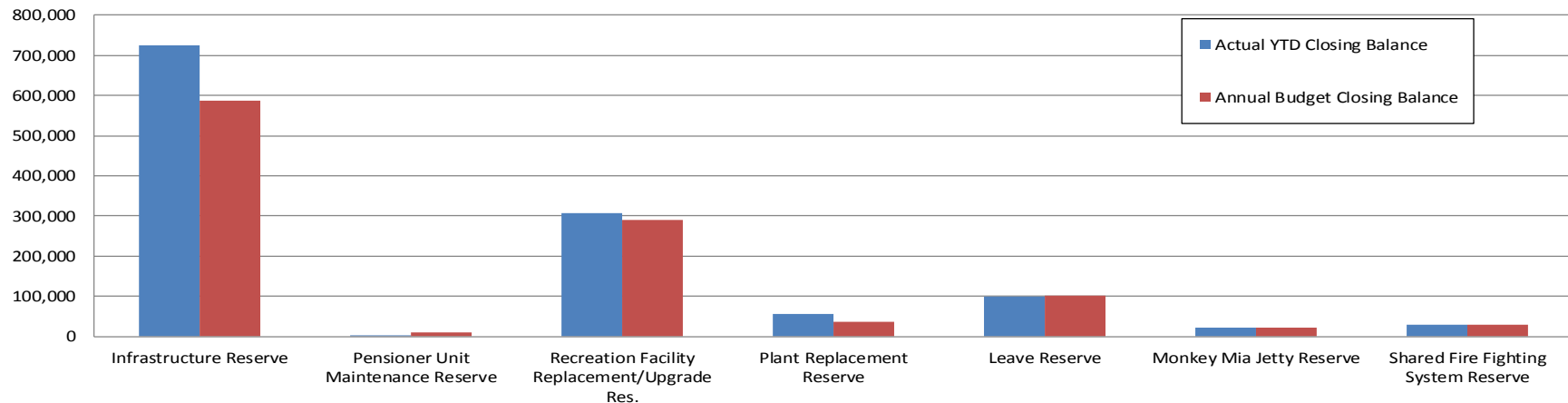
22 SEPTEMBER 2017

Shire of Shark Bay  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 August 2017

**Note 7: Cash Backed Reserve**

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

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



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 August 2017							
Note 8 CAPITAL DISPOSALS							
Budget Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 08 2017		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				<b>Plant and Equipment</b>	\$	\$	\$
				<b>Governance</b>			
55,000	(3,750)	46,000	(5,250)	CEO Vehicle	(5,250)		5,250
34,765	(13,323)	28,000	6,559	EMFA Vehicle	6,559		(6,559)
37,866	(13,400)	28,000	3,534	EMCD Vehicle	3,534		(3,534)
				<b>Law, Order, Public Safety</b>			
32,000	(5,250)	20,000	(6,750)	Rangers Vehicle	(6,750)		6,750
				<b>Transport</b>			
51,000	(13,500)	30,000	(7,500)	Dual Cab Truck 5T	(7,500)		7,500
123,500	(10,356)	70,000	(43,144)	Excavator	(43,144)		43,144
32,000	(7,750)	23,000	(1,250)	Town Ute Single Cab	(1,250)		1,250
<b>366,131</b>	<b>(67,329)</b>	<b>245,000</b>	<b>(53,802)</b>		<b>(53,802)</b>	<b>0</b>	<b>53,802</b>
<b>Comments - Capital Disposal/Replacements</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 August 2017											
Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2017/18 Budget Rate Revenue \$	2017/18 Budget Interim Rate \$	2017/18 Budget Back Rate \$	2017/18 Budget Total Revenue \$	
<b>Note 9: RATING INFORMATION</b>											
<b>RATE TYPE</b>											
<b>Differential General Rate</b>											
GRV Rateable Property	0.094627	301	3,606,327	341,256		341,256	341,260			341,260	
GRV Vacant	0.094627	17	337,194	31,908		31,908	31,910			31,910	
GRV - Commercial	0.097244	43	2,041,030	198,478		198,478	198,500			198,500	
GRV - Industrial/Residential	0.104714	45	619,128	64,831		64,831	64,800			64,800	
GRV Industrial /Residential Vacant	0.094627	2	17,099	1,618		1,618	1,619			1,619	
GRV Rural Commercial	0.098348	5	304,201	29,917		29,917	29,918			29,918	
GRV Resort	0.103811	2	1,112,800	115,521		115,521	115,520			115,520	
UV General	0.194257	6	1,150,738	223,539		223,539	223,540			223,540	
UV Mining	0.264952	1	6,990	1,852		1,852	1,852			1,852	
UV Pastoral	0.133037	11	617,362	82,132		82,132	82,130			82,130	
UV Exploration	0.254752	9	615,590	153,112		153,112	156,823			156,823	
<b>Sub-Totals</b>		<b>442</b>	<b>10,428,459</b>	<b>1,244,164</b>	<b>0</b>	<b>1,244,164</b>	<b>1,247,872</b>	<b>0</b>	<b>0</b>	<b>1,247,872</b>	
<b>Minimum Payment</b>											
GRV Rateable Property	825.00	67	511,894	70,125		70,125	55,275			55,275	
GRV Vacant	825.00	85	283,570	55,275		55,275	70,125			70,125	
GRV - Commercial	825.00	25	154,340	20,625		20,625	20,625			20,625	
GRV - Industrial/Residential	825.00	3	19,760	2,475		2,475	2,475			2,475	
GRV Industrial /Residential Vacant	515.00	0	0	0		0	0			0	
Rural Commercial	825.00	0	0	0		0	0			0	
GRV Resort	825.00	0	0	0		0	0			0	
UV General	860.00	5	8,160	4,300		4,300	4,300			4,300	
UV Mining	860.00	1	596	860		860	860			860	
UV Pastoral	860.00	0	0	0		0	0			0	
UV Exploration	860.00	0	0	860		742	0			0	
<b>Sub-Totals</b>		<b>186</b>	<b>978,320</b>	<b>6,020</b>	<b>0</b>	<b>154,402</b>	<b>153,660</b>			<b>153,660</b>	
Excess Rates 16/17 Impact						(22,549)					
Concessions						(101,131)				(177,285)	
<b>Amount from General Rates</b>						<b>1,274,887</b>				<b>1,224,247</b>	
Specified Area Rates						37,661				37,661	
<b>Totals</b>						<b>1,312,548</b>				<b>1,261,908</b>	
<b>Comments - Rating Information</b>											

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 August 2017								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-17	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2017/18 Actual	2017/18 Budget	2017/18 Actual	2017/18 Budget	2017/18 Actual	2017/18 Budget
			\$	\$	\$	\$	\$	\$
Loan 57 Monkey Mia Bore	194,230	0	10,310	29,210	183,920	165,020	1,081	8,460
Loan 53 - Staff Housing	43,286	0	1,473	20,960		22,326		2,000
Loan 56 - Staff Housing	63,544	0	546	16,850		46,694		3,900
	301,060	0	12,329	67,020	183,920	234,040	1,081	14,360

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

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Shire of Shark Bay  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 August 2017

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details	Grant Provider	Approval	2017-18 Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	694,911	0	694,911	0	168,101	526,810
Grants Commission - Roads	WALGGC	Y	183,748	0	183,748	0	56,519	127,229
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	7,510	0	7,510	0	1,878	5,633
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	40,000	0	40,000	0	10,000	30,000
Coastal Hazards Identification	Department of Planning	Y	15,000	0	15,000	0	0	15,000
<b>RECREATION AND CULTURE</b>								
Tourism WA WIFI Contribution	Tourism WA	Y	7,097	0	7,097	0	7,097	0
Community Bus	Lotterywest	N	150,000	0	0	150,000	0	150,000
The Battle off Shark Bay	Department of Environment & Energy	Y	79,760	0	0	79,760	79,760	0
<b>TRANSPORT</b>								
Road Preservation Grant	State Initiative - Main Roads WA	Y	57,908	0	57,908	0	100,500	(42,592)
Useless Loop Road - Mtce	Main Roads WA	Y	315,000	0	315,000	0	126,000	189,000
Contributions - Road Projects	Pipeline	Y	8,350	0	8,350	0	0	8,350
Roads To Recovery Grant - Cap	Roads to Recovery	Y	199,877	0	0	199,877	0	199,877
RRG Grants - Capital Projects	Regional Road Group	Y	472,610	0	0	472,610	189,044	283,566
<b>ECONOMIC SERVICES</b>								
Contribution - Monkey Mia	Dept. of Parks and Wildlife	N	50,000	0	50,000	0	0	50,000
Destination Shark Bay Brand Dev.	Gascoyne Development Commission	Y	20,000	0	20,000	0	20,000	0
Thank A Volunteer Day	Dept. Of Local Government and Communities	N	1,000	0	1,000	0	0	1,000
<b>TOTALS</b>			<b>2,302,771</b>	<b>0</b>	<b>1,400,524</b>	<b>902,247</b>	<b>758,899</b>	<b>1,543,873</b>
			Operating		1,400,524		490,095	
			Non-operating		902,247		268,804	
					2,302,771		758,899	
<b>Comments - Operating and Non Operating Grants</b>								

MINUTES OF THE ORDINARY COUNCIL MEETING

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<b>Shire of Shark Bay</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 August 2017</b>					
<b>Note 12: TRUST FUND</b>					
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:					
Description	Opening Balance 1 Jul 17	Amount Received	Amount Paid	Closing Balance 31-Aug-17	
	\$	\$	\$	\$	
BCITF Levy	0	160	(160)	0	
Library Card Bond	50	50	(100)	0	
Bookeasy- Sales	0	74,118	(74,118)	0	
Kerb/Footpath Deposit	4,300	0	(1,000)	3,300	
Bond Key	2,080	320	(300)	2,100	
Hall Bond	0			0	
Police Licensing	1,393	96,311	(95,901)	1,803	
Election Deposit	0			0	
Marquee Deposit	0			0	
Building Licence Levy	0	343	(343)	0	
Road Reserve - Hughes Street	2,000			2,000	
Rates Unidentified Deposit	210			210	
	<b>10,033</b>	<b>171,301</b>	<b>(171,921)</b>	<b>9,413</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

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CAPITAL WORKS PROGRAM 2017/18								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Buildings</b>								
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(10,000)	0	0	0	0	
Pensioner Units Capital	3.7.1	EMCD	(20,000)	0	0	0	0	
<b>Housing Total</b>			<b>(60,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation and Culture</b>								
Denham Town Hall	3.7.1	EMCD	(20,000)	(3,614)	0	(3,614)	0	
Recreation Centre Signage	3.7.1	EMCD	(15,000)	(15,000)	0	(15,000)	0	
Town Oval Toilets	3.7.1	EMCD	(25,000)	(4,166)	0	(4,166)	0	
<b>Recreation and Culture Total</b>			<b>(60,000)</b>	<b>(22,780)</b>	<b>0</b>	<b>(22,780)</b>	<b>0</b>	
<b>Transport</b>								
Depot- New Ablution	3.7.1	WKM	(20,000)	0	0	0	0	
<b>Transport Total</b>			<b>(20,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Land and Buildings Total</b>			<b>(140,000)</b>	<b>(22,780)</b>	<b>0</b>	<b>(22,780)</b>	<b>0</b>	
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	1.1.2	WKM	(30,000)	(5,000)	0	(5,000)	0	
Drain Kestrals - Foreshore	1.1.2	WKM	(4,715)	(786)	(2,626)	1,840	0	
Hughes Street Sump Upgrade	1.1.2	WKM	(10,000)	(10,000)	0	(10,000)	0	
<b>Drainage/Culverts Total</b>			<b>(44,715)</b>	<b>(15,786)</b>	<b>(2,626)</b>	<b>(13,160)</b>	<b>0</b>	
<b>Footpaths</b>								
<b>Transport</b>								
Footpath Construction-Denham Footpath Plan	1.1.2	WKM	(50,000)	0	0	0	0	
<b>Footpaths Total</b>			<b>(50,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



MINUTES OF THE ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Furniture &amp; Office Equip.</b>								
<b>Governance</b>								
New Photocopier	1.1.2	EMFA	(11,000)	(11,000)	0	(11,000)		
<b>Governance Total</b>			<b>(11,000)</b>	<b>(11,000)</b>	<b>0</b>	<b>(11,000)</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	(10,000)	(1,666)	0	(1,666)	0	
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>(1,666)</b>	<b>0</b>	<b>(1,666)</b>	<b>0</b>	
<b>Furniture &amp; Office Equip. Total</b>			<b>(21,000)</b>	<b>(12,666)</b>	<b>0</b>	<b>(12,666)</b>	<b>0</b>	
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Refurbishment of Old Stables - c/fwd	2.2.2	WKM	(20,000)	(8,000)	0	(8,000)	0	
<b>Recreation And Culture Total</b>			<b>(20,000)</b>	<b>(8,000)</b>	<b>0</b>	<b>(8,000)</b>	<b>0</b>	
<b>Heritage Assets Total</b>			<b>(20,000)</b>	<b>(8,000)</b>	<b>0</b>	<b>(8,000)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	1.1.2	CEO	(74,000)	0	0	0		
EMFA Vehicle	1.1.2	EMFA	(35,000)	0	0	0		
EMCD Vehicle	1.1.2	EMCD	(35,000)	0	0	0		
<b>Total Governance</b>			<b>(144,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Law, Order and Public Safety</b>								
Ranger Vehicle	1.1.2	WKM	(45,000)					
<b>Total Law, Order and Public Safety</b>			<b>(45,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Recreation and Culture</b>								
Community Bus	1.1.6	WKM	(150,000)	(150,000)	0	(150,000)	0	
<b>Recreation and Culture</b>			<b>(150,000)</b>	<b>(150,000)</b>	<b>0</b>	<b>(150,000)</b>	<b>0</b>	
<b>Transport</b>								
Dual Cab Truck 5T	1.1.6	WKM	(120,000)	(120,000)	0	(120,000)		
Excavator	1.1.6	WKM	(225,000)	0	0	0		
Dual Cab Ute - Country	1.1.6	WKM	(51,000)	0	0	0		
Camp Upgrades 16-17	1.1.6	WKM	(3,000)	(3,000)	(350)	(2,650)		
Major Plant Items	1.1.6	WKM	(20,000)	(3,334)	(1,709)	(1,625)		
<b>Transport Total</b>			<b>(419,000)</b>	<b>(126,334)</b>	<b>(2,059)</b>	<b>(124,275)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles Total</b>			<b>(758,000)</b>	<b>(276,334)</b>	<b>(2,059)</b>	<b>(274,275)</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Public Facilities</b>								
<b>Community Amenities</b>								
Refuse Tip and Recycling	2.4.2	WKM	(388,341)	(6,666)	0	(6,666)	0	
<b>Community Amenities Total</b>			<b>(388,341)</b>	<b>(6,666)</b>	<b>0</b>	<b>(6,666)</b>	<b>0</b>	
<b>Recreation And Culture</b>								
Foreshore Revitalisation	3.7.1	CEO	0	0	0	0		
Lotterywest - Playground	3.7.1	WKM	0	0	0	0		
Recreation Grounds	3.2.2	WKM	(25,000)	(1,666)	0	(1,666)	0	
Charlie Sappie Park	2.2.1	WKM	(13,750)	(2,292)	0	(2,292)		
Pioneer Park Improvements	3.2.2	WKM	(10,000)	0	0	0		
Westend Carpark to DOT Carpark Limestone Wall and	3.2.3	WKM	(30,000)	(30,000)	0	(30,000)		
Netta's Beach Toilet	3.2.2	WKM	(150,000)	0	0	0		
Town Oval Bore C/F 16-17	3.7.1	WKM	(7,030)	(7,030)	(2,155)	(4,875)		
<b>Recreation And Culture Total</b>			<b>(235,780)</b>	<b>(40,988)</b>	<b>(2,155)</b>	<b>(38,833)</b>	<b>0</b>	
<b>Public Facilities Total</b>			<b>(624,121)</b>	<b>(47,654)</b>	<b>(2,155)</b>	<b>(45,499)</b>	<b>0</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

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Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Roads (Non Town)</b>								
<b>Transport</b>								
R2R Knight Terrace 16-17	1.1.6	WKM	(35,462)	(35,462)	(35,462)		35,462	
R2R Old Knight Terrace 16-7	1.1.6	WKM	(148,282)	(148,283)	(149,425)		149,425	
R2R Projects 17-18	1.1.6	WKM	(199,877)	0	0		0	
Useless Loop Road - RRG 17-18	1.1.6	WKM	(459,915)	(76,652)	0		0	
Nanga Road - RRG 17-18	1.1.6	WKM	(159,000)	(26,500)	0		0	
Ocean Park Road - RRG 17-18	1.1.6	WKM	(90,000)	(15,000)	0		0	
<b>Transport Total</b>			<b>(1,092,536)</b>	<b>(301,897)</b>	<b>(184,887)</b>	<b>0</b>	<b>184,887</b>	
<b>Roads (Non Town) Total</b>			<b>(1,092,536)</b>	<b>(301,897)</b>	<b>(184,887)</b>	<b>0</b>	<b>184,887</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Welcome Signage	2.1.3	EMCD	0	0	0	0		
Overlander - Solar Light Improvements	2.1.3	EMCD	(7,500)	0	0	0	0	
<b>Economic Services Total</b>			<b>(7,500)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Capital Expenditure Total</b>			<b>(2,757,872)</b>	<b>(685,117)</b>	<b>(191,727)</b>	<b>(376,380)</b>	<b>184,887</b>	

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12.3 REQUEST FOR RATES WAIVER  
RES33517

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest: Cr Bellottie

Nature of Interest: Financial Interest as an employee of Yadgalah Aboriginal Corporation.

**With the lack of a quorum this item will lay on the table until the October Ordinary Council meeting, where it will be presented again for Council consideration.**

Officer Recommendation

That Council, in accordance with Section 6.47 of the *Local Government Act 1995*, grant a concession of 25% on the general rates for Assessment A4028 being property located at 9 Francis Road, Denham and owned by the Yadgalah Aboriginal Corporation on the basis that the land is not exclusively used for charitable purposes.

ABSOLUTE MAJORITY REQUIRED

Background

Council has received a request from the Yadgalah Aboriginal Corporation for a waiver of 25% of the general rates for the property located at 9 Francis Road, Denham. The rates on this property excluding Emergency Service Levy and Domestic Rubbish Charge are \$4,132.87.

Comment

The Yadgalah Aboriginal Corporation has been established since 1984 and has been a registered charity since 2012.

The objectives of the Corporation are to:

- (a) further the advancement and wellbeing of Aboriginals in Australia generally and in the Shark Bay area in particular;
- (b) preserve and promote the culture and heritage of Aboriginal people;
- (c) establish and maintain amenities for the benefit of Aboriginal people;
- (d) advance the cause of cooperation and friendship between all Australian people, irrespective of their colour, race or belief;
- (e) encourage and promote sporting, social and recreational activity amongst Aboriginal people;
- (f) engage in business, hold shares, own real estate and other property, enter into partnerships to improve the economic situation of the Corporation and enhance employment prospects for its members.

Yadgalah Aboriginal Corporation promotes the cultural aspects of the Aboriginal people in the Shark Bay region. It provides both indigenous and non-indigenous

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people insight into the culture and history of the Aboriginal people who live within Shark Bay.

The Corporation is requesting a full rates waiver as a non-profit organisation and feel that the waiver of the annual rates would inject funds back into maintaining the Corporation.

The current rates total \$4,692.11. This includes an amount of \$197.24 for Emergency Service Levy which is a State Government Charge and therefore not able to be waived by Council and an amount of \$362.00 for domestic rubbish charge. Council has not waived the rubbish charge for any other charitable organisations and therefore it is not recommended that this be waived as part of this request.

Section 6.26 of the *Local Government Act 1995* sets out the requirements for land which is not rateable.

*Section 6.26 (1) and (2) (g) state:*

- (1) Except as provided in this section all land within a district is rateable land.*
- (2) The following land is not rateable land –*

....

*(g) land exclusively used for charitable purposes.*

It is debatable as to whether the land in question is used solely for charitable purposes given that the Corporation runs the Mini Golf on a commercial basis from the land. It could be viewed however, that it provides other charitable services from the remainder of the land.

On this basis, it seems fair that there should be some concession on the rates based on the proportion on the land used for charitable purposes.

#### Legal Implications

Section 6.26 defines what land is to be treated as non-rateable. Section 6.47 allows Council to grant a concession.

#### *6.47. Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

#### Policy Implications

There are no policy implications with this item.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Financial Implications

The amount of the concession at 25% would be \$1,033.22. Emergency Service Levy charges and rubbish collection charges would still need to be paid by the Corporation.

Strategic Implications

There are no strategic implications with this item.

Risk Implications

This is a medium risk item in two areas. Firstly, if the applicant is not happy with Council's decision then it may apply to the State Administrative Tribunal for a review of the decision. Secondly, any concession given on rateable land will reduce the capacity of Council to raise the same level of rates in the future and therefore the deficit will need to be applied to other ratepayers which will increase the rate in the dollar for those remaining assessments.

Voting Requirements

Absolute Majority Required

Signatures

Author	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	14 September 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

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23<sup>rd</sup> August 2017

Dear Paul

Yadgalah Aboriginal Corporation is a local Community Organization and would like to request that the Shire of Shark Bay give us 25% concession on our rates for the 2017/2018 financial year.

Our current rates amount to \$3,684.09

We are not used for charitable purposes and are a non for profit Organisation, I apologize for the late submission as it was overlooked and hope that you would take this request seriously.

At the moment we provide a venue for :-

- a recreation facility
- monthly markets
- Work for the dole program

Thank you for your consideration.

Debbie Bellottie

Co/ordinator

Yadgalah Aboriginal Corporation

Email:yadgalah1@bigpond.com ABN: 58 501 822 442  
9Francis Street Denham W.A. 6537 Po Box 61  
ICN 278

22 SEPTEMBER 2017

12.4 REQUEST FOR RATES EXEMPTION  
P1203 / P1396

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved           Cr Bellottie  
Seconded       Cr Fenny

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3.42 pm for open discussion on the request for rates exemption item.**

**4/0 CARRIED**

Moved           Cr Ridgely  
Seconded       Cr Laundry

**Council Resolution**

**That Council resume Standing Orders at 3.48 pm.**

**4/0 CARRIED**

Moved           Cr Laundry  
Seconded       Cr Ridgely

**Council resolution**

**That the item lay on the table until the Ordinary Council meeting scheduled to be held on the 25 October 2017.**

**4/0 CARRIED**

Officer Recommendation

That Council provide a 100% rate exemption on:

- Assessment A1203 for \$875.87 being property located at Lot 112 (82) Durlacher Street, Denham, and
- Assessment A1396 for \$905.39 being property located at Lot 126 (23) Capewell Drive, Denham,

Both of which are owned by the Murchison Regional Aboriginal Corporation on the basis that the land is non-rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*.

ABSOLUTE MAJORITY REQUIRED

Background

The Murchison Regional Aboriginal Corporation have objected to rates being levied on two of their properties being Lot 126 (23) Capewell Drive, Denham, and Lot 112 (82) Durlacher Street, Denham in accordance with Section 6.76 (1)(a)(ii) of the *Local*



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*Government Act 1995.* Murchison Regional Aboriginal Corporation is of the view that its properties located within the Shire do not constitute rateable land as they satisfy the criteria in section 6.26 (2)(g) of the Local Government Act 1995 and is accordingly applying for a rate exemption under section 6.26 (2)(g) of the Local Government Act 1995 on the two properties.

The total amount of levied on both properties is \$2,655.26 which is inclusive of Emergency Services Levy and Rubbish Collection Fees.

Murchison Regional Aboriginal Corporation is a member based, not-for-profit dedicated Aboriginal community housing organisation and provides safe, secure and affordable housing to:

1. Aboriginal persons, Torres Strait Islander persons, persons who have a partner who is either Aboriginal or Torres Strait Islander or non-Aboriginal with custody of Aboriginal children:
2. who are resident within the Midwest or Gascoyne region for a period of 6 months,

Murchison Regional Aboriginal Corporation charges its tenants rent on either a percentage of market rent basis or on a cost recovery basis and any monies generated through rental revenue is reinvested in upgrading its properties or purchasing additional housing stock to meet the high level of demand for housing.

In addition most of Murchison Regional Aboriginal Corporation's tenants rely on full or partial benefits from Centrelink and are unable to obtain housing in the private rental market due to a lack of access to suitable employment, their Aboriginality, previous tenancy history, long waiting lists for social housing and the lack of housing in remote areas which are close to their cultural homeland and/or close to other family members.

Utilising the resources and information within the Community Housing Coalition WA Community Housing Providers and Local Government Rates report dated December 2013 I provide the following extracts for your review. A copy of the full report is attached at the end of this agenda item.

"As there is no overriding Western Australian or federal legislative definition of "charitable purpose" at present the legal concept of 'charity' or 'charitable purpose' relies upon case law."

"Australian Case law further establishes that the current interpretation of a 'charity' was a trust for one of the following:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community."

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“Australian case law has also extended that poverty need not be destitution and may extend to the promotion of culture and class indigenous people as being severely disadvantaged in Australian society and are in need of protection and assistance.”

“In relation to indigenous housing, the Supreme Court has granted a rates exemption in the Shire of Asburton v Bindibindi Aboriginal Corporation [1999] WASC 108 because:

- (a) the advancement of Aboriginal people was a charitable purpose;
- (b) the activities conducted upon the land were exclusively charitable.”

“In this particular case, the land was used by an Aboriginal Corporation to provide low-cost rental housing for economically disadvantaged Indigenous people. The proceeds were used by the Corporation to pay bills, cover office costs and generally further the objects of the organisation, but not in order to generate profit. A number of not-for-profit projects were also undertaken on the land, which aimed to improve living conditions, keep people occupied, discourage excessive alcohol drinking, create self-respect and (theoretically) create income to further the Corporation’s objects.”

“Arguably, “Aboriginal people” could be substituted for another disadvantaged socio-economic group and the same qualification for rates exemption should apply for CHPs.”

“Australian case law has also confirmed and elaborated on the application of subsection 6.26(6), being that some incidental uses of the land does not destroy the exclusiveness of the use of the land for charitable purposes and so fall within subsection 6.26(2)(g).”

Verbal advice was also obtained from our legal advisors, McLeods, who confirmed that it would be advisable that the Council grant this exemption for rates on the basis of case law precedence.

The exemption is only on land rates, not refuse removal or other services charges and Emergency Services Levy.

Legal Implications

Section 6.26 defines what land is to be treated as non-rateable and Section 6.76 allows an objection to a rate record of Council.

Policy Implications

There are no policy implications with this item.

Financial Implications

The amount of the write off would be \$1,781.26. Emergency Service Levy charges, refuse collection and any outstanding interest charges would still need to be paid by the Corporation.

Strategic Implications

There are no strategic implications with this item.

Risk Implications

This is a medium risk item. Any change to the status of rateable land will reduce the capacity of Council to raise the same level of rates in the future and therefore the deficit

MINUTES OF THE ORDINARY COUNCIL MEETING

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will need to be applied to other ratepayers which will increase the rate in the dollar for those remaining assessments.

Voting Requirements

Absolute Majority Required

Signatures

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2017

22 SEPTEMBER 2017



**MURCHISON REGION ABORIGINAL CORPORATION**

85 Crawford Street,  
P.O. Box 2072, Denham WA, 6531  
Tel: (08) 9923 0655  
Fax: (08) 9923 0044  
Email: office@murchisonrac.com.au  
1800 637 637

25 August 2017

Chief Executive Officer  
Shire of Shark Bay  
85 Knight Terrace  
DENHAM WA 6537

RECEIVED

28 AUG 2017

SHIRE OF SHARK BAY

Dear Sir/Madam

**Application for rates exemption**

**1 Background**

Murchison Region Aboriginal Corporation (**MRAC**) is a member based, not-for-profit dedicated Aboriginal community housing organisation operating in the Mid West and Gascoyne regions of Western Australia.

Two of MRAC's properties are located within the Shire of Shark Bay.

MRAC has received rate notices from the Shire of Shark Bay for all of these properties.

MRAC objects to the rate records for all of its properties located within the Shire of Shark Bay, under to section 6.76(1)(a)(ii) of the *Local Government Act 1995 (WA)* (**LG Act**) on the ground that there is an error in the rate records as these properties do not constitute rateable land.

MRAC is of the view that its properties located within the Shire of Shark Bay do not constitute rateable land as they satisfy the criteria in section 6.26(2)(g) of the LG Act and MRAC is accordingly applying for a rate exemption under section 6.26(2)(g) of the LG Act with respect to each of its properties located within the Shire of Shark Bay.

**2 Grounds for exemption**

MRAC is applying for a rates exemption on the basis that all of its properties located within the Shire of Shark Bay are used exclusively for charitable purposes.

Please find enclosed the following documents in support of MRAC's application:

- (a) an extract from the Office of the Registrar of Indigenous Corporations for MRAC as at 20 February 2017;
- (b) an extract from the Australian Charities and Not-for-profits Commission's Charity Register for MRAC as at 8 February 2017 evidencing that MRAC is a registered charity;

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- (c) a letter from the ATO dated 19 January 2017 confirming MRAC is endorsed for charity tax concessions;
- (d) a letter from the ATO dated 19 January 2017 confirming MRAC is endorsed as a deductible gift recipient;
- (e) a copy of MRAC's rule book dated 2 December 2016;
- (f) a copy of MRAC's financial report for the year ended 30 June 2016;
- (g) a copy of MRAC's housing eligibility criteria dated 29 April 2017; and
- (h) an operational overview of MRAC's activities

We confirm that there has been no change in any of the above information from the date of the searches or documents respectively, apart from minor changes to MRAC's membership.

Please also find enclosed Property Details Forms setting out the relevant details with respect to each of MRAC's properties located within the Shire of Shark Bay. We note that plans for each of the properties have not been provided as MRAC does not possess these and they are too costly to have prepared. Instead, we have provided a brief description and photo for each property.

As demonstrated by the enclosed materials:

- (a) MRAC provides safe, secure and affordable housing to:
  - (i) Aboriginal persons, Torres Strait Islander persons, persons who have a partner who is either Aboriginal or Torres Strait Islander or non-Aboriginal persons with custody of Aboriginal children;
  - (ii) who are resident within the Midwest or Gascoyne region for a period of 6 months;
- (b) Two of MRAC's properties located within the Shire of Shark Bay are leased to those who meet MRAC's housing eligibility criteria;
- (c) MRAC charges its tenants rent on either a percentage of market rent basis or on a cost recovery basis and any moneys generated through rental revenue is reinvested in upgrading its properties or purchasing additional housing stock to meet the high level of demand for housing; and
- (d) most of MRAC's tenants rely on full or partial benefits from Centrelink and are unable to obtain housing in the private rental market due to a lack of access to suitable employment, their Aboriginality, previous tenancy history, long waiting lists for social housing and the lack of housing in remote areas which are close to their cultural homeland and/or close to other family members.

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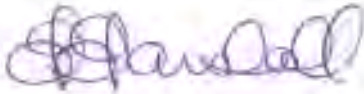
Accordingly, as:

- (a) MRAC uses all of its properties located within the Shire of Shark Bay for the purpose of improving the economic position, social condition and traditional ties of an Aboriginal community; and
- (b) it is generally accepted that Aboriginal people as a class are in need of protection and assistance, and purposes directed towards the advancement of Aboriginal people are charitable.

The use of the land owned by MRAC clearly satisfies the requirements of section 6.26(2)(g) of the LG Act and MRAC should be granted a rate exemption for each of its properties located within the Shire of Meekatharra.

If you require any further information in order to process MRAC's applications, please contact me.

Yours sincerely



**Mary Marshall**  
Chief Executive Officer/  
Murchison Region Aboriginal Corporation  
T +61 8 9923 0055  
M +61 408 973 946  
mmarshall@mrac.net.au

**Enclosures**

- 1 An extract from the Office of the Registrar of Indigenous Corporations for MRAC as at 20 February 2017
- 2 An extract from the Australian Charities and Not-for-profits Commission's Charity Register for MRAC as at 8 February 2017
- 3 A letter from the ATO dated 19 January 2017 confirming MRAC is endorsed for charity tax concessions
- 4 A letter from the ATO dated 19 January 2017 confirming MRAC is endorsed as a deductible gift recipient
- 5 A copy of MRAC's rule book dated 2 December 2016
- 6 A copy of MRAC's financial report for the year ended 30 June 2016
- 7 A copy of MRAC's housing eligibility criteria dated 29 April 2017
- 8 An operational overview of MRAC's activities
- 9 Two Property Details Forms, together with the following attachments:
  - (a) a title search for each property;
  - (b) the rates notice for each property;
  - (c) any applicable tenancy agreements; and
  - (d) a description and photo for each property

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017



Australian Government  
Australian Taxation Office



MURCHISON REGION ABORIGINAL CORP  
PO BOX 288  
GERALDTON PD WA 6531

Our reference: 7104047120743  
Phone: 1300 130 248  
ABN: 48 700 409 001

19 January 2017

**Your organisation is endorsed as a deductible gift recipient**

Dear Sir/Madam

We have endorsed your organisation as a deductible gift recipient and enclose your *Notice of endorsement as a deductible gift recipient*.

This endorsement enables your organisation to receive gifts which are tax deductible to donors.

The following details will appear on the Australian Business Register:

- your organisation's endorsement as a deductible gift recipient
- the date or period of effect.

You can view the details at [www.abr.business.gov.au](http://www.abr.business.gov.au)

If your organisation has also applied for other endorsements, you will receive separate notification.

**What you need to do**

Your endorsement was based on the information you gave us. Your organisation should regularly review its endorsement as a deductible gift recipient. We recommend a yearly review. If there are any changes (for example, to governing rules, structure or operations) and you are no longer entitled to endorsement, you must notify us before or as soon as possible after the event.

**For more information**

You can find out more about your non-profit entitlements, obligations and how to subscribe to regular updates on our website, [www.ato.gov.au/non-profit](http://www.ato.gov.au/non-profit). If you have any questions about matters specific to non-profit organisations, please phone us on 1300 130 248 between 8.00am and 6.00pm, Monday to Friday.

**What you need if you phone us**

We need to know we are talking to the right person before we can discuss your tax affairs. We will ask for details only you or someone you have authorised would know. An authorised contact is someone who you have previously told us can act on your behalf. It will help if you quote 'Our reference' which you will find at the top of the letter. If you can, please have your Australian business number with you.

Yours faithfully

Michael Cranston  
Deputy Commissioner of Taxation

00000000000000000000000000000000

7067E19677B-01-2017



22 SEPTEMBER 2017



Australian Government  
Australian Taxation Office

19 January 2017

**Notice of endorsement as a deductible gift recipient**

Endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	MURCHISON REGION ABORIGINAL CORP
Australian business number	68 700 809 001
Endorsement date of effect	1 July 2000
Provision for gift deductibility	Item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i>
Item(s) in Subdivision 30-B of the <i>Income Tax Assessment Act 1997</i>	4.1.1 registered public benevolent institution

Your organisation's endorsement as a deductible gift recipient together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at [www.abr.business.gov.au](http://www.abr.business.gov.au)

Your organisation must notify us in writing if it ceases to be entitled to endorsement.

Chris Jordan  
Commissioner of Taxation and  
Registrar of the Australian Business Register

22 SEPTEMBER 2017

**Property Details Form**

<b>Property Address</b>	23 Capewell Drive, Denham WA 6537
<b>Rates Assessment Number</b>	A1396
<b>Property Owner Details</b>	Murchison Region Aboriginal Corporation 25 Crawford Street, Geraldton WA 6530 T + 61 8 9923 0055 M + 61 408 973 946 mmarshall@mrac.net.au
<b>Lease Details (if applicable)</b>	Currently leased by Murchison Region Aboriginal Corporation to Tianna Oakley & Daniel Miller.
<b>Current Use of the Property</b>	This property is currently leased to Tianna Oakley & Daniel Miller in accordance with the attached tenancy agreement and the Murchison Region Aboriginal Corporation's housing eligibility criteria.  The property has 4 bedrooms and 1 bathroom/s. A photograph of the property is attached.
<b>Attached</b>	<input checked="" type="checkbox"/> Title search <input checked="" type="checkbox"/> Rates notice <input checked="" type="checkbox"/> Tenancy agreement <input checked="" type="checkbox"/> Property description with photo

22 SEPTEMBER 2017



**MURCHISON REGION ABORIGINAL CORPORATION**

25 Crawford Street,  
P.O. Box 2072, Geraldton W.A. 6531  
Tel: (08) 9923 0055  
Fax: (08) 9923 0066  
Email: [office@murchisonrac.com](mailto:office@murchisonrac.com)  
08 99 200 800 001 000

4 September 2017

Chief Executive Officer  
Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537

RECEIVED  
28 SEP 2017  
MURCHISON RAC

Dear Sir/Madam

**Application for rates exemption**

Please see attached amended application for rates exemption letter sent to you by express post on 25 August 2017.

Unfortunately, there was an error in the original letter that has now been addressed.

Murchison Region Aboriginal Corporation (MRAC) would be grateful if you would include the updated application letter with the documents sent already and understands this organisation is still within the required timeframes to lodge the application for rates exemption

If you require any further information in order to process MRAC's applications, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mary Marshall', is written over a faint circular stamp.

**Mary Marshall**  
Chief Executive Officer  
Murchison Region Aboriginal Corporation  
T +61 8 9923 0055  
M +61 408 973 946  
[mmarshall@mrac.net.au](mailto:mmarshall@mrac.net.au)



# Community Housing Providers and Local Government Rates

Environmental Scan

December 2013

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## Introduction

The payment of local government rates by community housing providers (CHPs) is an important policy consideration in light of the prospect of future housing stock transfers from the Department of Housing to CHPs and the variation of rates payment policy across different local governments and between the Department of Housing and CHPs.

This paper focusses on the legislative rates exemption for land used exclusively for charitable purposes and whether, based on current legislation and case law in Western Australia and other Australian jurisdictions, community housing qualifies for this exemption.

The Community Housing Coalition of WA (CHCWA) has surveyed its members to ascertain CHPs' relationship with their respective local governments with regards to rates and specifically to what degree they pay rates (if at all). There were 16 responses to the survey.

Below is an environmental scan which sets out:

- (a) what rates are;
- (b) individuals and entities who qualify for rates concessions and exemptions;
- (c) in relation to rates exemptions for CHPs:
  - (i) the current position in Western Australia;
  - (ii) the current position in each State and Territory; and
  - (iii) implications of the legal definition of 'charity' which will be in force from 1 January 2014;
- (d) a summary of the member survey results; and
- (e) alternative policy approaches.

## *What this document is not*

Although the treatment of indigenous CHPs in relation to rates exemptions is discussed, rates exemptions in relation to native title have not been covered.

This document is not legal advice. While making every attempt to present general legal information accurately in this publication, CHCWA disclaims liability for any loss or damage arising from its use. This publication should not be relied upon as a substitute for legal or other professional advice.

## Rates

Rates are calculated based on the Valuer General's Office's gross rental value of the land (being the Valuer General's estimate of the annual market rent that may be received if a property was leased). Rates contribute to the local government for the cost of providing facilities and services to the community, including maintenance of parks, library services, roads and recreational facilities.

In addition to rates, local governments:

- (a) levy a separate Rubbish Service charge for rubbish and recycling pick up;
- (b) can charge a swimming pool fee for properties with a swimming pool or spa; and
- (c) collect the Emergency Services Levy on the Department of Fires and Emergency Services' behalf, which funds the career Fire and Rescue Service, Volunteer and Rescue Service, Bush Fire Brigade, State Emergency Service units and Fire and Emergency Services Authority units throughout Western Australia.

## Concessions and exemptions

People who own and occupy property as their ordinary place of residence on 1 July of the current financial year (or who are otherwise legally responsible for the local government rates) and hold a:

- (a) Pensioner Concession Card;
- (b) State Concession Card or
- (c) WA Seniors Card,

are eligible for a local government rates concession (as well as other concessions, including water service charges, Emergency Services Levy and underground electricity charges).

The concession amount is calculated based on the type of means tested card a person holds. Below is a summary of the concessions, which was published by the Department of Finance (WA).<sup>1</sup>

### Pensioner Concession Card OR a State Concession Card

- Entitled to receive up to a 50% rebate on local government rates charges, water service charges and emergency services levy.
- The option to defer rates may be available, subject to meeting the required criteria.
- Entitled to receive a rebate on water usage charges (a capped maximum amount applies each year).

### WA Seniors Card AND a Commonwealth Seniors Health Card

- Entitled to receive up to a 50% rebate on local government rates charges, water service charges and emergency services levy.
- The option to defer rates may be available, subject to meeting the required criteria.

### WA Seniors Card

- Entitled to receive up to a 25% rebate on local government rates charges, water service charges and emergency services levy.
- The rebate is limited to a maximum (capped) amount, which is reviewed annually.
- The option to defer rates is not available.

<sup>1</sup> Department of Finance, *Fact Sheet: Pensioners and Seniors Concession Scheme*, Available from: [http://www.finance.wa.gov.au/cms/uploadedFiles/State Revenue/Other Schemes/Pensioners and Seniors/Pensioners-and-Seniors-Concessions-Scheme-Fact-Sheet.pdf?n=6470](http://www.finance.wa.gov.au/cms/uploadedFiles/State%20Revenue/Other%20Schemes/Pensioners%20and%20Seniors/Pensioners-and-Seniors-Concessions-Scheme-Fact-Sheet.pdf?n=6470), pp 1-2.

We note that people who hold such cards make up a large proportion of tenants in community housing.<sup>2</sup>

The *Local Government Act 1995* (WA) also provides a number of circumstances where land is rates exempt, including for land used exclusively for charitable purposes.

We note that although the Department of Housing (and the State Government generally) is not obliged to pay local government rates, we are informed the Department of Housing pays local government rates in relation to public housing stock in order to maintain their relationship with local governments. If CHPs do not pay rates, stock transfers from the Department of Housing to CHPs has the potential to both decrease a local government's ability to cover its costs as well as have a detrimental effect on the CHP's relationship with the local government.

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<sup>2</sup> For more information about the various concession cards and their eligibility requirements see: Department of Human Services, *Eligibility for Pensioner Concession Card*, Available from: <http://www.humanservices.gov.au/customer/enablers/centrelink/pensioner-concession-card/eligibility>; Department for Child Protection and Family Support, *State Concession Card*, Available from: <https://www.dcp.wa.gov.au/SupportingIndividualsAndFamilies/Pages/StateConcessionCard.aspx>; Department of Local Government and Communities, *WA Seniors Card*, Available from: <http://www.communities.wa.gov.au/seniors-card/Pages/default.aspx>; and Department of Human Services, *Commonwealth Seniors Health Card*, Available from: <http://www.humanservices.gov.au/customer/services/centrelink/commonwealth-seniors-health-card>. For information on community housing tenants' income sources see CHCWA 2011, *Community Housing Sector Survey 2011 Final Report*, CHCWA, Available from: <http://community.webvault.wa.gov.au/content/uploads/2012/05/SectCons.pdf>, p 16.



## The Current Position in Western Australia

### Legislation

A Western Australian local government's ability to impose under rates, and any exemptions to rates, arise under the *Local Government Act 1995 (WA) (LGA)*.

Under sub-section 6.26(1) of the LGA, the general position is that all land is rateable land.

Under sub-section 6.26(2)(a), land owned by the Crown is generally not rateable. However, under section 1.4, if the Crown leases the land to another entity, the lease agreement could contain a clause which causes that entity to be the 'owner' of the land for the purpose of rates. As noted above, the Department of Housing chooses to pay rates, although it is not obliged to do so.

The exemption potentially relating to CHPs is provided for by sub-section 6.26(2)(g), which states that land used exclusively for charitable purpose is not rateable.

This is clarified by sub-section 6.26(6), which states land does not cease to be used exclusively for a purpose merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

There is no overriding Western Australian or federal legislative definition of 'charitable purpose', although a number of Western Australian Acts use the term 'charitable purpose' and there is an incoming federal legislative definition of charity (both discussed below). Currently, the legal concept of 'charity' or 'charitable purpose' is defined with reference to English law.

The Preamble to the *Charitable Uses Act 1601 (UK) (Statute of Elizabeth I)* endeavoured to set parameters for identifying 'charitable purposes' and provided a list, including:

- (a) relief of the aged, impotent and poor;
- (b) maintenance of sick and maimed soldiers and mariners;
- (c) aid to schools and scholars in universities; and
- (d) the help of young tradesmen and handicraftsmen.

However, this list was never considered to be exhaustive and rather provided the 'spirit and intention' behind the meaning of 'charitable purpose'. Case law provides a modern interpretation.

### Case Law

The universally acknowledged modern interpretation and application of the Statute of Elizabeth I definition of 'charitable purpose' is found in *Commissions for Special Purposes of Income Tax v Pemsel* [1891] AC 531, in which Lord Macnaghten stated the legal meaning of 'charity' was a trust for one of the following:

- (a) the relief of poverty;
- (b) the advancement of education;
- (c) the advancement of religion; and
- (d) other purposes beneficial to the community.

The High Court of Australia confirmed the Statute of Elizabeth I's incorporation in Australian law, finding that in order for an institution to be charitable, it must be:

- (a) within the spirit and intendment of the Preamble to the Statute of Elizabeth I; and
- (b) for the public benefit.<sup>3</sup>

The Western Australian case law (arising from both the Courts and the State Administrative Tribunal) summarise that for a purpose to be charitable:

- (a) it must fall within the purposes set out in the Statute of Elizabeth I (or by Lord Macnaughten above); and
- (b) (except possibly in relation to the relief of the poor) there must be a public benefit, being a benefit directed to the general community, or to a sufficient section of the community to amount to the public.<sup>4</sup>

Australian case law further establishes that poverty need not be destitution<sup>5</sup> and may extend to the promotion of culture.<sup>6</sup> Further, indigenous people have been judicially and statutorily recognised as being severely disadvantaged in Australian society and are a "class which, generally speaking, is in need of protection and assistance."<sup>7</sup>

In relation to indigenous housing, the Supreme Court has granted a rates exemption because:

- (a) the advancement of Aboriginal people was a charitable purpose;
- (b) the activities conducted upon the land were exclusively charitable.<sup>8</sup>

In this particular case, the land was used by an Aboriginal Corporation to provide low-cost rental housing for economically disadvantaged Indigenous people. The proceeds were used by the Corporation to pay bills, cover office costs and generally further the objects of the organisation, but not in order to generate profit. A number of not-for-profit projects were also undertaken on the land, which aimed to improve living conditions, keep people occupied, discourage excessive alcohol drinking, create self-respect and (theoretically) create income to further the Corporation's objects.

Arguably, "Aboriginal people" could be substituted for another disadvantaged socio-economic group and the same qualification for rates exemption should apply for CHPs.

Australian case law has also confirmed and elaborated on the application of sub-section 6.26(6), being that some incidental uses of the land does not destroy the exclusiveness of the use of the land for charitable purposes and so fall within sub-section 6.26(2)(g).<sup>9</sup>

<sup>3</sup> *Royal National Agricultural and Industrial Association v Chester* [[1974] 48 ALJR 304.

<sup>4</sup> *Australian Flying Corps & Royal Australian Air Force Association (WA Division) Inc and City of Mandurah* [2013] WASAT 89; *West Australian Baptist Hospital & Homes Trust Inc v City of South Perth* [1978] WAR 65; *Uniting Church Homes (Inc) and City of Stirling* [2005] WASAT 191; *Retirees WA (Inc) and City of Belmont* [2010] WASAT 56.

<sup>5</sup> *Lemm and Others v The Federal Commissioner of Taxation* [1942] 66 CLR 399.

<sup>6</sup> *Tangentyere Council Inc v The Commissioner of Taxes* [1990] NTSC 14.

<sup>7</sup> *Aboriginal Hostels v Darwin City Council* (1985) 75 FLR 197 at 211, as cited in *Gumbangerrii Aboriginal Corporation v Nambucca Council* [1996] NSWLEC 99.

<sup>8</sup> *Shire of Ashburton v Bindibindi Community Aboriginal Corporation* [1999] WASC 106.

<sup>9</sup> *Salvation Army (Victoria) Property Trust v Fern Tree Gully Corporation* (1952) 85 CLR 159; *Technology Assisting Disability WA Inc and Town of Bassendean* [2011] WASAT 154.

Most of the recent Western Australian case law in relation to housing providers has centred on organisations providing housing for the aged successfully obtaining an exemption under sub-section 6.26(2)(g).

### *Utilities in Western Australia*

Discussion about rates exemptions in relation to CHPs can also be informed by the exemptions CHPs qualify for from utilities providers.

It is noted that utilities providers receive an Operational Subsidy from the WA Government to compensate them for the concessions they provide to organisations such as CHPs. This subsidy is not provided to local governments. Given the State Government's current position of making budget cuts wherever it can, it is unlikely the Operational Subsidy will extend to local governments in the near future.

### *Water*

Under sub-bylaw 4(1)(e) of the *Water Agencies (Charges) By-laws 1987 (WA)*, land used, occupied, or held exclusively for charitable purposes, not being land leased or occupied for any private purpose, is eligible for discounts for water service charges, sewerage service charges and drainage charges.

Sub-bylaw 4(3) defines charitable purposes as purposes that, in the opinion of the Water Corporation, involve:

- (a) the provision of relief or assistance to sick, aged, disadvantaged, unemployed or young persons; or
- (b) the conducting of other activities for the benefit of the public or in the interests of social welfare not otherwise mentioned in sub-bylaw (1),

by a private organisation that is not operated for the purpose of profit or gain to individual members, shareholders or owners.

Sub-bylaw 4(4) states that if, for the provision of relief or assistance referred to in sub-bylaw 4(3)(a) land is provided to a person for residential use, then for the purposes of sub-bylaw 4(1)(e) the use of that land by that person and any of his or her family for residential purposes shall not be taken to be use for a private purpose.

Although it is at the Water Corporation's discretion whether a purpose is classified as a charitable purpose (and an entity is eligible for the prescribed concessions), we understand CHPs receive these concessions.

The Water Corporation receives Operating Subsidy contributions from the WA Government to compensate the Water Corporation for the concessions it provides. In the 2012-2013, the Water Corporation received \$116 million from the WA Government for revenue concessions out of a total of \$437 million in operating subsidies.<sup>10</sup>

### *Electricity*

Synergy provides concessions on electricity tariffs for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain in

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<sup>10</sup> Water Corporation, *Annual Report 2013*, Available from: <http://www.watercorporation.com.au/-/media/Files/About%20us/Our%20performance/Annual%20report/2013%20Annual%20report/Water%20Corporation%202013%20Annual%20Report.pdf>, p 12.

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accordance with sub-by-law 12(1) of the *Energy Operators (Electricity Retail Corporation)(Charges) By-laws 2006* (WA). The By-laws do not provide further definition of any of the terms within by-law 12(1).

Synergy also receives Operating Subsidy contributions from the WA Government to compensate Synergy for the concessions it provides. Synergy's 2012-2013 Annual Report does not set out how much it received from the WA Government for revenue concessions, however it states that Synergy received \$368,255,000 in 'other operating receipts'.<sup>11</sup>

#### *Other Legislative Definitions of Charitable Purpose in WA*

Although other WA legislation refers to 'charitable purpose', it does not usefully inform the definition of the term in the LGA.

Sub-sections 5(a), (e), (f) and (g) of the *Charitable Collections Act 1946* (WA), defines charitable purpose as including respectively:

- (a) the affording of relief to diseased, sick, infirm, incurable, poor, destitute, helpless or unemployed persons, or to the dependant of any such persons;
- (b) the affording of relief, assistance or support to persons who are or have been members of [naval, military or air] forces or to the dependants of any such persons;
- (c) the support of hospitals, infant health centres, kindergartens and other activities of a social welfare or public character; and
- (d) any other benevolent, philanthropic or patriotic purpose,

each of which could conceivably encompass CHPs.

The *Charitable Trusts Act 1962* (WA) defines 'charitable purpose' as "every purpose that in accordance with the law of Western Australia is charitable", which is very broad and could easily encompass CHPs, but is not very helpful.

The *Trustees Act 1962* (WA) and the *Lotteries Commission Act 1990* (WA) both use the term 'charitable purpose', but do not define it.

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<sup>11</sup> Synergy, *Annual Report 1 July 2012 – 30 June 2013*, Available from: <http://www.watercorporation.com.au/-/media/Files/About%20us/Our%20performance/Annual%20report/2013%20Annual%20report/Water%20Corporation%202013%20Annual%20Report.pdf>, p 33.

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### The Current Position in each State and Territory

Each State and Territory has its own way of dealing with community housing and local government rates. Below is only a brief summary in relation to rates exemptions potentially available to CHPs rather than an exhaustive analysis of the legislative and case law position in each State and Territory.

#### South Australia

Under sub-section 161(1) of the *Local Government Act 1999* (SA), community service organisations, are entitled to a 75 per cent rebate (or, at the discretion of the council, at a higher rate) on local government rates.

Community housing providers qualify as 'community service organisations' under the criteria set out in sub-section 161(4)(iii) of the *Local Government Act 1999* (SA).

Earlier in 2013, the South Australian Government announced it would transfer about 5,000 public houses to community housing providers. In response, the South Australian Local Government Association commented that because housing in the community sector received a 75 per cent rates discount, such a transfer could have a significant impact on councils with a large proportion of government housing and could cause those councils to shift the rates burden across to other ratepayers.<sup>12</sup>

#### Tasmania

Under sub-section 87(1)(d) of the *Local Government Act 1993* (Tas), land or part of land owned and occupied exclusively for charitable purposes is rates exempt. It is more onerous than the Western Australian legislation, as ownership is part of the criteria.

Although the 'exclusive charitable purpose' limb of the criteria is similarly worded to the Western Australian legislation, it has been distinguished in the courts, albeit at a Magistrates Court level.<sup>13</sup> The focus of the legislation is 'occupation' rather than 'use'. While a charitable organisation may own the land and provide residential units for low income elderly persons at a below market rent, thereby relieving poverty, a strict application of sub-section 87(1)(d) means that land does not qualify for a rates exemption because the land is occupied by the low income elderly tenants for a residential (rather than charitable) purpose.

This decidedly uncharitable interpretation, individual local councils limit such an application and exercise their discretion via their individual exemption policies. For example Launceston City Council uses aged persons homes and homeless hostels as examples of charitable organisations which may be eligible for an exemption.<sup>14</sup> However, it does specify "residential properties and manses owned by Religious institutions even when occupied by a minister" as an example of non-charitable activities, which is consistent with the above referred to court interpretation.

<sup>12</sup> 'Public housing changes could hit SA council revenues', ABC (online), 14 June 2013, Available from: <http://www.abc.net.au/news/2013-06-13/public-housing-changes-could-hit-south-aust-council-revenues/4750930>.

<sup>13</sup> *Roman Catholic Church Trust Corporation of the Archdiocese of Hobart v Meander Valley Council* [2012] TASMC 34 at [24]-[29].

<sup>14</sup> Launceston City Council, 31 May 2013, *Rating Exemptions and Remissions for Charitable Organisations Policy*, Launceston City Council, Available from: [http://www.launceston.tas.gov.au/upfiles/lcc/cont/services/household/rates/23pl002\\_rating\\_exemption\\_for\\_properties\\_owned\\_and\\_occupied\\_by\\_charitable\\_organisations\\_policy.pdf](http://www.launceston.tas.gov.au/upfiles/lcc/cont/services/household/rates/23pl002_rating_exemption_for_properties_owned_and_occupied_by_charitable_organisations_policy.pdf).

### Victoria

Under sub-section 154(2)(c) of the *Local Government Act 1989* (Vic), any part of land used exclusively for charitable purposes is rates exempt. The interpretation of 'exclusive use' and 'charitable purpose' is similar to that in Western Australia.

Victoria differs to Western Australia in that affordable housing is referred to in the *Local Government Act*, with sub-section 169(1D) stating that "a Council may grant a rebate or concession in relation to any rate or charge, to support the provision of affordable housing to a registered agency" (a registered agency being a housing association or housing provider registered with the Victorian Department of Housing). Thus, CHPs are a distinct group recognised under the legislation which do not automatically qualify as organisations which use land for a charitable purpose. The practical effect of this section is that the local governments can exercise their discretion and are not specifically compelled to grant exemptions to CHPs.

CHPs recently received a reprieve in relation to fire service levies in Victoria. In July, the Victorian Government introduced a fire services property levy on all property owners to fund the Metropolitan Fire Brigade and Country Fire Authority.<sup>15</sup> Some councils inadvertently applied the commercial rate rather than the residential rate to CHPs. However, the Victorian Government confirmed that CHPs qualified for the residential rate and the incorrect invoicing was rectified.

Properties managed by registered housing associations and providers on the Director of Housing's behalf are exempt from the fire services property levy.

### New South Wales

Under sub-section 556(1)(h) of the *Local Government Act 1993* (NSW), "land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity" are exempt from all rates (other than water supply special rates and sewerage special rates). Under sub-section 558(1)(c), a council has the discretion to also exempt a public charity from the payment of water supply special rates and sewerage special rates.

Similar to Tasmania, the land must be owned by the institution or charity to be eligible for the general rates exemption. However, in New South Wales (as opposed to Tasmania) the distinction between use and occupation is moot because if the ownership limb is satisfied, either qualifies the land for an exemption.

The Courts define a public benevolent institution as an institution organised for the relief of poverty, sickness, destitution, helplessness or misfortune and while they vary in scope and character, give relief freely to those who are in need of it and who are unable to care for themselves.<sup>16</sup> When considering whether an organisation is a public benevolent institution, they look to the objects in the organisation's constitution (or similar document).

The Courts use the Elizabeth Statute to define charity, in line with other States' interpretation.

The majority of the case law in relation to CHP rates exemptions in NSW relate to Aboriginal housing corporations, some of which have been successful in obtaining exemptions.<sup>17</sup> This may be because

<sup>15</sup> Richard Willingham, 'Housing groups win levy reprieve', *The Age* (online), 26 August 2013, Available from: <http://www.theage.com.au/victoria/housing-groups-win-levy-reprieve-20130825-2sjxr.html>.

<sup>16</sup> *Perpetual Trustee Co Ltd v Commissioner of Taxation* [1931] 45 CLR 224, per Starke J at 232, Dixon J at 233 and Evatt J at 235-236.

<sup>17</sup> For example: *Gumbangerri Aboriginal Corporation v Nambucca Council* [1996] NSWLEC 99; *Coomealla Aboriginal Housing Company Ltd v Wentworth Shire Council* [1999] NSWLEC 211; *Murray Darling Community*

of the reference to 'public benevolent institution', which arguably is broader than the definition of a charity when the above referred commentary regarding indigenous people is applied.

### *Australian Capital Territory*

Under sub-section 8(1)(b) of the *Rates Act 2004 (ACT)*, benevolent institutions and buildings used exclusively for public charitable purposes are rates exempt. Sub-section 8(2) specifically excludes community housing purposes from the meaning of 'public charitable purposes'.

Community housing has the meaning prescribed to it under sub-section 73A(4) of the *Duties Act 1999 (ACT)*, being housing provided for:

- (a) people on low and moderate incomes or with special needs; or
- (b) nonprofit community organisations.

### *Queensland*

Under sub-section 93(3)(i) of the *Local Government Act 2009 (Qld)*, local governments can resolve to give a rates exemption for particular land if is used for a charitable purpose. The power is discretionary and lies with the individual local government to grant an exemption.

Section 73 of the *Local Government Regulation 2012 (Qld)* further specifies certain qualification criteria for land relating to *inter alia* charitable purposes. Criteria where CHPs may qualify include:

- (a) land owned by a religious entity if the land is less than 20ha and is used for at least of the following purposes:
  - (i) provision of education, health or community services, including facilities for aged persons and persons with disabilities; or
  - (ii) housing incidental to any of these given purposes  
(with other purposes under this criteria relating to religious purposes);
- (b) land vested in, or placed under the management and control of, a person under an Act for a charitable purpose; and
- (c) land owned by a community organisation if the land is less than 20ha and is used for providing a service, including the following:
  - (i) accommodation associated with the protection of children; or
  - (ii) accommodation for students.

The Act came into force in 2009 and the Regulations came into force in 2012. There does not appear to be any case law in relation to the relevant sections. However, it is reasonable to assume that the federal case law cited above inform the interpretation of the relevant sections. A plain English reading of the exemptions under the Regulation indicate that the criteria are quite restrictive and would be interpreted as such.

### *Northern Territory*

Under sub-section 144(1)(f) of the *Local Government Act (NT)*, land used for a non-commercial purpose by a public benevolent institution or a public charity is rates exempt. Under sub-section

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*Care Incorporated and Coomealla Aboriginal Housing Company Ltd v Wentworth Shire Council* [2000] NSWLEC 236.

144(2), if land is used for two or more purposes and not all the purposes are exempt, the non-exempt purposes must be merely incidental for the land to qualify for the exemption.

Under sub-section 144(3), the fact that the user is a public benevolent institution or a public charity is irrelevant in determining whether the land is a commercial or non-commercial purpose. The relevant question is the nature of the use (rather than the nature of the user).

Under section 3, Aboriginal community living area means an area granted as such under legislation or designated as such by the Minister through a Gazette notice. An Aboriginal community living area association is an incorporated association in which an Aboriginal community living area is vested.

Sub-section 144(1)(k) provides specific exemption for land owned by a Land Trust or an Aboriginal community living area association except:

- (a) land designated in the regulations as rateable; or
- (b) land subject to a lease or licence conferring a right of occupancy; or
- (c) land used for a commercial purpose.

Arguably, Indigenous CHPs fall in to the second exception and there for are liable for rates. However, Land Trusts and Aboriginal community living area associations qualify as a special cases under section 145 which appears to grant them a special exemption for rates (although the lessees of their land may not qualify).

This Act came into force on 1 July 2008. There does not appear to be any case law in relation to the relevant sections. However, it is reasonable to assume that the federal case law cited above inform the interpretation of the relevant sections. It is arguable that CHPs do not carry on a commercial purpose because any profit that is generated is fed back into the organisation in order to provide the charitable purpose housing to those in need.



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### Federal Legislative Definition of Charitable Purpose

The *Charities Act 2013* (Cth), which comes into effect on 1 January 2014, defines 'charitable purpose' at section 12 to include, *inter alia*, "the purpose of advancing social or public welfare". Section 15 broadly defines what constitutes the purpose of advancing social or public welfare by including (without limitation):

- (a) relieving poverty, distress or disadvantage or individuals or families;
- (b) caring for and supporting the aged or individuals with disabilities; and
- (c) caring for, supporting and protecting children and young individuals.

Each of these broad definitions arguably encompass the provision of housing to such individuals, families and children who would otherwise be unable to access housing.

The Explanatory Memorandum of the Charities Bill 2013 (Cth) specifically states the 'advancing social or public welfare' referred to in section 12 to include "providing housing and accommodation support for people with special needs or who are otherwise in a special disadvantage in terms of their access to housing."<sup>18</sup>

The Addendum to the Explanatory Memorandum of the Charities Bill 2013 (Cth) further states in relation to the definition of charitable purpose and under the head of 'charitable housing':

*The examples of purposes are not intended to limit charitable purposes to those specifically mentioned. Particularly under the broad category of advancing social or public welfare, the purposes of an entity may encompass a range of circumstances. For example, a charitable purpose that includes providing housing may address housing needs arising from financial disadvantage under the relief of poverty. Charitable housing may also address particular or special physical, social or psychological needs or other special disadvantages of individuals and families. A special disadvantage is disadvantage suffered by an individual or family that is something more than the issues commonly experienced by the public, such as general problems with housing affordability.*<sup>19</sup>

Recent case law suggests that the definition of charitable purpose with reference to charitable housing in the Explanatory Memorandum should not be relied upon because the Explanatory Memorandum carries little weight in a court dispute.<sup>20</sup> However, it is arguable that the inclusion of housing in the charitable purpose definition is distinguished in that the wording of the section in the Act intended the definition to be as broad and inclusive as possible, and to interpret the legislative definition as not being as broad and inclusive so as to encompass the including the explanatory memorandum definition would be a misguided interpretation of the intention behind the Act.

<sup>18</sup> Explanatory Memorandum, Charities Bill 2013 (Cth) 24-25, [1.124]. Available from: [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cb2013114/memo\\_0.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cb2013114/memo_0.html).

<sup>19</sup> Addendum to the Explanatory Memorandum, Charities Bill 2013 (Cth) and Charities (Consequential Amendments and Transitional Provisions) Bill 2013 (Cth) 5, [1.5]. Available from: [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cb2013114/memo\\_1.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cb2013114/memo_1.html).

<sup>20</sup> Particularly *The Hunger Project Australia v Commissioner of Taxation* [2013] FCA 693 per Perram J at 118.

### Member Survey

A preliminary review of the survey results reveals that rates exemptions are inconsistently applied to CHPs across local government areas to the point where the same CHP is exempt in one local government area and pays full rates in another. This demonstrates the lack of clear definitions in the legislation as well as a lack of guidance for local governments in applying the legislation.

The survey results also include views about whether CHPs should be obliged to pay local government rates. These views highlight the arguments for and against CHPs paying local government rates. Some CHPs acknowledge that rates form a local government's income to provide facilities and services, from which CHPs and their tenants benefit. Therefore, CHPs should not withhold from the local government that source of income. However, other CHPs consider that as they are providing a community service of social housing at below market rent, they should be exempt from rates. Further, any money that is saved from not paying rates can then be used to better maintain and improve the services provided.

The respondent group was located in both regional and metropolitan local government areas with a number of different CHPs owning and/or managing properties within the same local government area.

The survey received responses from a range of CHP types, including senior, Indigenous, crisis and transitional, youth, mental health / intellectual disability, Co-op and general. There was a mix of ownership types, with some CHPs managing properties owned themselves, some CHPs managing properties owned entirely or jointly by the Department of Housing, some CHPs managing properties owned by a third entity and some CHPs managing a mix of two or three of the above.

Interestingly, although some CHPs reported not owning any properties themselves, but managed properties owned either jointly or entirely by the Department of Housing, the same CHPs reported paying full local government rates for those same properties. A prima facie reading of the Act suggests this set of circumstances contravenes the Act. However, it is acknowledged that CHCWA is not aware of any arrangements those CHPs and the Department of Housing have in relation to local government rates payment.

The responses also revealed that CHPs within the same local government area were being treated differently, with some CHPs benefiting from exemptions and some paying full local government rates after unsuccessful exemption applications. Again, it is acknowledged that local governments assess whether an exemption should be granted based on the application they are given and CHCWA is not aware of the contents of CHPs' rates exemption applications in either of the above described situations.

However, it is clear there is no uniform approach to granting exemptions to CHPs and both local governments and the community housing sector would benefit from a more equitable application of sub-section 6.26(2)(g) of the Act, removing the present uncertainty.

### Alternative Policy Approaches

Given the lack of uniformity in relation to CHPs receiving local government rates exemptions, CHCWA has identified four alternative approaches:

- (a) interpreting sub-section 6.26(2)(g) as inclusive of CHPs;
- (b) granting a partial exemption to CHPs;
- (c) excluding CHPs from exemptions under sub-section 6.26(2)(g);
- (d) exemptions based on CHP structure.

Each alternative is problematic, as each potentially involves amendments to the Act, which would need to go through State Parliament. A policy adoption approach could be challenged on the basis of previous case law which interprets the legislation as it stands.

As shown by the survey responses, the CHPs themselves do not agree whether CHPs should receive local government exemptions and it is naïve to suggest that local governments would wholeheartedly support a policy with the potential to curtail their income.

However, any amendment will leave an entity with less money. If CHPs are ruled to be exempt, local governments who have previously had CHPs in their electorate paying full rates will have that income taken away from them with ongoing ramifications to their budgets and other ratepayers. If CHPs are given a partial or no exemption, CHPs which have previously been granted an exemption would have to find the money to pay this new expense with ongoing ramifications to their budget and the possibility that those CHPS would be unable to continue to provide their services to the same extent, if at all.

Below, the pros and cons of each alternative are discussed, with reference to responses to the survey.

#### *Interpreting sub-section 6.26(2)(g) as inclusive of CHPs*

This would save CHPs' resources being paid into rates or used to apply for rates exemptions. Those resources could then be invested in providing and maintaining housing to those in need, such as the homeless, disadvantaged and people with mental health issues. A rates exemption acknowledges the community service CHPs provides within a local government area.

In the survey, some respondents appreciated that local governments relied on rates as a revenue stream, but argued that the cost of rates is not built into the reduced rent CHPs charge their tenants.

They likened rates exemptions to any other tax exemption not-for-profits receive and did not see why rates should be an exception. It was suggested that in some cases, the CHP maintained its internal infrastructure, such as roads and security lighting and the local government has no claim to rates where that is the case. By providing affordable housing, CHPs are providing a service which the local government may otherwise have to provide because of the need in the community.

However, respondents to the survey also acknowledge that to the extent one group is exempted, all other ratepayers must pay more for the local government to cover its budget. It was also noted that the exemption is legislated at a State government level; however the foregone income occurs at a local government level.

### *Granting a partial exemption to CHPs*

A partial exemption, similar to that in South Australia is considered by some CHPs to be the happy medium. CHPs could pay reduced rates, which acknowledges that the tenants tend to be on one form of pension or another and would otherwise qualify for rates exemptions, while also helping support the local government.

If a CHP is currently paying full rates, a partial exemption would contribute to its ability to maintain their housing stock and continue to provide affordable, below-market rents to their tenants. However, if a CHP currently has a full exemption, it is possible the CHP would have to find more funding or scale down its maintenance and/or increase rents in order to cover this new cost.

### *Excluding CHPs from exemptions under sub-section 6.26(2)(g)*

Other CHPs argue stock transfers from the Department of Housing come with costs and community responsibility. Local Governments cannot be expected to be denied legitimate rates income which they have previously come to expect from the Department of Housing and factored into their long term budgets. It was also suggested that CHPs which cannot manage profitably without rates exemptions should not expect to own and manage State assets.

Similar to the granting of a partial exemption, if a CHP currently has a full exemption, removing that exemption could have a detrimental effect on the CHP as it tries to cover this new, unexpected cost.

### *Exemption based on CHP structure*

Arguably, another alternative would be to grant the exemption based on the size of the CHP, as well as their type and financial status (e.g. amount of stock, annual turnover.) However, it would appear that this is what local governments already try to do by assessing a CHP's application for a rates exemption, without any clear uniformity across different local governments.

Setting out clear criteria in terms of size and turnover could generate uniformity. However, it could also discourage growth as CHPs weigh up the benefits of growth against the cost of rates. This could be detrimental to the ongoing supply of affordable housing.

22 SEPTEMBER 2017

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### **About CHCWA**

CHCWA is the industry Peak Body for community and affordable housing organisations in WA. It advocates for affordable housing and supports the industry to grow and develop in response to housing need around the State.

CHCWA's vision is a world class social and affordable housing system in Western Australia.

CHCWA's core operating principle is that all West Australians are entitled to safe, secure and affordable housing because it is fundamental to individual and community well-being. Inclusiveness, ethical practice, respect, collaboration and innovation are the core values underpinning our business activities.

### **Policy and advocacy**

CHCWA represents the WA Community Housing Sector at all relevant levels of State and Federal Government. In so doing, CHCWA adopts a consultative and collaborative approach with key sector and Government stakeholders to ensure that our policy reflects the views of the sector and is mindful of the requirements of Government policy makers. We are proactive and seek to identify emerging issues as well as contribute to policy debate initiated by the Government.

One of CHCWA's objectives is to raise awareness of housing affordability issues in the broader community. The community and affordable housing sector is only one part of a much larger continuum and is heavily affected by the behaviour of the broader housing market. As such our policy and advocacy strategy is not limited to community and affordable housing.

### **Promotion**

The growth of the Community Housing Industry is central to the State Government's Affordable Housing Strategy 2010-2020. At a national level, community and affordable housing organisations using not-for profit business models are becoming the engines for growth in terms of social and affordable housing provision. CHCWA promotes the sector to a range of stakeholders, including those in the private sector, highlighting both the sector's successes and its vast potential to address WA's chronic shortage of social and affordable housing.

### **Sector development and sector efficiency**

CHCWA takes a lead role in facilitating the development of the sector. We do this by offering guidance to Community Housing Organisations regarding best practice management as well as offering training courses and workshops designed to improve their operating models in a variety of ways. CHCWA believes that the most important objective for our sector is to increase the number of community and affordable housing units there are in the State. To realize this, CHCWA aims to facilitate alliances and partnerships between Community Housing Organisations that create efficiencies and maximise the sector's potential for growth.

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12.5 DISCRETIONARY FEES AND CHARGES 2017/2018  
FM00005

AUTHOR  
EXECUTIVE MANAGER FINANCE AND ADMINISTRATION

DISCLOSURE OF ANY INTEREST  
Nil

Officer Recommendation

That Council:

1. Endorse the fee of \$15 to be charged for each Skipper Flight booking on behalf of customers from 22 September 2017; and
2. Incorporate these fees and charges into the 2017/2018 fees and charges budget document.

Moved            Cr Ridgley  
Seconded       Cr Laundry

Council Resolution

That Council:

3. **Endorse the fee of \$15 to be charged for each regulated transport route flight booking on behalf of customers from 22 September 2017; and**
4. **Incorporate these fees and charges into the 2017/2018 fees and charges budget document.**

**4/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. Fees and charges are to be imposed (generally) when adopting the annual budget and must be resolved by an absolute majority.

In determining the amount of a fee or charge for a service or goods a Local Government is required to take into account the following factors (s 6.17) -

- (a) the cost to the Local Government of providing the goods or service;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

22 SEPTEMBER 2017

COMMENT

The Shark Bay World Heritage Discovery and Visitor Centre has been liaising with Skippers Aviation to incorporate their booking system into the services provided by the centre.

A charge of \$15 per booking has been determined to assist with covering administration charges for the provision of this service.

Currently the Shark Bay World Heritage Discovery and Visitor Centre is booking flights for customers using the internet system but have not charged any fee previously.

With customer requests increasing for this service we believe that a fee should be imposed to cover the service provided irrespective of whether it is an internet based booking or utilising the Skippers direct access.

LEGAL IMPLICATIONS

Section 6.16 of the *Local Government Act 1995* enables a Local Government to impose and recover a fee or charge for any goods or service it provides or proposes to provide.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Fees and charges revenue made up approximately 26 percent of the Shires operating revenue in 2015/2016 and provides a means for the Shire to recover the costs of providing services on a user pay basis.

STRATEGIC IMPLICATIONS

Outcome 4.2

Shark Bay Council is efficient and effective in its operations, actively listens to the community and anticipates and responds to the community's needs.

RISK MANAGEMENT

This is a low risk item for Council. Council needs to set fees and charges in order to reduce the reliance on grant income and rates. Should Council not impose any fees and charges then there will be a need to increase rates to cover the shortfall. The community expect to pay fees and charges for the use of facilities and services.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Executive Manager

Finance and Administration

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

18 September 2017

22 SEPTEMBER 2017

**13.0 TOWN PLANNING REPORT**

**13.1 ROAD CLOSURE – PORTION HUGHES STREET ADJACENT TO LOT 100 (14) DURLACHER STREET, DENHAM**  
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 Fenny  
Seconded       Cr Ridgley

**Council Resolution**

**That Council:**

- 1. Resolve to formally request that the Minister for Transport, Planning and Lands close a portion of Hughes Street (Attachment 1) pursuant to Section 58 of the Land Administration Act 1997 and in accordance with Regulation 9 of the Land Administration Regulations 1998.**
- 2. Note that the road closure has been advertised for 35 days and submissions have been received from Main Roads Western Australia, and Telstra. Both authorities do not object to the road closure.**
- 3. Authorise Liz Bushby of Town Planning Innovations to lodge the road closure request to the Department of Planning, Lands and Heritage to seek Ministerial approval of the road closure on behalf of the Shire.**
- 4. Authorise the Chief Executive Officer to advise the applicant of the Council resolution.**

**4/0 CARRIED**

**BACKGROUND**

Structures associated with development on Lot 100 encroach into the Hughes Street road reserve. This was confirmed by a survey undertaken by a licenced surveyor.

A report on this matter was considered by Council at the Ordinary meeting held on the 27 July 2016.

Council resolved to support the adjoining owner Mrs Hargreaves's request to purchase a portion of Hughes Street road reserve that is subject to the encroachment and rational realignment of the lot boundary, and request the administration to commence proceedings, following confirmation from Mrs Hargreaves to meet all costs associated with the surveying and purchase costs.



MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Confirmation has been received that Mrs Hargreaves will meet all reasonable costs associated with the surveying and purchase costs.

On the 28 June 2017 Council resolved to formally initiate advertising of the proposed road closure.

COMMENT

• **Advertising**

Subsequent to the June 2017 meeting, the proposed road closure has been advertised for 35 days.

Two submissions were received as summarised below:

Summary	Consultant Officer Comment
<p><u>Main Roads Western Australia</u></p> <p>It is considered that the proposal would have no impact on the safety, amenity or operation of the Main Roads network or its users. Accordingly, Main Roads has no objections to the proposed road reserve closure and can confirm we have no services/ infrastructure located within the proposed road closure area.</p>	<p>Noted.</p> <p>A copy of the submission will be provided to the Department of Planning, Lands and Heritage.</p>
<p><u>Telstra Plan Services</u></p> <p>Telstra's plant records indicate that there Telstra assets in the near vicinity. Subject to compliance with the below conditions however, Telstra has no objections to the road closure.</p> <p>Telstra's plant records merely indicate the approximate location of assets and should not be relied upon as a true and accurate record of the exact location of assets. It is the constructors/ landowners responsibility to request the nominal locations via dial before you dig in advance of any activities in the vicinity of Telstra assets.</p> <p>On receipt of plans, the constructor/ landowner will need to engage a Telstra accredited Asset Plant Locator to perform a cable location, potholing and physical exposure to confirm the actual location of plant prior to commencement of civil work. Telstra reserves the right to recover compensation for loss or damage caused by interference to its cable network or other property.</p> <p>Telstra would like to be kept informed on the road closure outcome to ensure cadastral information is updated.</p>	<p>Noted.</p> <p>A copy of the submission will be provided to the Department of Planning, Lands and Heritage.</p>

22 SEPTEMBER 2017

It is recommended that the road closure be supported as no major issues have been identified during advertising.

• **Road Closure Process**

The road closure procedure includes:

1. Initiation of advertising and formal procedures by the local government to comply with the *Land Administrative Act 1997* and *Land Administration Regulations 1998*.
2. Advertising for 35 days including a newspaper advert and letters to service authorities.
3. Report to Council to consider submissions and determine whether to proceed to lodge a road closure request to the Department of Planning, Lands and Heritage for formal consideration of the Minister of Planning, Lands and Heritage.
4. Lodgement of road closure request to the Department of Planning, Lands and Heritage for assessment and consideration of a purchase price.
5. Acceptance by the proponent and payment of purchase price and other costs associated with the proposal.
6. Completion of road closure and disposal actions, including the lodgement of a road closure order and amalgamation order for registration in Landgate.

The road closure area would need to be surveyed as ultimately the land would amalgamated with Lot 100 which would be reflected in a new Certificate of Title.

The road closure status is at level 3 of the above process.

LEGAL IMPLICATIONS

*Land Administrative Act 1997* – Part 5 deals with matters relating to public roads. The procedures for road closures are set out under Section 52.

*Land Administration Regulations 1998* – Regulation 9 outlines information required to be lodged with a road closure request to the Minister for Planning, Lands and Heritage. It includes copies of Council resolutions, advertising details, submissions and the local government comments on submissions.

Shire of Shark Bay Local Planning Scheme – Once the road closure is finalised the Shire may consider a future minor scheme amendment to either Local Planning Scheme No 3 or 4 (whichever is operative at the time) to reflect the road closure and changes to Lot 100 on the zoning map.

POLICY IMPLICATIONS

There are no Local Planning Policy implications associated with this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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22 SEPTEMBER 2017

FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations consultancy fees for general 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*

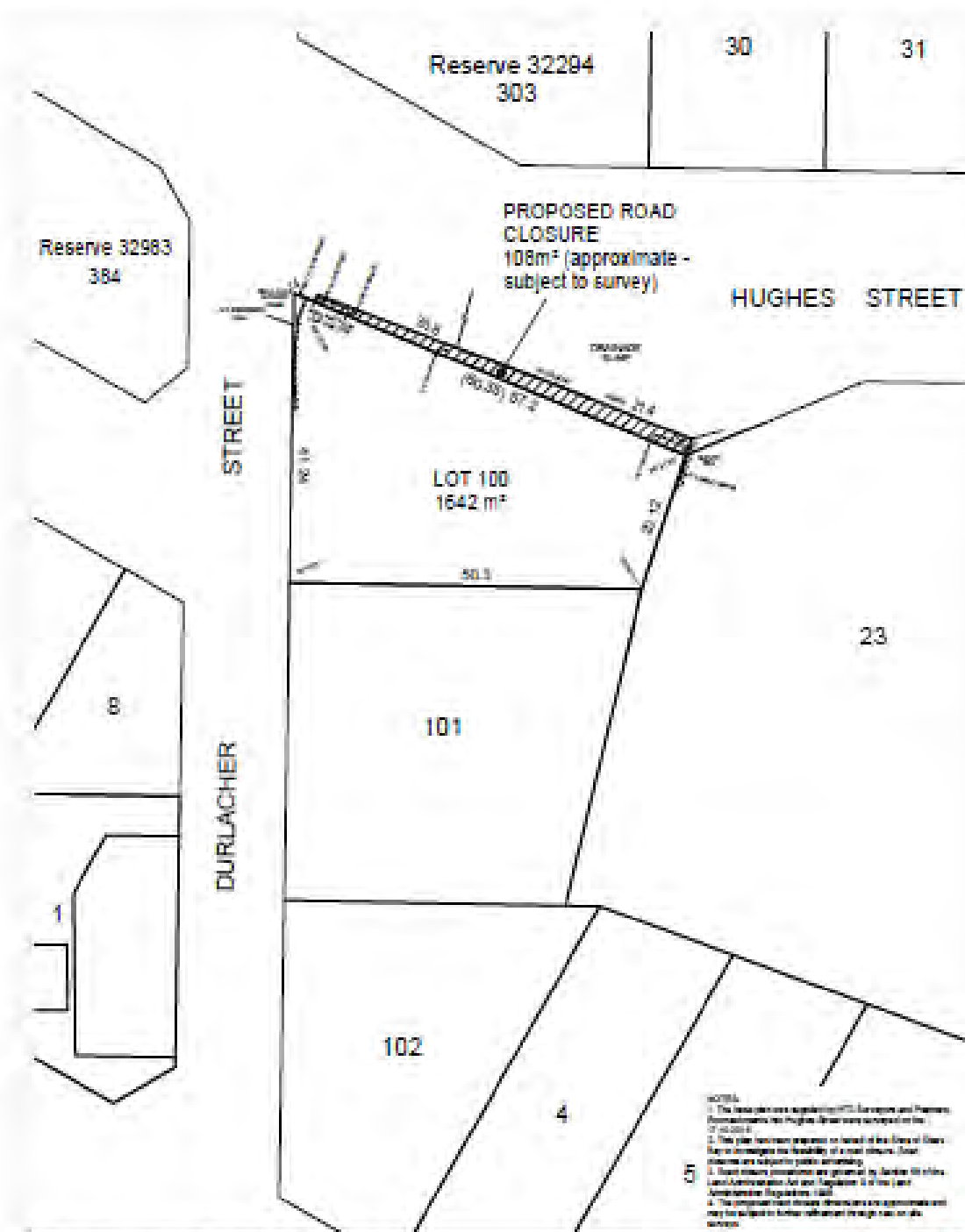
Chief Executive Officer

*P Anderson*

Date of Report

7 September 2017

ATTACHMENT # 1



**PROPOSED ROAD CLOSURE**  
 PORTION OF HUGHES STREET  
 ADJACENT TO LOT 100 DURLACHER STREET  
 DENHAM

- NOTES:
1. The boundaries applicable to the proposed closure are shown on the plan.
  2. The plan shows the proposed closure of a portion of Hughes Street.
  3. The plan shows the proposed closure of a portion of Hughes Street.
  4. The proposed closure of Hughes Street is shown on the plan.



22 SEPTEMBER 2017

13.2 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR SERVICE STATION CANOPY ON LOT 3 NORTH WEST COASTAL HIGHWAY, MEADOW P2027

AUTHOR

Liz Bushby

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That Council:**

1.     **Approve the application for a service station canopy on Lot 3 North West Coastal Highway subject to the following condition:**

- (i)     **All development shall generally be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.**

**4/0 CARRIED**

BACKGROUND

•     **Zoning**

Lot 3 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme').

Under Schedule 4 of the Scheme the Special Use zone applicable to Lot 3 allows for roadhouse, limited short term accommodation, wayside hotel, caravan park, service station, bulk fuel depot, shop, restaurant and transport depot (with Council approval).

•     **Existing Service Station approval**

Approval for a service station on Lot 3 was issued by the Shire in July 2016. The original plan submitted included a canopy, however revised plans lodged on the 27 May 2016 did not include a canopy.

The letter lodged with the revised plans stated that 'no canopy is proposed as part of this application'. Accordingly the existing planning approval did not include any canopy.

A certified building permit was issued on the 2 January 2017 and included a canopy.

•     **Existing Development**

Lot 3 has been developed with the Billabong Homestead Hotel Motel which operates as a tavern / restaurant. There are existing short term accommodation units and a caravan park on the lot.

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

Lot 3 has also been developed with a service station – refer below.

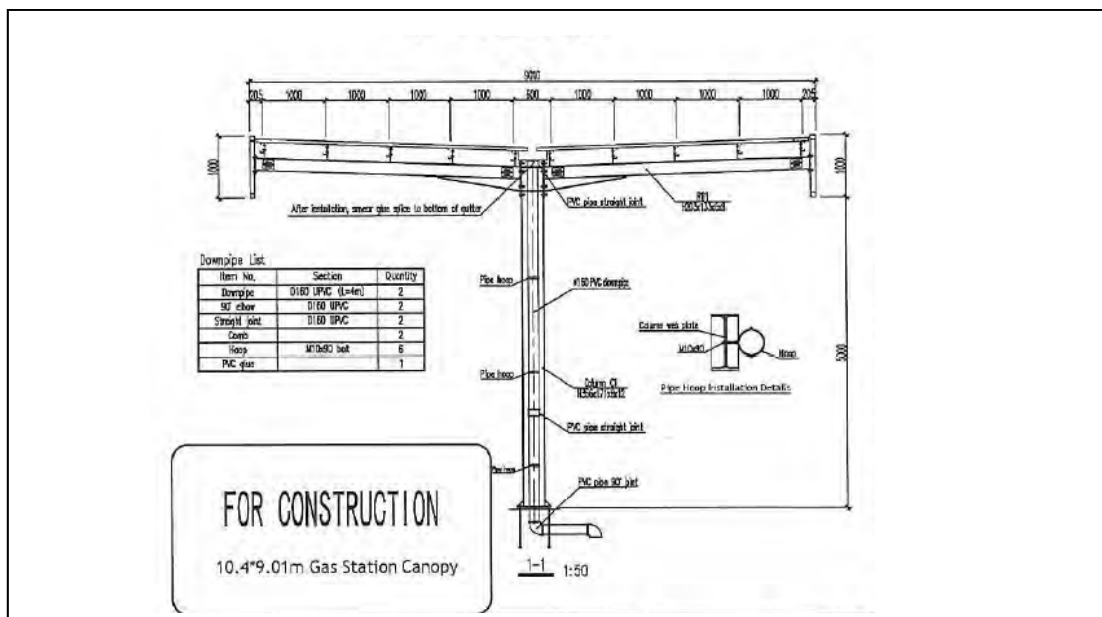


Site photograph

**COMMENT**

To rectify the existing situation, the owner of Lot 3 has lodged an application seeking retrospective planning approval for the canopy that has already been constructed on the lot.

The canopy roof measures 10.4 metres by 9 metres, and has an approximate height of 6 metres.



22 SEPTEMBER 2017

Town Planning Innovations has liaised with Main Roads Western Australia, who are aware the canopy has been constructed. A copy of the building permit plans have previously been provided to Main Roads Western Australia.

The canopy is ancillary to the petrol station development, provides shelter for customers and the support pole locations do not interfere with traffic flow. Accordingly it is recommended that the development be supported.

LEGAL IMPLICATIONS

Planning and Development Act 2005 - The Shire has ability to issue retrospective planning approval in accordance with Section 164 (1) of the Planning and Development Act 2015 which states 'a responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out.'

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 60 of the 'deemed provisions' requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

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.

Shire of Shark Bay Local Planning Scheme No 3 – Under Clause 4.7 a person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

No significant changes are earmarked for this area under the Shire of Shark Bay Local Planning Strategy.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author  
Chief Executive Officer  
Date of Report

*L Bushby*  
*P Anderson*  
7 September 2017

22 SEPTEMBER 2017

- 13.3 PLANNING APPLICATION FOR MOBILE BUTCHER ON LOT 15 KNIGHT TERRACE, DENHAM, ALTERNATIVE SITE AND PROPOSED TRIAL PERIOD  
LE00012, LE00007, P3020

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 Fenny

**Council Resolution**

**That Council:**

1. **Note that although a planning application has been formally lodged for a mobile butcher (shop) on Lot 15 Knight Terrace, that the applicant has agreed to conduct a trial visit on Lots 68 and 69 Hughes Street, Denham for one day trading on the 26 September 2017.**
2. **Authorise the mobile butcher to operate on Lots 68 and 69 Hughes Street Denham as a temporary use on the 25 – 26 September 2017 (for less than 48 hours) in accordance with Regulation 61 (2) (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the proponent operating with the owners consent.**
3. **In accordance with Regulation 82 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 11.3.1 of the Shire of Shark Bay Local Planning Scheme No 3 delegate authority to the Chief Executive Officer to determine any planning application for a mobile butcher on Lots 68 and 69 Hughes Street Denham following an on site trial scheduled for the 26 September 2017.**
4. **Note that the applicant has been advised to liaise with the Shires Town Services Co-ordinator to ensure an inspection of the operation on the 26 September 2017.**

**4/0 CARRIED**

BACKGROUND

- *Proposed Mobile Butcher*

The Shire was approached by a mobile butcher last month seeking support to operate in Denham townsite.



## MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

The Shire has Local Laws for 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' and 'Local Government Property Law'.

On the 30 August 2017 Council resolved to generally support two potential permit areas for a mobile butcher at the Community Sport and Recreation Centre on Reserve 36163 or the rest bay on Shark Bay Road within Reserve 44336.

Although two sites were nominated the applicant still needs to formally apply for planning approval. For any public places or thoroughfares they would also require an annual permit under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws ('Trading Laws').

- *Planning application to park on private property – Lot 15*

Since the August Council meeting, the applicant has liaised with the owners of the Shark Bay Hotel and has lodged a planning application to park on Lot 15 once a month to sell meat from a truck.

A site photograph and location plans are included below.



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The existing carpark is on Lot 15, and the hotel building traverses adjacent Lots 13 and 14. There are approximately 5 car parking bays to the south east of existing motel units, and the remainder of the carpark is an informal parking area.

Visually the carpark appears larger than it is because it has a seamless connection to the Council verge along the Brockman Street frontage. The lot frontage along Brockman Street is roughly in line with the north west side of the motel units.

COMMENT

- *Description of Application*

Crown Valley WA provide poultry and meat to a wide range of retail outlets in both metropolitan and regional towns. They have applied to park a mobile facility on Lot 15 to sell meat in Denham 1 day per month.

They have advised the mobile facility requires a space approximately 30 metres long and 3 metres wide.



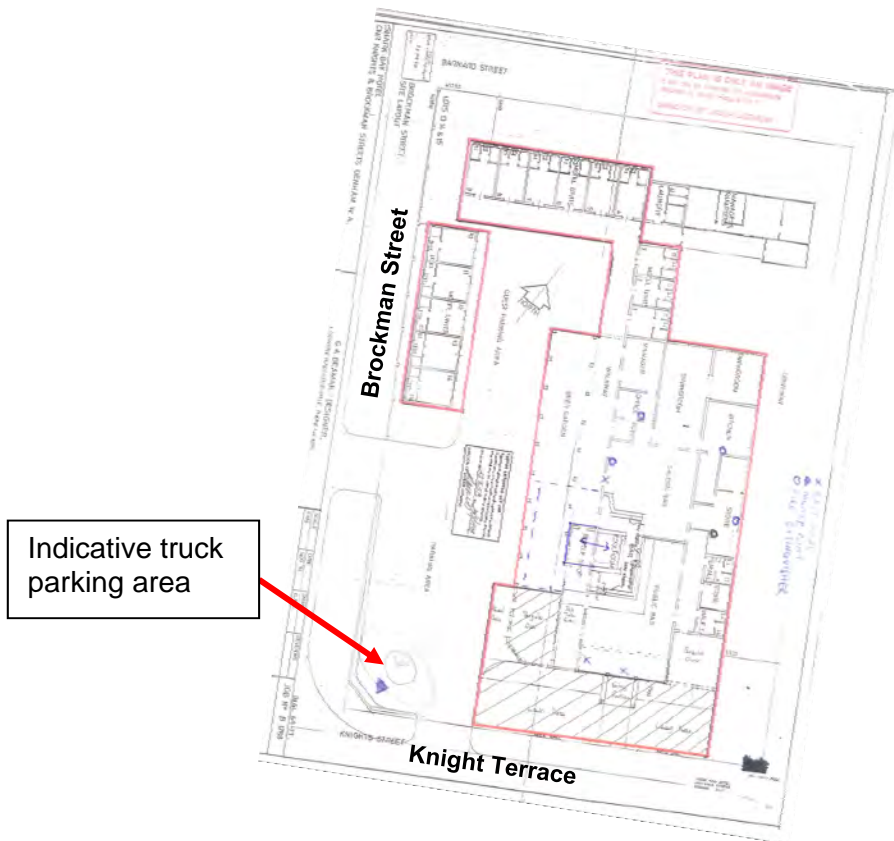
22 SEPTEMBER 2017



Above: Photos of truck

Source: <http://www.northwestexpressmobilebutcher.com.au>

The applicant has lodged a site plan however it does not show the truck parking area to scale. It does not accurately depict a 30 metre by 3 metre area – refer to site plan below.



Town Planning Innovations has reservations over the ability of the truck to be fully contained within the boundaries of Lot 15. There is also concern over whether the truck can move into and out of the site without impeding oncoming traffic.

There is approximately 33 metres between the motel units and the front boundary. Within the 33 metres there are constraints to truck movements including shrubs, a garden wall to the south of the motel buildings, and a wall at the Knight Terrace / Brockman Street intersection – refer photographs overpage.



Above: Photograph of raised garden bed in carpark

22 SEPTEMBER 2017



Above: Photograph of raised garden bed south east of motel units adjacent to Brockman Street

Town Planning Innovations has liaised with the Shires Town Services Co-ordinator who has advised if the truck can fit onto Lot 15 it will block all access to the existing car parking for the hotel.

Concerns over the location have been discussed with the applicant.

- *Alternative location*

Town Planning Innovations and the Shires Town Services Co-ordinator have discussed that Lots 68 and 69 Hughes Street which are also under the same ownership as the Shark Bay Hotel, would better accommodate a truck of this size. There would also be some carparking available for customers.

The applicant is agreeable to an alternative location and has the support of the landowner. Town Planning Innovations recommends that:

- (i) Council support a trial run using Lots 68 and 69 for the mobile butcher. They will arrive in the evening of the 25 September 2017 and operate for one day on the 26 September 2017.
- (ii) The Shires Town Services Co-ordinator has indicated he can inspect the lot during the trial period to ensure it suitably accommodates the truck. It also gives the applicant opportunity to ensure it is suitable (with the owners consent).

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017

- (iii) Grant delegated authority to the Chief Executive Officer to determine a new planning application for a mobile butcher following the trial on the 26 September 2017.

The abovementioned proposal will allow all parties to ensure that the site selected is workable. In the absence of a truck movement plan an on site inspection of the truck provides a practical solution. It would potentially facilitate an approval prior to the next run by the mobile butcher planned in October 2017.

Council should note that due to the size of the truck the Shires Town Services Co-ordinator has advised that:

- (a) It will most probably need to access Lots 68 and 69 via the Shire carpark on adjacent Lot 383.
- (b) Some bollards may need to be removed to enable the truck access.



Above: Aerial photo sourced from LandGate. Note that this aerial is outdated and all lots are cleared.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – Lots 15, 68 and 69 are zoned ‘Town Centre’ under the Shire of Shark Bay Local Planning Scheme No 3 (‘the Scheme’).

The proposed mobile butcher is a ‘shop’ defined as ‘*means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet*’. A ‘shop’ is designated as a ‘P’ use in the Town Centre zone means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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Under Clause 11.3.1 the local government may grant delegate authority to the Chief Executive Officer to determine any planning application.

An Absolute Majority is required to grant any delegated authority under the Scheme in accordance with Clause 11.3.3 of the Scheme.

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

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

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

Under Regulation 61 (2) (d) the local government may allow a temporary use without development approval where it is in existence for less than 48 hours, or a longer period agreed to in any 12 month period.

Under Regulation 82 (1) the local government may grant delegated authority to the Chief Executive Officer to determine any planning application.

An Absolute Majority is required to grant any delegated authority under the Scheme in accordance with Regulation 82(2) of the Regulations.

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

Support for the mobile butcher on Lot 15 may set an undesirable precedent for similar mobile operations to apply to utilise business carparks on private lots which has potential car parking impacts for the Denham townsite as a whole.

### RISK MANAGEMENT

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

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

12 September 2017

22 SEPTEMBER 2017

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**14.0 BUILDING REPORT**

**15.0 HEALTH REPORT**

**16.0 WORKS REPORT**

**17.0 TOURISM, RECREATION AND CULTURE REPORT**

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

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

Moved            Cr Laundry  
Seconded       Cr Fenny

**Council Resolution**

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

**19.1 Rates Concession – Assessment # 4347**

**19.2 Shark Bay Economic Prospectus Draft.**

**4/0 CARRIED**



22 SEPTEMBER 2017

19.1 RATES CONCESSION – ASSESSMENT # 4347  
P4347

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Moved            Cr Fenny  
Seconded       Cr Bellottie

**Council Resolution**

**That Council provide a concession of \$73,817.66 for rates charged to RAC Parks and Resorts on Assessment 4347 being Lot 501 on P55359 to minimise the inequity of the property being valued as Unimproved Value instead of Gross Rental Value.**

**4/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

In 2015 RAC Tourism Assets Pty Ltd entered in a lease for the area adjacent to the existing Monkey Mia Dolphin Resort complex for the purposes of expanding and redeveloping the Resort. This land is 2 hectares of vacant land on Lot 501 P55359 and has been valued by Landgate as Unimproved Value (UV) with a value of \$400,000.

COMMENT

The Monkey Mia Dolphin Resort is valued on the basis of GRV due to its predominant use as a tourist resort. The adjacent land, which has been leased to RAC Tourism Assets Pty Ltd, will be redeveloped as an extension to the Resort and therefore should be valued on the same basis. It is expected that these two lots will be amalgamated for rating purposes in future. In June 2016, Council made application to the Department of Local Government to change the method of valuation for this property from UV to GRV.

The Department of Local Government has advised that it will not consider the application for a change in the method of valuation until planning approval has been given for the development. Therefore, until this occurs there will need to be an annual review of the amount charged to RAC for this property.

Planning approval for this property has recently been granted in August 2017 and the application to the Department of Local Government will be commenced in due course.

RAC have received a rate notice for assessment 4347 of \$77,702.80 based on a UV valuation. Landgate has advised that land designated for other uses other than residential use is assessed on the basis of five per cent (5%) of its total capital value.

## MINUTES OF THE ORDINARY COUNCIL MEETING

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22 SEPTEMBER 2017

Therefore, based on the rate in the dollar for GRV for 2017/2018 and a GRV valuation of \$20,000, the rates for this property would have been \$3,885.14. As a result, it is recommended that a concession be provided to RAC for \$73,817.66

### LEGAL IMPLICATIONS

Section 6.47 of the Local Government Act 1995 permits Council to grant a concession in relation to a rate.

#### *6.47. Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

### POLICY IMPLICATIONS

There are no policy implications associated with this item.

### FINANCIAL IMPLICATIONS

The write off of \$73,817.66 will not affect the rate result for 2017/2018 financial year as the revenue from this assessment was not taken into account when calculating the rates for the year.

### STRATEGIC IMPLICATIONS

Outcome 4.1 The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community's needs.

### RISK MANAGEMENT

This is a low risk item as the rate revenue from this assessment was not factored into the 2017/2018 budget.

### VOTING REQUIREMENTS

Absolute Majority Required

### SIGNATURES

Author

*A Pears*

Chief Executive Officer

*P Anderson*

Date of Report

19 September 2017

22 SEPTEMBER 2017

15 September 2017

Att: Mr Paul Anderson  
Chief Executive Officer  
Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537



Dear Paul,

**Request for Consideration of Rates Concession  
(Lot 501 on P55359 – Monkey Mia Dolphin Resort Expansion Land)**

The RAC has recently received a Rates Notice in respect of the above property.

The subject lot comprises approximately 2.0 hectares of vacant (unimproved) land situated adjacent to the existing Monkey Mia Dolphin Resort complex. The land is leased by *RAC Tourism Assets Pty Ltd* from the State of Western Australia and is intended to form part of the adjoining resort complex, post its redevelopment.

The purpose of this letter is to request Council's consideration of a rates concession in respect of Lot 501. This concession is requested to apply to the 2016/17 financial year.

Rates payable in respect of Lot 501 for the 2016/17 financial year total \$77,703, applying the current rate in the dollar charge of 19.4257 cents (Unimproved Value – General) to the lots unimproved land value (ULV) of \$400,000. This compares to rates payable in respect of Monkey Mia Dolphin Resort Lot 130 which total \$110,663 based on a rate in the dollar of 10.3811 cents (GRV – Resort) and gross rental value (GRV) of \$1,066,000.

On the basis that the existing Monkey Mia Dolphin Resort provides its own water, power & sewer infrastructure and this infrastructure will be extended to service Lot 501 in the near future, the rationale behind the application of the 'Unimproved Value – General' rating classification to Lot 501 is disputed.

The RAC respectfully requests Council's consideration of this matter.

Should you have any questions or wish to discuss this matter further, please feel free to contact Jemma Henderson on (08) 9436 4192.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dean Massie', is written over a light blue horizontal line.

**Dean Massie**  
General Manager Operations – RAC Parks & Resorts

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

22 SEPTEMBER 2017

18 September 2017

Att: Mr Paul Anderson  
Chief Executive Officer  
Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537



Dear Paul,

**Request for Consideration of Rates Concession  
(Lot 501 on P55359 – Monkey Mia Dolphin Resort Expansion Land).**

The RAC has recently received a Rates Notice in respect of the above property.

The subject lot comprises approximately 2.0 hectares of vacant (unimproved) land situated adjacent to the existing Monkey Mia Dolphin Resort complex. The land is leased by RAC Tourism Assets Pty Ltd from the State of Western Australia and is intended to form part of the adjoining resort complex, post its redevelopment.

The purpose of this letter is to request Council's consideration of a rates concession in respect of Lot 501. This concession is requested to apply to the 2017/18 financial year.

Rates payable in respect of Lot 501 for the 2017/18 financial year total \$77,703, applying the current rate in the dollar charge of 19.4257 cents (Unimproved Value – General) to the lots unimproved land value (ULV) of \$400,000. This compares to rates payable in respect of Monkey Mia Dolphin Resort Lot 130 which total \$110,663 based on a rate in the dollar of 10.3811 cents (GRV – Resort) and gross rental value (GRV) of \$1,066,000.

On the basis that the existing Monkey Mia Dolphin Resort provides its own water, power & sewer infrastructure and this infrastructure will be extended to service Lot 501 in the near future, the rationale behind the application of the 'Unimproved Value – General' rating classification to Lot 501 is disputed.

The RAC respectfully requests Council's consideration of this matter.

Should you have any questions or wish to discuss this matter further, please feel free to contact Jemma Henderson on (08) 9436 4192.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dean Massie', is written over a light blue horizontal line.

**Dean Massie**  
General Manager Operations – RAC Parks & Resorts

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

MINUTES OF THE ORDINARY COUNCIL MEETING

22 SEPTEMBER 2017



**SHIRE OF SHARK BAY**

PO Box 126, Denham WA 6537  
 65-67 Knight Tce, Denham WA 6537  
 ABN 76 409 342 873  
 Telephone: (08) 9948 1218 Fax: (08) 9948 1237  
 Office Hours: 8 am to 4pm Monday to Friday

**RATE NOTICE**

Financial Year 1 July 2017 to 30 June 2018

If any of the information on this notice is incorrect, please advise in writing

RAC TOURISM ASSETS PTY LTD  
 PO BOX 119  
 DENHAM WA 6537

<b>CEO:</b>	<b>P ANDERSON</b>
<b>ASSESSMENT NO:</b>	<b>A4347</b>
<b>DUE DATE:</b>	<b>25.09.2017</b>
Date of Issue:	21.08.2017
Valuation:	\$400,000.00 - UV
Rating Category:	UV RATEABLE PROPER
Late Payment Interest:	11.0000
Minimum Rate:	\$ \$60.00

Property Address: LOT 501 MONKEY MIA ROAD  
 Lot/s: 501

DETAILS	RATE IN \$ OR CHARGE/SERVICE	CURRENT	ARREARS	TOTAL
UV RATEABLE PROPERTY	19.4257	\$77,702.80		\$77,702.80
GST IS NIL				
<i>SHIRE RATES</i>				
				<b>TOTAL DUE: \$77,702.80</b>

PAYMENT OPTIONS					
<b>ONE PAYMENT</b>		\$77,702.80	25.09.2017	\$77,702.80	<b>DUE 25.09.2017</b>
NO COST					
<b>TWO INSTALMENTS</b>	1ST INST	\$38,856.40	25.09.2017	\$38,856.40	<b>DUE 25.09.2017</b>
OPTION COST \$10.00	2ND INST	\$38,856.40	29.01.2018		
	TOTAL	\$77,712.80			
<b>FOUR INSTALMENTS</b>	1ST INST	\$19,433.20	25.09.2017	\$19,433.20	<b>DUE 25.09.2017</b>
OPTION COST \$30.00	2ND INST	\$19,433.20	27.11.2017		
	3RD INST	\$19,433.20	29.01.2018		
	4TH INST	\$19,433.20	02.04.2018		
	TOTAL	\$77,732.80			

**SHIRE OF SHARK BAY**  
 P O Box 126, DENHAM WA 6537  
 E-mail: admin@sharkbay.wa.gov.au

**Assessment No:** A4347  
**Owner Name:** RAC TOURISM ASSETS PTY LTD  
**Property Address:** MONKEY MIA ROAD MONKEY MIA

**PAYMENT METHODS**

**By Mail:** Detach this slip and make your cheque payable to Shire of Shark Bay  
**In Person:** Please present this account intact when making payment at the Shire office  
**By Credit Card:** By Phone or Mail Details. **Direct Payment:** BSB 306-012  
 Account # 535 082 1 Ref Details: Your Assessment # and Surname.

<b>ONE PAYMENT</b>	<b>\$77,702.80</b>
<b>TWO INSTALMENTS</b>	<b>\$38,856.40</b>
<b>FOUR INSTALMENTS</b>	<b>\$19,433.20</b>
<b>TO BE RECEIVED BY 25.09.2017</b>	

22 SEPTEMBER 2017

19.2 SHARK BAY ECONOMIC PROSPECTUS DRAFT  
ED00004

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

NIL

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That Council endorse the Shark Bay Economic Prospectus as amended and request the administration to complete the final processes for document printing and digitising.**

**4/0 CARRIED**

BACKGROUND

Within the context of the Shire of Shark Bay's Strategic Community Plan – Economic Objective for *Sustainable Growth and Progress*, is the recognition that Shark Bay has a lot to offer. With leveraging off the attributes of the area, combined with the unique pristine environment there are opportunities to unlock a range of new industries while building on the fast growing tourism market.

More than \$20 million has been invested in public amenity and infrastructure over the past five years in Shark Bay which demonstrates that the Shire is establishing critical pathways for future investment.

According to the 2016 Census, Shark Bay has experienced resident population growth of 7.4% between 2011 and 2016. Notably, Denham has seen significant growth in working adult and family population levels.

COMMENT

The Shire of Shark Bay administration is the first contact point for enquiries from potential investors seeking information on what Shark Bay has to offer. With growing enquiries, it is important to provide investors with a representation of the confidence of the Shire Council's vision for the future and to also present a professional document that can be used by existing business for their own growth.

Since April this year, working with Tim Connolly from RPS Group and their graphic designers, the Shire administration has assisted in the format, text and design of the attached draft – version seven of the Shark Bay Economic Prospectus.

The final Economic Prospectus will be available in print form and digital copy via the Shire's website.

MINUTES OF THE ORDINARY COUNCIL MEETING

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22 SEPTEMBER 2017

LEGAL IMPLICATIONS

There are no legal implication relating to this report.

POLICY IMPLICATIONS

There are no policy implication relating to this report

FINANCIAL IMPLICATIONS

The cost of the project was \$15,000 which was allocated from the 2016/2017 Town Planning and Regional Development – Economic Development Strategy budget.

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 item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author  
Chief Executive Officer

*L Butterly*  
*P Anderson*

Date of Report

19 September 2017

22 SEPTEMBER 2017

**20.0 MATTERS BEHIND CLOSED DOORS**

Nil

**21.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 25 October 2017, commencing at 3.00 pm.

**22.0 CLOSURE OF MEETING**

When there is no further business the Presiding member will close the Ordinary Council meeting at 4.11pm .