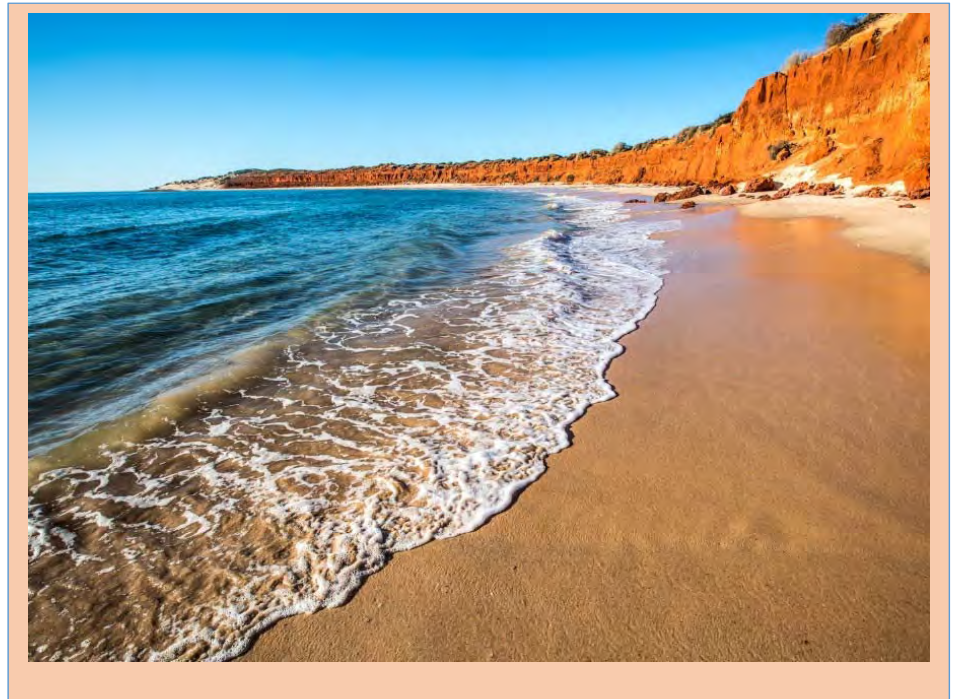


# SHIRE OF SHARK BAY MINUTES

29 November 2017

## ORDINARY COUNCIL MEETING



SHARK BAY



29 NOVEMBER 2017



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# MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 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 29 November 2017 commencing at 3.00 pm.

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MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

**1.0 DECLARATION OF OPENING**

The President declared the meeting open at 3.06 pm.

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

ATTENDANCES

Cr C Cowell	President
Cr K Laundry	Deputy President
Cr L Bellottie	
Cr K Capewell	
Cr E Fenny	
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
Ms J Yorke	Records / Administration Officer

APOLOGIES

Cr J Burton	Leave of Absence applied for Item 5.1 of agenda
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VISITORS	1
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**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS ON NOTICE**

There are no previous public questions on notice.

**4.0 PUBLIC QUESTION TIME**

The President opened public question time at 3.06 pm.

As there were no questions presented to Council the President closed public question time at 3.06 pm.

29 NOVEMBER 2017

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 APPLICATION FOR LEAVE OF ABSENCE – COUNCILLOR BURTON**  
GV00018

Author  
Executive Assistant

Disclosure of Any Interest

Nil

Moved            Cr Laundry  
Seconded       Cr Fenny

**Council Resolution**

**Councillor Burton is granted leave of absence in accordance with Section 2.25 of the *Local Government Act 1995* for the Ordinary meetings of Council scheduled to be held on 29 November 2017.**

**6/0 CARRIED**

Background

Councillor Burton has applied for leave of absence from the ordinary meetings of Council scheduled for 29 November 2017. The Council in accordance with Section 2.25 of the ***Local Government Act 1995*** as amended may by resolution grant leave of absence to a member.

Comment

Councillor Burton has advised the Chief Executive Officer due to personal commitments will be unable to attend the Ordinary meeting of Council scheduled to be held on 29 November 2017 and has requested leave of absence be granted by Council for this meeting.

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

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

Legal Implications

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

- (1) A council may, by resolution grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the minister.
- (3) The granting of leave, or refusal to grant leave and reasons for that refusal, is to be recorded in the minutes for the meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council –
- a) If no meeting of the council at which a quorum is present is actually held on that day; or
  - b) If the non attendance occurs while –
    - i. the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5)
    - ii. while proceedings in connection with the disqualification of the member have been commenced or are pending; or
    - iii. while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending

### Policy Implications

There are no policy implications relative to this report.

### Financial Implications

There are no financial implications relative to this report.

### Strategic Implications

There are no strategic implications relative to this report.

### Voting Requirements

Simple Majority Required

### Signatures

Chief Executive Officer      *P Anderson*

Date of Report                      25 October 2017

29 NOVEMBER 2017

**6.0 PETITIONS**

**7.0 CONFIRMATION OF MINUTES**

**7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 OCTOBER 2017**

Moved            Cr Ridgley  
Seconded       Cr Fenny

**Council Resolution**

**That the minutes of the Ordinary Council meeting held on 25 October 2017, as circulated to all Councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**7.2 CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 25 OCTOBER 2017**

Moved            Cr Bellottie  
Seconded       Cr Laundry

**Council Resolution**

**That the minutes of the Special Council meeting held on 25 October 2017, as circulated to all Councillors, be confirmed as a true and accurate record.**

**6/0 CARRIED**

**8.0 ANNOUNCEMENTS BY THE CHAIR**

There will be a Councillors workshop for the Shark Bay Strategic Community Plan after the Council meeting.

**9.0 PRESIDENT'S REPORT**

GV00002

**Council Committee Membership**

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



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Meeting Attendance

25 October 2017	Aviation group teleconference
2 November	Local Emergency Management Committee meeting
9	Gascoyne Tourism Board meeting
13	Governance and Policy Team meeting – WALGA State Council
15	WA Country Health Carnarvon Manager meeting
22	Freycinet French Festival meeting
24	Gascoyne Zone Western Australian Local Government Association meeting – Denham
	Minister for Environment in attendance
28	Monkey Mia Resort architects site visit

Signatures

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

Moved        Cr Ridgley  
Seconded    Cr Bellottie

Council Resolution

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

**6/0 CARRIED**

**10.0 COUNCILLORS' REPORTS**

10.1 CR BURTON  
GV00018

Nil Report for the November 2017 Ordinary Council meeting.

10.2 CR RIDGLEY  
GV00008

Nil Report for the November 2017 Ordinary Council meeting.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

10.3 CR LAUNDRY  
GV00013

Committee Membership

Member	Audit Committee
Member	Shark Bay Community Resource Centre Committee
Member	Shark Bay Bowling Club Inc Committee
Proxy Member	For Cr Cowell on the Development Assessment Panel

Meeting Attendance

8 November 2017	Attended the Shark Bay Community Resource Centre Committee meeting
11	Represented Council with reading on Remembrance Day
15	WA Country Health Carnarvon Manager meeting
21	Shark Bay Bowling Club Committee meeting

Signatures

Councillor	<i>Councillor Laundry</i>
Date of Report	15 November 2017

Moved Cr Bellottie  
Seconded Cr Ridgley

Council Resolution

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

**6/0 CARRIED**

10.4 CR BELLOTTIE  
GV00010

Nil Report for the November 2017 Ordinary Council meeting.

10.5 CR FENNY  
GV00017

Nil Report for the November 2017 Ordinary Council meeting.

10.6 CR CAPEWELL  
GV00005

Nil Report for the November 2017 Ordinary Council meeting.

29 NOVEMBER 2017

**11.0 ADMINISTRATION REPORT**

**11.1 ORDINARY COUNCIL MEETING DATES FOR 2018**  
CM00016

Author

Executive Assistant

Disclosure of Any Interest

Nil

Officer Recommendation

That Council, in accordance with Section 5.25(1)(a) of the *Local Government Act 1995*, approve the following schedule of meeting dates for Council's 2018 Ordinary meetings:

January 2018 – No ordinary meeting of Council to be held;  
February 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
March 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
April 2018 – Thursday 26 Commencing at 3.00 pm in Council Chambers;  
May 2018 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
June 2018 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
July 2018 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
August 2018 – Wednesday 29 Commencing at 9.30 am at \_\_\_\_\_;  
September 2018–Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
October 2018 – Wednesday 31 Commencing at 3.00 pm in Council Chambers;  
November 2018 –Wednesday 28 Commencing at 3.00 pm in Council Chambers; and  
December 2018 – Wednesday 19 Commencing at 3.00 pm in Council Chambers.

Moved           Cr Laundry  
Seconded       Cr Bellottie

**Council Resolution**

**That Council, in accordance with Section 5.25(1)(a) of the *Local Government Act 1995*, approve the following schedule of meeting dates for Council's 2018 Ordinary meetings:**

**January 2018 – No ordinary meeting of Council to be held;  
February 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
March 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
April 2018 – Thursday 26 Commencing at 3.00 pm in Council Chambers;  
May 2018 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
June 2018 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
July 2018 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
August 2018 – Wednesday 29 Commencing at 9.30 am at Monkey Mia;  
September 2018–Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
October 2018 – Wednesday 31 Commencing at 3.00 pm in Council Chambers;  
November 2018 –Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
and  
December 2018 – Wednesday 19 Commencing at 3.00 pm in Council Chambers.**

**4/2 CARRIED**

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

### Background

The *Local Government Act 1995* Section 5.25 requires the Council to advertise its Ordinary Council meeting dates for the forthcoming year.

### Comment

Listed below is a proposed schedule for Council meetings in the year 2018 for consideration and approval:

January 2018 – No ordinary meeting of Council to be held;  
February 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
March 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers;  
April 2018 – Thursday 26 Commencing at 3.00 pm in Council Chambers;  
May 2018 – Wednesday 30 Commencing at 3.00 pm in Council Chambers;  
June 2018 – Wednesday 27 Commencing at 3.00 pm in Council Chambers;  
July 2018 – Wednesday 25 Commencing at 3.00 pm in Council Chambers;  
August 2018 – Wednesday 29 Commencing at 9.30 am at \_\_\_\_\_ Cr to nominate;  
September 2018 – Wednesday 26 Commencing at 3.00 pm in Council Chambers;  
October 2018 – Wednesday 31 Commencing at 3.00 pm in Council Chambers;  
November 2018 – Wednesday 28 Commencing at 3.00 pm in Council Chambers; and  
December 2018 – Wednesday 19 Commencing at 3.00 pm in Council Chambers.

Ordinary meetings of Council are held on the last Wednesday of each month unless specifically resolved by Council to allow for other circumstances. As in previous years a meeting has been scheduled to be held at Useless Loop and in August 2017 the meeting was held at Hamelin Pool Station and to commence at 9.30 am giving enough time to travel and setup before the meeting. Councillors need to advise if they wish to have the meeting held at Hamelin Pool Station, Useless Loop or elsewhere when moving the motion.

The April 2018 Ordinary Council meeting has been moved to Thursday 26 April 2017 due to Wednesday 25 April 2018 being Anzac Day and a public holiday.

Council regularly amends its December meeting due to Christmas. The schedule indicates that the December 2018 meeting be held on Wednesday 19 December in lieu of 26 December, being the last Wednesday in the month.

### Legal Implications

Section 5.25 of the *Local Government Act 1995* and the Local Government Regulations Section 12 Public notice of council or committee meetings –

At least once each year a local government is to give local public notice of the dates on which and the time and place at which –

The ordinary council meetings; and

The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

Are to be held in the next twelve (12) months.

### Policy Implications

Policy 1.1 - Meetings of Council

Ordinary Council meetings will be held on the last Wednesday of each month except January, unless resolved by Council to allow for other circumstances.

MINUTES OF THE ORDINARY COUNCIL MEETING

---

29 NOVEMBER 2017

Financial Implications

The only financial implication is the travel costs associated with all members of Council and Council staff traveling to the Council meeting site.

Strategic Implications

There are no Strategic Implications association with this report.

Risk Management

This is a low risk item to Council.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

5 October 2016

# Calendar for Year 2018 (Australia)

## January

Week	Su	Mo	Tu	We	Th	Fr	Sa
1		1	2	3	4	5	6
2	7	8	9	10	11	12	13
3	14	15	16	17	18	19	20
4	21	22	23	24	25	26	27
5	28	29	30	31			

## February

Week	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	3
4	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28			

## March

Week	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	
4	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31

## April

Week	Su	Mo	Tu	We	Th	Fr	Sa
14	1	2	3	4	5	6	7
15	8	9	10	11	12	13	14
16	15	16	17	18	19	20	21
17	22	23	24	25	26	27	28
18	29	30					

## May

Week	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	3
19	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31		

## June

Week	Su	Mo	Tu	We	Th	Fr	Sa
						1	2
3	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30

## July

Week	Su	Mo	Tu	We	Th	Fr	Sa
27	1	2	3	4	5	6	7
28	8	9	10	11	12	13	14
29	15	16	17	18	19	20	21
30	22	23	24	25	26	27	28
31	29	30	31				

## August

Week	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4
5	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	

## September

Week	Su	Mo	Tu	We	Th	Fr	Sa
							1
2	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30						

## October

Week	Su	Mo	Tu	We	Th	Fr	Sa
40		1	2	3	4	5	6
41	7	8	9	10	11	12	13
42	14	15	16	17	18	19	20
43	21	22	23	24	25	26	27
44	28	29	30	31			

## November

Week	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	3
4	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	

## December

Week	Su	Mo	Tu	We	Th	Fr	Sa
							1
2	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30	31					

29 NOVEMBER 2017

**Holidays and Observances:**

1	<a href="#">New Year's Day</a>	30	<a href="#">Good Friday</a>	4	<a href="#">Western Australia Day (Western Australia)</a>		
Jan		Mar		Jun			
26	<a href="#">Australia Day</a>	31	<a href="#">Holy Saturday (Most regions)</a>	11	<a href="#">Queen's Birthday (Most regions)</a>	24	<a href="#">Christmas Eve</a>
Jan		Mar		Jun		Dec	
5	<a href="#">Labour Day (Western Australia)</a>	1	<a href="#">Easter Day (All)</a>	24	<a href="#">Queen's Birthday (Western Australia)</a>	25	<a href="#">Christmas Day</a>
Mar		Apr		Sep		Dec	
12	<a href="#">Labour Day (Victoria)</a>	2	<a href="#">Easter Monday</a>	1	<a href="#">Queen's Birthday (Queensland)</a>	26	<a href="#">Boxing Day</a>
Mar		Apr		Oct		Dec	
12	<a href="#">Eight Hours Day (Tasmania)</a>	25	<a href="#">ANZAC Day (All)</a>	1	<a href="#">Labour Day (ACT, NSW, SA)</a>	31	<a href="#">New Year's Eve</a>
Mar		Apr		Oct		Dec	
21	<a href="#">Harmony Day</a>	7	<a href="#">May Day (Northern Territory, Queensland)</a>	11	<a href="#">Remembrance Day</a>		
Mar		May		Nov			

29 NOVEMBER 2017

11.2 ROAD RESERVE NAME LISTINGS  
RD00030

AUTHOR

EXECUTIVE ASSISTANT

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That Council give further consideration at a Councillor workshop to the renaming of existing street names to names currently on the reserved names list held by Council.

OR

That Council endorse the current list of Road Reserve names and add the Cope family name and the Tittums family name to the listing to be used when new Streets/Roads are formed.

Moved Cr Capewell

Seconded Cr Laundry

**Council Resolution**

**That Council give further consideration at a Councillor workshop to the renaming of existing street names to names currently on the reserved names list held by Council.**

**6/0 CARRIED**

BACKGROUND

Council has received updated information in regards to Geographical Naming in Western Australia advising that the Reserve road name register (Section2) is to be discontinued. Local governments may no longer request road names be reserved for future use within their boundaries.

Existing reserved road names will automatically lapse five years from original approval, with the Reserve Register to contain no local government requested names from 1 January 2022.

Local governments are now encouraged to maintain their own reserve register, using the Landgate on-line form to check for suitability.

Council has received a copy of the register identifying names that have already been placed on the register as per list below.

O'Dene	06/11/01
Mair	03/09/03
Mallard	12/07/04
Blennerhassett	14/05/09

Research into what has previously been presented to Council shows that the following names have been approved by Council but for some reason have not been forwarded to the Geographical Naming Committee.



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Listed below is the current Road Reserve Name Listings for Council.

Order of Usage	Family Name	Date Approved By Council	Council Item #	Approved by Landgate	Name	Listings
1	Bellottie	REF: 28/05/2003			Was supposed to have been used for the road between Hughes St and Francis St that has not yet been formed	
1a	O'Dene	30/08/2000	20.1	6/11/2001		Ocean Park Road replaced this name
2	Mair	28/05/2003	17.4	3/09/2003		
3	Johnson	28/05/2003	17.4			
4	Mallard	28/05/2003	17.4	12/07/2004		
5	Vine	27/09/2006	17.4			
6	Winder	27/09/2006	17.4			
7	Drummond	27/09/2006	17.4			
8	Cocks	27/09/2006	17.4			
9	Carlo	27/09/2006	17.4			
10	Barney	27/09/2006	17.4			
11	Boxer	27/09/2006	17.4			
12	Blennerhassett	25/03/2009	11.2	14/05/2009		
13	Wallace	30/09/2009	11.3			
14						
15						

Council now needs to keep their own records of preferred street names and when a road reserve needs naming present the name at the top of the list to Landgate to receive approval.

COMMENT

Correspondence was received from Ms Tracey and Ms Sharon Cope in March 2013 requesting that a Road Reserve name be named after the Cope family. Attached at the end of the report (Attachment # 1) is the correspondence received for Council to consider adding the Cope family name to Councils Road Reserve Naming listing.

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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Correspondence was also received from Ms Delorraine, Cedric, Lionel and Colleen Tittums in July 2017 also requesting that Council consider the family name of Tittums to be added to Councils Road Reserve Naming listing.

Attached is the correspondence received from the Tittums family as attachment # 2 for Council's consideration.

The council may also consider renaming existing streets utilising names from the current reserve list. This option would have to be given significant thought as it is likely to encourage significant comment from the general community.

Prior to this option being further considered it would be advisable to undertake a community survey to ensure the community was aware of the proposal and was predominately in favour of the concept.

This may also bring forward other suggestions for road names not on the current list and any proposal must comply with the geographic names policies and in particular section 1.1.4 unnecessary name changes

### LEGAL IMPLICATIONS

Proposals require the support of Local Government, but the Minister for Lands is the final authority in all such matters.

### POLICY IMPLICATIONS

#### 9.4 Street Names

Council policy is that a list of reserved names be established made from past Councillors or local pioneers and the Chief Executive Officer be delegated authority to allocate names for new streets as required from time to time, using the list of reserved names whenever suitable.

### FINANCIAL IMPLICATIONS

Financial implications would only exist when development occurs and normally is the responsibility of the developer.

### STRATEGIC IMPLICATIONS

Names could have implications for both local culture and tourism.

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

4 October 2017

29 NOVEMBER 2017

**ATTACHMENT # 1**

**STREET NAME PROPOSAL**

**COPE**

We, Tracy and Sharon Cope, request that a Street, Crescent, Circle etc be considered to be named after our family name Cope for the following reasons:

Our Nanna Jess, Grandad George Craggs and their three young daughters first came to Shark Bay in 1958 and immediately fell in love with the place and its people and promised to return one day. Unfortunately Grandad passed away in 1959 so his wish was never fulfilled.

In 1968 our Nanna Jess married Tommy Platt who was an old identity around town; he did various carpentry jobs, worked at Shark Bay Salt, and was a deckie for the local fishermen. Nanna and Pop happily spent the rest of their lives in Shark Bay, both active and Life Members of the golf club and Nanna was honoured with Life Member of the CWA for her 20 years service. Pop passed away in 1987, Nanna in 1995, and are both buried in the local cemetery.

Our parents Peter and Lois Cope came to Shark Bay in 1971 to begin a career in net fishing – times were tough back then and they struggled to eke out a living but eventually got on top and opened their own processing factory in the industrial area. They were both active members and office bearers of the Golf Club and Lois was involved in community organisations including the P & C, Arts Council, CWA, Speedway Club, and also produced the first local news magazine called the Denham Dialogue.

Our dad's father Len Cope also moved to the Bay in 1972 and had various jobs around town until his retirement. Although it is not recognised, Len and Lois instigated the development of the pensioner units in Hughes Street, later pursued by Councillor Gwen McCleary; originally there were only four units and Len was given first choice – he was later joined by his wife Hilda where they both remained until age and ill health forced them to move to Geraldton.

Peter and Lois had two daughters, Tracy in 1973 and Sharon 1974, and we enjoyed a wonderful childhood in a great environment. We spent all our Primary years at the local school and learned many valuable life lessons in what growing up in the Bay can offer. Many a great memory was created there for us which we will never forget.

Sharon Cope returned to Shark Bay in 1995 and worked on the Pearl Farm, Shark Bay Hotel, then became the Librarian and assistant Registrar at the Shark Bay School.

In 1999 Pedro Cleasby was born to the union of Sharon Cope and Steve Cleasby; Steve skippered the James Shearer for many years, then worked at Seaside Caravan Park, the Shire of Shark Bay, Guthrie Earth Moving, then eventually moved his little family to Useless Loop to work for Shark Bay Resources – sadly he passed away in 2007 but Sharon and Pedro remain to this day, Sharon being the Receptionist at the mine site and Pedro still attending school and working part time with the town maintenance crew.

MINUTES OF THE ORDINARY COUNCIL MEETING

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29 NOVEMBER 2017

Although our older generations have now passed away I submit the following:

Peter Cope continues to live in the Bay and calls it home; he recently retired after a long career fishing the beautiful areas of the Bay.

Lois Cope is a permanent resident and still involved in the Golf Club and other community events. She is an environmentalist, animal lover, and bird enthusiast ... and passionate about the pristine Shark Bay area.

Sharon Cope also continues to work and live in Useless Loop supporting also her local community and the town of Denham when she regularly visits.

Tracy Cope now resides and works in Geraldton but visits the Bay and her family as often as possible.

Pedro Cleasby is now boarding in Geraldton for High School but will always also call Shark Bay home.

Our entire family has in one way or another contributed to the Shark Bay Community (which includes frequenting the local Old Pub – a tradition that still carries on today ☺)

As most of our family have called Shark Bay home and always will, I respectfully request that Council look favourably upon our request.

Thank you.

**Tracy Cope**  
**Senior Court Officer**  
**Geraldton Court**

**Sharon Cope**  
**Receptionist**  
**Shark Bay Resources**

29 NOVEMBER 2017

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**ATTACHMENT # 2**

To whom it may concern

My name is Delorraine Wedding (nee Tittums) I am writing to see if we can have a street named after our family (Tittums) in Shark Bay.

The Tittums family has been a local family in Shark Bay since the 1960's, our mother is Gloria who is the daughter of Minnie O'Dene ( nee Oakley) and John (Brocky) O'Dene. Our father John Tittums came from Carnarvon but moved to Shark bay in the early 60's to be with our mother Gloria and worked in the Bay on the Shark Bay shire and the main roads dept as well as fishing with every local fisherman that needed anyone Johnno also worked on the surrounding stations like Peron, Carrarang, Tamala, Hamlin, Carbla and Meadows. Johnno also worked over at the loop for a number of years.

Gloria and Johnno Tittums had 5 children together. Cedric, Lionel, Kenneth, Delorraine and Colleen Tittums who was born in Shark Bay in 1968 with the help of delivery from sister Stella Rowley.

We were all brought up at 93 Brockman Street, right where the units stand today Sadly we lost our father Johnno Tittums in 1985 and his last resting place is in the Shark bay cemetery.

The 5 of us all went to Shark Bay primary school for most of our primary years and was sent to Geraldton and Carnarvon for our high school years but was back home for each and every school holiday.

When we were kids we helped Tim Hargraves build the Old Pearler Restaurant, we cut and carried each and every one of them shell blocks and stacked them on top of each other to form what is know as the Old Pearler.

When Cedric finished school he too went fishing with Tom Poland and Tom wear senior and junior as their deckhand and Cedric was deckhand for a few of the other local fisherman as well. Cedric lost one of his daughters at a very young age and her final resting place is in the Shark Bay cemetery.

Lionel tried his hand at fishing too before he got a job on the main roads dept as a truck driver.

Kenneth went as a deckhand for Dennis, Bobby and Glen Hoult before taking a full time job as Bobby Murphy's offsider bringing fresh supplies into town every Friday on the truck before we had the whole road bitumized from the Overlander in to the Bay. Sadly we lost Kenneth in July 2015 and Kenneth's final resting place is in the Shark Bay cemetery

29 NOVEMBER 2017

Delorraine worked in the fish factory for Aub and Daphnie Bennett as well as the old pub in the kitchen for Mrs Russell and also as a waitress in the old pearler restaurant for Maggie Hargraves before going over to the loop to live with her husband.

Colleen after leaving school went to work at the old pub and also with Maggie at the old pearler restaurant before settling down with Dave Perich (Steve Perich younger brother) and having 2 kids together.

Each and every one of us go back home twice a year with our own families without fail sometimes it's more than 4 times in the year a number of our family still lives in the Bay. Everywhere we look reminds us of our childhood and our years of growing up in Bay and as I drive down all the new streets I see all the names of some our old families on the street signs I am sad because there is nothing in honour of our family name.

We all still class Shark Bay as our home town and with both Johnno and Kenneth Tittums buried there and our history with Shark Bay I am asking that our family name please be considered to go up on one of the new street signs.

If there is more info that you need on our family please do not hesitate to contact me.

Kind regards  
Delorraine Tittums  
Cedric Tittums  
Lionel Tittums  
Colleen Tittums

29 NOVEMBER 2017

Moved Cr Capewell  
Seconded Cr Ridgley

**Council Resolution**

**That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3:42pm for open discussion on Item 19.1 Annual Report 2016/2017 with Councils Auditor, Mr Greg Godwin via Phone hook-up.  
6/0 CARRIED**

Moved Cr Fenny  
Seconded Cr Ridgley

**Council Resolution**

**That Council reinstate Standing Orders at 4:13pm.**

**6/0 CARRIED**

- 11.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – COUNTRY COUNCILLOR TRAINING  
GV00001

AUTHOR  
Executive Assistant

DISCLOSURE OF ANY INTEREST  
Nil

Moved Cr Ridgley  
Seconded Cr Bellottie

**Council Resolution**

**That the following Councillors be authorised to attend the Councillor training in Carnarvon in late January 2018. (Date of training is yet to be confirmed)**

**Cr Fenny  
Cr Ridgley  
Cr Burton  
Cr Cowell**

**6/0 CARRIED**

BACKGROUND

The Western Australian Local Government Association have worked with the Local Government for over 30 years bringing to the training a vast array of knowledge and experience. They are now presenting training in regional areas and also have e-training, which Council is registered for.

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

### COMMENT

The Western Australian Local Government Association have put together training for country Councillors with the understanding of travel distances that impeded a Councillor to be able to access training in the metro area.

Currently training for the Gascoyne Region is being organised. This will be held in Carnarvon and the Training courses being presented will be:

Serving on Council	Carnarvon	1 day
Meeting Procedures and Debating	Carnarvon	1 day
Understanding Financial Reports and Budgets	Carnarvon	1 Day

### LEGAL IMPLICATIONS

There are no legal requirements in relation to this report.

### POLICY IMPLICATIONS

1.3 Councillors Information Bulleting – Contents

3. Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting.

### FINANCIAL IMPLICATIONS

Dependent on the number of Councillors attending, the cost of the training will be approximately \$3,000.00 plus travel (plane flight being approximately \$600.00 or vehicle running cost) and also accommodation for 4 nights being approximately \$540.00 per Councillor.

\$10,000 has been budgeted for Training, Accommodation and travel costs, of which \$1,200 has been spent to date.

### STRATEGIC IMPLICATIONS

Civic Leadership Objective

- 4.3.1 Continue to provide for Councillor training

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

10 November 2017





The banner features a dark blue background with a yellow and white geometric logo in the top right corner. The logo consists of a triangle with a white and yellow shape inside, and the text 'WALGA' and 'WORKING FOR LOCAL GOVERNMENT' below it. The main text 'WALGA Training' is in a large, white, sans-serif font, with 'Onsite Training Quotation' in a smaller, white, sans-serif font below it.



To see the latest WALGA Training products please visit our website.

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

Contact WALGA Training on (08) 9213 2089 or email [training@walga.asn.au](mailto:training@walga.asn.au) for more information.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017



9 November 2017

**Attention: John McCleary**

SHIRE OF UPPER GASCOYNE

Dear John

Thank you for your expression of interest in the Western Australian Local Government Association's (WALGA) training courses, *Serving on Council, Meeting Procedures and Debating and Understanding Financial Reports and Budgets*.

At WALGA we understand that every Council faces its own unique challenges and issues and can therefore modify the content to meet the specific needs of course participants where requested.

WALGA's attached quote is inclusive of course materials, presenter fees and administrative costs. However, this price is not inclusive of course customisation costs and if required, this is to be agreed upon at a later date and is specific to each Council's individual requirements.

Additionally you may like to consider inviting neighbouring Councils to participate in the training in order to offset costs. If you choose this option, WALGA would be happy to promote the scheduled course for you via our WALGA Training electronic eNews publication and the WALGA website at [www.walga.asn.au/training](http://www.walga.asn.au/training).

A list of participants will be required two weeks prior to the scheduled session and will be used to issue individualised 'Certificates of Participation' to attendees for their records. In order to deliver this presentation effectively, access to a whiteboard, laptop, screen and Multimedia projector is required.

If you have any queries regarding this quote, or wish to discuss it further, please contact me on 9213 2090 or email [jdodd@walga.asn.au](mailto:jdodd@walga.asn.au).

Yours sincerely

*Jacqui*

Jacqueline Dodd  
Manager, Training

ONE70  
LV1, 170 Railway Parade, West Leederville, WA 6007  
PO Box 1544, West Perth, WA 6872  
T: (08) 9213 2000 F: (08) 9213 2077 [info@walga.asn.au](mailto:info@walga.asn.au)  
[www.walga.asn.au](http://www.walga.asn.au)



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**TRAINING COURSE COSTS**

<i>Description of Training Course</i>	<i>Price</i>
<p><b>COURSE/S: Date: (TBA – Late January 2018)</b></p> <p><b>Serving on Council (1 day)</b></p> <p><b>Meeting Procedures and Debating (1 day)</b></p> <p><b>Understanding Financial Reports and Budgets (1 day)</b></p> <p><i>(Maximum of 20 participants per course per day)</i></p> <p>Inclusive of:</p> <ul style="list-style-type: none"> <li>• Training Delivery Fee</li> <li>• Administration Fee</li> <li>• Material Delivery Fees</li> </ul>	
<b>Subtotal</b>	<b>\$11,850.00</b>
<b>GST</b>	<b>\$0.00</b>
<b>Total Service Charges including GST</b>	<b>\$11,850.00</b>

<i>Additional Costs and Information</i>	
Accommodation and Meals	To be covered by <i>Shire of Upper Gascoyne</i> .
Airfares	To be covered by <i>Shire of Upper Gascoyne</i> .
On the Ground Transport	To be covered by <i>Shire of Upper Gascoyne</i> . Examples of on-the-ground transport that may be required are taxi fares or a hire car for travel from accommodation to training location and back each day, and / or transport from airport to accommodation and back.





<b>Additional Costs and Information</b>	
<b>Room Requirements and Set Up</b>	<p>Venue to be arranged by <i>Shire of Upper Gascoyne</i>.</p> <p><b>Important Note:</b></p> <p>Please ensure that the venue being utilised for the training course has the capacity to fit the maximum number of participants in comfortably to allow for workshop activities and group work. The maximum number of participants will be agreed to between the Council and WALGA Training prior to the commencement of the training course.</p> <p>The training venue would need to be prepared by <i>Shire of Upper Gascoyne</i> prior to the commencement of the training session (e.g. course materials, name tags on tables) This will assist in the trainer being able to commence the training in a timely manner, become familiar with your emergency evacuation procedures and make any additional preparations necessary for the session. Use of a computer, overhead projector, screen and a whiteboard (if available) is requested for the day.</p>

**COURSE OUTLINE**

<b>Course Name:</b>	<b>Serving on Council</b>
<b>Program Overview:</b>	<p><i>Serving on Council</i> is designed to give Elected Members the confidence to perform their role on Council. This course has been specifically developed to address the unique needs of Elected Members in leading and supporting their communities whilst acting within the processes and procedures imposed on Local Government in general and, more specifically, at the governing body level.</p> <p>The course provides an overview of the roles and responsibilities of Elected Members, the Local Government environment and Council operating procedures. It recognises both internal and external influences on Councillors and the necessity for them to perform their role in a due diligence environment.</p>




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**COURSE OUTLINE**

<i>Learning Outcomes:</i>	<p>On completion of this training participants will be able to understand the:</p> <ul style="list-style-type: none"> <li>▪ legislation and regulations within which Councils must operate;</li> <li>▪ role of Elected Members and senior management in leading and supporting their communities;</li> <li>▪ expectations on Councillors to act in a 'Board-like' manner as the governing body; and</li> <li>▪ processes involved in contributing successfully to Council and committee meetings.</li> </ul>
<i>Who Should Attend:</i>	Suitable for both newly elected and returning Elected Members who would like to refresh their knowledge and understanding of their role within Local Government.
<i>Duration:</i>	1 day

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**COURSE OUTLINE**

<i>Course Name:</i>	<b>Meeting Procedures and Debating</b>
<i>Program Overview:</i>	<i>Meeting Procedures and Debating</i> is specifically designed for both experienced and newly Elected Members who wish to enhance their meeting skills. Concentrating on knowledge of meeting procedures and high level debating techniques, this course is a practical tool kit for those who attend Council and committee meetings as members or Presiding Members.
<i>Learning Outcomes:</i>	<p>As a result of completing this training, participants should be able to:</p> <ul style="list-style-type: none"> <li>▪ critically read the Agenda and evaluate Officer reports;</li> <li>▪ use knowledge of meeting procedures to move, second or foreshadow motions, use correct amendment rules where appropriate and take the right of reply;</li> <li>▪ correctly use procedural motions and effectively raise 'points of order';</li> <li>▪ demonstrate chairmanship skills within legal and ethical requirements; and</li> <li>▪ recognise the importance of checking and confirming the minutes.</li> </ul>



**COURSE OUTLINE**

*Who Should Attend:* Suitable for both newly elected and returning Elected Members who would like to refresh their knowledge and understanding of their role within Local Government.

*Duration:* 1 day

**COURSE OUTLINE**

*Course Name:* **Understanding Financial Reports and Budgets**

*Program Overview:* *Understanding Financial Reports and Budgets* uses existing legislation as its basis to explore the way in which Local Governments are required to plan for the future, develop an annual budget and monitor, review and interpret financial reports.

The course outlines the linkage between Strategic Planning, Asset Management Planning and Long Term Financial planning so participants gain an understanding of the benefits of undertaking financial forecasting and the impacts key decision making may have on the organisation's financial bottom line.

*Learning Outcomes:* As a result of completing this program, participants should be able to understand:

- basic accounting principles and concepts;
- the roles and responsibilities of Council, Councillors and the CEO;
- financial management and the strategic linkages;
- annual budgets; and
- financial management and reporting.

*Who Should Attend:* Suitable for both newly elected and returning Elected Members who would like to refresh their knowledge and understanding of their role within Local Government.

*Duration:* 1 day





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## CANCELLATION POLICY

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WALGA would be disappointed if your training course needed to be cancelled, however the following charges would apply. All cancellations must be received in writing.

*10 – 15 business days prior to course:* No charge

*9 - 5 business days prior to course:* \$250 Administration Fee

*5 business days or less prior to course:* \$950 Administration / Trainer Fee

***Please note:***

*This offer is valid for 30 days following date of this proposal. To confirm your booking, a Purchase Order number is required.*

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## COURSE SET-UP

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Training courses are held at the Individual Local Governments or at a venue chosen by the Local Government. Two weeks prior to the training course, the WALGA Training Team will contact you to discuss participant numbers and answer any queries you may have. WALGA will arrange catering only at the request of the Local Government hosting the training.

***Course Material***

Prior to the training course you will receive the training material provided by WALGA. Once you have received this, please inform your contact at WALGA. In some instances, if trainers are required to travel to remote or regional councils, course material will be brought up with the trainer. We ask that in these circumstances everything else required for the day is set up to ensure a timely start.

The following course material will be provided by WALGA:

- Name-cards
- Pens and notepads
- Presenter folder
- Course manuals





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***Room Configuration***

Please ensure the training venue is set up the day prior to the training with the following:

- Set the room up in a U-shape or grouped tables if possible. Please ensure that the space you are holding the training in fits all attendees in safely with desk space for each attendee.
- Laptop, multimedia project, screen and whiteboard and flip board chart ready for the presenters use
- Place the course material on each desk
- Set up water, tea & coffee facilities and lunch (if your Council will be providing).

***Session Times***

Start:	9.00am
Morning Tea:	10.30am – 11.00am
Lunch:	12.30pm – 1.00pm
Afternoon Tea:	3.00pm
Conclude:	4.30pm

29 NOVEMBER 2017

11.4 REVIEW OF CONFERENCE AND TRAINING POLICIES  
CM00037

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Officers Recommendation

That the proposed Council Policy Conference and Training Attendance as amended in attachment 1 to the report of the Chief Executive Officer be adopted; and

That Council Policy 1.3 Councillor's Information Bulletin – Contents and Policy 1.4 Reimbursement of Councillor's Expenses be amended to remove the duplication with the conference and training policy.

Or

That a Council workshop be convened to discuss and formulate a desired position to guide the administration in the development of a Council policy on conference and training attendance for Councillors.

Moved            Cr Laundry  
Seconded       Cr Ridgley

Councillor Motion

That a Council workshop be convened to discuss and formulate a desired position to guide the administration in the development of a Council policy on conference and training attendance for Councillors.

**1/5 MOTION LOST**

Moved            Cr Capewell  
Seconded       Cr Fenny

Council Resolution

**That the proposed Council Policy Conference and Training Attendance as amended in attachment 1 to the report of the Chief Executive Officer be adopted.**

**That Council Policy 1.3 Councillor's Information Bulletin – Contents and Policy 1.4 Reimbursement of Councillor's Expenses be amended to remove the duplication with the conference and training policy.**

**5/1 CARRIED**

Background

It is important that Councillors, as part of their roles and responsibilities participate in professional development by attendance at conferences, seminars and development programs.

29 NOVEMBER 2017

Such attendance assists them to be more informed and be better able to fulfil the duties of office.

The intention of this policy is to ensure that Councillors are given the opportunity to participate in professional development and are not financially disadvantaged.

The Councils current policy 1.3 Councillors Information Bulletin requires that all elected members are kept informed of conferences meeting events and functions concerning the Shire.

This policy requires that any request to attend at such an event shall be decided by Council resolution.

This policy in the absence of any other direction from Council in regard to training and attendance at other functions has been applied by administration in that any requests must be approved by Council.

Policies cannot override Acts of Parliament, Regulations, Planning Schemes or Local Laws. While not binding, policies assist in:

- Guiding decision making;
- Providing a measure of consistency; and
- Dealing with issues or problems that might not be immediately apparent.

#### Comment

This policy is somewhat restrictive in its application in requiring Councillors to apply for and get approval of the Council that Councillors identify that could aid their professional development as Councillors.

A draft policy is attached for Council consideration that endeavours to addresses the issue of conference attendance, seminars and professional development opportunities.

The draft policy also encompass some of the points in Councils current policies 1.3 and 1.4 and these policies may require amendments that refer to items in the draft policy.

The draft policy includes the option for Council in the budget process allocate an annual amount for each Councillor to utilise on professional development courses that meet the policy guidelines, with any requests in excess of the individual Councillors budget allocation being referred to Council for consideration.

#### Legal Implications

##### *General*

Section 2.7 (2)(b) of the *Local Government Act 1995* (the Act) provides that:

##### *2.7. Role of council*

(1) *The council —*

(a) *governs the local government's affairs; and*

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- (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

### Policy Implications

To provide the opportunity for Councillors to maintain skills and knowledge and participate in ongoing professional development relevant to their role as a representative of the Shire of Shark Bay.

The proposed draft policy (Attachment 1) will some of policy 1.4 and the majority of policy 1.3 redundant

policy 1.3 refers to the information bulletin and also attendance at conferences

the draft policy would make section 6 (in italics) of the policy redundant

## Policy 1.3

Councillors Information Bulletin – Contents

### Purpose

To ensure all elected members are kept informed of conferences, meetings events and functions concerning the Shire.

### Detail

1. Notices inviting Council to nominate delegates to conferences, meetings and similar occasions are to be circulated by the CEO to all Councillors via the Information Bulletin.
2. All Councillors are to be advised of all local meetings *where* a general invitation to Councillors has been made.
3. Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting.
4. Council shall decide by resolution to nominate such representatives as Council may consider is appropriate.
5. All Councillors be invited to be present onsite inspections with visiting dignitaries where Council has not formed a policy or a direction.
6. *Where it is considered appropriate for a Councillor to be accompanied by another person when attending a conference, meeting or similar occasion Council will meet the expenses applicable to attendance with a Councillor by that person with approval of full Council.*

Sections 1 and 2 ( In italics) of policy 1.4 would become redundant.

## Policy 1.4

Reimbursement of Councillors' Expenses

### Purpose

To set out what expenses the Shire will reimburse an elected member incurred while representing it.

### Detail

1. *That for the purposes of calculating the travel costs of Councillors attendance at meetings under Regulation 31 of the Local Government (Administration) Regulations 1996, the ruling rate per kilometre as set under the Local Government Industry Award 2010 (as amended) is to be applied.*
2. *Any Councillor officially representing Council at a meeting, conference or in other official capacity where travel, accommodation or other expenses specifically approved by Council are actually incurred shall be entitled to have those expenses refunded -*
  - a. *In the case of travel by motor vehicle, at the ruling rate per kilometre as set by the Local Government Industry Award 2010 (as amended).*
  - b. *In the case of other types of travel, the actual cost of travel.*
  - c. *In the case of accommodation, the actual cost of accommodation at an approved hotel or motel.*
  - d. *Other expenses applicable shall include the cost of meals relevant to the occasion and any other expenses incurred in the representation at that meeting.*
3. All fees and allowances are to be paid quarterly in advance and expense reimbursement will be paid following receipt of the claim.

### Financial Implications

The Council can during the budget process allocate funding for the components of the policy i.e. conference expenses and professional development.

An option would be to allocate funding for conferences expenses as it has done in the past and provide a separate individual amount for each Councillor for professional development.

The Council in the 2017/18 budget allocated \$12,000 for conference expenses for which attendance is approved by Council and \$10,000 for elected member training.

### Strategic Implications

The draft policy address's Council's strategic direction as follows:

Civic leadership objective

29 NOVEMBER 2017

Respect for the rights of citizens, appropriate service delivery and a commitment to openness, transparency, honesty and fairness  
Outcome 4.3

A strategically focussed unified Council functionally efficiently

Action 4.3.1

Continue to provide for Councillor training

There are no strategic implications associated with this report, but it ensures that the structure of the Shire's policy manual overall reflects a separation of roles and responsibilities should assist in ensuring the future prospect of any confusion is reduced.

Risk Management

This is a medium risk item for Council.

Councillors as elected members should participate in training to ensure that they are aware of their statutory role and responsibilities when undertaking their duties as an elected member of Council.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

*P Anderson*

Date of Report

13 November 2017

29 NOVEMBER 2017

ATTACHMENT #1

## **DRAFT Policy 1.6**

### **Conference & Training Attendance**

#### INTRODUCTION

It is important that Councillor's, as part of their roles and responsibilities participate in professional development by attendance at conferences, seminars and development programs.

Such attendance assists them to be more informed and be better able to fulfil the duties of office.

The intention of this policy is to ensure that Councillors are given the opportunity to participate in professional development and are not financially disadvantaged.

#### OBJECTIVE

To provide the opportunity for Councillor's to maintain skills and knowledge and participate in ongoing professional development relevant to their role as a representative of the Shire of Shark Bay.

#### DEFINITIONS

*Conferences and training* means conferences, seminars, congresses, forums, workshops, courses, deputations, information and training sessions and events held in Australia and related to the industry of local government.

#### POLICY STATEMENT

1. Budget allocation

The council will on an annual basis allocate funding that it considers adequate for each individual Councillor to undertake professional development in accordance with this policy, excluding approvals in accordance with section 2 (a)

Any requests for professional development in excess of the annual individual Councillor allowance must be presented to the council for consideration.

Councillors will submit a report to council on their training outcomes and expenditure of their allocated training allowance on annual basis.

2. Approval

Subject to the clause for overseas travel, Councillors may attend conferences and training following:

29 NOVEMBER 2017

- (a) Approval by the Council through a resolution passed at a Council meeting for attendance at conferences, and all other events outside of Western Australia; and
- (b) Approval of the (president and CEO) for training, seminars, forums, workshops, courses, information and trainings sessions and events held within Western Australia.

Where the (president and CEO) cannot support a Councillor request, a report is to be prepared for the next Ordinary Council Meeting for a decision.

3. Conferences and training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

- Events organised by the Western Australian Local Government Association (WALGA), Australian Local Government Association (ALGA) and Australian Local Government's Women's Association (ALGWA);
- Special 'one off' conferences called or sponsored by or for WALGA and/or Gascoyne zone of WALGA on important issues;
- Annual conferences of the major professions in Local Government;
- Conferences, seminars or training courses which advance the development of Councillor's in their roles; or
- Any meetings or conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be a delegate or member by Council or WALGA.

4. Payment of conference and training costs

Conference and training expenses will only be paid or reimbursed when:

- The attendance is authorised by the (president and/or CEO), or by Council through a resolution passed at a Council meeting; and
- The attendance and expenses incurred comply with the requirements of this Policy.
- Due to exceptional circumstances, Council approves a reimbursement (through a resolution passed at a Council meeting) of conference and training expenses incurred that have not been approved by Council prior to attendance.



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The following shall apply for Councillor's authorised and/or appointed as delegates under this policy to attend conferences or training.

5. Expenses

5.1 Reimbursement

Costs of vehicle hire, taxi fares, parking and meal expenses which are reasonably required and incurred in attending conferences, will be reimbursed by the Council on provision of receipts and completion of a Shire claim form.

5.2 Meals for others

Council will generally not meet the costs of meals or refreshments for other persons (other than partners). The main exception is where it is indicated on the claim form that the meal or refreshments provided is in response to a meal or refreshments previously received from that person or that person's local government.

5.3 Booking Arrangements

Registration, travel and accommodation for Councillor's will be arranged by the CEO's Executive Assistant. In general all costs including airfares, registration fees and accommodation will be paid direct and in advance by the Shire.

5.4 Registration

The Council will pay all normal registration costs for Councillor's charged by organisers, including those relating to official luncheons, dinners and tours or inspections which are relevant to the interests of Council.

5.5 Accommodation

The Council will pay reasonable double room or twin share accommodation costs for Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

Where available, accommodation shall normally be booked at the venue of the conference.

5.6 Travel

All reasonable travel costs for Councillor's to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air and will normally be at economy rates but may be upgraded to business class in recognition of any physical disability of the attendee.

Councillor's using private vehicles in accordance with this Policy may claim 'kilometre' allowance at the date of travel as per The Local Government Industry Award 2010 rates.

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5.7 Accompanying Persons

The partners of Councillors are entitled to attend authorised conferences (as outlined in Policy Statement 2 of this Policy) as an accompanying person with Council meeting conference program and meal expenses where the conference is within Western Australia. Expenses in relation to partners' tours, sporting activities and other such activities shall be the responsibility of the Councillor.

Where a Councillor is accompanied at a conference outside Western Australia, all costs for or incurred by the accompanying person, including travel, meals, registration and/or participation in any conference program, are to be borne by the Councillor and not by the Council. The accompanying person's registration and any program fees will be paid by the Shire at the time of registration with the Councillor reimbursing the Shire when requested.

5.8 Reimbursement of Expenses

Councillors attending conference and training events are entitled to be reimbursed for 'normally accepted' living costs while travelling. Such costs would include but are not limited to:

- (a) Taxi fares to and from the airport and to and from the venue if the accommodation used is a substantial distance from the venue;
- (b) Meals for the Councillor;
- (c) Refreshments for the Councillor (to a maximum of \$50 per day); and
- (d) Vehicle hire, petrol and parking.

Expenses will generally be reimbursed from the time a Councillor leaves home to attend a conference or training to the time the Councillor returns home.

Should the Councillor extend a visit by leaving prior to the time necessary to arrive at the conference/training or returning after the time at which the Councillor could have returned following the conference/training, reimbursements will be paid for the:

- (a) days of the conference and training; and
- (b) the cost of travel from the airport directly to the accommodation to be used for the conference and training and also vice versa, from accommodation to the airport.

Where a Councillor attending an approved conference or training program requiring overnight accommodation elects to stay at private accommodation, Council will pay an allowance of \$100 per night to offset meals and other expenses. Councillors wishing to claim this allowance shall complete an Expenses Reimbursement form.

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Where a Councillor attending an approved conference, training or development program incurs child care expenses, Council will reimburse these expenses to a maximum of \$80 per day on provision of receipts and an appropriate claim form.

Where Councillors attend conferences, seminars, or training and development, they shall be entitled to a daily allowance of \$25 for sundry expenses in addition to other expenses allowed under this policy. The daily allowance can be paid either prior to, or at the conclusion of attending conferences etc. as part of a reimbursement claim.

5.9 Attendance at Overseas Conferences

Attendance by a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council and such resolution shall specify and detail the conditions of attendance.

POLICY APPLICATION

The policy is applicable to all Councillors during their term of office at the Shire of Shark Bay.

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11.5 LOCAL GOVERNMENT ACT REVIEW  
GV00001

AUTHOR

Executive Assistant

DISCLOSURE OF ANY INTEREST

Declaration of Interest:

Nature of Interest:

Moved Cr Ridgley

Seconded Cr Bellottie

**Council Resolution**

1. That Council consider the consultation paper from The Department of Local Government and put forward a submission to the Local Government Act review Phase 1.
2. That the response by WALGA to the Local Government Act Review be endorsed by Council and the President as the WALGA zone representative be requested to convey this endorsement to the State Council.

**6/0 CARRIED**

BACKGROUND

The Department of Local Government, Sport and Cultural Industries has commenced a review of the Local Government Act 1995.

The review will be undertaken in two phases. Phase 1 of the review considers the following matters:

- Meeting community expectations of standards and performance
- Transparency
- Making more information available online
- Red tape reduction (to be handled in both phases)

Phase 1 submission close on Friday 9 February 2018.

Phase 2 of the review, which will be conducted in 2018, will consider:

- Increasing participation in local government elections
- Increasing community participation
- Introducing an adaptive regulatory framework
- Improving financial management
- Building capacity through reducing red tape (to be handled in both phases)
- Other matters raised in phase 1 consultation

COMMENT

Attached under separate cover is the Local Government Act 1995 Review Phase 1 Consultation Paper for your consideration.

The review is set out in sections with guidance questions throughout the document, the relevant sections follow:

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## 1. Relationships between council and administration

This section defines the relationship between Council, the Chief Executive Officer, Staff and the community. This shows the functions under the Act and despite this tension still arises within local governments due to the lack of understanding of what each role is responsible for.

Defining the roles of council and administration: Guidance questions are as follows:

- 1) How should a council's role be defined?  
What should the definition include?
- 2) How should the role of the Chief Executive Officer and administration be defined?
- 3) What other comments would you like to make on the roles of council and administration?
- 4) Are there any areas where the separation of powers is particularly unclear?  
How do you proposed that these are improved?

Improving relationships between council and administration: Guidance question

- 5) Do you have any other suggestions or comments on this topic?

## 2. Training

Training for Councillors has been prepared by the Western Australian Local Government Association for some years. The Corruption and Crime Commission have recommended that elected members receive training. Making member training compulsory has also been raised.

### 2.1 Competencies required to be an elected member

To provide elected members with the competencies required to do their role, there may be benefits in identifying core training units as part of a new elected member training package.

Elected member competencies: Guidance questions

- 6) What competencies (skills and knowledge) do you thing an elected member requires to perform their role?
- 7) Do these vary between local governments?  
If so, in what way?

### 2.2 Funding Training

Benefits of training are widely recognised, but there is also a cost associated with training. These include the training course fee, travel, accommodation, meals and lost time from the elected member's job or business. Currently the costs are met by the local government and individual elected members. Some Council's require the Councillor to pay for their own training, other Council's allocate funds towards elected member training through their budget process.

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Funding training: Guidance questions

- 8) Who should pay for the costs of training (course fees, travel, other costs)?
- 9) If councils are required to pay for training, should a training fund be established to reduce the financial impact for small and regional local government?  
Should contribution to such a fund be based on local government revenue or some other measure?

2.3 Mandatory training

It appears that providing heavily subsidised or free training does not provide sufficient incentive for many elected members to undertake training. Mandatory training would result in all local government elected members being better prepared to undertake their role. The case against requiring elected members to undertake mandatory training has arguments that, training is not mandatory for State and Commonwealth parliamentarians, mandatory training would dissuade people from standing for office and limiting the holding of office to people who have completed or will complete training is undemocratic.

Training for all elected members regardless of their previous service would provide the greatest coverage and ensure the best performing councils. Experience does not necessarily equate to competence when it comes to the evolving and complex role of an elected member.

Mandatory Training: Guidance Questions

- 10) Should elected member training be mandatory?  
Why or why not?
- 11) Should candidates be required to undertake some preliminary training to better understand the role of an elected member?
- 12) Should prior learning or service be recognised in place of completing training for elected members?  
If yes, who would this work?
- 13) What period should apply for elected members to complete essential training after their election?

2.4 Continuing professional development

Elected members serving their communities need to be aware of evolving best practice in matters such as community engagement, planning, auditing and finance.

Requiring councils to adopt a training policy that incorporates the concept of continuing professional development is one option to build the capacity of councils through ongoing skills development and training.

Continuing professional development: Guidance questions

- 14) Should ongoing professional development be undertaken by elected members?
- 15) If so, what form should this take?
- 16) Do you have any other suggestions or comments on training?

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### 3. The behaviour of elected members

With the review of the Act it is timely to consider potential reforms to improve the overall framework for managing allegations of minor breaches.

#### 3.1 Current Situation

Under the current Act, all local governments are required to have a code of conduct for elected members, committee members and employees.

#### Codes of conduct: Guidance questions

- 17) Should standards of conduct/behaviour differ between local governments?  
Please explain.
- 18) Which option do you prefer for codes of conduct and why?
- 19) How should a code of conduct be enforced?

#### 3.2 Regulation of elected member conduct: rules of conduct

The Act has provided for a disciplinary framework to deal with minor, recurrent and serious breaches of conduct by individual elected members. The minor breach system is intended to provide a mechanism to deter inappropriate conduct by individual elected members that may lead to council dysfunction, loss of trust between council and administration, impairment of the local government's integrity and operational performance, and a consequent reduction in public confidence. The current minor breach system complements local government codes of conduct with enforceable standards for specified conduct that focuses on governance and integrity.

The Rules of Conduct Regulations provide the general principles to guide the behaviour of elected members.

#### Option 1: Streamlined Rules of Conduct

Option 1 proposes that the Rules of Conduct are streamlined and more emphasis is placed on conduct that is likely to:

- Be a detriment to the local government,
- Result in council dysfunction, or
- Impair public confidence in decision making.

The option proposes to minimise the rules that constitute a minor breach and which are dealt with externally. It is intended that those which are removed will be captured under the local government's Code of Conduct and will be dealt with locally. This reinforces the principle of autonomy.

#### Streamlined rules of conduct: Guidance questions

- 20) Do you support streamlined Rules of Conduct regulations?  
Why?
- 21) If the rules were streamlined, which elements should be retained?
- 22) Do you support a reduction in the time frame in which complaints can be made?  
Is three months adequate?

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Option 2: Revised disciplinary framework

Option 2 proposes that a disciplinary framework that is less prescriptive and more outcome-based is introduced. Such a scheme would require elected members to refrain from conduct likely to impair the integrity, operational performance or reputation of the local government, and they would be held accountable should they fail to do so. The focus would be on abuses of position, breaches of trust, dishonesty and bias that can be demonstrated.

The time limit for submitting a complaint could be reduced from two years after the incident to three months, with provision for an extension of up to 12 months to be granted in exceptional circumstances.

Revised disciplinary framework: Guidance questions

- 23) Do you support an outcome-based framework for elected members:  
Why or why not?
- 24) What specific behaviours should an outcomes based framework target?

3.3 Other matters recommended in the 2016-16 review

The 2016-16 review recommended that the rules governing behaviour be extended to candidates in local government elections. In this case sanctions would only apply for any minor breaches if the candidate was ultimately elected. This change would ensure that all nominees for election would be held to the same high standard of behaviour, as currently councillors seeking re-election must conform with the rules of conduct while other nominees do not.

Application of Rules of Conduct: Guidance question

- 25) Should the rules of conduct that govern behaviour of elected members be extended to all candidates in council elections?  
Please explain.

Offence provisions

It was further proposed that the restriction relating to improper use of information acquired in the performance of their role apply to persons who were formerly elected members, for a period of twelve months after their separation from local government. This offence carries a maximum penalty of \$10,000 or imprisonment for two years, and currently only applies to elected members, committee members and employees.

Offence Provisions: Guidance questions

- 26) Should the offence covering improper use of information be extended to former members of council for a period of twelve months?  
Why?
- 27) Should this restriction apply to former employees?  
Please explain.



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### Confidentiality

Currently, the Act restricts a person who makes a complaint or becomes aware of any detail of a complaint made during the campaign period from disclosing that a complaint has been made or any details. This restriction applies up until election day. This provision was inserted to prevent the complaints system being used as a tool in an election period against a candidate seeking re-election.

#### Confidentiality: Guidance question

- 28) Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved?  
Why?

### 3.4 Reforms to the Local Government Standards Panel and the means to review alleged breaches of the Rules of Conduct Regulations.

The Local Government Standards Panel currently reviews alleged breaches of the Rules of Conduct Regulations. In practice, most local governments and most elected members have little or no contact with the minor breach system.

#### Option 1: Status Quo

Option 1 is to maintain the Status Quo where all complaints against the Rules of Conduct Regulations are referred to the Standards Panel. The three person Panel consists of a person from the Department, a person who has experience as a member of a council and a person with relevant legal knowledge.

#### Option 2: Sector Conduct Review Committees

Under this option, minor breach complaints would be processed by the local government complaints officer and forwarded to a sector-based Conduct Review Committee.

The Conduct Review Committee could refer a matter to the Standards Panel if it believes that a breach warrants the Panel's involvement. Regulations could prescribe matter that must be sent directly to the Panel.

#### Sector conduct review committees: Guidance questions

- 29) What do you see as the benefits and disadvantages of this model?  
30) What powers should be Conduct Review Committee have?  
31) In your opinion what matters should go directly to the Standards Panel?  
32) Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?  
33) Who should select the members for the pool?  
34) How many members should there be on the Review Committee?  
35) Are the proposed actions for the Review Committee appropriate?  
If not, what do you propose?

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Review of elected member non-compliance: Guidance questions

- 36) Which of the options for dealing with complaints do you prefer?  
Why?
- 37) Are there any other options that could be considered?
- 38) Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?

3.4 Sanctions and other Standard Panel matters

Section 5.110(6) of the Act outlines the actions that the Standards Panel can impose when a minor breach is found.

Mediation

The Standard Panel cannot currently order that mediation is undertaken. A benefit of mediation is that it could address underlying issues and lack of understanding between elected members or between an elected member and another person. This is likely to lead to improved ongoing relationships and reduce the likelihood of the breach recurring.

Mediation: Guidance question

- 39) Do you support the inclusion of mediation as a sanction for the Panel?  
Why or why not?

Prohibition from attending council meetings

In some cases, minor breach complaints relate to inappropriate behaviour at council meetings. If an elected member is found to have committed a minor breach of this nature, it may be useful if the Panel could direct the member to not attend council meetings for a set period.

Prohibition from attending council meetings: Guidance questions

- 40) Do you support the Panel being able to prohibit elected members from attending council meetings?  
Why or why not?
- 41) How many meetings should the Panel be able to order the elected member not attend?
- 42) Should the elected member be eligible for sitting fees and allowances in these circumstances?

Compensation to the local government

Another sanction option could be to require the person who has been found to have committed a minor breach to pay the local government an amount of compensation. The amount that could be ordered would have a limit, such as \$10,000. It is expected that this sanction would only be imposed in circumstances where there has been a clear financial impact to the local government.

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This option exists under the equivalent breach systems in Tasmania, the Northern Territory, Queensland and South Australia.

Compensation to the local government: Guidance questions

- 43) Do you support the Panel being able to award financial compensation to the local government?  
Why or why not?
- 44) What should the maximum amount be?

Complaint administrative fee

This option proposes that a fee accompanies a complaint when it is lodged with a complaints officer. In the event that a breach is found, the fee would be refundable to the complainant. If no breach found the fee would be retained to partly off-set administrative costs.

The benefit of require a fee would firstly encourage complainants to only lodge a complaint where, in their opinion, there is strong evidence of a breach. It is expected that this would encourage more complaints to be dealt with at a local level and reduce the use of the Panel as a mechanism for dealing with personal grievances. Secondly, a reduction in the number of trivial or vexatious complaints that need to be considered by the Panel will allow the Panel to consider breaches which may be causing serious dysfunction in a more expedient manner.

Administration fees for lodging complaints is currently required by other Commissions and Tribunals.

Complaint administrative fee: Guidance questions

- 45) Do you support this option?  
Why or why not?
- 46) Do you believe that a complaint administrative fee would deter complainants from lodging a complaint?  
Is this appropriate?
- 47) Would a complaint administrative fee be appropriate for a sector conduct review committee model?  
Why or why not?
- 48) What would be an appropriate fee for lodging a complaint?
- 49) Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department of offset costs?  
Why or why not?

Cost recover to the local government

An alternative to imposing a financial sanction is to require the elected member who has committed the breach to reimburse the local government the cost of the panel proceedings. Currently, the local government pays the cost.

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Cost recovery to local government: Guidance question

- 50) Do you support the cost of the panel proceedings being paid by a member found to be in breach?  
Why or why not?

Publish complaints in the annual report.

This proposal is that local governments are required to publish in their annual report the number of minor breach allegations, the number of findings of breach and the costs reimbursed to the Standards Panel relating to those complaints. This would increase transparency to the community and make elected members more accountable for their actions.

Council currently only reports the number of breaches to the Act in the Annual Report.

Publication of complaints in the annual report: Guidance question

- 51) Do you support the tabling of the decision report at the Ordinary Council meeting?  
Why or why not?

Table decision report at Ordinary Council meeting

This proposal is that the council table any decision reports which result from a minor breach finding against one of their elected members at the next Ordinary Council meeting that is open to the public.

This proposal is more likely to ensure that all elected members and the local community are made aware of the minor breach finding. This is expected to increase transparency while acting as a deterrent.

Tabling decision report at Ordinary Council meeting: Guidance question

- 52) Do you support this option?  
Why or why not?

### 3.5 Elected member interests

The act requires elected member to disclose any financial interest they have. They are not allowed to participate in decision making related to that interest.

Section 5.63(f) provides an exemption for members of not-for-profit organisations. Specifically, it states that if a member is, or intends to become, a member of a not-for-profit organisation, the member does not need to disclose a financial interest.

They are, however, required to disclose what is known as an 'impartiality interest' under the Rules of Conduct Regulations. This must be recorded in the minutes of the relevant meeting but does not limit the member from participating in the decision making.

This option proposes that the Act is amended to remove the exemption.

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Elected member interests: Guidance questions

- 53) Should not-for profit organisation members participate in council decisions affecting that organisation?  
Why or why not?
- 54) Would your response be the same if the elected member was an office holder in the organisation?

Improving the behaviour of elected members: Guidance question

- 55) Do you have any other suggestions or comments on this topic?

**4. Local Government administration**

**4.1 Recruitment and selection of local government Chief Executive Officers**

Local governments are given considerable autonomy when it comes to employing a Chief Executive Officer. The Act requires a local government to employ a Chief Executive Officer that the council believes is suitably qualified. Regulations require the council approve the process used to select and appoint a Chief Executive Officer before the position is advertised. The Act also requires that the Chief Executive Officer's performance should be reviewed by council at least once per year. Local government Chief Executive Officers are appointed under a contract with a maximum duration of five years.

As the employing authority, the council has the power to employ, review the performance and dismiss a Chief Executive Officer ensuring that the Chief Executive Officer remains accountable to the council. Some elected members believe, however, that Chief Executive Officers have too much power, leaving the council with no option but to renew a Chief Executive Officer's contract and to agree to the conditions requested.

High profile cases of governance failures in recent years indicate that, in some cases, selection outcomes could be improved. Likewise, a common issue expressed by small, regional councils is the difficulty in attracting high-calibre candidates. Reforms to the way Chief Executive Officers are recruited and selected would potentially assist in expanding the pool of recruits and finding the right people.

The importance of an effective local government Chief Executive Officer with a strong and healthy relationship with council has been identified by multiple independent inquiries including the 2012 Metropolitan Local Government Review (the Robson Report) and inquiries into the Cities of South Perth (2002) and Canning (2014), the 2003 report on the Act by the Western Australian Parliament Standing Committee on Public Administration and Finance, and the Corruption and Crime Commission's report into the actions of the former Chief Executive Officer of the Shire of Dowerin.

The pitfalls associated with Chief Executive Officer's recruitment were highlighted in the independent inquiry into the City of Joondalup in 2005. Among other things, the inquiry found that the council had failed to run an appropriate selection process for their Chief Executive Officer which resulted in the appointment of a candidate who had misrepresented their qualifications. This ultimately led to the dismissal of the council. While the example from the City of Joondalup is over a decade old and can be viewed

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as an isolated incident, the provisions in the Act concerning Chief Executive Officer recruitment remain largely unchanged. Furthermore, it demonstrated that such issues can impact local governments regardless of their size.

Option 1: Local governments to engage the services of the Public Sector Commission to provide support and guidance to council during the selection of a Chief Executive Officer

A case has previously been made, most prominently in the 2012 Robson Report, that the Public Sector Commission should be involved in the selection of local government Chief Executive Officers. The rationale for this proposal is four-fold:

- the Public Sector Commission is currently responsible for leading the recruitment of State Government agency Chief Executive Officer positions by examining the applications and making a recommendation to the Government;
- the expertise of elected members, as democratically elected representatives, may not necessarily extend to Chief Executive Officer recruitment and selection;
- elected members may not have the resources required to undertake a suitably intensive and wide-reaching recruitment and selection process to select a high-performing Chief Executive Officer, particularly if this process is to be conducted independently of the existing Chief Executive Officer; and
- local governments in regional areas have frequently reported difficulties in attracting suitably-qualified candidates. The involvement of the Public Sector Commission in recruitment could expand the pool of available candidates.

Local governments could be encouraged, or required through amendments to the Act, to use the expertise of independent people approved by the Public Sector Commission, or the Public Sector Commission itself. Currently, local governments may use the services of a recruitment agency or other independent assistance. However, concerns exist with the overall quality and consistency of this support and the capacity of small local governments to pay for private recruitment services.

By adapting the process used to recruit State government Chief Executive Officers, the Public Sector Commission could support councils with recruitment by providing a shortlist of applicants. Council would then determine whether to appoint one of the shortlisted candidates or an alternative candidate.

Option 2: Councils to involve third-parties in Chief Executive Officer selection.

The knowledge and experience within Western Australia's local government sector and the public sector more broadly represents an underutilised resource for councils when selecting a Chief Executive Officer. Greater assistance could be provided in two areas: in assisting with, or participating on the selection panel in an advisory capacity.

Under this approach, a list would be maintained of approved providers that are 'accredited' to provide expert advice to local governments during the selection of a Chief Executive Officer. The support provided could include general advice, recruitment and short-listing services, background checks on candidates and support to selection panels. Importantly it could include early discussion on the particular skills

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and experience required by the Chief Executive Officer to deliver that local government's Strategic Community Plan under direction of the council.

The list of approved people could include private recruitment agencies, representatives from peak bodies and independent senior public servants.

The availability of approved providers would ensure that all councils could access high-quality recruitment services. Local governments would be required to meet the costs associated with contracting private recruitment specialists but would benefit from a high-quality recruitment process.

This approach also proposes reforms that require a council to include an experienced panel member from another local government, peak body or public sector agency on the selection panel. This could improve the diversity of panels and better equip local governments in making this important decision.

Several entities may be suitable to perform the role of accrediting representatives: This could include the Department, the Local Government Advisory Board, or the Public Sector Commission.

#### Option 3: Local governments to adopt a Chief Executive Officer recruitment standard

A Chief Executive Officer recruitment standard could be developed in consultation with the sector. It could be required that local governments adopt the standard through amendments to the Act, or the sector could be supported in the application of the standards, by the Public Sector Commission or other relevant third parties.

The standard could formalise the existing guidance on good practice for Chief Executive Officer recruitment and detail the matters that local governments should have regard to when selecting a Chief Executive Officer. It would set out steps or processes that should be undertaken.

The standard could draw on best practice guidance published by the Public Sector Commission and describe the characteristics and attributes that a Chief Executive Officer should possess together with desirable experience, competencies and qualifications.

#### Option 4: Status Quo

A council's autonomy in selecting a Chief Executive Officer is a fundamental element of the current Act. Reforms to the way Chief Executive Officers are selected may be seen as a restriction on the autonomy of local governments. Most Chief Executive Officers employed in the sector are highly competent and manage their local governments effectively. In addition, it can be argued that local government Chief Executive Officer positions are unique and elected members, who must work closely with their Chief Executive Officer, are best positioned to select a candidate. This does not, however, address any lack of skills or experience in the elected members who are undertaking the selection process.



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Recruitment and selection of local government Chief Executive Officers: Guidance questions

- 56) Would councils benefit from assistance with Chief Executive Officer recruitment and selection?  
Why?
- 57) How could the recruitment and selection of local government Chief Executive Officers be improved?
- 58) Should the Public Sector Commission be involved in Chief Executive Officer recruitment and selection?  
If so, how?
- 59) Should other experts be involved in Chief Executive Officer recruitment and selection?  
If so, who and how?
- 60) What competencies, attributes and qualifications should a Chief Executive Officer have?

4.2 Acting Chief Executive Officers

From time to time due to the absence of the Chief Executive Officer it is necessary for the local government to appoint an acting Chief Executive Officer. Absences can be temporary, when the Chief Executive Officer is on leave or temporarily absent for other reasons; or permanent, when the Chief Executive Officer has resigned, died or when the Chief Executive Officer's employment has been terminated.

The Act states that an employee may act in the position of the Chief Executive Officer or senior employee for a term not exceeding one year without a written contract.<sup>15</sup> The Act is silent as to who has the responsibility for appointing the acting Chief Executive Officer.

Competing arguments exist as to whether the appointment of an acting Chief Executive Officer should be the responsibility of the Chief Executive Officer, council, or council in conjunction with the Chief Executive Officer. It can also be argued that there is a difference between the appointment of an acting Chief Executive Officer for a temporary absence and a situation where the appointed Chief Executive Officer will not be returning to the position.

The process for appointing an acting Chief Executive Officer is usually set out in council policy. In the absence of such a policy, this matter can cause confusion, especially if the Chief Executive Officer is absent unexpectedly.

Acting Chief Executive Officer's: Guidance questions

- 61) Should the process of appointing an acting Chief Executive Officer be covered in legislation?  
Why or why not?
- 62) If so, who should appoint the Chief Executive Officer when there is a short term temporary vacancy (covering sick or annual leave for example)?
- 63) Who should appoint the Chief Executive Officer if there will be vacancy for an extended period (for example, while a recruitment process is to be undertaken)?



#### 4.3 Performance review of local government Chief Executive Officers

The Act requires that the performance of each employee who is employed for a term of more than one year, including the Chief Executive Officer, is to be reviewed at least once every year.<sup>16</sup> While the Chief Executive Officer is responsible for reviewing the performance of officers, it is the council that is solely responsible for reviewing the Chief Executive Officer's performance.

Councils have significant autonomy in selecting the method and means to review the performance of the Chief Executive Officers. Some councils appoint a sub-committee of elected members, while others use external independent experts, including Western Australian Local Government Association, to assist the process. For some councils, this can be a cursory assessment.

Reviewing the performance of a Chief Executive Officer is a critical matter. Like recruitment, elected members may not have any expertise in performance review. The review of a Chief Executive Officer's performance can be particularly difficult when relationships between the council and Chief Executive Officer are not professional. Both hostile and overly friendly relationships between council and Chief Executive Officer can be equally problematic.

#### **Option 1: Approved third-party to be involved in the performance review of Chief Executive Officers**

As councils work with Chief Executive Officers daily, they are uniquely positioned to assess Chief Executive Officer performance. Providing additional tools such as guidance material for councils to review performance is an alternative to legislative reform. Without the skills or expertise to use these tools, however, they may be of little benefit.

Elected members do not necessarily have the competencies or experience in conducting performance reviews and may face difficulties balancing the professional performance of the Chief Executive Officer with community concerns about the implementation of unpopular decisions.

Involving an approved third-party can mitigate some of these challenges and ensure that Chief Executive Officer performance is assessed based on evidence. It may result in more rigorous and fair performance reviews.

The Public Sector Commission manages performance agreements with State Government agency Chief Executive Officer's and equivalents. The role of the Public Sector Commission to participate in local government Chief Executive Officer performance reviews could be expanded by:

- providing advice to local governments;
- maintaining panels of experts that local governments could contract to assist with reviews; or
- participating in performance reviews with councils.

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Other experts that local governments could involve include experienced elected members or senior public servants. Alternatively, councils could contract services from Western Australian Local Government Association or other consultants.

**Option 2: Local governments to adopt a Chief Executive Officer performance review policy**

Councils adopting a Chief Executive Officer performance review policy that contains specified elements could achieve greater consistency between local governments and result in more rigorous and fair performance reviews.

Items to be included within a Chief Executive Officer performance review policy could include:

- who is required to participate in the performance review; and
- what matters should be considered in the review such as key performance indicators, benchmarks and progress towards achieving the Strategic Community Plan and Corporate Business Plan.

Requiring local governments to adopt a Chief Executive Officer performance review policy would mandate a practice that is already employed by some local governments across the State but could provide further guidance on the contents of such policies. This in turn may result in improvements to the conduct of Chief Executive Officer performance reviews.

**Option 3: Local governments to conform to a standard for Chief Executive Officer performance review**

Providing a standard for Chief Executive Officer performance review represents another option that could achieve greater consistency, fairness and rigour in Chief Executive Officer performance review. A standard would take the concept of policy a step further by specifying the methods for performance review and the matters to be considered.

**Performance review of local government Chief Executive Officers: Guidance questions**

- 64) Who should be involved in Chief Executive Officer performance reviews?
- 65) What should the criteria be for reviewing a Chief Executive Officer's performance?
- 66) How often should Chief Executive Officer performance be reviewed?
- 67) Which of the above options do you prefer?  
Why?
- 68) Is there an alternative model that could be considered?

**4.4 Extension or termination of the Chief Executive Officer contract immediately before or following an election**

As an employee directly appointed by the council, a Chief Executive Officer contract may be extended or terminated by council at any time, though financial penalties will

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apply to early termination. This can create situations where a newly elected council dismisses the

Chief Executive Officer immediately after an election, or where a council extends the contract of the Chief Executive Officer before an election for an extended period thus binding incoming elected members.

Dismissal of a Chief Executive Officer immediately after an election can be a political decision, rather than one based on performance and can lead to a lack of continuity and dysfunction during the time when a new council is settling in to their role. Western Australian legislation specifies that a Chief Executive Officer or senior employee who has their contract terminated is entitled to be compensated the value of the contract to a maximum of one year's remuneration, which means that while there is a financial consequence for terminating a Chief Executive Officer, it is not so great as to dissuade councils from terminating Chief Executive Officers.

Council decisions regarding Chief Executive Officer contract management should be based on the Chief Executive Officer's performance and achievement. The current legislative framework does not provide significant protections to ensure that the grounds for extension or termination of the Chief Executive Officer are valid.

- 69) Would a 'cooling off' period before a council can terminate the Chief Executive Officer following an election assist strengthening productive relationships between council and administration?
- 70) What length should such a cooling off period be?
- 71) For what period before an election should there be a restriction on a council from extending a Chief Executive Officer contract?  
Should there be any exceptions to this?

#### 4.5 Public expectations of staff performance

Western Australian local government employees perform important roles delivering services, regulating local businesses, supporting communities and ensuring that the local governments themselves are well managed.

While the public has high expectations for public officers at all levels of government, the public expectations of local government employees may be heightened because the community interacts so frequently with local government employees.

Local government employees are entrusted with public money, and must make sure that their decision making is fair and free of bias, and that private information is stored and used appropriately.

There are clear benefits to preventing misconduct and raising the standard of public officer performance and conduct. The first step is employing the right people.

In respect to employment, the Act states that a person should not be employed unless the Chief Executive Officer believes that the person is suitably qualified for the position. It further states that employment should be based on merit and equity without nepotism, patronage or discrimination.

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Local governments have greater autonomy than the State public service in determining the methods of selecting, remunerating and managing their workforce.

Unless specified by an individual local government recruitment process, applicants are not required to provide evidence of a criminal record check, working with children check, health clearance or information regarding outstanding or completed disciplinary processes.

Public expectations of staff performance: Guidance questions

- 72) Is greater oversight required over local government selection and recruitment of staff?
- 73) Should certain offences or other criteria exclude a person from being employed in a local government?  
If so, what?

Strengthening local government administration: Guidance question

- 74) Do you have any other suggestions or comments on this topic?

**5. Supporting local governments in challenging times**

The power of general competence means that the circumstances in which the State Government can reasonably intervene in local government affairs are limited. For instance, the State Government cannot intervene in lawful decisions made by a local government, even when these lawful decisions are inconsistent with broader community views.

Under the current Act, there are limited options for the State Government to implement remedial actions to ensure the good governance of a local government. This includes situations where a local government, a member of council, a Chief Executive Officer or employee has failed or is failing to comply with provisions under the Act or regulations. There are also limited intervention options when there is reason to believe that a person or persons within a local government are engaging in behaviour adversely affecting the ability of council, its members or employees, or the local government to properly perform its functions.

Proposed Remedial Action Process

The introduction of more sophisticated ways to work with local governments to improve financial management, governance and performance has the potential to prevent large-scale issues and to strengthen local government capacity.

Currently, capacity building strategies, such as Better Practice Reviews, governance programs, service delivery reviews, asset management programs and tailored one-on-one support are employed. While these programs have strengthened local government capacity significantly, they are voluntary. As voluntary programs, their reach is limited to local governments that wish to participate and participation varies considerably across the sector.

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The other tool available is a Directions Notice, which requires the local government to provide certain information.

Remedial intervention: Guidance questions

- 75) Should the appointed person be a department employee, a local government officer or an external party?  
Why?
- 76) Should the appointed person be able to direct the local government or would their role be restricted to advice and support?  
Please explain.
- 77) Who should pay for the appointed person?  
Why?

To perform their duties, the appointed person would require wide-ranging powers and have the ability to employ a variety of strategies. This role could include:

- • making recommendations to the council, CEO and the Department;
- • mediating between parties;
- • arranging for training; and
- • reviewing, and making recommendations on, practices and procedures.

Powers of appointed person: Guidance question

- 78) What powers should an appointed person have?

A key role for the appointed person would be making recommendations to the Department about the success of the remedial action and whether escalation is required. In line with the current approach, in the rare event that a local government is failing to provide good governance for their district, the Minister will retain the ability to suspend a council and install a commissioner.

**Discussion**

The proposed remedial approach presents considerable benefits over the existing approach. It expands the narrow power of the existing directions notice to enable the Department to ensure that local governments are performing to the high standard expected by the community.

In situations where local governments are not meeting their obligations, the approach provides a scalable, repeatable and transparent approach that focuses on resolving the issue to the benefit of the community in a timely manner. In doing so, the approach is not focused on punishing the local government and by extension the wider community but on providing support.

The process may reduce costs in the long term by enabling intervention in local governments well before the need for formal inquiries. The process could provide councils and staff with the confidence of an independent evaluation that is key to identifying the issues that may be limiting the provision of good governance.

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Remedial action process: Guidance questions

- 79) Do you think the proposed approach would improve the provision of good governance with Western Australia?  
Please explain.
- 80) What issues need to be considered in appointing a person?

Supporting local governments in challenging times: Guidance question

- 81) Do you have any other suggestions or comments on this topic?

**6. Making it easier to move between State and local government employment**

Local government employees are defined in Western Australia legislation as ‘public officers’ but have a unique status that complicates recognition of service and the ability of employees to transfer between local and State government.

These complications can make movement between local and State government less appealing for employees and limit the opportunity for transfers and secondments that currently give greater flexibility for State government agencies.

Removing these barriers has the potential to greatly increase the skills and capacity of both State and local government workforces. Both can be viewed as ‘closed shops’, and increasing the cross-pollination between these two major employers could result in exchange of skills, experience and capability that will benefit both tiers of government and the community.

While there are no specific prohibitions in place that would prevent individual State government agencies from recognising a new employee’s service with a local government employer (or vice versa) in respect to long service leave and personal leave, the practice is not common. This is in part because no avenue currently exists for employers to recover the costs of the employee’s leave entitlements.

Further legislative and industrial relations barriers exist to the seamless transition for employees between local and State government.

Local governments are defined in the *Public Sector Management Act 1994* as Schedule 1 entities. Other Schedule 1 entities include Western Australia’s public universities, electoral officers of members of Parliament and government corporations.

Due to historic agreements, portability of leave (and recovery of the associated costs) to State government positions is possible for some schedule 1 entities but not all. It does not currently apply to local governments.

Reforms to simplify and encourage the transfer of employees between local and state government would require a whole of government approach and amendments to the *Public Sector Management Act 1994*, *Financial Management Act 2006*, and *Local Government Act 1995*.

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Transferability of employees: Guidance questions

- 82) Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?
- 83) What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?

Making it easier to move between State and local government employment: Guidance question

- 84) Do you have any other suggestions or comments on this topic?

**Public confidence in Local Government**

Elected members make decisions on how funding is raised by the local government and how that money is spent. They decide development applications and give building approvals, determine what services will be provided and how these will be delivered. These decisions fundamentally affect the nature, function and appearance of our towns and suburbs.

Senior officers prepare reports and provide recommendations to council on a wide variety of matters. Officers are also responsible for the implementation of council decisions.

The community places their trust in their elected members and the local government administration to make decisions that are in the best interests of the broader community and to act without bias or favour. Occasionally local governments can misuse that trust.

One area where the potential exists for this to occur is in the acceptance of gifts.

**7. Gifts**

7.1 Simplifying the gift provisions

**Background**

Councillors and local government employees, as everyone does, occasionally receive gifts. Given the important role of council members and many local government employees as decision-makers in positions of power, the public has a reasonable expectation that the important decisions that a local government makes are free from improper influence.

There is nothing inherently wrong with accepting gifts when they are offered. It is critical, however, that their receipt is openly and transparently acknowledged and recorded, and that those records are made freely available to the community. Non-disclosure of gifts that may have an effect on, or could be perceived as possibly having an effect on, the decision-making of elected members runs the risk of damaging the reputation of the local government sector and the trust placed in elected members by their communities. In extreme cases this could leave councils unable to perform their primary function of providing for the good government of people in their districts.



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The rules concerning the declaration of gifts must also be sensible and not create an unreasonable burden or compromise the council member's rights to maintain a private life beyond their service as a councillor.

Gifts and contributions to travel are regulated under the Act and three sets of Regulations – the *Local Government (Administration) Regulations 1996*, *Local Government (Elections) Regulations 1997* and *Local Government (Rules of Conduct) Regulations 2007*. Each regulation has a different framework for declaring gifts and contributions, which has led to confusion in the sector. Attachment 2 outlines the provisions currently applying in Western Australia.

It is clear there is no “one size fits all” solution for the disclosure of gifts in the local government sector.

**Key elements of the proposed approach**

The current framework sets three different categories for gifts with different thresholds:

- \$50 for a notifiable gift;
- \$200 for a disclosable gift; and
- \$300 for a prohibited gift.

Notifiable and prohibited gifts apply in situations where there is likely to be a perceived conflict of interest – where the donor has matters which require council decisions.

**Replacing notifiable and prohibited gifts with a single category**

Under the proposed approach, there would no longer be such a thing as a “prohibited” gift. Instead, the appropriateness of the acceptance of the gift will be a matter for the recipient.

This would simplify disclosure requirements while still maintaining a level of probity, accountability and transparency.

All gifts could be accepted regardless of the amount, but that acceptance of gifts over the threshold would disqualify the recipient of such a gift (being an elected member) from voting on matters relating to the donor. This would apply for the term in which they received the gift, or for the term following their election in the case of a gift received in the election period. This deals with any perception of bias in decision-making.

The Minister for Local Government would have the discretion to approve voting by elected members on such matters and on application from the local government where this is considered to be in the public interest. This approach would be consistent with section 5.69 of the Act, which gives the Minister the statutory authority to allow elected members who have disclosed an interest to continue to participate in meetings.

This would:

- allow elected members and CEOs to use their own judgement on the acceptance of gifts of any value without the concern that they are “prohibited”
- demonstrate that there is nothing inherently wrong with accepting a gift when it is offered, provided acceptance is properly regulated and disclosed
- deal with the critical matter to be addressed, being any attempt to influence decision-making through the provision of gifts



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- make it clear to recipients and donors alike that while any and all gifts can be accepted regardless of value, they can have no perceived or actual impact on the recipient's decision-making as the recipient will not be able to vote on matters relating to the donor
- provide for a level of independent Ministerial oversight by requiring recipients to apply for approval to vote on matters concerning the donor in circumstances
- where this is considered necessary (for example, if a quorum can no longer be formed).

**Consolidating 'gifts' and 'contributions to travel'**

- Consolidating gifts and contributions to travel would further streamline the gift provisions. At present, different information must be recorded depending on whether a gift or contribution to travel is received. What constitutes a contribution to travel can be a source of confusion, particularly when work trips may be extended for personal purposes. In addition, components of a trip may come under the definition of a gift rather than a contribution to travel.

In the interests of simplifying the disclosure requirements while still maintaining a level of probity, accountability and transparency, it is recommended that separate treatment of "contributions to travel" be discontinued.

In addition, using "gift" as an umbrella concept which includes travel will simplify and streamline the existing disclosure requirements for elected members and reduce red tape. The consolidation of the two also recognises that contributions to travel, including accommodation, are in practice a form of gift.

**Having a single threshold of \$500**

Replacing the categories of 'notifiable' and 'prohibited' gifts with a monetary threshold of \$500 would simplify gift provisions significantly. Any gifts under \$500 would be exempt from disclosure.

The argument for increasing the threshold is two-fold: to compensate for removing multiple exemption categories and so that the threshold was set at a level that would not generally capture gifts received from friends or multiple small gifts from the same person or organisation such as hospitality. Removing exemptions (see details in the table above) would further simplify the provisions, leading to less confusion on what should be disclosed.

The working group recommended \$500 as the threshold as it would capture many of the gifts that it was considered that members of public would reasonably expect council members to receive in the course of their everyday life – what could be considered to be personal gifts.

While it is acknowledged that raising the threshold to \$500 would allow more expensive gifts to be accepted without the requirement to disclose, there is also a significant reduction in red tape and administrative burden through the proposed lessened disclosure requirements.

Raising the threshold and extending the prescribed time period will have the effect of reducing the administrative burden on elected members. For example, attendance at regular meetings including a meal worth \$40 would add up to \$480 over a year. It is less likely that, with a threshold of \$500 in 12 months, reasonably priced hospitality would be disclosable.

A timeframe of six months effectively doubles the threshold. Gifts of \$1,000 are likely to be significant enough that there is a strong public interest argument for disclosing them.

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In the interests of promoting accountability and transparency and ensuring the community is aware of expensive gifts received by elected members it is recommended that the prescribed time period be 12 months.

**Who should the framework apply to?**

The working group recommended that the new gift disclosure provisions apply only to local government elected members and CEOs, with each local government required to adopt a gifts policy with which all other employees must comply.

Allowing each local government to set its own gifts policy provides the opportunity to tailor requirements to a local government's unique situation. With 137 local governments across the State and staffing numbers ranging from fewer than 20 to more than 800, there is no practical "one size fits all" approach.

The current framework captures all manner of employees which, while potentially appropriate in theory, is not actually necessary or practical. While those who choose to run for office and represent their community as an elected member are public figures, and are therefore expected to make reasonable concessions as to their personal privacy, there is no compelling public interest reason for all local government employees, who are private citizens, to be required to disclose gifts.

Empowering local governments to develop their own gifts policies for employees gives the sector the flexibility to determine what gifts should and should not be accepted and to tailor each policy to the requirements of the district.

**Excluding gifts from relatives**

Gifts received from a relative do not need to be disclosed. A relative is currently defined as any of the following —

(a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the person or of the person's spouse or de facto partner;

(b) the person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a), whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law.

Consistent with the recommendations of the working group, it is proposed that the definition of relative is expanded to ensure foster and adopted children and grandchildren are also classed as relatives. This is consistent with the definition of "relative" in the *Members of Parliament (Financial Interests) Act 1992*, which includes that "an adopted person shall be treated as the legitimate child of his adopters".

It is also intended that the definition of gift specifically refers to fiancés and fiancées. This will remove any uncertainty about the giving of an engagement ring.

**Penalties for non-disclosure or provision of false information**

The working group recommended that existing penalties for non-disclosure and giving false and misleading information be retained. Under section 5.89B of the Act a failure to comply with the disclosure requirements is an offence with a penalty of \$10,000 or imprisonment for two years.

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Similarly, it is an offence to give false or misleading information in a return lodged under various sections of the Act (including the gift provisions) with the same penalty of a \$10,000 fine or two years' imprisonment.

A new framework for disclosing gifts: Guidance questions

- 85) Is the new framework for disclosing gifts appropriate/
- 86) If not, why?
- 87) Is the threshold of \$500 appropriate/
- 88) If no, why?
- 89) Should certain gifts – or gifts from particular classes or people – be prohibited?  
Why or why not?
- 90) If yes, what gifts should be prohibited?

**Excluding gifts in a genuine personal capacity**

More recently, local government peak bodies have advocated for reforms in addition to the working group's initial recommendations by seeking for gifts in a genuine personal capacity to also be excluded

The argument for this exemption is that gifts from friends are a personal matter and not relevant to the performance of an elected member's functions. The value of some of these gifts may be over the threshold limit.

The difficulty with this option is how to define 'personal capacity'. A substantial gift from a property developer, for example, could be given to coincide with the elected member's birthday and said to be given in a personal capacity.

It is the role of elected members to make decisions on matters affecting the community, including on planning and other approvals and on expenditure of funds raised from rates and other charges. A gift could influence the recipient's views on the donor and result in decision making that may not be in the public interest. This can be mitigated in one of two ways: banning the receipt of gifts or requiring the giving of the gift to be made public. The second method allows the community to judge whether they believe decision-making has been affected.

An alternative treatment is to set a threshold at an amount that would exclude gifts that could be considered to be a personal gift.

Excluding gifts received in a personal capacity: Guidance questions

- 91) Should gifts received in a personal capacity be exempt from disclosure?
- 92) If yes, how could 'personal capacity' be defined?
- 93) Should there be any other exemptions from the requirement to disclose a gift over the threshold?
- 94) If so, what should these be?  
Please justify your proposal.

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Gifts: Guidance question

95) Do you have any other suggestions or comments on this topic?

**Transparency**

Local governments are required to make a variety of information available as a matter of accountability and transparency. This includes issuing public notices on tenders, advertising annual electors meetings and keeping registers on a range of subjects. Other documents are required to be available for public inspection at the council office during business hours.

These requirements have not kept up with technology. In the digital age, people expect to be able to access information when and where they want. For many people, finding a notice in a newspaper is old-fashioned and not easily accessible. In fact, in the Kimberley and other areas of the State, the West Australian newspaper is no longer available.

All local governments now have a website and some have social media accounts. This section examines what changes need to be made to meet current community expectations on information availability.

**8. Access to information**

It is vital that local governments take positive steps to provide information to their communities. This ensures that:

- Local governments operate in a transparent manner;
- Residents are sufficiently engaged in community affairs; and
- The public recognises the work and service that local governments provide to the community.

The Act provides many situations where local governments must provide information to the community. This includes issuing public notices, keeping registers on a variety of subjects and making certain documents available for public inspection.

Access to technology has changed the way that information is shared, received and discovered. Current trends indicate that people are turning away from traditional print media in favour of the internet and social media.

All other jurisdictions in Australia have addressed this issue by amending their legislation to account for new technology. The particular approach differs from State to State, but each jurisdiction now provides for:

- the operation of local government websites;
- the issuing of electronic notices; and
- online access to public documents.

Western Australia is the only jurisdiction that has yet to follow suit. The Act is generally silent on electronic disclosure and local governments have been left to address this issue themselves.

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### 8.1 Public notices

The Act requires local governments to provide public notice to the community in a variety of circumstances. The Act specifies two forms of notice:

- (a) written notice in a newspaper circulating in the district (“local notice”); and
- (b) written notice in a newspaper circulating in the State (“state-wide notice”).

The Act requires public notices to be issued in many situations. A complete list of the notices required by the Act is listed at the end of this section as supplementary information-Public notices.

The introduction of electronic notices on local government websites would have a number of positive benefits, but also have a number of drawbacks.

#### **Specific options**

In addition to reviewing how notices are made available, the question also arises as to whether a particular type of notice is still appropriate in its current form.

For each type of notice, there are several options which are available:

- (a) The requirement can remain unchanged;
- (b) The type of notice required by the Act may be changed from state-wide notice to local notice;
- (c) The form of the notice can be changed from print to electronic;
- (d) The requirement to issue the notice may no longer be necessary.

How appropriate these options are will depend on the type of notice and the reason for its issue.

#### Public notices: Guidance questions

- 96) Which general option do you prefer for making local public notices available?  
Why?
- 97) Which general option do you prefer for State-wide public notices?  
Why?
- 98) With reference to the list of public notices, do you believe that the requirement for a particular notice should be changed?  
Please provide details.
- 99) For the State-wide notices in Attachment 3, are there alternative websites where any of this information could be made available?

### 8.2 Information available for public inspection

Under the Act there are a number of registers and documents that local governments are required to produce and maintain. These documents are required to be available for inspection at the local government office on request.

Currently the only documents that are required to be placed upon a local government’s website are the gifts register and contributions of travel register, and annual report following the amendments to the auditing provisions.

It may also be appropriate to make additional information available to enhance the transparency of local governments.

**General options**

The options available are as follows:

(a) The requirement can remain unchanged: Information is provided in person on demand, with placement on a website discretionary.

(b) A hybrid approach depending on the nature of the information: Some information is required to be placed on a local government website, while other more sensitive information is only provided in person.

(c) Electronic disclosure replaces physical registers completely: All information is provided on a local government website and no information is provided in person. This would represent a significant increase in the availability of information to the public.

(d) Electronic disclosure is required for all information, in addition to providing it in person: This will increase the level of transparency, although it may create additional costs to publish the information online. A local government could simply print out the information if requested for it in person.

Information available for public inspection: Guidance questions

100) Using the following table, advise how you think information should be made available:

<b>Provision</b>	<b>Documents</b>	<b>In person only</b>	<b>Website only</b>	<b>Both</b>	<b>Neither</b>
Section 5.53			Annual Report		
Section 5.75 & 5.76			Primary and Annual returns – for Elected members Includes – sources of income Trusts Debts Property holdings. Interests and positions in corporations.		
Section 5.87			Discretionary disclosures generally		
Section 5.82			Gifts (already required to be on the website)		
Section 5.83			Disclosure of travel contributions (already required to be on the website)		
Elections Regulations 30H			Electoral gifts register		
Section 5.98A			Allowance for deputy mayor or deputy president		
Section 5.100			Payments for certain committee members		
Functions and General Regulations 17			Tenders register		
Section 5.94 & Administration Regulations 29			Register of delegations to committees, Chief Executive Officer and employees		

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Minutes of council, committee and elector meetings

Future plan for the district

Annual Budget

Notice papers and agendas of meetings

Reports tabled at a council or committee meeting

Complaints register (concerning elected members)

Contracts of employment of the Chief Executive Officer and other senior local government employees

Schedule of fees and charges

Proposed local laws

Gazetted Local laws (and other law that has been adopted by the district)

Rates record

Electoral roll

**Note:** There is no intention to amend the current limitations imposed by section 5.95 of the Act which limits the disclosure of certain information.

- 101) Should the additional information that is available to the public in other jurisdictions be available here?  
If so which items?  
How should they be made available: in person, website only or both?
- 102) Is there additional information that you believe should be made publicly available?  
Please detail.
- 103) For Local Governments: How often do you receive request from members of the public to see this information?  
What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?

Access to information: Guidance question

- 104) Do you have any other suggestions or comments on this topic?

## 9. Available information

### 9.1 Expanding the information provided to the public.

#### Option 1: Status Quo

Under this option, the reporting requirements under the Act will remain unchanged.

This will prevent any increase in regulatory burden, but it will represent a lost opportunity for increasing the transparency standards applicable to the sector.

While there will not be a legislative requirement to provide the information, local governments will still be able to provide it voluntarily.



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Option 2: Additional reporting requirement

Under this option, local governments will need to provide the additional information on the local government's website.

This will increase transparency, better informing community decision-making. It will, however, represent an increase in regulatory burden.

Option 3: Policy requirement

Under this option, local governments will not be required to report additional information to the public. Instead, the local government will be required to develop a policy which states:

- (a) whether the information is available for public inspection; and
- (b) if so, how this information may be accessed by the public.

This policy will need to be made available on the local government's website.

This option will slightly increase transparency of local governments, since it will assist the public to determine what kind of information is accessible to them. It does not make the information readily available.

The option will slightly increase the regulatory burden on local governments, although this burden will be restricted to the creation and disclosure of policy documents. Any further burden will depend on what level of information the local government chooses to make disclosable to the public.

Expanding the information provided to the public: Guidance questions

- 105) Which of these option do you prefer?  
Why?
- 106) In the table below, please indicate whether you think the information should be made available, and if so, whether this should be required or at the discretion of the local government:

**Proposal**

**Should this be made available: No, optional, required?**

Live streaming video of council meetings on local government website  
Diversity data on council membership and employees  
Elected member attendance rates at council meetings  
Elected member representation at external meetings/events  
Gender equity ratios for staff salaries  
Complaints made to the local government and actions taken  
Performance reviews of CEO and senior employees  
Website to provide information on differential rate categories

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District maps and ward boundaries  
Adverse findings of the Standards Panel, State  
Administrative Tribunal or Corruption and  
Crime Commission.  
Financial and non-financial benefits register

107) What other information do you think should be made available?

Expanding the information available to the public: Guidance question

108) Do you have any other suggestions or comments on this topic?

**Red Tape Reduction**

No-one likes red tape. It gets in the way and makes simple tasks seem difficult.

Distinguishing red tape from vital checks which ensure our government acts in a fair manner, protects members of the community, and that everyone abides by the law, can be difficult.

Local governments may be subject to unnecessary red tape. Similarly, they may be unintentionally creating red tape for businesses and members of the community. This aspect of the review seeks to identify examples of red tape so these can be addressed.

**10. Reducing red tape**

Modern bureaucracies must strike a delicate balance between oversight and red tape. Accountability measures that go too far can become regulatory burdens that create unnecessary costs that outweigh their compliance benefits.

A goal of effective regulation is to impose the least amount of resistance to activity, for the lowest cost possible, while providing a governance framework to prevent or reduce the number, or seriousness, of issues in a timely manner.

The Department has identified a number of options for reducing red tape within the current Act and regulations. These only represent a partial list of potential options to streamline the legislation that provides the framework for local government.

Although this part of the review seeks to cover all aspects of the Act and associated regulations, it does not concern the individual decisions or internal policies used by a local government. These matters will be considered in phase 2 of the review.

**10.1 Defining red tape**

Red tape is comprised of time-consuming and excessive processes, procedures and paperwork. It imposes costs on government, businesses and individuals through duplicative and confusing regulations, overly complicated forms and excessive compliance burdens.

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Defining red tape: Guidance questions

- 109) Which regulatory measures within the Act should be removed or amended to reduce the burden on local governments?  
Please provide detailed analysis with your suggestions.
- a) Briefly describe the red tape problem you have identified.
  - b) What is the impact of this problem?  
Please quantify if possible.
  - c) What solutions can you suggest to solve this red tape problem?
- 110) Which regulatory measures within the Act should be removed or amended to reduce the burden on the community?  
Please provide detailed analysis with your suggestions.
- a) Briefly describe the red tape problem you have identified.
  - b) What is the impact of this problem?  
Please quantify if possible.
  - c) What solutions can you suggest to solve this red tape problem?

10.2 Potential red tape reductions

**Special Majority**

Section 1.10 of the Act defines a special majority decision as one made by a council with more than 11 members through a 75 per cent majority. In cases where there are 11 elected members or fewer, decisions that require a special majority may be made through an absolute (more than 50 per cent) majority.

The rules concerning special majorities currently apply to just 18 of the State's local governments, and a special majority is only required when changing the method of filling the office of mayor or president.

This means that a special majority is required very infrequently and by only a few local governments.

Special majority: Guidance question

- 111) Should the provisions for a special majority be removed?  
Why or why not?

**Senior employees**

A local government may designate employees to be senior employees.<sup>19</sup> Currently, local government Chief Executive Officers are required to inform the council of a proposal to employ or dismiss a senior employee. The council may accept or reject the Chief Executive Officer recommendation but if council rejects the Chief Executive Officer's recommendation it must provide reasons for doing so.

Some local government Chief Executive Officers have argued that council involvement in workforce matters related to senior employees confuses the separate roles of council and administration established elsewhere in the Act, and can be source of tension between council and Chief Executive Officers.

For employees other than senior employees, the Act provides the Chief Executive Officer with broad workforce management powers, including the power to employ, direct, and

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dismiss employees. As a responsibility of the Chief Executive Officer, council has no role in the recruitment, selection and performance management of non-senior employees.

The Act does not define what criteria should be used to determine if an employee should be designated as a senior employee. A local government could, if it wished, designate all employees as senior employees.

Most commonly, local governments will designate employees that report directly to the Chief Executive Officer as senior employees. As these people are key personnel, often responsible for large portfolios and budgets, council may wish to retain the current oversight provisions.

An alternative view is that, as council cannot direct local government staff (other than the Chief Executive Officer), council involvement in workforce issues (beyond those involving the Chief Executive Officer) is an unnecessary expansion of council responsibility. It also can be viewed as a restriction of the powers and responsibility of the Chief Executive Officer to manage the day to day operations of the local government and implement council decisions.

Senior employees: Guidance questions

- 112) Is it appropriate that council have a role in the appointment, dismissal or performance management of any employees other than the Chief Executive Officer.  
Why or why not?
- 113) Is it necessary for some employees to be designated as senior employees?  
If so, what criteria should define which employees are senior employees?

**Exemption from Accounting Standard Australian Accounting Standards Board 124 — Related Party Disclosures**

The Australian Accounting Standards Board establishes Accounting Standards that regulate financial transactions and management of financial matters. Local government treatment of financial reporting must conform with Australian Accounting Standards Board Standards, although regulations provide that if a provision of the Australian Accounting Standards is inconsistent with a provision of the *Local Government (Financial Management) Regulations 1996*, the provision of the regulations prevails to the extent of the inconsistency.

Provisions in the Act already require local governments to disclose certain financial interests. Interests must be disclosed through the form of a primary return or annual return by the elected member and senior staff, and lodged with the Chief Executive Officer (or in the case of the Chief Executive Officer disclosing an interest, it must be lodged with the mayor or president).

This must be done within three months of the day that they take up that position. The Chief Executive Officer (or the mayor or president) must also provide written acknowledgement of receipt of the disclosure.

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The Australian Accounting Standards Board disclosure requirements may represent a duplication or overlap as most related party transactions should already be addressed by the Act's disclosure provisions. Alternatively, it can be argued that the Australian Accounting Standards Board requirements introduce consistency between local governments and private entities, and thus strengthen accountability.

Exemption from accounting standard Australian Accounting Standards Board 124 – Related party disclosures: Guidance questions

- 114) Are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by Australian Accounting Standards Board 124?  
Why or why not?

**Disposal of Property**

Section 3.58 of the Act outlines the process that a local government is required to follow in order to dispose of property. Disposal is defined as 'to sell, lease or otherwise dispose of any property (other than money)'.

Property can be disposed of:

- through a public auction to the highest bidder; or
- through public tender to the most acceptable tender.

Alternatively, a local government can dispose of property if a local public notice is given and submissions sought on the proposed disposal of the property.

There are some exemptions to these requirements with respect to real property, property disposed of as part of a trading undertaking, and other exemptions set out in regulations.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides for a number of exemptions from these requirements predominately with respect to land transactions. Other exemptions exist where the requirements of the Act have been complied with but the property was not disposed of.

Two exemptions concern property that has a market value of less than \$20,000, and property that is disposed of during a 'trade-in' when less than \$75,000 is paid. It has been suggested that these thresholds create a burden that is not commensurate with the monetary value of the property involved.

Trading-in property when purchasing new property of a similar type is a method of asset disposal that is widely used and accepted in the community. The threshold as currently set can create issues with the disposal of major equipment that is used by local governments such as graders, trucks or buses as an item valued over \$75,000 will need to be offered for sale by public auction or public tender.

Disposal of property: Guidance questions

- 115) The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher, if so how high?

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- 116) Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?
- 117) The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000? If so, what should it be and why?
- 118) Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?
- 119) Is there an alternative model for managing the disposal of property? Please explain.

Reducing red tape: Guidance question

- 120) Do you have any other suggestions or comments on this topic?

**Regional Subsidiaries**

Local governments are finding themselves under increased pressure to maintain community services in the current economic climate. The Act provides local governments with several mechanisms by which they can cooperate and pool resources. This includes the ability to form semi-independent entities known as regional subsidiaries. This model provides the ability for two or more local governments to provide a service or carry on an activity jointly with fewer compliance obligations under the Act.

Currently, many local governments are concerned that the regulatory requirements are too stringent to pursue the establishment of regional subsidiaries and at this time there are no regional subsidiaries in operation in WA.

The State Government strongly support local governments working collaboratively, and an effective subsidiary model will assist in delivering positive outcomes for local communities.

**11. Regional Subsidiaries**

Under the Act, local governments have the ability to form a corporate entity known as a regional subsidiary.

This arrangement allows multiple local governments to pool their resources to carry out their statutory functions, provide services across multiple districts or provide other benefits to their communities.

Regional subsidiaries are designed to carry out many of the activities which could be performed by a local government. They cannot, however, undertake commercial enterprises or speculative investments.

Under the *Local Government (Regional Subsidiaries) Regulations 2017*, subsidiaries are currently only able to borrow money from the local governments that form the subsidiary (the member councils). This restriction was put in place to ensure that regional subsidiaries would not incur excessive liabilities and cause risk to ratepayer money.

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The local government sector has requested that regional subsidiaries be permitted to borrow money, either from financial institutions or the Treasury.

Further feedback from the sector has indicated that the restriction on borrowing is a major impediment to using regional subsidiaries to deal with matters such as waste management and other activities.

#### 11.1 Risks and benefits of borrowing

Regional subsidiaries were designed to be used as a form of collaborative service provision. The intent was that the model would allow local governments to pool their resources to provide new services and more effective existing services. They could also use the model to share back-office functions, such as accounting, records management and human resources.

For this reason, much of the financial management and reporting controls in the Act have not been applied to regional subsidiaries.

Importantly, for a regional subsidiary to be created, the Minister must approve an Establishment Charter which sets out the purpose of the regional subsidiary and its governance arrangements prior to its creation.

#### 11.2 Options:

##### **Option 1: Status quo**

This option proposes that the existing rules will remain unchanged and subsidiaries can only borrow from member councils.

This option will mean that subsidiaries do not gain the advantage of being able to borrow money from external bodies to pursue their objectives. It will mean, however, that subsidiaries will remain low-risk.

The current provisions have not provided the incentive for local governments to establish regional subsidiaries. Consequently, the collaborative benefits sought in the development of the legislation have not eventuated.

Currently, there are no regional subsidiaries in operation in WA.

##### **Option 2: Regional subsidiaries are permitted to borrow from Treasury Corporation.**

This option proposes that regional subsidiaries will be permitted to borrow money from the Treasury Corporation.

This will mean that subsidiaries have less chance of becoming insolvent. The Treasury will only lend money to the subsidiary in reasonable circumstances and subject to reasonable terms.

There is still a possibility that the subsidiary may borrow money it lacks the capacity to repay. Member councils will still be liable for the debt at the cost of their ratepayers.

##### **Option 3: Regional subsidiaries are permitted to borrow from financial institutions**

This option proposes that regional subsidiaries will be permitted to borrow money from financial institutions if permitted by the charter.



## MINUTES OF THE ORDINARY COUNCIL MEETING

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This course of action would result in the complete range of advantages and disadvantages listed in the previous section.

If this option is taken, the Government would need to review what additional legislative protections might be necessary to ensure that borrowing does not cause excessive risks to ratepayer money.

### Regional subsidiaries: Guidance questions

- 121) Which option do you prefer?
- 122) Should regional subsidiaries be allowed to borrow money other than from the member councils?
- 123) Why or why not?
- 124) If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risks?

### Regional subsidiaries: Guidance question

- 125) Do you have any other suggestions or comments on this topic, including on any other aspect of the Local Government (Regional Subsidiaries) Regulations 2017?

### Local Government Act Review: Guidance question

- 126) You are invited to make comment and put forward suggestions for change on other matters which have not been covered in this paper.

### LEGAL IMPLICATIONS

There are no legal requirements in relation to this report. Local Government Act 1995.

### POLICY IMPLICATIONS

There are no policy implications associated with this report

### FINANCIAL IMPLICATIONS

There are no financial implications associated with this report

### STRATEGIC IMPLICATIONS

There are no Strategic implications associated with this report

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

15 November 2017

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11.6 MONKEY MIA JETTY – LOCAL GOVERNMENT PROPERTY LOCAL LAW  
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as Works from Monkey Mia Jetty.

Cr Ridgley requested that he be permitted to address the Council on this matter.

Cr Ridgley left Council Chambers at 4:55pm.

Moved            Cr Capewell  
Seconded       Cr Bellottie

Councillor Motion

That Cr Ridgley not be allowed to return to Council Chamber for discussion on the Item.

**2/3 MOTION LOST**

Moved            Cr Laundry  
Seconded       Cr Fenny

Council Resolution

**That Cr Ridgley be allowed to return to Council Chamber to address Council.**  
**3/2 CARRIED**

Cr Ridgley returned to Council Chambers at 4:58 and addressed Council.

Cr Ridgley left Council Chambers at 5:00pm.

Moved            Cr Bellottie  
Seconded       Cr Capewell

Council Resolution

**That Council note the correspondence from McLeod's solicitors in regard to Monkey Mia Wild Sights – Local Government Property Local Law prosecution.**

**That Council in consideration of the ambiguity identified by the magistrate in the Local Government Property Local Law Part 7 Monkey Mia Jetties and Boat Ramp request the administration to commence the process to amend the Local Law.**

**5/0 CARRIED**

Cr Ridgley returned to Chambers at 5:14pm

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BACKGROUND

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

***Note the submission from Monkey Mia Wild Sights in relation to the infringements issued in accordance with the Shire of Shark Bay Property Local Law and endorsed by Council resolution of February 2017.***

***Advise Monkey Mia Wild Sights that the resolution of February 2017 meeting of Council stands and that the infringements will be progressed through the courts.***

The matter progressed through the courts and at the hearing before the Magistrates Court was heard on the 26 and 27 October 2017.

A summary from the Council's legal representation is attached for Council information and consideration and a draft letter to assist the Council in enforcement if this approach is adopted.

In summary while there were a number of factors that the Magistrate considered, the Magistrate concluded she had no alternative but to find that clause 7.5 could be interpreted in two different ways and that the clause was, therefore, ambiguous.

Having reached that conclusion, the Magistrate considered she was also obliged to apply the interpretation most favourable to the accused. Once clause 7.5 was applied in that manner, the charges could not be proved and, as a result, the charges were dismissed.

COMMENT

As detailed in the attached correspondence from McLeod's (attachment 1) the Magistrate's ruling provides Council clarity in some of the issues associated with enforcement of the current Local Law and options as to how to draft an amendment to the current Local Law, if Council considers this necessary.

The Council must ensure that its intent contained within its Local Laws regarding the use of any Council facility or Council property is clear to ensure the public and commercial users of the facility have clear unambiguous guidelines.

Given the ambiguity identified by the Magistrate the Council should consider amendments to the Local Law.

The previous intent of the Council in originally drafting the Local Law was clear in regard to the deemed obstructions provisions at section 7.5(2), which showed the desire to maintain the northern face of the jetty clear of vessels when other vessels were approaching or departing.

The additional clauses at 7.5(1) and 7.5(3) then conflicted the effect of the original intent and created the ambiguity which was identified by the Magistrate.

The Council must now consider if this is the intent when any amendments are made to the existing Local Law.

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**Option 1**

The Council could consider leaving the Local Law as is, however as the Magistrate indicate the Local Law can in its current form be interpreted in two different ways.

This presents an issue for the Council as if there is any ambiguity in legislation that is identified by the Magistrate they are obligated to apply the interpretation most favourable to the accused and therefore dismiss the charges.

This option is not favoured as it is not in the interests of the Council or the community to have legislation in place that is ambiguous and can be interpreted in different ways.

**Option 2**

The original intent of Council in 2015 can be addressed by the removal of clause 7.5(1) and 7.5(3) while retaining clause 7.5(2) deemed obstruction.

There would also some wording that may need to be varied in clause 7.3 to reflect this change.

This would remove the areas that the Magistrate found that contributed to the reading of the Local Law in two different ways.

This would put the onus on a moored vessel to ensure it was not moored in a deemed to be obstructing position regardless if it was requested to move or not.

**Option 3**

The Council could also amend the Local Law in a manner that enables berthing on the northern face of the jetty, but requires circumstances were the vessel that is deemed to be obstructing can remain in place if any other vessel provides written acknowledgement that they were not obstructed.

A draft amendment has been constructed by McLeod's that address this option. (refer attachment 2)

The application of this concept is outlined in the draft letter (attachment 3) requiring the owner of the vessel that was deemed to obstruct having to request the owner of the obstructed vessel to provide written confirmation within a certain time frame that they were not actually obstructed.

**Option 4**

The Council may also consider any other section of the Local Law that it considers redrafting to ensure the application is clear and readily understood.

This could extend to a number of clauses in section 7.3 such as the time permitted on the jetty. A reduction in time permitted to moor at the jetty may also reduce scheduling conflicts between vessels.

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### **Option 5**

The Council could also consider utilising section 7.14 of the current Local Law as follows:

*Jetty may be closed*

*When indicated by placement of appropriate warning and relevant signage, unless the prior written authorisation of the Local Government has been obtained, a person shall not moor, use or go on to any part of the jetty which is –*

*(a) Under construction or repair: or*

*(b) Closed*

*Modified penalty \$500*

This would make sections of clause 7.5 redundant and the Local Law would have to be reviewed in line (a,b,c,d) to reflect this closure.

The Council must also be cognisant that any action to address the anomalies identified in the Local Law should be in the best interests of the community and the ongoing safe utilisation of the facility.

The Council should also consider any proposed amendment should endeavour to reduce the Councils costs and administration time and subsequent costs to manage a Council facility.

If Council resolves to commence proceedings to amend the Local Law it would be beneficial to convene a Councillor workshop to further discuss the proposed amendments that Council would like to consider in the proposed Local Law.

This will enable all the previous variations and reasoning that Council considered in 2015 when drafting the Local Law can be tabled with the outcome and current usage are given sufficient consideration.

#### LEGAL IMPLICATIONS

The Shire if it considers an amendment is required will have to undertake the process in accordance with the *Local Government Act 1995*.

#### POLICY IMPLICATIONS

There are no policy implications relative to this report.

#### FINANCIAL IMPLICATIONS

In the event the Council considers the Local Law needs to be redrafted there will be additional cost in the vicinity of \$3,500 - \$4,500 a majority of which would be advertising and consultation.

There would be costs associated with the redrafting to reflect Councils intent of the use of the facility.

MINUTES OF THE ORDINARY COUNCIL MEETING

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This in some part, if Council considers this option, has been assisted by the preliminary drafts that have been completed by McLeod's in assessing the ambiguity that was identified by the Magistrate.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

This is a medium risk item to Council as a Local Law requires clarity to ensure the original intent of Council can be legally administered by the administration.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

*P Anderson*

Date of Report

6 November 2017

29 NOVEMBER 2017

ATTACHMENT # 1



Our Plea  
Your Plea

PG:HK:SB-39199

8 November 2017

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



Solving Law Chambers  
220 String Highway  
Claremont WA 6010  
Tel (08) 9383 9133  
Fax (08) 9383 4935  
Email: mcleods@mcleods.com.au

Dear Paul

**Monkey Mia Wildsights – Local Government Property Local Law prosecutions**

We refer to the above prosecutions which came before the Denham Magistrates Court on 26 and 27 October 2017.

As you are aware, at the hearing the company maintained its plea of not guilty to the 8 charges. After hearing the evidence and submissions by the parties, the Magistrate then adjourned the matter overnight to consider the submissions made and the relevant provisions of Shire's Local Government Property Local Law (**Local Law**). The following day, the Magistrate handed down her decision.

When handing down her decision, the Magistrate commented that she did not accept the company's submission that the charges could only be brought against a person and not against a company. Rather, the Magistrate accepted our submission that the company was liable for the actions of its employees. However, the Magistrate found in favour of the company when considering the effect and operation of clauses 7.3 and 7.5 of the Local Law.

In relation to that issue, the Magistrate accepted clauses 7.3 and 7.5 of the Local Law could apply in the manner in which the Shire had applied them. That is, the Magistrate accepted that clause 7.5 of the Local Law could be interpreted to mean that a vessel was deemed to obstruct other vessels approaching or departing the commercial jetty if they were moored in the manner shown in the diagrams in clause 7.5(2) of the Local Law irrespective of whether a request to move had been made. In making those comments, the Magistrate accepted that clause 7.5(1) of the Local Law could be interpreted as operating in addition to and over and above clause 7.5(2) such that a vessel could be considered to be obstructed if it did not move when a request was made or if it was moored as shown in the diagrams in clause 7.5(2).

The Magistrate also found, however, that the Local Law could be interpreted in the manner suggested by the company. That is, that the deemed obstruction provisions contained in clause 7.5(2) only applied once a request was made under clause 7.5(1). Critical to that finding, however, was the Magistrates interpretation of clause 7.5(3) of the Local Law.

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**Monkey Mia Wildsights – Local Government Property Local Law Prosecutions**

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We had submitted that clause 7.5(3) was simply intended by the Shire to affirm that no obstruction was deemed to exist where a person moored in compliance with clauses 7.3(1) and 7.5(2). In other words, that clause 7.5(3) was not intended to have any effect or impact on the operation of clause 7.5(1). Rather, it was simply restating the law as to the effect of clauses 7.3 and 7.5(2).

The Magistrate considered interpreting clause 7.5(3) in that manner would result in clause 7.5(3) being, in effect, redundant and with “no work to do”. Accordingly, the Magistrate considered clause 7.5 should not be interpreted as simply restating the effect of the Local law and that it must have its own purpose. As a result, the Magistrate found that because clause 7.5(3) provided that a person can moor ‘in compliance’ with clause 7.5(2), then clause 7.5(3) should be interpreted to mean that clause 7.5(2) can only apply once a request to move has been made.

It is difficult to understand the Magistrate’s reasoning in that regard as it is not possible to moor ‘in compliance’ with clause 7.5(2). Rather, clause 7.5(2) sets out the circumstances when a person is moored unlawfully as opposed to when a person is moored lawfully. In any event, the wording of clause 7.5(3) was critical to the Magistrates findings despite not being an issue raised by Mr Raven on behalf of the company.

In view of the Magistrate’s findings, the Magistrate considered she had no alternative but to find that clause 7.5 could be interpreted in two different ways and that the clause was, therefore, ambiguous. Having reached that conclusion, the Magistrate considered she was also obliged to apply the interpretation most favourable to the accused. Once clause 7.5 was applied in that manner, the charges could not be proved and, as a result, the charges were dismissed.

The Magistrate’s decision highlights a need for the Local Law to be amended if it is to achieve what the Shire originally intended. In that regard, we note that the original drafting of clause 7.5 when the Local Law was first proposed in late 2015 did not include any allowance for persons requesting unimpeded access to or from the commercial jetty. Indeed, the original drafting of clause 7.5(1) simply provided that a vessel shall not remain moored to the commercial jetty in such a manner as to obstruct another vessel approaching or departing the jetty and clause 7.5(2) then set out the circumstances when a moored vessel would be deemed to be obstructing. There was no provision for requests to provide unimpeded approaches or departures and there was no clause 7.5(3).

It is worth noting that in the proceedings before the Magistrate there was evidence that the skippers of each of the vessels which were alleged to have been obstructed had provided statements in writing that they had not in fact been obstructed on the days in question. It may be that the fact there was no actual obstruction (as opposed to deemed obstruction) on the dates of the alleged offences influenced the Magistrate’s consideration of the matter.

In any event, taking into account the nature of the evidence in this matter and comments by commercial operators who utilise the jetty and Shire Councillors and staff, it may be possible to amend the Local Law to accommodate the circumstances which arose in this case. That is, it may be possible to amend the Local Law so an obstruction is deemed to occur unless the

**Monkey M<sup>W</sup>ildsights – Local Government Property Local Law Prosecutions**

operator of the obstructed vessel provides written confirmation to the Shire that they were not actually obstructed. Provided written confirmation was required and provided within a relatively short period of time, say 7 to 14 days, then whether or not an actual obstruction occurred could be determined prior to the issuing of an infringement. We **attach** for the Shire's consideration a copy of proposed amendments to clauses 7.3 and 7.5 which place the obligation on the operators of the vessels to show that no actual obstruction occurred despite the moored vessel being deemed to obstruct under the Local Law.

The proposed amendments are simply one alternative to amending the Local Law. It may be that the Shire would prefer to limit the period of time for which a commercial vessel may remain moored at the commercial jetty. For example, if a commercial vessel could only be moored for 15 minutes, it may not be necessary to provide for deemed obstructions. Alternatively, the Shire may wish to licence each commercial vessel to moor at the commercial jetty at specific times which do not overlap.

In any event, as it will take some time to amend the Local Law, the Shire may also wish to consider closing all or part of the jetty in the interim. Pursuant to clause 7.14 of the Local Law, the Shire can close part of the jetty by placement of appropriate warnings and relevant signage and a person will commit an offence if they moor, use or go onto that closed part of the jetty. It may be that the Shire would consider closing the end part of the jetty until the Local Law is amended if it is concerned that the end of the jetty will continued to be used in a manner which may lead to conflict between the users.

Finally, we understand that one of the reasons for cl. 7.5(1) of the Local Law allowing for requests for unimpeded approaches or departures to the commercial jetty was to allow for circumstances of emergency. In our view, it is not necessary for the Local Law to provide for emergency circumstances as the defence of emergency is provided for in s.25 of the Criminal Code.

Section 25 of the Code provides that a person is not criminally responsible for an act done, or an omission made, in an emergency. An emergency for the purposes of s.25 is defined as follows:

*"A person does an act or makes an omission in an emergency if -*

*(a) the person believes –*

- (i) circumstances of sudden or extraordinary emergency exists; and*
  - (ii) doing the act or making the omission is a necessary response to the emergency;*
- and*

*(b) the act or omission is a reasonable response to the emergency in the circumstances the person believes them to be; and*

*(c) there are reasonable grounds for those beliefs."*

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Shire of Shark Bay

*McLeods*  
Page 4

**Monkey Mia Wildsights – Local Government Property Local Law Prosecutions**

In our view, a vessel with an injured person on board or a vessel which is seriously incapacitated in some manner may well fall within the above definition. Accordingly, where the operator of a vessel moored in a manner deemed to be obstructing could show they were moored in that manner as a result of an emergency, they would not have committed an offence under the Local Law. However, the onus of proof in establishing those circumstances would be on the operator of the vessel. If such a matter was brought to the attention of the Shire prior to the issuing of an infringement, then the Shire could exercise its discretion and not issue an infringement. Alternatively, if the circumstances of the emergency was brought to the attention of the Shire after the issue of the infringement, then the infringement could be withdrawn. Accordingly, it is perhaps an issue that need not be contemplated by the Local Law and is best left to the discretion of the Shire once the Shire is made aware of the any emergency situation should it have occurred.

Please let us know if we can assist further with the drafting of amendments to the Local Law. In the meantime, if you have any questions or require something further, please contact Peter Gillett of this office.

Yours faithfully



**Peter Gillett**  
**Partner**

Contact: Peter Gillett  
Direct line: 9424 6229  
Email: [pgillett@mcleods.com.au](mailto:pgillett@mcleods.com.au)

ATTACHMENT # 2

**Proposed amendments to clauses 7.1, 7.3 and 7.5 of the Shire of Shark Bay Local Government Property Local law**

**7.1 Interpretation**

In this Part –

**obstruct** means to slow, block or hinder the movement, progress, or action of a vessel, vehicle or person;

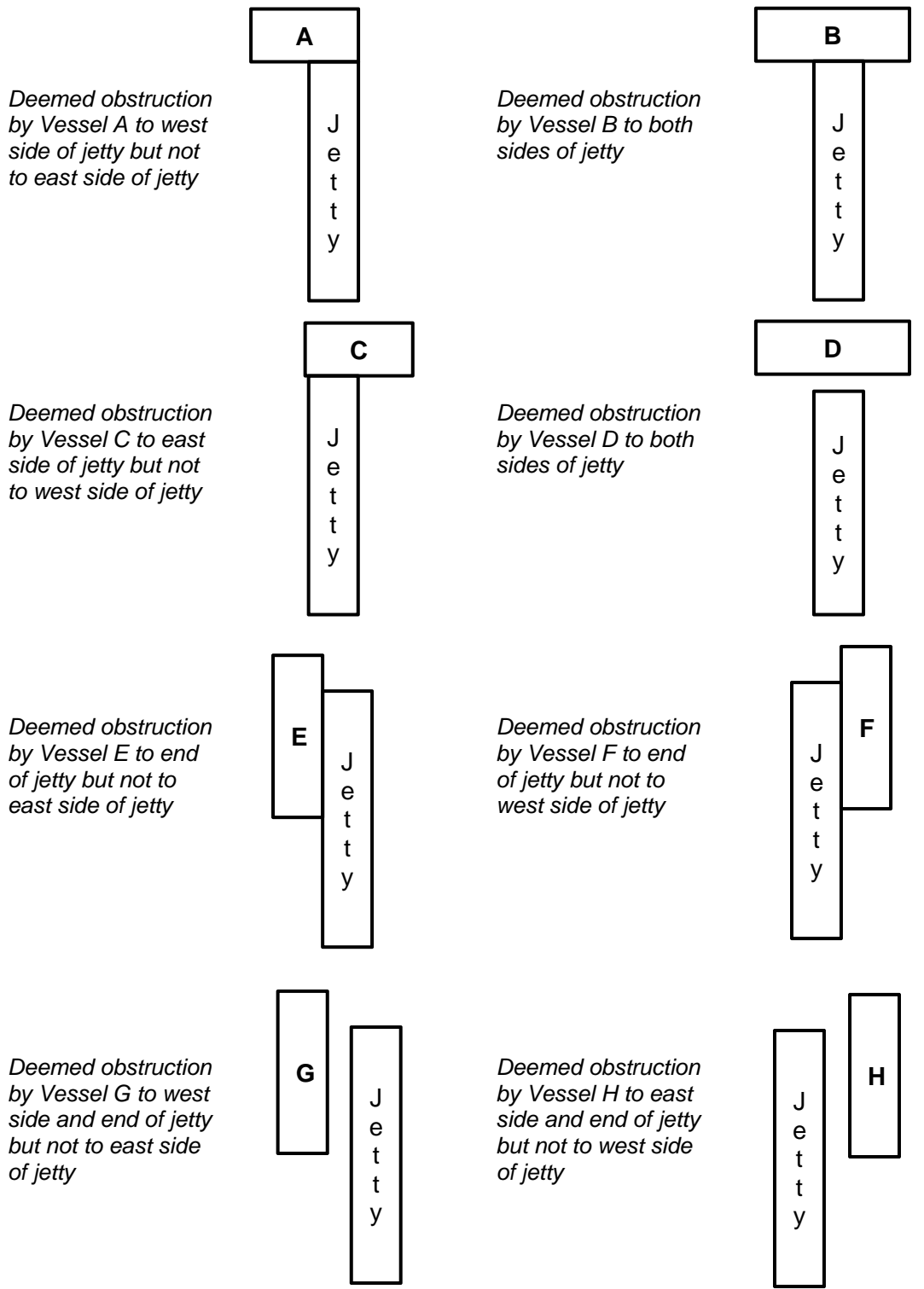
**7.3 WHEN VESSELS MAY BE MOORED**

- (1) Without written authorisation of the local government, a person shall not moor a vessel to the commercial jetty unless –
  - (a) the vessel is not a commercial vessel and –
    - (i) the vessel is not deemed to be obstructing another vessel under clause 7.5(2);
    - (ii) the vessel is moored for no longer than 30 minutes; and
    - (iii) a period of more than one hour has passed since the vessel last departed the jetty;
  - (b) the vessel is a commercial vessel other than a fishing vessel and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) the vessel is not deemed to be obstructing another vessel under clause 7.5(2);
    - (iii) the vessel is not moored for more than two hours; and
    - (iv) a period of more than one hour has passed since the vessel last departed the jetty.
  - (c) the vessel is a fishing vessel, and –
    - (i) the person has made payment of berthing fees imposed in accordance with clause 7.4;
    - (ii) the vessel is not deemed to be obstructing another vessel under clause 7.5(2);
    - (iii) the vessel is not moored between the hours of 6.00 pm and 6.00 am on the next day;
    - (iv) the vessel is not moored for more than two hours; and
    - (v) a period of more than one hour has passed since the vessel last departed the jetty.
- (2) A person shall not moor a vessel to the commercial jetty if the local government has suspended that person from mooring a vessel to the commercial jetty under clause 7.24(1).

**7.5 OBSTRUCTION BY VESSELS**

- (1) A person shall not moor a vessel to the commercial jetty in such a manner as to obstruct another vessel mooring to or departing from the commercial jetty.
- (2) Without limiting the effect of subclause (1) and unless subclause (3) applies, a vessel moored at the commercial jetty will be deemed to obstruct a vessel if –
  - (a) when moored at the end of the commercial jetty, a portion of the vessel extends beyond the side of the jetty as shown by Vessels A – D in the diagrams below; or
  - (b) when moored to the side of the commercial jetty, a portion of the vessel extends beyond the end of the jetty as shown by Vessels E – F in the diagrams below.

29 NOVEMBER 2017



(3) Subclause (2) shall not apply if the operator of the vessel deemed to have been obstructed advises the CEO of the local government in writing within 14 days of the date of the deemed obstruction that the vessel was not in fact obstructed.

29 NOVEMBER 2017

**12.0 FINANCE REPORT**

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

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Nil

Moved            Cr Laundry  
Seconded       Cr Capewell

**Council Resolution**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$609,137.26 be accepted.**

**6/0 CARRIED**

Comment

The schedules of accounts for payment covering -  
Municipal fund credit card direct debits for the month of November 2017 totalling \$2,424.47

Municipal fund account cheque numbers 26829 to 26866 totalling \$5,986.88

Municipal fund direct debits to Council for the month of December 2017 totalling \$31,173.01

Municipal fund account electronic payment numbers MUNI 22120 to 22295 totalling \$338,488.40

Municipal fund account for October 2017 payroll totalling \$157,609

No Trust fund account cheque numbers were issued for October 2017 totalling \$0

Trust fund Police Licensing for October 2017 cheque number 171804 totalling \$23,360.85 and

Trust fund account electronic payment numbers 22170, 22203, 22258-22266, 22295-22318 totalling \$50,094.65

The schedule of accounts submitted to each member of Council on 24 November 2017 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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



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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

17 November 2017



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

SHIRE OF SHARK BAY – CREDIT CARD PERIOD  
OCTOBER 2017

CREDIT CARD TOTAL \$2,424.47

**CEO**

DATE	NAME	DESCRIPTION	AMOUNT
			0.00

\$

**EMCD**

27/8/2017	BUNNINGS	PLANTS 65 BROCKMAN ST	50.37
30/8/2017	EXPEDIA	ACCOMMODATION – TRAINING R STANLEY	121.37
11/9/2017	ACASHIC INTLLECTURAL	MERCHANDISE SBDC – BOOKS	544.50
11/9/2017	HARVEY NORMAN	BLUETOOTH HI FI SYSTEM - SBDC	175.95
11/9/2017	CARROL & RICHARDSON	BANNER AND POLE	128.00

**\$1020.19**

**EMFA**

18/8/2017	TUDOR HOUSE	MUSHROOM CAPS FOR FLAG POLES	88.00
29/8/2017	EXPEDIA	ACCOMMODATION MEDICAL ASSESSMENT – A PHILLIPPS	97.2
30/8/2017	BATAVIA MARINE	VELSHEDA/GALLA MAINTENANCE - PAINT	1219.08

**\$1404.28**

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

**SHIRE OF SHARK BAY – MUNI CHQ  
OCTOBER 2017  
CHEQUE 26865-26866**

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
26865	20/10/2017	WATER CORPORATION	SHIRE PROPERTIES WATER USAGE AND SERVICE CHARGES	-1001.09
26866	27/10/2017	WATER CORPORATION	SHIRE PROPERTIES WATER USAGE AND SERVICE CHARGES	-4985.79
			<b>TOTAL</b>	<b>\$5,986.88</b>

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

<b>DD</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
DD13948.1	04/10/2017	BANKWEST CORPORATE MASTERCARD	MONTHLY CREDIT CARD ACCOUNT-REFER CREDIT CARD PAGE FOR DETAILS	-2424.47
DD13936.2	01/10/2017	MACQUARIE SUPER ACCUMULATOR	PAYROLL DEDUCTIONS	-410.59
DD13936.3	01/10/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-241.44
DD13936.4	01/10/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-594.54
DD13936.5	01/10/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-1082.66
DD13936.6	01/10/2017	AUSTRALIAN ETHICAL SUPER	PAYROLL DEDUCTIONS	-382.97
DD13936.7	01/10/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-195.04
DD13936.8	01/10/2017	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	-376.80
DD13936.9	01/10/2017	REST	SUPERANNUATION CONTRIBUTIONS	-220.13
DD13968.1	15/10/2017	ING DIRECT	SUPERANNUATION CONTRIBUTIONS	-144.43
DD13968.2	15/10/2017	MACQUARIE SUPER ACCUMULATOR	PAYROLL DEDUCTIONS	-410.59
DD13968.3	15/10/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-241.44
DD13968.4	15/10/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-594.54
DD13968.5	15/10/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-1075.27
DD13968.6	15/10/2017	AUSTRALIAN ETHICAL SUPER	PAYROLL DEDUCTIONS	-382.97
DD13968.7	15/10/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-195.03
DD13968.8	15/10/2017	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	-318.22
DD13968.9	15/10/2017	REST	SUPERANNUATION CONTRIBUTIONS	-220.13

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

DD13972.1	20/10/2017	VIVA ENERGY AUSTRALIA	VIVA MONTHLY FUEL ACCOUNT	-132.65
DD13994.1	29/10/2017	ING DIRECT	SUPERANNUATION CONTRIBUTIONS	-23.33
DD13994.2	29/10/2017	MACQUARIE SUPER ACCUMULATOR	PAYROLL DEDUCTIONS	-410.59
DD13994.3	29/10/2017	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-288.94
DD13994.4	29/10/2017	AMP SUPERANNUATION	PAYROLL DEDUCTIONS	-594.54
DD13994.5	29/10/2017	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	-1075.27
DD13994.6	29/10/2017	AUSTRALIAN ETHICAL SUPER	PAYROLL DEDUCTIONS	-382.97
DD13994.7	29/10/2017	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-195.03
DD13994.8	29/10/2017	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	-145.87
DD13994.9	29/10/2017	REST	SUPERANNUATION CONTRIBUTIONS	-220.13
DD13936.10	01/10/2017	WALGA	PAYROLL DEDUCTIONS	-3298.22
DD13936.11	01/10/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13936.12	01/10/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1068.71
DD13936.13	01/10/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-237.16
DD13936.14	01/10/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-191.48
DD13936.15	01/10/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-221.37
DD13936.16	01/10/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-153.49
DD13936.17	01/10/2017	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.12
DD13968.10	15/10/2017	WALGA	PAYROLL DEDUCTIONS	-3324.05
DD13968.11	15/10/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-717.14
DD13968.12	15/10/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-969.40
DD13968.13	15/10/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-237.16
DD13968.14	15/10/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-191.48
DD13968.15	15/10/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-211.70
DD13968.16	15/10/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-147.15
DD13968.17	15/10/2017	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.13
DD13994.10	29/10/2017	WALGA	PAYROLL DEDUCTIONS	-3255.00
DD13994.11	29/10/2017	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-771.82
DD13994.12	29/10/2017	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-1059.39
DD13994.13	29/10/2017	MERCER SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	-237.16
DD13994.14	29/10/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-191.48
DD13994.15	29/10/2017	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	-129.34

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

DD13994.16	29/10/2017	AMP SUPERLEADER	SUPERANNUATION CONTRIBUTIONS	-133.52
DD13994.17	29/10/2017	WESTPAC SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.13
			<b>TOTAL</b>	<b>\$31,173.01</b>

**SHIRE OF SHARK BAY – MUNI EFT  
OCTOBER 2017  
EFT 22120-22295**

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22120	02/10/2017	ALLELECTRIX PTY LTD	DISCONNECT OLD RECONNECT NEW HWS 16B SUNTER	-99.00
EFT22121	02/10/2017	ANNABEL TRENDS	MERCHANDISE - SBDC	-3089.68
EFT22122	02/10/2017	AUSCOINSWEST	MERCHANDISE –SBDC	-569.80
EFT22123	02/10/2017	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY-COMMISSION	-448.86
EFT22124	02/10/2017	BRIAN JOHN GALVIN	SALARY SACRIFICE - REIMBURSEMENT ELECTRICITY	-391.85
EFT22125	02/10/2017	BURTON TILING MAINTENANCE	SUPPLY AND INSTALL NEW SHOWER SCREEN TO ENSUITE 51 DURLACHER ST	-1451.12
EFT22126	02/10/2017	CHERYL LORRAINE COWELL	TRAVEL TOURISM MEETINGS REIMBURSEMENT	-32.80
EFT22127	02/10/2017	COVS AUTOMOTIVE,	SERVICE KIT – WORKS MANAGERS UTE	-201.98
EFT22128	02/10/2017	CDH ELECTRICAL	TO SUPPLY & INSTALL ABB 10KW SOLAR INVERTER, ALSO SUPPLY AND INSTALL LED LIGHTS AT DEPOT, ELECTRICAL REPAIRS AT OFFICE TO SENSOR LIGHT AND NETWORK OUTLET	-6378.09
EFT22129	02/10/2017	ETCHED GLASS DESIGN	MERCHANDISE - SBDC	-231.00
EFT22130	02/10/2017	GASCOYNE OFFICE EQUIPMENT	REPAIRS TO RICOH PHOTOCOPIER	-180.00
EFT22131	02/10/2017	GETAWAY OUTDOOR GERALDTON	COMPASS MAP ELEMENTAL - FIRE FIGHTING	-23.90
EFT22132	02/10/2017	RJ HEWITT	TRAINING AUSCHEM COURSE - AUGUST 2017	-179.34
EFT22133	02/10/2017	TOLL IPEC PTY LTD	FREIGHT- KOMATSU, HOSE MANIA JASON SIGNS	-94.35
EFT22134	02/10/2017	INDEPENDENCE STUDIOS	MERCHANDISE SBDC	-1289.09
EFT22135	02/10/2017	J & T FREIGHT	FREIGHT – BUNNINGS, LEADING EDGE, ATOM, TRUCK, ONESTEEL	-664.90

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22136	02/10/2017	MARTINS TRAILER PARTS	TRAILER HITCH AND CABLE BRAKE ASSEMBLY FOR BOXTOP TRAILER	-325.93
EFT22137	02/10/2017	OUTBACK COAST AUTOMOTIVES	PUNCTURE REPAIR-COUNTRY SUPERVISOR UTE	-44.00
EFT22138	02/10/2017	LIBERTY ONESTEEL	SUPPLY 8 METRES OF 75MM X 8MM FLAT BAR FOR MULTI PURPOSE COURTS	-75.68
EFT22139	02/10/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-771.80
EFT22140	02/10/2017	RAC TOURISM ASSETS	SAND REMOVAL FROM MONKEY MIA RECREATIONAL BOAT RAMP	-143.00
EFT22141	02/10/2017	SHARK BAY SKIPS	SEPTEMBER MONTHLY ACCOUNT	-4213.00
EFT22142	02/10/2017	1616 SALT CO. PTY LTD	MERCHANDISE - SBDC	-2595.60
EFT22143	02/10/2017	SAFE FIRST TRAINING WA PTY LTD	ASBESTOS AWARENESS TRAINING (6 PERSONS) & RESTRICTED ASBESTOS LICENCE TRAINING	-1375.00
EFT22144	02/10/2017	TELSTRA CORPORATION LIMITED	SEPTEMBER MONTHLY LANDLINE ACCOUNT	-1518.62
EFT22145	02/10/2017	WALGA	LOCAL GOV WEEK CONFERENCE COSTS FOR CEO AND COUNCILLORS	-4689.00
EFT22146	22170	TRUST		
EFT22171	09/10/2017	AIR LIQUIDE	RENTAL OF CYLINDERS	-67.38
EFT22172	09/10/2017	APRA	PERFORMING RIGHTS LICENCE FEES 2017/18	-368.37
EFT22173	09/10/2017	BOOKEASY AUSTRALIA PTY LTD	BOOKEASY COMMISSION	-882.33
EFT22174	09/10/2017	BAILEYS FERTILISERS	BULK FERTILISER	-1422.30
EFT22175	09/10/2017	BATTERY MART	MAINTENANCE MM BOAT RAMP	-94.60
EFT22176	09/10/2017	BLACKWOODS ATKINS	PLIER SET, DRILL SET, WELD WIRE - DEPOT	-444.31
EFT22177	09/10/2017	CDH ELECTRICAL	INSTALLING ISOLATION SWITCH FOR HWS - 5 SPAVEN WAY	-170.35
EFT22178	09/10/2017	EMU TRACKS	MERCHANDISE SBDC	-101.38
EFT22179	09/10/2017	FINN FILMS	CONTRIBUTION TO MY TOWN PROMOTIONAL VIDEO - QANTASLINK	-500.00
EFT22180	09/10/2017	FIRE & SAFETY WA	BUSH FIRE FIGHTING EQUIPMENT	-7245.46
EFT22181	09/10/2017	THINK WATER GERALDTON	SUPPLY 1 X FLOW CONTROL VALVE WITH FLOAT SWITCH FOR OVAL BORE	-1064.25
EFT22182	09/10/2017	HORIZON POWER	STREET LIGHTING	-3183.21

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22183	09/10/2017	ITVISION	IT VISION TRAINING - DALE WILSON - PAYROLL	-812.90
EFT22184	09/10/2017	JASON SIGNMAKERS	WINDOW STICKER - SERVICE DOGS ONLY - SBDC	-81.29
EFT22185	09/10/2017	LAVIDA TRADING	MERCHANDISE SBDC	-1438.58
EFT22186	09/10/2017	MARKET CREATIONS	IP ADDRESS REGISTRATION FOR SBDC	-231.00
EFT22187	09/10/2017	MIDWEST FIRE PROTECTION SERVICE	QUARTERLY SERVICING OF FIRE PUMP SYSTEM – SBDC AND REC CENTRE	-1809.28
EFT22188	09/10/2017	MARKETFORCE PTY LTD	ADVERTISING FOR CHANGE OF MEETING DATE FOR ORDINARY COUNCIL MEETING SEPTEMBER 2017	-157.39
EFT22189	09/10/2017	NACC OPERATIONAL	REFUND - DEPOSIT MEETING ROOM	-275.00
EFT22190	09/10/2017	OUTBACK COAST AUTOMOTIVES	PUNCTURE REPAIR GARDENER'S UTE	-44.00
EFT22191	09/10/2017	PLUMOVATION	UNBLOCK THE SBDC STAFF TOILET	-121.00
EFT22192	09/10/2017	RICHARD CLAUDE MORONEY	CLEAN UP AND REMOVE RUBBISH AROUND SBIC	-50.00
EFT22193	09/10/2017	RAY WHITE SHARK BAY	RENT ON 34 HUGHES ST	-1170.00
EFT22194	09/10/2017	SHARK BAY STATE EMERGENCY	2ND QUARTER FUNDING	-11000.00
EFT22195	09/10/2017	SHARK BAY CLEANING SERVICE	SEPTEMBER MONTHLY CLEANING ACCOUNT	-20587.04
EFT22196	09/10/2017	1616 SALT CO. PTY LTD	MERCHANDISE SBDC	-556.10
EFT22197	09/10/2017	SCAMPER DESIGN	ILLUSTRATION LICENSING AND ARTWORK FOR BANNER	-1056.00
EFT22198	09/10/2017	MCKELL FAMILY TRUST	MONTHLY-RUBBISH COLLECTION AND STREET SWEEPING - SEPTEMBER	-11366.28
EFT22199	09/10/2017	SHARK BAY CAR HIRE	CAR HIRE TO TRANSPORT DOCTOR	-495.00
EFT22200	09/10/2017	TELSTRA CORPORATION LIMITED	1300 PHONE # SBDC	-30.04
EFT22201	09/10/2017	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES SEPT 2017	-6872.53
EFT22202	09/10/2017	WELLARD CONTRACTING & PLANT HIRE	SUPPLY SIDETIPPER FOR 10 DAYS IN SEPTEMBER @ \$115P/H 10HR DAYS	-10879.00
EFT22204	12/10/2017	GLENN BANGAY	REIMURSMENT ACCOMMODATION AND MEALS - BUILDING INSPECTOR	-830.02
EFT22205	12/10/2017	AUSTRALIA POST	LOCAL POST MONTHLY ACCOUNT-SEPTEMBER	-151.35
EFT22206	12/10/2017	GRIFFIN FAIR VALUATION ADVISORY	VALUATION FOR BOOLBARDIE GOLF CLUB	-330.00
EFT22207	12/10/2017	DENHAM IGA X-PRESS	SEPTEMBER MONTHLY ACCOUNT	-722.16
EFT22208	12/10/2017	SHARK BAY SUPERMARKET	SEPTEMBER MONTHLY ACCOUNT	-562.53
EFT22209	12/10/2017	REFUEL AUSTRALIA	SEPTEMBER MONTHLY ACCOUNT	-570.58

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22210	12/10/2017	TOLL IPEC PTY LTD	FREIGHT - 1616 SALT, MARTINS TRAILERS, JASON SIGNS	-149.38
EFT22211	12/10/2017	MIDWEST CONTRACTING	MAINTENANCE GRADE EASTERN ROADS, BUTCHERS TRACK - 80 KM, WOODLEIGH-BYRO RD - 101 KM, GILROY RD - 32 KM, TALISKER RD TO YALARDY - 20 KM, WOODLEIGH-BYRO RD TO WOODLEIGH STATION WEST - 27 KM ROAD 6 - WOODLEIGH-BYRO RD TO WOODLEIGH STATION EAST - 27 KM, CARBLA STATION ACCESS RD - 10 KM HAMLIN STATION ACCESS RD ADJOINING HAMLIN POOL CARAVAN PK RD. - 1.2 KM TOTAL 298.2 KM	-23100.00
EFT22212	12/10/2017	MIDWEST FIRE	SERVICE OF ALL SHIRE FIRE EXTINGUISHERS	-1165.12
EFT22213	12/10/2017	N-COM PTY LTD	6 MONTHLY MAINTENANCE SITE CHECK	-3502.40
EFT22214	12/10/2017	LIBERTY ONESTEEL	SUPPLY NEETALOK FENCING-HUGHES ST SUMP	-4552.61
EFT22215	12/10/2017	PROFESSIONAL PC SUPPORT	REMOTE SERVER MAINTENANCE	-70.00
EFT22216	12/10/2017	SKIPPERS AVIATION	FLIGHTS FOR F BETTESWORTH AND C BETTESWORTH PERTH TO MM 9.10.2017 STAFF FOR REIMBURSMENT	-718.00
EFT22217	12/10/2017	SHARK BAY RESOURCE CENTRE	SPORTS AND REC CENTRE MANAGEMENT	-6360.65
EFT22218	12/10/2017	WA MUSEUM	MERCHANDISE SBDC	-243.10
EFT22219	12/10/2017	HOLIDAY GUIDE PTY LTD	AUGUST-SEPTEMBER SBDC COMMISSION	-148.20
EFT22220	13/10/2017	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-17110.00
EFT22221		TRUST		
EFT22222	20/10/2017	JOHN JAMES WILSON	CROSSOVER REIMBURSMENT	-905.25
EFT22223	20/10/2017	SHIRE OF NORTHAMPTON	HEALTH INSPECTIONS 1.7.2017-30.9.2017	-5247.00
EFT22224	20/10/2017	ALLELECTRIX PTY LTD	ELECTRICAL SAFETY INSPECTIONS PENSIONER UNITS – HUGHES STREET	-724.90
EFT22225	20/10/2017	ASHDOWN INGRAM	LED LIGHTS FOR SEMI TRAILER, FREIGHTLINER, PRIME MOVER	-200.20
EFT22226	20/10/2017	BUNNINGS BUILDING SUPPLIES	84 BAGS CREME CEMENT, TERMITE SPRAY, TOOLS, STORAGE CONTAINERS	-1782.21
EFT22227	20/10/2017	BATTERY MART	SUPPLY BATTERY TO SUIT CAMEC BRAKING SYSTEM.	-31.90



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22228	20/10/2017	CASTLING, FAY	CROSSOVER REIMBURSMENT	-548.25
EFT22229	20/10/2017	CDH ELECTRICAL	INSTALL PUSH BUTTON TIMER AND REPAIR FAULTY WIRING TO SIGN SHED – SHIRE DEPOT	-610.51
EFT22230	20/10/2017	FIRE & EMERGENCY SERVICES	SHIRE OF SHARK BAY ESL BILLING	-3339.30
EFT22231	20/10/2017	GREAT NORTHERN RURAL SERVICES	MATERIALS FOR FENCE - PRIVATE WORKS GRAEME ROBERTSON-BOUNDARY FENCING	-594.58
EFT22232	20/10/2017	HOSE MANIA	HOSES FOR SLIDE ON FIRE UNIT AND PRESSURE CLEANER	-199.09
EFT22233	20/10/2017	HORIZON POWER	ELECTRICITY SEPTEMBER MONTHLY ACCOUNT	-7571.00
EFT22234	20/10/2017	HERITAGE RESORT	ENVIRONMENTAL HEALTH OFFICER – WENDY DALLYWATER. 4 NIGHTS ACCOMMODATION. 16 <sup>TH</sup> OCTOBER 2017 – 20 <sup>TH</sup> OCTOBER 2017	-680.00
EFT22235	20/10/2017	ITVISION	REINSTATE SYNERGY MAPPING	-550.00
EFT22236	20/10/2017	LGIS WORKCARE	BI ANNUAL – PUBLIC LIABILITY, WORKER'S COMPENSATION, GALLA INSURANCE	-87021.43
EFT22237	20/10/2017	TRUE VALUE HARDWARE	SEPTEMBER MONTHLY ACCOUNT	-1097.20
EFT22238	20/10/2017	MOORE STEPHENS	AUDIT FEES FOR DEFERRED PENSIONERS 30.6.2017	-330.00
EFT22239	20/10/2017	N-COM PTY LTD	1 X SPARE LNB OFFSET SATELLITE DISH 1 X SET TOP BOX – REPLACEMENT	-253.00
EFT22240	20/10/2017	DENHAM NATURETIME	MERCHANDISE SBDC	-406.00
EFT22241	20/10/2017	OEM GROUP PTY LTD	PRESSURE CLEANER	-324.50
EFT22242	20/10/2017	PURCHER INTERNATIONAL PTY LTD	FILTERS AND CARTRIDGES FOR PRIME MOVER	-345.44
EFT22243	20/10/2017	PEST-A-KILL	MONTHLY PEST CONTROL	-330.00
EFT22244	20/10/2017	PLUMOVATION	FIND AND FIX WATER LEAK IN ROOF ABOVE ENSUITE – 65 BROCKMAN STREET	-143.00
EFT22245	20/10/2017	PERTH STITCHINGS	MERCHANDISE SBDC	-1449.80
EFT22246	20/10/2017	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MM ADULT DAY PASSES	-3780.00
EFT22247	20/10/2017	REPLAS	GREY BOLLARDS - TOWN COMMON	-1073.69
EFT22248	20/10/2017	SKIPPERS AVIATION	#FLIGHTS FOR LAWYER FOR COURT HEARING, K KEMPLIN OHS, J SPARKS, STAFF FOR REIMBURSMENT.	-1904.00

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT22249	20/10/2017	STATEWIDE BEARINGS	BEARINGS FOR RIDE ON MOWER	-146.85
EFT22250	20/10/2017	SHARK BAY NEWSAGENCY	PAPER STATIONERY	-399.50
EFT22251	20/10/2017	SHARK BAY CLEANING SERVICE	UNIT 8 – PENSIONER UNITS CLEAN OVEN, EXHAUST FANS AND CEILING FAN	-183.15
EFT22252	20/10/2017	SHARK BAY SKIPS	MONTHLY SKIP BIN ACCOUNT	-3971.00
EFT22253	20/10/2017	SUNNY INDUSTRIAL BRUSHWARE	WIRE BROOM ATTACHMENT FOR SKID STEER	-809.60
EFT22254	20/10/2017	SCIENCE AND NATURE PTY LTD	MERCHANDISE – SBDC	-443.30
EFT22255	20/10/2017	TELSTRA CORPORATION LIMITED	MONTHLY MOBILE PHONE ACCOUNT	-781.91
EFT22256	20/10/2017	COOK'S TOURS	ADVERTISING IN COOKS TOURS NORTH BOOK FOR SHARK BAY	-1350.00
EFT22257	20/10/2017	TRUCKLINE PARTS CENTRE	SPRING BRAKE VALVE – PRIME MOVER	-279.76
EFT22258	22266	TRUST		
EFT22267	26/10/2017	LAURENCE JAMES BELLOTTIE	MEETING ATTENDANCE FEES	-1671.33
EFT22268	26/10/2017	CHERYL LORRAINE COWELL	MEETING ATTENDANCE FEES	-6163.33
EFT22269	26/10/2017	EDMUND GEORGE FENNY	MEETING ATTENDANCEFEES	-1788.67
EFT22270	26/10/2017	JAIME BURTON	MEETING ATTENDANCE FEES	-1423.03
EFT22271	26/10/2017	KEITH MICHAEL CAPEWELL	MEETING ATTENDANCE FEE	-1874.83
EFT22272	26/10/2017	KEVIN LAUNDRY	MEETING ATTENDANCE FEE	-2216.58
EFT22273	26/10/2017	GREGORY LEON RIDGLEY	MEETING ATTENDANCE FEES	-1671.33
EFT22274	27/10/2017	ANTON BLUME	POSTER IMAGES SBDC	-450.75
EFT22275	27/10/2017	ATC MIDWEST APPRENTICE & TRAINEESHIP	WEEKLY PAYMENT FOR T MORONEY TRAINEE AT DEPOT	-109.38
EFT22276	27/10/2017	BATAVIA MARINE & INDUSTRIAL	WOOD SEALANT – REC CENTRE, SBDC	-220.00
EFT22277	27/10/2017	CROSS COUNTRY CIVIL	DELIVER 25 TON OF COLDMIX FROM DOWNER	-2412.30
EFT22278	27/10/2017	DIGGA WEST & EARTHPARTS WA	SUPPLY A LIMESTONE GRAB ATTACHMENT	-286.00
EFT22279	27/10/2017	DOWNER EDI WORKS PTY LTD	SUPPLY 25 TON OF COLD MIX	-4510.28
EFT22280	27/10/2017	GASCOYNE OFFICE EQUIPMENT	PRINTER CARTRIDGES	-485.95
EFT22281	27/10/2017	HERITAGE RESORT	REFRESHMENTS COUNCIL MEETING 25 .10.2017	-300.00
EFT22282	27/10/2017	TOLL IPEC PTY LTD	FREIGHT- LIBRARY, ASHDOWN INGRAM	-93.96
EFT22283	27/10/2017	LGIS WORKCARE	EOY INSURANCE ADJUSTMENT	-1282.62
EFT22284	27/10/2017	PURCHER INTERNATIONAL PTY LTD	ASSORTED FILTERS AND CARTRIDGES	-123.51

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT22285	27/10/2017	ROSEMARY LEWIS	REFUND DUE TO DOG BEING STERILISED	-75.00
EFT22286	27/10/2017	RICHARD CLAUDE MORONEY	CLEAN UP & REMOVE RUBBISH - SBDC	-50.00
EFT22287	27/10/2017	SHARK BAY COACHES AND TOURS	REIMBURSEMENT – FUEL- SHARK BAY COMMUNITY BUS	-100.00
EFT22288	27/10/2017	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	NEW BATTERY FOR HEARSTART HSI DEFIBRILLATOR	-182.95
EFT22289	27/10/2017	SUNPRINTS CLOTHING COMPANY	MERCHANDISE - SBDC	-1837.66
EFT22290	27/10/2017	TELSTRA CORPORATION LIMITED	TELEPHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES, MONTHLY ACCOUNT AND 1300 SBDC NUMBER	-1684.41
EFT22291	27/10/2017	TOLL EXPRESS	FREIGHT - BAILEYS FERTILISERS	-581.54
EFT22292	27/10/2017	TAMMY STUBBS	REFUND DUE TO DOG BEING STERILISED	-30.00
EFT22293	27/10/2017	VISIT MERCHANDISE	MERCHANDISE SBDC	-962.61
EFT22294	27/10/2017	WA MUSEUM	MERCHANDISE - SBDC	-153.20
EFT22295	22318	TRUST		
<b>TOTAL</b>				<b>\$338,488.40</b>

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

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
171804	31/10/2017	COMMISSIONER OF POLICE	POLICE LICENSING OCTOBER 2017	-23360.85
<b>TOTAL</b>				<b>\$23,360.85</b>

**TRUST CHEQUE #**

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

**EFT 22170, 22203, 22221, 22258-22266, 22295-22318**

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT22170	05/10/2017	RACHEL QUINN	GYM CARD DEPOSIT REFUND	-20.00
EFT22203	10/10/2017	SHIJING WANG	GYM CARD DEPOSIT REFUND	-20.00
EFT22221	18/10/2017	MELISSA JEFFERY	GYM CARD DEPOSIT REFUND	-20.00

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

EFT22258	25/10/2017	DALE QUICKE	GYM CARD DEPOSIT REFUND	-20.00
EFT22259	25/10/2017	CAROLINE CORDY-HEDGE	GYM CARD DEPOSIT REFUND	-20.00
EFT22260	26/10/2017	LAURENCE BELLOTTIE	ELECTION DEPOSIT REFUND	-80.00
EFT22261	26/10/2017	EDMUND GEORGE FENNY	ELECTION DEPOSIT REFUND	-80.00
EFT22262	26/10/2017	GEORGE LIVESEY	ELECTION DEPOSIT REFUND	-80.00
EFT22263	26/10/2017	JAIME BURTON	ELECTION DEPOSIT REFUND	-80.00
EFT22264	26/10/2017	KEVIN LAUNDRY	ELECTION DEPOSIT REFUND	-80.00
EFT22265	26/10/2017	PETER O'BRIEN	ELECTION DEPOSIT REFUND	-80.00
EFT22266	26/10/2017	SHARYN ELIZABETH BURVILL	ELECTION DEPOSIT REFUND	-80.00
EFT22295	31/10/2017	MAC ATTACK FISHING CHARTERS	BOOKEASY SALES OCTOBER 2017	-871.25
EFT22296	31/10/2017	SHARK BAY AVIATION	BOOKEASY SALES OCTOBER 2017	-2027.25
EFT22297	31/10/2017	BAY LODGE MIDWEST OASIS	BOOKEASY SALES OCTOBER 2017	-1830.40
EFT22298	31/10/2017	BLUE LAGOON PEARLS	BOOKEASY JEWELLERY SALES OCTOBER 2017	-1000.00
EFT22299	31/10/2017	SHARK BAY COASTAL TOURS	BOOKEASY SALES OCTOBER 2017	-3782.50
EFT22300	31/10/2017	DENHAM SEASIDE CARAVAN PARK	BOOKEASY SALES OCTOBER 2017	-403.75
EFT22301	31/10/2017	HARTOG COTTAGES	BOOKEASY SALES OCTOBER 2017	-663.40
EFT22302	31/10/2017	INTEGRITY COACH LINES	BOOKEASY SALES OCTOBER 2017	-68.85
EFT22303	31/10/2017	MONKEY MIA YACHT CHARTERS	BOOKEASY SALES OCTOBER 2017	-12117.60
EFT22304	31/10/2017	MONKEYMIA WILDSIGHTS	BOOKEASY SALES OCTOBER 2017	-3943.02
EFT22305	31/10/2017	DENHAM NATURETIME	BOOKEASY SALES OCTOBER 2017	-4466.00
EFT22306	31/10/2017	WA OCEAN PARK PTY LTD	BOOKEASY SALES OCTOBER 2017	-4864.55
EFT22307	31/10/2017	PATRICA ANDREW	BOOKEASY SALES OCTOBER 2017	-192.00
EFT22308	31/10/2017	SHARK BAY QUAD BIKE TOURS	BOOKEASY SALES OCTOBER 2017	-1989.00
EFT22309	31/10/2017	RAC TOURISM ASSETS P/L	BOOKEASY SALES OCTOBER 2017	-233.20
EFT22310	31/10/2017	SHARK BAY HOTEL MOTEL	BOOKEASY SALES OCTOBER 2017	-212.50
EFT22311	31/10/2017	SHARK BAY CARAVAN PARK	BOOKEASY SALES OCTOBER 2017	-221.00
EFT22312	31/10/2017	SHIRE OF SHARK BAY	BOOKEASY COMMISSION OCTOBER 2017	-6487.81
EFT22313	31/10/2017	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY SALES OCTOBER 2017	-831.60
EFT22314	31/10/2017	WICKED CAMPERS	BOOKEASY SALES OCTOBER 2017	-1016.60
EFT22315	31/10/2017	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY SALES OCTOBER 2017	-1050.72
EFT22316	30/10/2017	CONSTRUCTION TRAINING FUND	BCITF OCTOBER 2017	-1091.75

MINUTES OF THE ORDINARY COUNCIL MEETING

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29 NOVEMBER 2017

EFT22317	30/10/2017	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	BUILDING LEVY OCTOBER 2017	-56.65
EFT22318	30/10/2017	SHIRE OF SHARK BAY	BCITF COLLECTION FEE OCTOBER 2017	-13.25
			<b>TOTAL</b>	<b>\$50,094.65</b>

29 NOVEMBER 2017

12.2 FINANCIAL REPORTS TO 31 OCTOBER 2017  
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved           Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That the monthly financial report to 31 October 2017 as attached be received.  
6/0 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 October 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*  
23 November 2017

29 NOVEMBER 2017

<b>SHIRE OF SHARK BAY</b>	
<b>MONTHLY FINANCIAL REPORT</b>	
<b>For the Period Ended 31 October 2017</b>	
<b>LOCAL GOVERNMENT ACT 1995</b>	
<b>LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996</b>	
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Note 2	Explanation of Material Variances
Note 3	Net Current Funding Position
Note 4	Cash and Investments
Note 6	Receivables
Note 7	Cash Backed Reserves
Note 8	Capital Disposals
Note 9	Rating Information
Note 10	Information on Borrowings
Note 11	Grants and Contributions
Note 12	Trust
Note 13	Capital Acquisitions



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 October 2017							
		Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note						
<b>Operating Revenues</b>							
		\$	\$	\$	\$	%	
Governance		26,092	5,332	779	(4,553)	(85.39%)	▼
General Purpose Funding - Rates	9	1,261,908	1,265,344	1,245,730	(19,614)	(1.55%)	▼
General Purpose Funding - Other		951,069	238,361	247,721	9,360	3.9%	▲
Law, Order and Public Safety		74,560	42,770	17,050	(25,720)	(60%)	▼
Health		2,450	947	960	13	1.37%	▲
Housing		86,210	28,516	34,567	6,051	21.2%	▲
Community Amenities		277,400	224,468	224,868	400	0.18%	▲
Recreation and Culture		264,077	82,616	179,330	96,714	117.1%	▲
Transport		424,858	204,552	241,006	36,454	17.8%	▲
Economic Services		857,420	402,224	190,976	(211,248)	(52.5%)	▼
Other Property and Services		48,000	17,200	10,606	(6,594)	(38.3%)	▼
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>2,512,330</b>	<b>2,393,593</b>	<b>(118,737)</b>	<b>(4.73%)</b>	
<b>Operating Expense</b>							
Governance		(316,123)	(284,035)	(101,417)	182,618	(64.3%)	▲
General Purpose Funding		(120,131)	(40,376)	(38,378)	1,998	(4.9%)	▲
Law, Order and Public Safety		(369,108)	(191,776)	(95,345)	96,431	(50.3%)	▲
Health		(64,505)	(20,884)	(21,758)	(874)	4.2%	▼
Housing		(174,554)	(63,113)	(63,740)	(627)	1.0%	▼
Community Amenities		(646,090)	(233,146)	(247,192)	(14,046)	6.0%	▼
Recreation and Culture		(2,320,535)	(924,419)	(772,539)	151,880	(16.4%)	▲
Transport		(1,513,695)	(502,946)	(567,981)	(65,035)	12.9%	▼
Economic Services		(1,161,813)	(429,449)	(283,144)	146,305	(34.1%)	▲
Other Property and Services		(47,500)	(50,529)	(133,303)	(82,774)	163.8%	▼
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(2,740,673)</b>	<b>(2,324,797)</b>	<b>415,876</b>	<b>(15.2%)</b>	
<b>Funding Balance Adjustments</b>							
Add back Depreciation		1,689,050	563,012	670,499	107,487		
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>334,669</b>	<b>739,295</b>	<b>404,626</b>	<b>120.90%</b>	
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	902,247	419,107	122,644	(296,463)	(70.7%)	▼
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>122,644</b>	<b>(296,463)</b>	<b>(70.7%)</b>	
<b>Capital Expenses</b>							
Land Held for Resale							
Land and Buildings	13	(140,000)	(40,561)	0	40,561	100.00%	▲
Infrastructure - Roads	13	(1,092,536)	(420,049)	(236,914)	183,135	43.6%	▲
Infrastructure - Public Facilities	13	(624,121)	(220,017)	(36,004)	184,013	83.6%	▲
Infrastructure - Streetscapes	13	(7,500)	(7,500)	0	7,500	100.0%	▲
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.00%	▲
Infrastructure - Drainage	13	(44,715)	(21,572)	(13,441)	8,131	0.00%	▲
Heritage Assets	13	(20,000)	(16,000)	0	16,000	100.0%	▲
Plant and Equipment	13	(758,000)	(674,668)	(2,120)	672,548	99.7%	▲
Furniture and Equipment	13	(21,000)	(14,332)	(296)	14,036	0.00%	▲
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(1,414,699)</b>	<b>(288,775)</b>	<b>1,125,924</b>	<b>79.6%</b>	
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(995,592)</b>	<b>(166,131)</b>	<b>829,461</b>	<b>83.31%</b>	
<b>Financing</b>							
Proceeds from Self Supporting Loans		5,342	0	0	0	0.00%	
Transfer from Reserves	7	640,581	384,692	384,692	0	0.00%	
Repayment of Debentures	10	(67,020)	(24,767)	(24,767)	0	0.0%	
Transfer to Reserves	7	(479,050)	(343,273)	(343,273)	0	0.0%	
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>16,652</b>	<b>16,652</b>	<b>0</b>	<b>0.00%</b>	
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>(644,271)</b>	<b>589,816</b>	<b>1,234,087</b>	<b>191.55%</b>	<b>▲</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,324,597</b>	<b>96,667</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>1,583,659</b>	<b>2,914,413</b>	<b>1,330,754</b>	<b>(84.03%)</b>	<b>▲</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

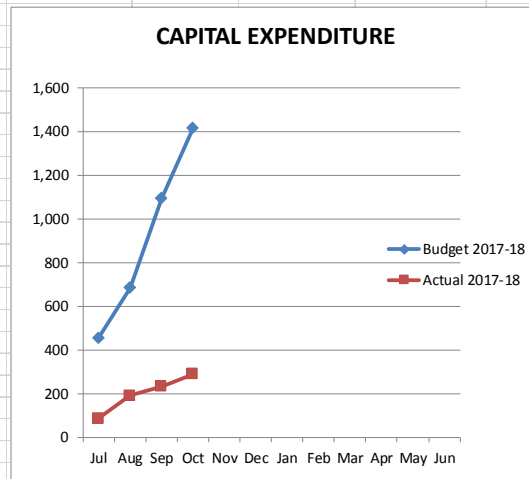
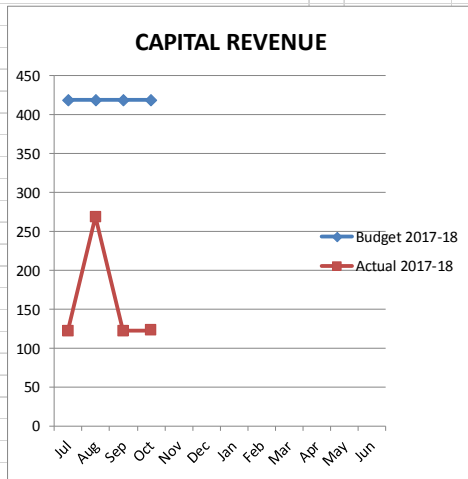
29 NOVEMBER 2017

<b>SHIRE OF SHARK BAY</b>				
<b>STATEMENT OF FINANCIAL ACTIVITY</b>				
<b>(By Nature or Type)</b>				
<b>For the Period Ended 31 October 2017</b>				
	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)
<b>Operating Revenues</b>				
Rates	9	\$ 1,261,908	\$ 1,261,908	\$ 1,238,730
Operating Grants, Subsidies and Contributions	11	1,400,524	520,347	508,576
Fees and Charges		1,395,260	663,190	585,902
Interest Earnings		47,060	10,093	16,837
Other Revenue		159,200	56,792	43,548
Profit on Disposal of Assets	8	10,092	0	0
<b>Total Operating Revenue</b>		<b>4,274,044</b>	<b>2,512,330</b>	<b>2,393,593</b>
<b>Operating Expense</b>				
Employee Costs		(2,224,126)	(808,170)	(714,156)
Materials and Contracts		(2,227,667)	(1,053,211)	(658,582)
Utility Charges		(172,022)	(56,276)	(57,262)
Depreciation on Non-Current Assets		(1,689,050)	(563,012)	(670,499)
Interest Expenses		(14,360)	(2,090)	(1,295)
Insurance Expenses		(162,150)	(162,150)	(151,241)
Other Expenditure		(180,785)	(95,764)	(71,762)
Loss on Disposal of Assets	8	(63,894)	0	0
<b>Total Operating Expenditure</b>		<b>(6,734,054)</b>	<b>(2,740,673)</b>	<b>(2,324,797)</b>
<b>Funding Balance Adjustments</b>				
Add back Depreciation		1,689,050	563,012	670,499
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>334,669</b>	<b>739,295</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	11	902,247	419,107	122,644
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>122,644</b>
<b>Capital Expenses</b>				
Land Held for Resale			0	0
Land and Buildings	13	(140,000)	(40,561)	0
Infrastructure - Roads	13	(1,092,536)	(420,049)	(236,914)
Infrastructure - Public Facilities	13	(624,121)	(220,017)	(36,004)
Infrastructure - Streetscapes	13	(7,500)	(7,500)	0
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(44,715)	(21,572)	(13,441)
Heritage Assets	13	(20,000)	(16,000)	0
Plant and Equipment	13	(758,000)	(674,668)	(2,120)
Furniture and Equipment	13	(21,000)	(14,332)	(296)
<b>Total Capital Expenditure</b>		<b>(2,757,872)</b>	<b>(1,414,699)</b>	<b>(288,775)</b>
<b>Net Cash from Capital Activities</b>		<b>(1,610,625)</b>	<b>(995,592)</b>	<b>(166,131)</b>
<b>Financing</b>				
Proceeds from Self Supporting Loans		5,342	0	0
Transfer from Reserves	7	640,581	384,692	384,692
Repayment of Debentures	10	(67,020)	(24,767)	(24,767)
Transfer to Reserves	7	(479,050)	(343,273)	(343,273)
Loans to Community Groups				
<b>Net Cash from Financing Activities</b>		<b>99,853</b>	<b>16,652</b>	<b>16,652</b>
<b>Net Operations, Capital and Financing</b>		<b>(2,227,930)</b>	<b>(644,271)</b>	<b>589,816</b>
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,227,930</b>	<b>2,227,930</b>	<b>2,324,597</b>
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>1,583,659</b>	<b>2,914,413</b>

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

SHIRE OF SHARK BAY								
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING								
For the Period Ended 31 October 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	\$ 40,561	\$ 140,000	\$ 40,561	
Infrastructure Assets - Roads	13	0	236,914	236,914	420,049	1,092,536	183,135	
Infrastructure Assets - Public Facilities	13	33,745	2,259	36,004	220,017	624,121	184,013	
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0	
Infrastructure Assets - Drainage	13	3,441	10,000	13,441	21,572	44,715	8,131	
Infrastructure Assets - Streetscapes	13	0	0	0	7,500	7,500	7,500	
Heritage Assets	13	0	0	0	16,000	20,000	16,000	
Plant and Equipment	13	2,120	0	2,120	674,668	758,000	672,548	
Furniture and Equipment	13	0	296	296	14,332	21,000	14,036	
<b>Capital Expenditure Totals</b>		<b>39,306</b>	<b>249,469</b>	<b>288,775</b>	<b>1,414,699</b>	<b>2,757,872</b>	<b>1,125,924</b>	



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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

29 NOVEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 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

29 NOVEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 October 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

29 NOVEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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

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29 NOVEMBER 2017

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 October 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

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Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 October 2017					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(4,553)	(85.4%)	▼	Timing	Variance due to no insurance claims YTD and nominal reimbursements as budget estimated.
General Purpose Funding - Rates	(19,614)	(1.6%)	▼	Timing	Variance due to reversal of prepaid rates from 2016/17 of \$22K plus Concessions for Yadgalah and MRAC processed in November 2017
General Purpose Funding - Other	9,360	3.9%	▲	Timing	Variance due to Reserve investment interest received in advance of YTD budget
Law, Order and Public Safety	(25,720)	(60.1%)	▼	Timing	Variance due to timing of Coastal Hazards Identification Grant not yet received \$15K and FESA Grant taken up as income \$10K in 16/17 FY
Health	13	1.4%	▲	Timing	No Reportable Variance
Housing	6,051	21.2%	▲	Timing	Variance due to Pensioner Units Rent Received in Advance .
Community Amenities	400	0.2%	▲	Timing	No Reportable Variance
Recreation and Culture	96,714	117.1%	▲	Timing	Increase in collection of SBDC entrance fees and merchandise sales and Park Passes.
Transport	36,454	17.8%	▲	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 plus \$7K Tourism WA WIFI Contribution taken up as income in 16/17 FY
Economic Services	(211,248)	(52.5%)	▼	Timing	Variance due to MRWA Private Works timing not inline with YTD Budget and \$50K Contribution - Monkey Mia not received
Other Property and Services	(6,594)	(38.3%)	▼	Timing	Decrease in refunds income.
<b>Operating Expense</b>					
Governance	182,618	(64.3%)	▲	Timing	Due to Year to Date Budget timing and underspend in overall costs.
General Purpose Funding	1,998	(4.9%)	▲	Timing	No Reportable Variance.
Law, Order and Public Safety	96,431	(50.3%)	▲	Timing	Due to Coastal Hazards Identification program \$60K not commenced, cancellation of Cat Program \$10K due to lack of funding, Cyclone Clean Up \$10K commencing November, Contribution to Biosecurity Council not paid \$5K and general underspend in Ranger Services \$8K
Health	(874)	4.2%	▼	Timing	No Reportable Variance.
Housing	(627)	1.0%	▼	Timing	No Reportable Variance.
Community Amenities	(14,046)	6.0%	▼	Timing	Due to Kerbside Waste Collection Review 15K not commenced.
Recreation and Culture	151,880	(16.4%)	▲	Timing	Variance due to the Battle off Shark Bay \$103K not yet commenced, Walk Trail Improvements \$16K on hold due to issue with Land Tenure, Beach Rock Wall improvements to be commenced in November \$17K, Website Development \$10K not yet commenced and \$10K Decals/Signage/Brochure Racking not spent to date.
Transport	(65,035)	12.9%	▼	Timing	Due mainly to Useless Loop Road Maintenance undertaken in advance of YTD budget

MINUTES OF THE ORDINARY COUNCIL MEETING

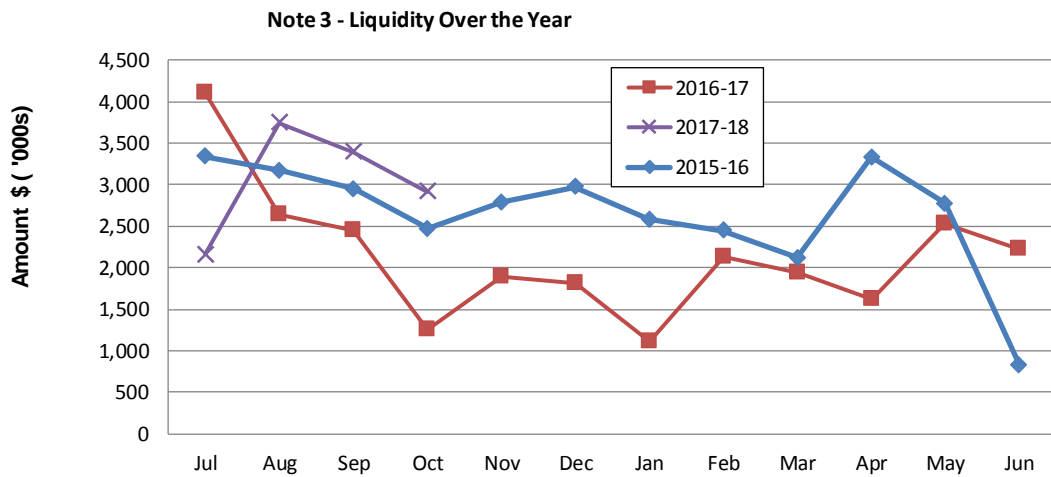
29 NOVEMBER 2017

Economic Services	146,305	(34.1%)	▲	Timing	Due to MRWA Shark Bay Road progress not in line with YTD Budget, \$10K Skate Park Consultation project not commenced, \$23K Destination Shark Bay Branding project not commenced, \$25K Festival 2018 Grant Funding Assistance Project not commenced
Other Property and Services	(82,774)	163.8%	▼	Timing	Due to under recovery of Public Works Overheads costs
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(296,463)	(70.7%)	▼	Timing	Community Bus Grant \$150K has not been received plus \$79K The Battle off Shark Bay Grant was included in the 16/17 year. In addition RRG 40% claim for Nanga and Ocean Park Roads have been deferred until works are completed via Main Roads Contractor.
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No reportable variance.
<b>Capital Expenses</b>					
Land and Buildings	40,561	100.0%	▲	Timing	Town Oval Toilets, Recreation Signage, Denham Town Hall and Staff Housing Projects not commenced.
Infrastructure - Roads	183,135	43.6%	▲	Timing	Road Projects are yet to commence. Finalisation of Knight Road and Old Knight Road have been completed.
Infrastructure - Public Facilities	184,013	83.6%	▲	Timing	Refuse and Recycling project recently commenced and Park and Recreation Improvements yet to commence.
Infrastructure - Footpaths	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Drainage	8,131	0.0%	▲	Timing	Drain Kestrals and Sump Upgrade projects completed, drainage upgrades not yet commenced.
Infrastructure - Streetscapes	7,500	0.0%	▼	Timing	No Reportable Variance
Heritage Assets	16,000	100.0%	▲	Timing	Stables refurbishment yet to commence
Plant and Equipment	672,548	99.7%	▲	Timing	No Plant and Equipment has been purchased
Furniture and Equipment	14,036	0.0%	▲	Timing	No Furniture and Equipment has been purchased.

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2017				
<b>Note 3: NET CURRENT FUNDING POSITION</b>				
		Positive=Surplus (Negative=Deficit)		
	Note	31 Oct 2017	30th June 2017	31 Oct 2016
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	2,500,184	2,096,415	2,594,026
Cash Restricted	4	1,196,830	1,909,228	1,955,268
Receivables - Rates	6	560,556	21,187	558,642
Receivables -Other	6	52,347	123,224	981,967
Interest / ATO Receivable		13,896	6,948	10,916
Inventories		187,603	187,603	190,159
		4,511,416	4,344,605	6,290,978
<b>Less: Current Liabilities</b>				
Payables		(196,439)	(534,870)	(993,944)
Royalties for Regions Funding				(700,000)
Accruals			(43,154)	
Provisions		(203,734)	(203,734)	(197,101)
		(400,173)	(781,758)	(1,891,045)
Less: Cash Reserves	7	(1,196,830)	(1,238,250)	(1,955,268)
<b>Net Current Funding Position</b>		<b>2,914,413</b>	<b>2,324,597</b>	<b>2,444,665</b>



Comments - Net Current Funding Position

MINUTES OF THE ORDINARY COUNCIL MEETING

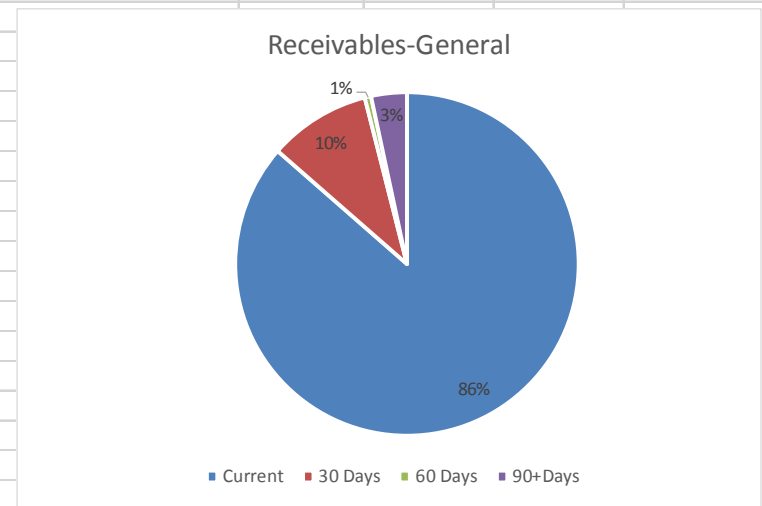
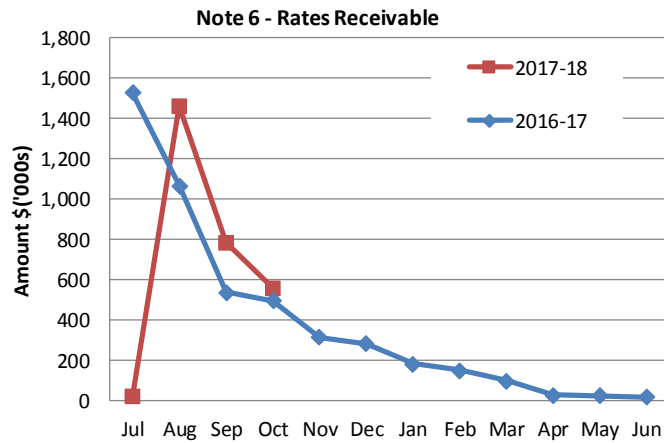
29 NOVEMBER 2017

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2017							
<b>Note 4: CASH AND INVESTMENTS</b>							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	0.10%	65,884			65,884	Bankwest	At Call
Reserve Bank Account	0.00%		6,830		6,830	Bankwest	At Call
Telenet Saver	1.10%	933,500			933,500	Bankwest	At Call
Trust Bank Account	0.00%			10,156	10,156	Bankwest	At Call
Cash On Hand		800			800		On Hand
<b>(b) Term Deposits</b>							
Municipal Investment	2.35%	1,500,000			1,500,000	Bankwest	1/12/2017
Reserve Investment	2.35%		1,190,000		1,190,000	Bankwest	31/01/2018
<b>Total</b>		<b>2,500,184</b>	<b>1,196,830</b>	<b>10,156</b>	<b>3,707,170</b>		
<b>Comments/Notes - Investments</b>							

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 October 2017				
<b>Note 6: RECEIVABLES</b>				
<b>Receivables - Rates Receivable</b>	<b>31 Oct 2017</b>	<b>30 June 2017</b>	<b>Receivables - General</b>	<b>Current</b> <b>30 Days</b> <b>60 Days</b> <b>90+Days</b>
	\$	\$		\$   \$   \$   \$
Opening Arrears Previous Years	21,187	25,814	Receivables - General	44,757   4,977   308   1,742
Levied this year	1,566,223	1,520,406	<b>Total Receivables General Outstanding</b>	<b>51,784</b>
Less Collections to date	(1,026,854)	(1,525,033)	<b>Amounts shown above include GST (where applicable)</b>	
Equals Current Outstanding	<b>560,556</b>	<b>21,187</b>		
<b>Net Rates Collectable</b>	<b>560,556</b>	<b>21,187</b>		
% Collected	64.69%	98.63%		



Comments/Notes - Receivables Rates

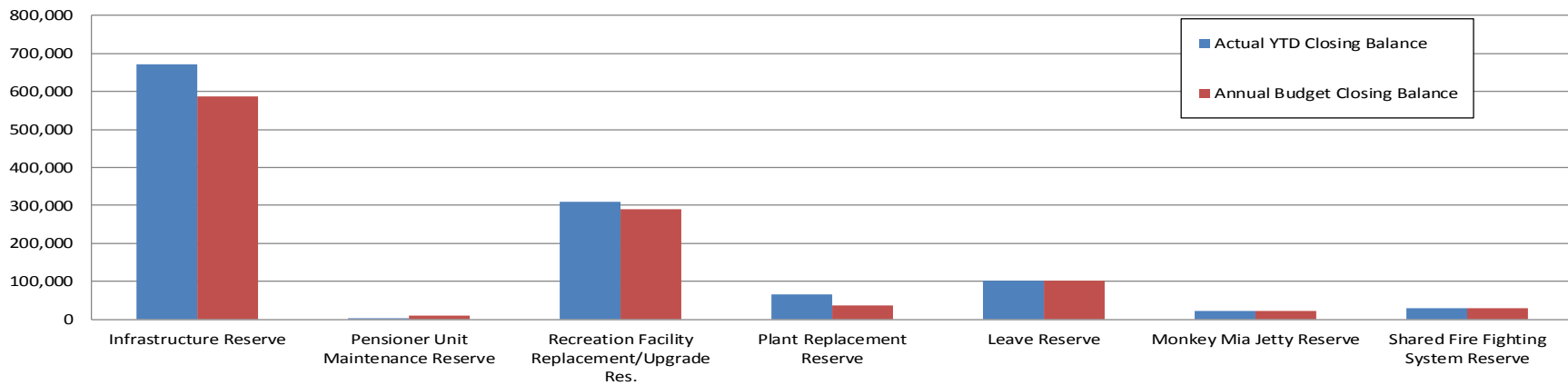
No major issues at this time .

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Shire of Shark Bay									
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY									
For the Period Ended 31 October 2017									
<b>Note 7: Cash Backed Reserve</b>									
<b>2017-18</b>									
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	4,736	107,240	0	(260,628)	(58,692)	586,646	671,078
Pensioner Unit Maintenance Reserve	732	70	5	10,000	0	0	0	10,802	737
Recreation Facility Replacement/Upgrade Res.	307,765	6,500	2,127	0	0	(23,750)	0	290,515	309,892
Plant Replacement Reserve	55,128	2,500	378	335,000	335,000	(356,203)	(326,000)	36,425	64,506
Leave Reserve	100,199	1,800	688	0	0	0	0	101,999	100,887
Monkey Mia Jetty Reserve	21,122	400	145	0	0	0	0	21,522	21,267
Shared Fire Fighting System Reserve	28,269	540	194	0	0	0	0	28,810	28,463
	<b>1,238,249</b>	<b>26,810</b>	<b>8,273</b>	<b>452,240</b>	<b>335,000</b>	<b>(640,581)</b>	<b>(384,692)</b>	<b>1,076,719</b>	<b>1,196,830</b>

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



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

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



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 October 2017							
Note 8 CAPITAL DISPOSALS							
Budget Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 10 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

29 NOVEMBER 2017

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 October 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						(174,948)				(177,285)	
<b>Amount from General Rates</b>						<b>1,201,069</b>				<b>1,224,247</b>	
Specified Area Rates						37,661				37,661	
<b>Totals</b>						<b>1,238,730</b>				<b>1,261,908</b>	
<b>Comments - Rating Information</b>											

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 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	14,457	29,210	179,773	165,020	3,117	8,460
Loan 53 - Staff Housing	43,286	0	10,310	20,960		22,326	(1,335)	2,000
Loan 56 - Staff Housing	63,544	0	0	16,850		46,694	(486)	3,900
	301,060	0	24,767	67,020	179,773	234,040	1,295	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

29 NOVEMBER 2017

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 October 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	1,877	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
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	0	79,760
Tourism WA RVCSGP Grant	Tourism WA	Y	0	0			24,879	
<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	122,644	349,966
<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	700	300
<b>TOTALS</b>			<b>2,302,771</b>	<b>0</b>	<b>1,400,524</b>	<b>902,247</b>	<b>631,220</b>	<b>1,696,430</b>
			Operating		1,400,524		508,576	
			Non-operating		902,247		122,644	
					2,302,771		631,220	
<b>Comments - Operating and Non Operating Grants</b>								

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

<b>Shire of Shark Bay</b>					
<b>NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY</b>					
<b>For the Period Ended 31 October 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-Oct-17	
	\$	\$	\$	\$	
BCITF Levy	0	1260	(1,260)	0	
Library Card Bond	50	50	(100)	0	
Bookeasy- Sales	0	168,829	(168,829)	0	
Kerb/Footpath Deposit	4,300	1,000	(1,000)	4,300	
Bond Key	2,080	560	(480)	2,160	
Hall Bond	0			0	
Police Licensing	1,393	144,439	(144,345)	1,487	
Election Deposit	0	560	(560)	0	
Marquee Deposit	0			0	
Building Licence Levy	0	1,281	(1,281)	0	
Road Reserve - Hughes Street	2,000		0	2,000	
Rates Unidentified Deposit	210		0	210	
	<b>10,033</b>	<b>317,979</b>	<b>(317,855)</b>	<b>10,157</b>	

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

CAPITAL WORKS PROGRAM 2017/18								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
<b>Land and Buildings</b>								
<b>Buildings</b>								
<b>Housing</b>								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(10,000)	(1,667)	0	(1,667)	0	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	(1,667)	0	(1,667)	0	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	(1,667)	0	(1,667)	0	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(10,000)	(1,667)	0	(1,667)	0	
Pensioner Units Capital	3.7.1	EMCD	(20,000)	(3,333)	0	(3,333)	0	
<b>Housing Total</b>			<b>(60,000)</b>	<b>(10,001)</b>	<b>0</b>	<b>(10,001)</b>	<b>0</b>	
<b>Recreation and Culture</b>								
Denham Town Hall	3.7.1	EMCD	(20,000)	(7,228)	0	(7,228)	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)	(8,332)	0	(8,332)	0	
<b>Recreation and Culture Total</b>			<b>(60,000)</b>	<b>(30,560)</b>	<b>0</b>	<b>(30,560)</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>(40,561)</b>	<b>0</b>	<b>(40,561)</b>	<b>0</b>	
<b>Drainage/Culverts</b>								
<b>Transport</b>								
Drainage upgrades	1.1.2	WKM	(30,000)	(10,000)	0	(10,000)	0	
Drain Kestrals - Foreshore	1.1.2	WKM	(4,715)	(1,572)	(3,441)	1,869	0	
Hughes Street Sump Upgrade	1.1.2	WKM	(10,000)	(10,000)	(10,000)	0	10,000	
<b>Drainage/Culverts Total</b>			<b>(44,715)</b>	<b>(21,572)</b>	<b>(13,441)</b>	<b>(8,131)</b>	<b>10,000</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>	

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29 NOVEMBER 2017

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)	(3,332)	(296)	(3,036)	296	
<b>Recreation And Culture Total</b>			<b>(10,000)</b>	<b>(3,332)</b>	<b>(296)</b>	<b>(3,036)</b>	<b>296</b>	
<b>Furniture &amp; Office Equip. Total</b>			<b>(21,000)</b>	<b>(14,332)</b>	<b>(296)</b>	<b>(14,036)</b>	<b>296</b>	
<b>Heritage Assets</b>								
<b>Recreation And Culture</b>								
Refurbishment of Old Stables - c/fwd	2.2.2	WKM	(20,000)	(16,000)	0	(16,000)	0	
<b>Recreation And Culture Total</b>			<b>(20,000)</b>	<b>(16,000)</b>	<b>0</b>	<b>(16,000)</b>	<b>0</b>	
<b>Heritage Assets Total</b>			<b>(20,000)</b>	<b>(16,000)</b>	<b>0</b>	<b>(16,000)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles</b>								
<b>Governance</b>								
CEO Vehicle	1.1.2	CEO	(74,000)	(74,000)	0	(74,000)		
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>(74,000)</b>	<b>0</b>	<b>(74,000)</b>	<b>0</b>	
<b>Law, Order and Public Safety</b>								
Ranger Vehicle	1.1.2	WKM	(45,000)	(45,000)	0			
<b>Total Law, Order and Public Safety</b>			<b>(45,000)</b>	<b>(45,000)</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)	(225,000)	0	(225,000)		
Dual Cab Ute - Country	1.1.6	WKM	(51,000)	(51,000)	0	(51,000)		
Camp Upgrades 16-17	1.1.6	WKM	(3,000)	(3,000)	(354)	(2,646)		
Major Plant Items	1.1.6	WKM	(20,000)	(6,668)	(1,766)	(4,902)		
<b>Transport Total</b>			<b>(419,000)</b>	<b>(405,668)</b>	<b>(2,120)</b>	<b>(403,548)</b>	<b>0</b>	
<b>Plant , Equipment and Vehicles Total</b>			<b>(758,000)</b>	<b>(674,668)</b>	<b>(2,120)</b>	<b>(627,548)</b>	<b>0</b>	



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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)	(13,332)	(24,048)	10,716	0	
<b>Community Amenities Total</b>			<b>(388,341)</b>	<b>(13,332)</b>	<b>(24,048)</b>	<b>10,716</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)	(5,071)	0	(5,071)		
Charlie Sappie Park	2.2.1	WKM	(13,750)	(4,584)	0	(4,584)		
Pioneer Park Improvements	3.2.2	WKM	(10,000)	(10,000)	0	(10,000)		
Westend Carpark to DOT Carpark Limestone Wall and Netta's Beach Toilet	3.2.3	WKM	(30,000)	(30,000)	(9,562)	(20,438)		
Town Oval Bore C/F 16-17	3.2.2	WKM	(150,000)	(150,000)	0	(150,000)		
	3.7.1	WKM	(7,030)	(7,030)	(2,394)	(4,636)	2,259	
<b>Recreation And Culture Total</b>			<b>(235,780)</b>	<b>(206,685)</b>	<b>(11,956)</b>	<b>(194,729)</b>	<b>2,259</b>	
<b>Public Facilities Total</b>			<b>(624,121)</b>	<b>(220,017)</b>	<b>(36,004)</b>	<b>(184,013)</b>	<b>2,259</b>	

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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)	(1,605)		1,605	
R2R Old Knight Terrace 16-7	1.1.6	WKM	(148,282)	(148,283)	(183,745)		183,745	
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)	(153,304)	(51,564)		51,564	
Nanga Road - RRG 17-18	1.1.6	WKM	(159,000)	(53,000)	0		0	
Ocean Park Road - RRG 17-18	1.1.6	WKM	(90,000)	(30,000)	0		0	
<b>Transport Total</b>			<b>(1,092,536)</b>	<b>(420,049)</b>	<b>(236,914)</b>	<b>0</b>	<b>236,914</b>	
<b>Roads (Non Town) Total</b>			<b>(1,092,536)</b>	<b>(420,049)</b>	<b>(236,914)</b>	<b>0</b>	<b>236,914</b>	
<b>Streetscapes</b>								
<b>Economic Services</b>								
Welcome Signage	2.1.3	EMCD	0	0	0	0	0	
Overlander - Solar Light Improvements	2.1.3	EMCD	(7,500)	(7,500)	0	(7,500)	0	
<b>Economic Services Total</b>			<b>(7,500)</b>	<b>(7,500)</b>	<b>0</b>	<b>(7,500)</b>	<b>0</b>	
<b>Capital Expenditure Total</b>			<b>(2,757,872)</b>	<b>(1,414,699)</b>	<b>(288,775)</b>	<b>(897,789)</b>	<b>249,469</b>	

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**13.0 TOWN PLANNING REPORT**

**13.1 PROPOSED LAND ACQUISITION FOR FUTURE ROAD WIDENING BY MAIN ROAD WESTERN AUSTRALIA RD00006**

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Laundry  
Seconded       Cr Capewell

**Council Resolution**

**That Council:**

- 1. Authorise the Chief Executive Officer to write to Main Roads Western Australia and advise that:**
  - (a) the Shire of Shark Bay supports any acquisition required to secure land for future road upgrades at the Monkey Mia / Shark Bay Road intersection;**
  - (b) there is an approved Outline Development Plan for Lot 9502. It is requested that Main Roads Western Australia review the impact and integration of any future intersection upgrade on the approved Outline Development Plan;**
  - (c) a meeting can be arranged on site with the Shires Manager of Works (if required).**
- 2. Note the plans showing the areas proposed to be acquired by Main Roads Western Australia in Attachment 1.**

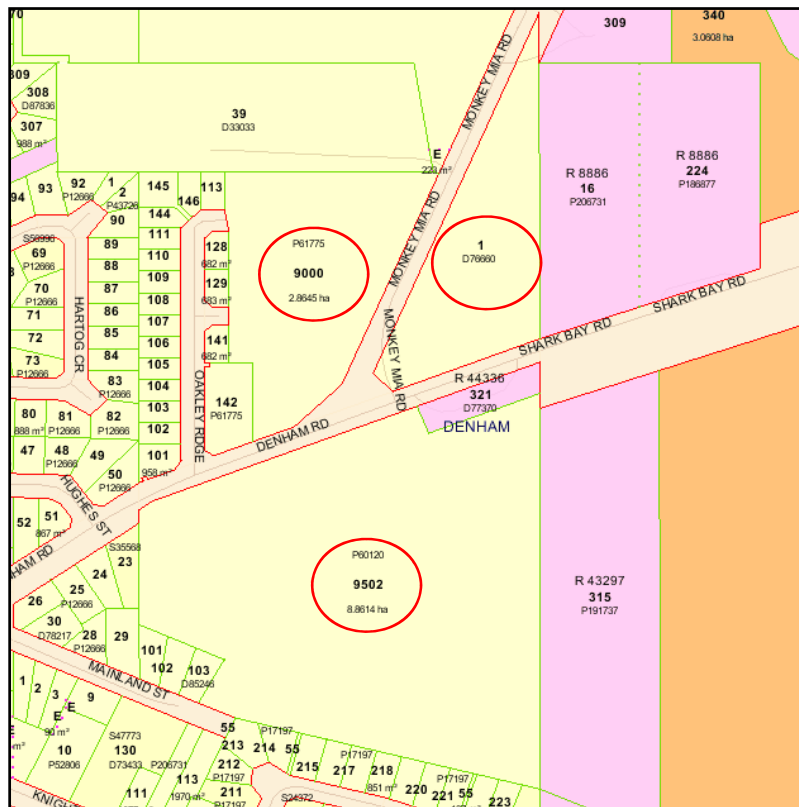
**6/0 CARRIED**

BACKGROUND

Main Roads Western Australia proposes land acquisitions for future road upgrades at the intersection of Monkey Mia Road and Shark Bay Road in Denham.

Main Roads Western Australia has written to the Shire seeking a meeting to discuss the proposal – Attachment 1. Land is proposed to be acquired from Lots 9000, 1 and 9502.

A location plan is shown overpage.



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

COMMENT

The purpose of this report is to keep Councillors updated on future roadworks, and provide an opportunity to comment. The road acquisition is being pursued to accommodate any future road widening and upgrading works.

All three of the affected lots are vacant, however there is an approved Outline Development Plan for Lot 9502 (overpage).

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Whilst there is no opposition to any works required by Main Roads Western Australia, it is recommended that they be requested to review the impact and integration of any future intersection upgrade on the approved Outline Development Plan.

The Outline Development Plan is a guide for future residential subdivision which requires separate approval by the Western Australian Planning Commission.

**LEGAL IMPLICATIONS**

*Planning and Development Act 2005* – Section 6 allows exceptions for public works from any requirement for planning approval.

Section 6 states that *'nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the state, or a local government -*

## MINUTES OF THE ORDINARY COUNCIL MEETING

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- (a) to undertake, construct or provide any public work; and
- (b) to take land for the purposes of that public work.'

In general terms, this section gives a number of bodies referred to in section 6 the power to undertake a public work or take land for the purposes of a public work without obtaining development approval from the Shire under the Scheme. This includes any future road upgrading by Main Roads WA.

The term 'public work' is defined under Section 4 as including any public work as defined in the *Public Works Act 1902*.

*Public Works Act 1902* - defines what constitutes a public work under section 2 and includes:

- any road, stock route, viaduct, or canal;
- any work incidental to any of the aforesaid works;
- any land required for or in connection with any work as aforesaid;
- any survey in connection with any proposed public work.

### POLICY IMPLICATIONS

There are no policy implications relative to this report.

### FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations for planning advice.

### STRATEGIC IMPLICATIONS

Any works needs to be examined in context of the approved Outline Development Plan for Lot 9502.

### RISK MANAGEMENT

This is a low risk item to Council.

### VOTING REQUIREMENTS

Simple Majority Required

### SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

25 October 2017

29 NOVEMBER 2017

ATTACHMENT # 1



RECEIVED

18 OCT 2017

SHIRE OF SHARK BAY

Enquiries: Isabel Huston on 08 9956 1238 or Ernie Reynolds 9941 0718

Our Ref: 10/2305

Your Ref:

12 October 2017

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

By email: [admin@sharkbay.wa.gov.au](mailto:admin@sharkbay.wa.gov.au) and [liz@tخطيط.com.au](mailto:liz@tخطيط.com.au)

ATTENTION: Liz Bushby

Dear Mr Anderson

**Monkey Mia Road & Shark Bay Road Intersection Upgrades**

Main Roads WA is planning to carry out widening works at the intersection of Monkey Mia Road and Shark Bay Road in the future to incorporate:

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

To ensure that these works can be accommodated by the road reserve, additional land is required. The area required is shown on the enclosed drawing numbered 1760-178, 1760-179 and 1760-180.

Main Roads would like to meet with you to discuss the Land Dealing Plans and future works. Please contact Isabel Huston on 9956 1238 or Ernie Reynolds 9941 0718 to arrange a meeting.

Yours sincerely

Bernie Miller  
**Regional Manager**  
**Mid West-Gascoyne Region**

Encl.            Land Dealings Plan 1760-178  
                    Land Dealings Plan 1760-179  
                    Land Dealings Plan 1760-180

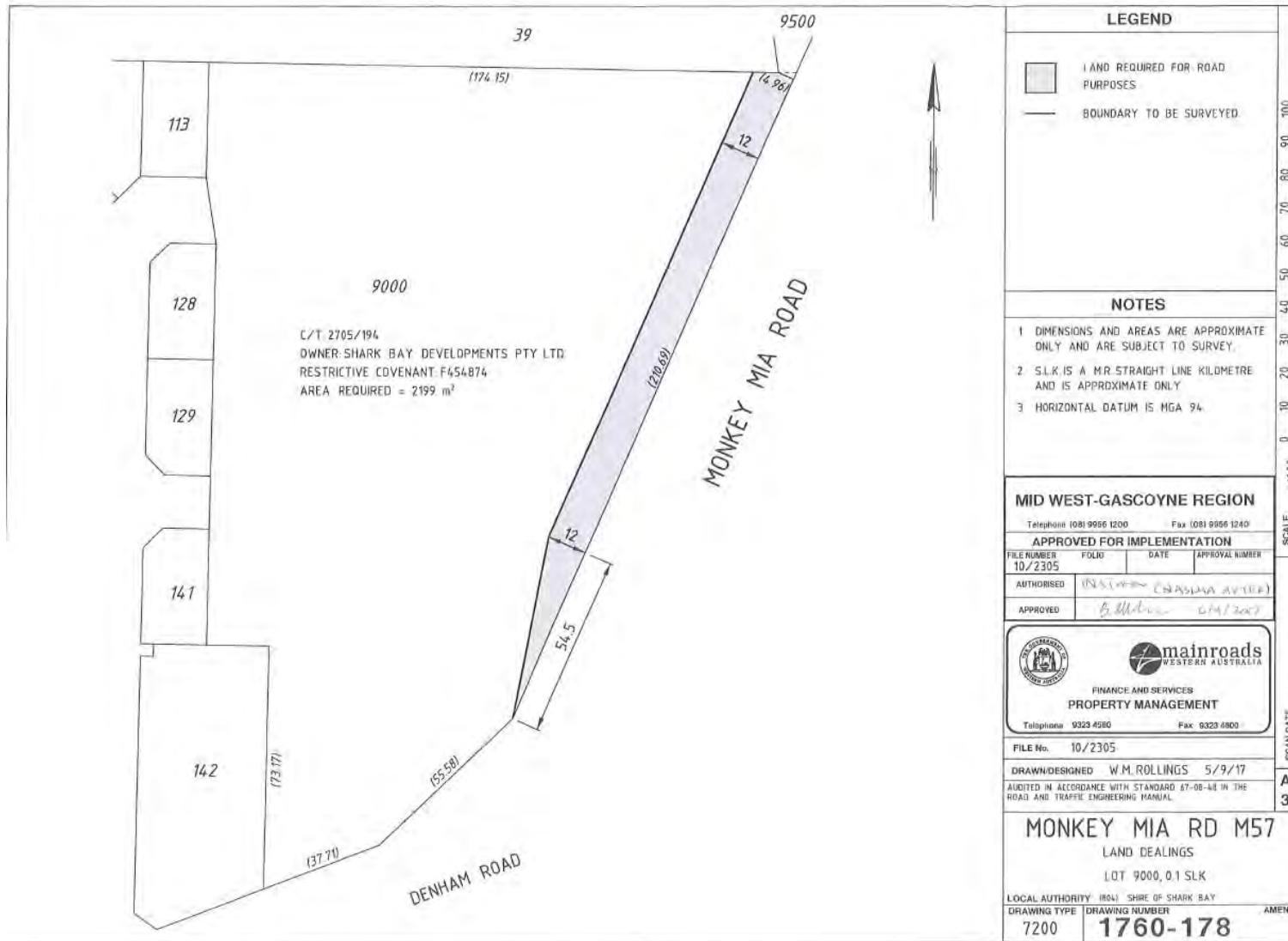
Main Roads Western Australia  
Mid-West Gascoyne  
Geraldton Office, Eastward Road, PO Box 166, Geraldton WA 6531  
Carnarvon Office, 47/1 Robinson Street, PO Box 480, Carnarvon WA 6701

[mainroads.wa.gov.au](http://mainroads.wa.gov.au)  
[enquiries@mainroads.wa.gov.au](mailto:enquiries@mainroads.wa.gov.au)  
138 138



MINUTES OF THE ORDINARY COUNCIL MEETING

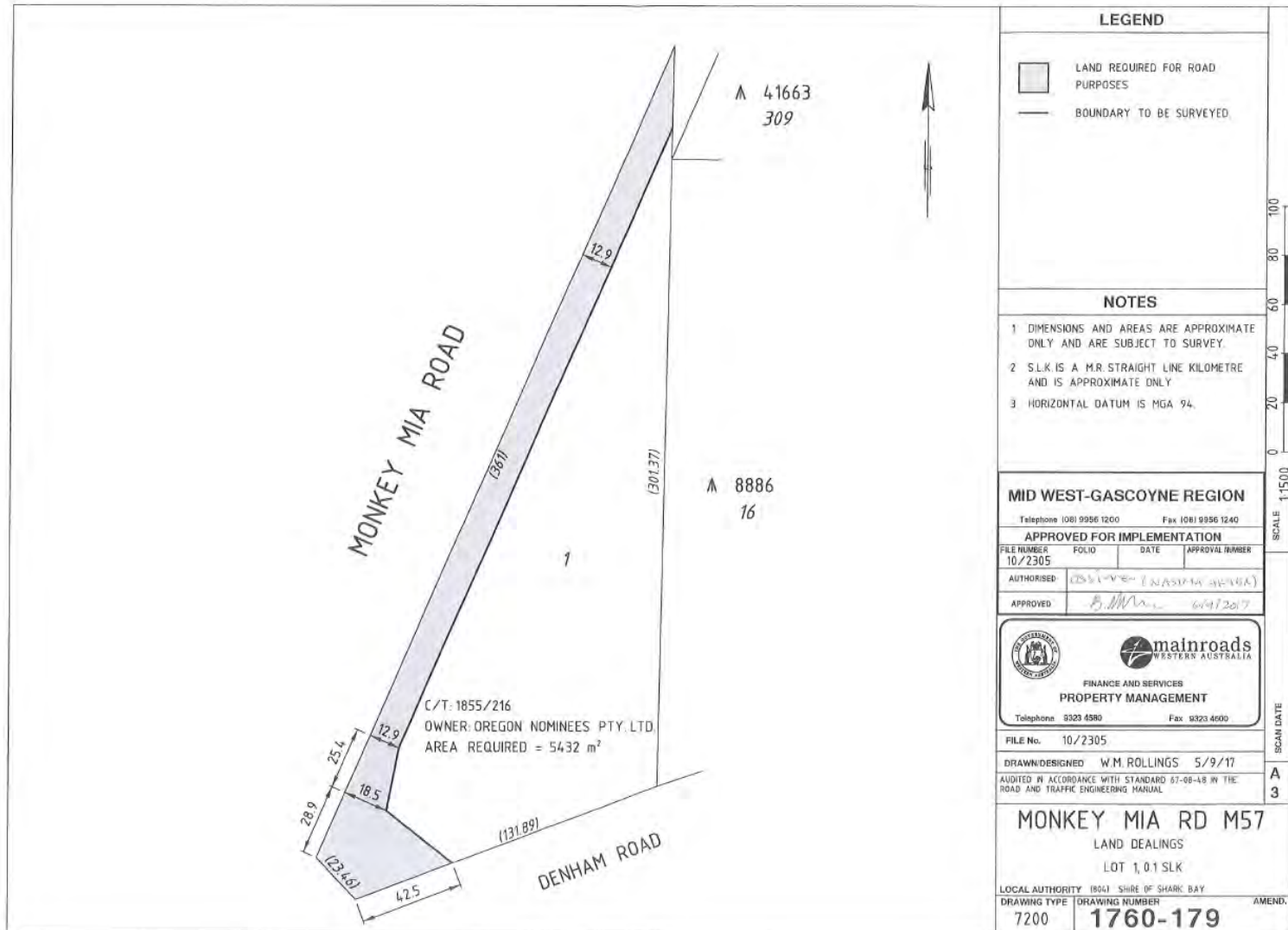
29 NOVEMBER 2017





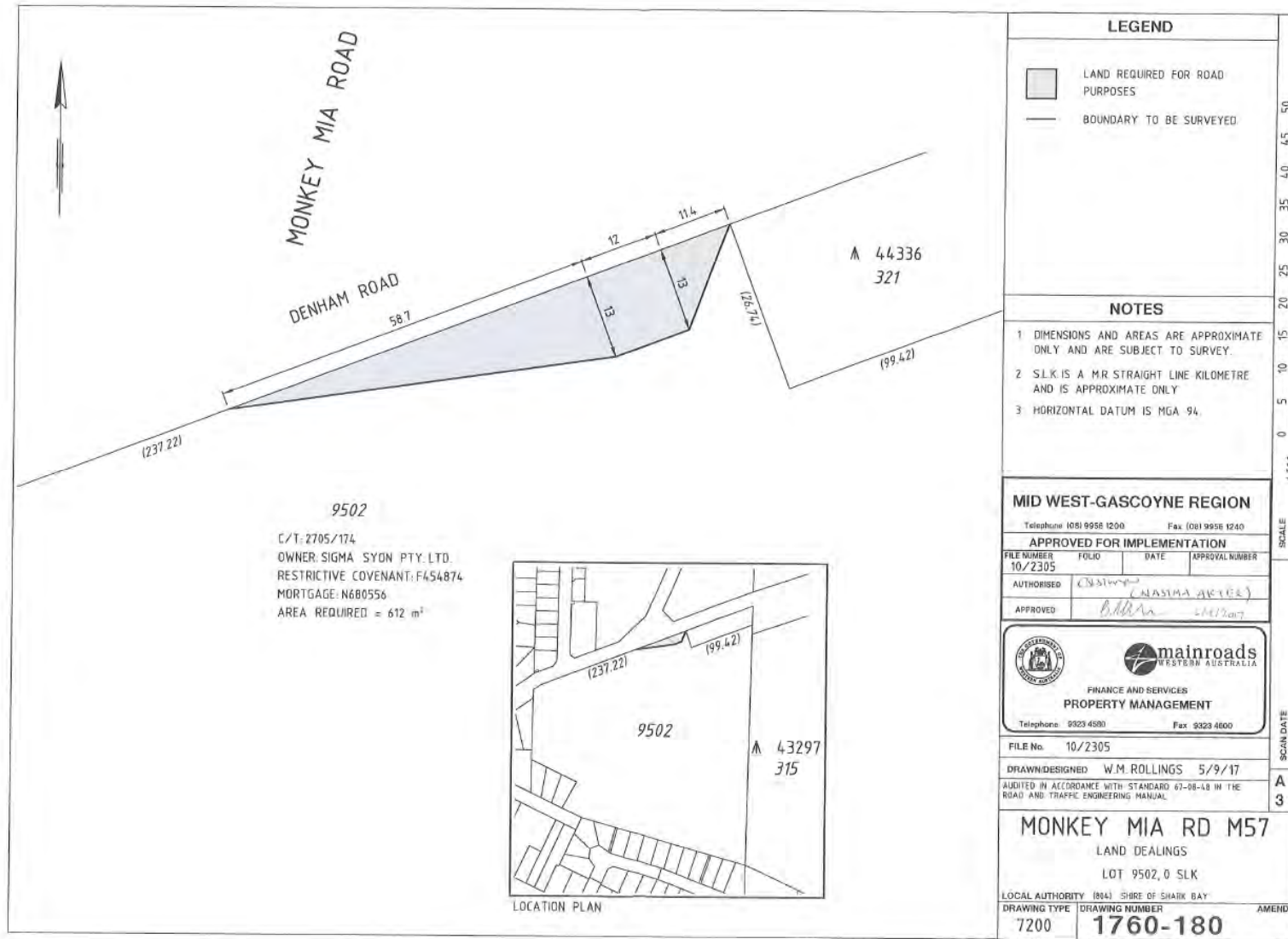
MINUTES OF THE ORDINARY COUNCIL MEETING

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MINUTES OF THE ORDINARY COUNCIL MEETING

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13.2 PROPOSED BUSHFIRE MANAGEMENT PLAN FOR CAMPING AREAS ADJACENT TO AND PARTIALLY WITHIN TAMALA STATION – LOT 365 AND UNALLOCATED CROWN LAND P2014

AUTHOR

Chief Executive Officer

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 due regard has been given to the requirements of State Planning Policy 3.7 relating to Planning for Bushfire Protection however continuation of campsites on and adjacent to Tamala Station will not result in any intensification of landuse or construction of new buildings.**
2. **Acknowledge the advice provided by the Department of Fire and Emergency Services however also note the advice from the Department of Planning that Council has discretion over application of State Planning Policy 3.7 where there is no land use intensification.**
3. **Approve the Bushfire Management Plan for Tamala Station and note that it already forms part of a Management Plan attached to a licence issued for camping sites by the (then) Department of Lands.**
4. **Advise the Manager of Tamala Station that a planning application for the campsites can now be submitted for Council consideration.**

**6/0 CARRIED**

BACKGROUND

- *History*

The Department of Local Government and Communities wrote to the Shire on the 9 April 2014 seeking advice on whether the accommodation facilities at Tamala Station are licenced under the Caravan Parks and Camping Grounds Act 1995 ('Caravans Act').

Following investigation it became clear that the Shire has no records of any planning approval or camping licences being granted for any campsites at Tamala Station. It is noted that camping activities have occurred at the station for many years.

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A report on this matter was referred to Council in July 2014. Council resolved to undertake a number of actions including to advise the operators of the need to lodge a planning application, and the need to apply for a licence to comply with the Caravans Act.

Gabor Holdings Pty Ltd subsequently lodged a planning application seeking retrospective approval for camping activities at Tamala Station in September 2014.

The application could not be processed as the form has to be signed by the then Department of Lands to be valid. Lot 365 is crown land subject to a pastoral lease, and the majority of campsites are on Unallocated Crown Land.

The Department of Lands would not endorse a planning application until such time as Gabor Holdings Pty Ltd secured approval by the Minister for Lands for camping activities under Section 91 of the Land Administration Act 1997.

A camping licence was issued by the Department of Lands on the 11 September 2015 – Attachment 1.

Since that time the operator has been trying to gain approval of a Bushfire Management Plan from the Department of Fire and Emergency Services prior to lodging a new planning application to the Shire.

- *Location*

Tamala Station is located on Lot 365, however the majority of campsites are located on adjacent Unallocated Crown Land.

The Shires Planning consultant has compiled two location plans showing the general location of the campsites – Attachment 1 and 2.

COMMENT

A Bushfire Management Plan for Tamala Station campsites was circulated by Council for comment and the Department of Fire and Emergency Services advised that it will not support the plan in its current form due to inadequate fire mitigation measures under the current state planning policy requirements.

The proponent subsequently lodged a revised Bushfire Management Plan and additional information which was referred to Department of Fire and Emergency Services for advice.

The manager of Tamala Station lodged detailed information to Department of Fire and Emergency Services including as follows:

- a. There are no habitable buildings proposed and all camps are transitory. Higher construction standards under Australian Standards 3959 therefore do not apply.
- b. All camps are low risk due to the proximity to the water, the low and open nature of the vegetation and as camping only occurs in the cooler months.
- c. Certain campsites are closed during peak fire season periods such as the northern section of the Boorabuggata Peninsular which is furthest from the

MINUTES OF THE ORDINARY COUNCIL MEETING

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- homestead and has the most vegetation. It is closed between the 15 December and 31 March annually. Southern campsites remain open.
- d. Campers are in the safest position possible during any possible bushfire event being on wide beaches and immediately adjacent the ocean. The entire area has a Bushfire Assessment Rating of 19 which is moderate.
  - e. An evacuation plan has been prepared and there are well sign posted and maintained access roads throughout the area.
  - f. There is a Management Plan attached to the licence issued by the (then) Department of Lands which includes a Bushfire Management Plan, Bushfire Attack Levy assessment and Bushfire Emergency Access plan. It is a condition of the licence that the management plan be implemented.

Department of Fire and Emergency Services has not supported the revised Bushfire Management Plan and has requested modifications.

Department of Fire and Emergency Services has acknowledged that the campsites already exist and the development seeks continuation of use. Department of Fire and Emergency Services has also acknowledged that *'there is little influence Department of Fire and Emergency Services can advocate in relation to the application of the bushfire protection criteria for the existing landuse'*.

A summary of the Department of Fire and Emergency Services recommendations is included below.

Summary of Department of Fire and Emergency Services comments	Chief Executive Officer Comment
<p>Camping is considered to be a vulnerable land use under State Planning Policy 3.7 so require special consideration. They generally have limited facilities, are in remote locations and visitors may be unfamiliar with their surroundings.</p> <p>The Bushfire Management Plan has not been prepared in accordance with State Planning Policy 3.7.</p>	<p>Noted. Whilst the Shire has to have due regard to state planning policies, practical application retrospectively to an existing continuing use is difficult. In this case all structures are temporary and removable.</p> <p>The campsites have already been issued with a licence by the Department of Lands.</p>
<p>It is recommended a refuge building is provided with adequate water for fire fighting purposes.</p>	<p>Buildings in bushfire prone areas can be built to higher construction standards.</p> <p>The Shires Planning consultant has expressed concern that <i>'a refuge building has potential to trap campers in one location whereas they may be safer on the beach. Whilst construction of buildings to a higher standard may improve the performance of buildings subject to bushfire attack there is no guarantee that any refuge building would survive a fire. A refuge building is not a bunker and may give campers a false sense of safety'</i>.</p> <p>Requiring construction of a new building that can accommodate all campers is considered onerous.</p>

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	There are extensive cleared managed grazing areas on the station and vast bare salt or clay pans. If time permitted these areas could be used for refuge areas for vehicles and caravans.
An Emergency Evacuation Plan should be provided.	A Bushfire Emergency Access Plan forms part of the station licence issued by Department of Lands.

This matter has been raised with the Department of Planning Policy Branch who advise that there are two options:

1. Treat the proposal as a new development and an intensification of landuse that should comply with State Planning Policy 3.7.
2. Consider that there is no intensification of landuse and require no further assessment of bushfire risk.

In regards to point 2 the Department of Planning specifically advised that *'one way to interpret the policy is that no intensification of land-use (existing facility and no new buildings are proposed) is occurring and consequently there is no increase in the threat of bushfire to people, property and infrastructure. Hence, approving this development application without requiring further consideration of the bushfire risk is not contrary to the intent or the main objective of State Planning Policy 3.7. These principles are discussed in Planning Bulletin 111/2016 in relation to new developments as well as extensions/alterations/additions, but the principles may also apply to this scenario.'*

Current state planning policy requirements for planning in bushfire prone areas do not fully recognise the differing environmental conditions that exist in Western Australia, and are somewhat impractical to apply to remote camping sites where no permanent structures are proposed.

It is recommended that the Bushfire Management Plan be approved, and the proponent be invited to lodge a planning application for the campsites.

LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

Regulation 67 outlines 'matters to be considered by Council' including *'any approved state policy'*.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations consultancy fees for planning advice. Advice from Town Planning Innovations was sought on the refuge building suggested by Department of Fire and Emergency Services. Town Planning Innovations also liaised with the Department of Planning to obtain specific advice on Tamala Station.

MINUTES OF THE ORDINARY COUNCIL MEETING

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29 NOVEMBER 2017

STRATEGIC IMPLICATIONS

There is a Tamala-Carrarang Recreation and Tourism Plan however it is not a Shire document. It was produced by Parks and Wildlife Services (then Conservation and Land Management).

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*P Anderson*

Chief Executive Officer

*P Anderson*

Date of Report

25 October 2017



29 NOVEMBER 2017

## ATTACHMENT # 1



Government of **Western Australia**  
Department of **Lands**

Quire ref: 03489-1964 Job: 14188  
Enquiries: Terri Newman  
Ph: (08) 6552 4063  
Fax: (08) 6552 4413  
terri.newman@lands.wa.gov.au

23 February 2017

Tamala Station Pastoral Lease  
Gabor Holdings Pty Ltd  
PO Box 7312  
Cloisters Square  
PERTH WA 6850

Dear Mr Harley Whitcombe

**LICENCE FOR MANAGING TOURIST CAMPING AND ACCESS ON THE LICENCE  
AREA- SHIRE OF SHARK BAY**

Attached is your Occupation Licence 03489-1964\_A6517054 (Original and Duplicate) for a period of 10 years commencing from 1 February 2017 onwards. Please note that the following fees and charges are to be paid 30 days from the date of this licence.

(1)	Licence fees for 12 months	\$3,500.00
(2)	10% GST on licence fees	\$ 350.00
(3)	Document preparation fees	\$ 135.00
	<b>Total Payable</b>	<b>\$3,985.00</b>

Additionally please refer to Special Conditions, Clause 12; that provides for a Review of the Licence Fee every three (3) years commencing from 1 February 2020, 1 February 2023 and 1 February 2026 (**review date**).

Please sign both copies of the licence to confirm your acceptance of occupation Licence 03489-1964\_A6517054 and return both copies to this office for execution on behalf of the Minister for Lands along with the total fees of \$3,985.00. The executed Duplicate will then be returned to you for your records.

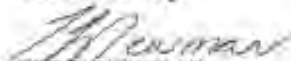
You can pay the Licence fee by direct credit payment into DoL's account:

Account Name: Department of Lands  
Bank: Commonwealth Bank of Australia  
BSB: 066 040  
Account No: 1990 3039

Please ensure that when making payment you include your name and our reference (file) number 03489-1964. Alternatively payment can be made by cheque payable to the Department of Lands and forwarded to PO Box 1221, West Perth WA 6872.

Should you have any enquiries please contact this office quoting the above reference and job number.

Yours sincerely

  
**TERRI NEWMAN**  
**STATE LAND OFFICER**  
**DELIVERY**

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1221 West Perth Western Australia 6872  
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29 NOVEMBER 2017

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**ORIGINAL**



Government of **Western Australia**  
Department of **Lands**

## **Licence to Occupy Crown Land**

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**Section 91 of the  
*Land Administration Act 1997* (WA)**

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Lic 03489-/1964\_A6517054

29 NOVEMBER 2017

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2017

**THE STATE OF WESTERN AUSTRALIA  
ACTING THROUGH  
THE MINISTER FOR LANDS**

**AND**

**GABOR HOLDINGS PTY LTD  
ACN 009 143 364**

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**DEED OF LICENCE**

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**DEPARTMENT OF LANDS  
140 William Street  
PERTH WA 6000**  
REF: Tamala Station section 91 Licence  
Coastal Camping

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**THIS DEED OF LICENCE is made on the** \_\_\_\_\_ **day of**

**BETWEEN**

**THE STATE OF WESTERN AUSTRALIA ACTING THROUGH THE MINISTER FOR LANDS**, a body corporate under the *Land Administration Act 1997*, care of Department of Lands, 140 William Street, Perth, Western Australia (**Licensor**)

**AND**

**GABOR HOLDINGS PTY LTD** ACN 009 143 364 of PO Box 7312, Cloisters Square, Perth, Western Australia (**Licensee**)

**BACKGROUND**

- A. The Licence Area is a portion of Crown land. Crown land is administered by the Minister through the Department on behalf of the State of Western Australia.
- B. A portion of the Licence Area is unallocated Crown land, and a portion of the Licence Area is located within the Pastoral Lease. The Licensee is the lessee of the Pastoral Lease and wishes to have access to the Licence Area for the Permitted Use.
- C. The Minister on behalf of the State of Western Australia is authorised by section 91 of the LAA to grant a licence of Crown land for any purpose.
- D. The Licensor has agreed to grant to the Licensee a non-exclusive Licence in respect of the Licence Area on the terms and conditions and for the Permitted Use set out in this Licence.
- E. The granting of this Licence by the Licensor may affect native title rights and interests in the Licence Area.
- F. If an approved determination of native title is made under the NTA in relation to land or waters (that includes the Licence Area), and if such determination is that native title exists, the use of the Licence Area for the Permitted Use must discontinue immediately and this Licence shall determine on the date of such determination.

**OPERATIVE PART**

The Parties covenant and agree on the matters set out above and as follows:

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**1. DEFINITIONS AND INTERPRETATION**

**1.1 DEFINITIONS**

In this Licence the following terms shall have the following meaning:

**approved determination of native title** has the same meaning as it has in the NTA.

**Approved Lessee or Sublessee** means a person approved under section 134 of the LAA as lessee of the Pastoral Lease or sublessee of a sublease of the whole of the Pastoral Lease, including a person so approved as transferee of the lessee or sublessee.

**Contamination** is the state of being contaminated as that term is defined in the CSA.

**CSA** means the *Contaminated Sites Act 2003*.

**Date of Commencement** means the date of commencement specified in item 2(b) of the Schedule.

**Date of Expiry** means the date of expiry specified in item 2(c) of the Schedule.

**Department** means the department principally assisting the Minister in the administration of the LAA.

**Environment** has the meaning given by section 3 of the *Environmental Protection Act 1986*.

**Environmental Harm** has the same meaning as that term is defined in the *Environmental Protection Act 1986*.



**Environmental Law** means all planning, environmental, contamination or pollution laws and any regulations, orders, directions, ordinances or all requirements, permission, permits or licences issued thereunder.

**Environmental Notice** means any notice, direction, order, demand or other requirement to take any action or refrain from taking any action from any Governmental Agency, whether written or oral and in connection with any Environmental Law.

**Further Term** means an extension of the Term.

**Governmental Agency** means any government or any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity.

**LAA** means the *Land Administration Act 1997*.

**Law** includes any requirement of any statute, regulation, proclamation, ordinance or by-law present or future whether State, Federal or otherwise.

**Licence** means this Licence including the contractual rights granted to the Licensee under clause 2 and the rights granted under this Licence necessary for the exercise of the rights granted under clause 2.

**Licence Area** means the licence area specified in item 1 of the Schedule.

**Licence Fee** means the licence fee specified in item 3(a) of the Schedule, as reviewed from time to time under clause 12.1.

**Licensee's Agent** includes the employees, agents, contractors, consultants, invitees and any other person acting with the authority or permission of the Licensee.

**Licensee's Property** means all plant, equipment, materials, and other property brought or placed on the Licence Area by, on behalf of or with the authority of the Licensee.

**Management Plan** means the *Tamala Station 2016-2021 S91 Management Plan* annexed to this Licence and marked "Annexure B" (and includes any renewed, varied or amended Management Plan under clause 12.4).

**Minister** means the Minister for Lands, a body corporate under section 7(1) of the LAA.

**Native Title Party** means the Malgana Shark Bay People's Application claim group in Federal Court Application WAD 6236/1998.

**NTA** means the *Native Title Act 1993 (Cth)*.

**Parties** mean the Licensor and the Licensee.

**Party** means the Licensor or the Licensee, as the case may be.

**Pastoral Lease** means the pastoral lease specified in item 8 of the Schedule.

**Permitted Use** means the use specified in item 4 of the Schedule.

**Plans** means the plans annexed to this Licence and marked "Annexure A".

**Pollution** means anything that is Pollution within the meaning of the *Environmental Protection Act 1986*, which is not authorised under any Law.

**Review Date** has the meaning in clause 12.1(a).

**Schedule** means the Schedule to this Licence.

**Services** includes water, gas and electricity supply, sewerage, waste disposal, drainage and telecommunications and all facilities pipes, cables, fixtures and fittings associated with those services.

**Sites** means each of those areas described as 'Site' on the Plans annexed to this Licence as "Annexure A", being Tourist campsites operated by the Licensor.

**Surrounding Area** means any land or water adjacent to or in the vicinity of the Licence Area and the air generally above the Licence Area, and includes an affected site within the meaning of that term as defined in the CSA.

**Term** means the term specified in item 2(a) of the Schedule.

**Tourist** means a tourist, fisherman or any person accessing the Licence Area for a purpose unrelated to the operation of the pastoral business on the Pastoral Lease, but does not include a person authorised to be on the Licence Area by the Licensor or by any Law.

## 1.2 INTERPRETATION

In this Licence:

- (a) clause headings are for convenient reference only and shall have no effect in limiting or extending the language of the provisions to which they refer;
- (b) a reference to a clause, schedule or annexure is a reference to a clause of or schedule or annexure to the document in which the reference appears;
- (c) a reference to any Law includes consolidations, amendments, re-enactments or replacements of it;
- (d) the singular includes the plural, the plural includes the singular and any gender includes each other gender;
- (e) if a period of time is specified and runs from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (f) the word 'person' includes a reference to the person's personal representatives, executors, administrators, successors and assigns and a reference to a corporation includes a reference to the corporation's successors and assigns;
- (g) covenants in this Licence by two or more persons shall be deemed joint and several; and
- (h) a reference to the word "including" is deemed to be followed by the words "but not limited to".

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## 2. GRANT OF LICENCE

### 2.1 GRANT OF LICENCE

- (a) Subject to clause 2.2 and in consideration of the matters set out in this Licence and the payment of the Licence Fee by the Licensee to the Licensor, the Licensor hereby GRANTS to the Licensee a non-exclusive right for the Term to enter upon and remain on and use the Licence Area, with such vehicles, machinery, plant or equipment as is reasonably necessary for the Permitted Use in accordance with the terms and conditions set out in this Licence.
- (b) The exercise of the Licensee's rights under this Licence in respect of that portion of the Licence Area that is not within the Pastoral Lease shall be subject to:
  - (i) The rights of any Governmental Agency in relation to the Licence Area (including for the avoidance of doubt rights under the *Conservation and Land Management Act 1984*); and
  - (ii) of persons performing functions, or exercising powers within the Licence Area under a law of the Commonwealth or the State of Western Australia; and
  - (iii) or performing functions or exercising powers as an employee or agent of the State Government, the Commonwealth or any local government authority.

### 2.2 APPROVED DETERMINATION OF NATIVE TITLE

Notwithstanding any other provision in this Licence providing for the determination, expiration or termination of this Licence, the Licensor and Licensee agree that:



- (a) this Licence shall determine on the date of an approved determination of native title made in relation to any land or waters included in the Licence Area by any court or tribunal, if the determination is that native title exists, notwithstanding that neither party to this Licence has given or received notice of such approved determination of native title;
- (b) the Licensee shall yield and deliver up possession of the Licence Area to the Licensor in accordance with the provisions of clause 8 of this Licence as soon as is reasonably practicable after it becomes aware of a determination that native title exists;
- (c) such determination of this Licence shall not give the Licensee any right to damages or compensation other than the refund of any part of the Licence Fee and GST then paid by the Licensee attributable to a period extending beyond the date of the approved determination of native title; and
- (d) such determination of this Licence shall not affect any rights or obligations that are expressed in this Licence to survive determination, expiration or early termination of this Licence and is without prejudice to the rights of the Licensor in respect of any antecedent breach of the terms, covenants and conditions, contained or implied in this Licence, by the Licensee.

**2.3 NO ESTATE OR INTEREST IN LAND**

The Licensee acknowledges and agrees that:

- (a) The rights conferred by this Licence rest in contract only and do not create in or confer upon the Licensee any tenancy or any estate or interest in or over the Licence Area and the rights of the Licensee will be those of a licensee only.
- (b) This Licence confers no right of exclusive occupation of the Licence Area upon the Licensee and the Licensor including through its officers, employees, contractors and agents may at any time and at all times from time to time exercise all the Licensor's rights as licensor including the Licensor's rights to use possess and enjoy the whole or any part of the same save only in so far as such rights shall not unreasonably:
  - (i) prevent the operation of the rights granted to the Licensee under this Licence; or
  - (ii) be inconsistent with the express provisions of this Licence.
- (c) The rights granted to the Licensee under this Licence are only exercisable during the Term.
- (d) Nothing in this Licence affects or is intended to affect native title rights and interests where they have been determined to exist in the Licence Area.
- (e) If despite sub-clause (d) native title rights and interest are affected, the grant of this Licence is not intended to extinguish native title rights and interests.
- (f) For the purposes of sub-clauses (d) and (e), the term "affect" has the same meaning as defined in the NTA.

**2.4 EFFECT OF LICENCE**

The Parties acknowledge and agree that this Licence is valid and the terms of this Licence apply for all other purposes, even if it is determined that this Licence is invalid to the extent that it affects native title pursuant to the NTA or otherwise.

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**3. EXCLUSION OF WARRANTY**

The Licensee acknowledges and agrees that the Licensor makes no warranty or representation that this Licence is or will be validly granted for the purposes of the NTA, and any such warranty or representation is expressly excluded.

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**4. TERM AND LICENCE FEE**

**4.1 TERM**

The Term shall commence on the Date of Commencement and shall expire on the Date of Expiry.

**4.2 FURTHER TERM**

- (a) Any application for a Further Term or extension of the rights granted to the Licensee under this Licence must be made to the Licensor, in writing no less than 30 days prior to the expiration of this Licence and may be granted or refused at the Licensor's absolute discretion.
- (b) The Parties confirm that circumstances in which the Licensor shall refuse to grant a licence for a Further Term under subclause (a) will include where:
  - (i) the Licensee is, at the time of giving that notice or at the Date of Expiry, in default under any provision of this Licence;
  - (ii) the Licensee has ceased to be an Approved Lessee or Sublessee of the Pastoral Lease;
  - (iii) an Approved Determination of Native Title has been made under the NTA that native title exists over land or waters that includes the Licence Area;
  - (iv) the Pastoral Lease is forfeited, surrendered, terminated, expires or otherwise comes to an end for any reason whatsoever, and a new or renewed pastoral lease is not granted to the Licensee in its place; or
  - (v) the Licence Area or land of which the Licence Area forms part becomes a reserve under the *Conservation and Land Management Act 1984*.

**4.3 LICENCE FEE**

The Licensee must pay the Licence Fee to the Department, at the times and in the manner specified in item 3 of the Schedule.

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**5. LICENSEE'S COVENANTS**

The Licensee covenants with the Licensor that the Licensee and the Licensee's Agents:

- (a) must not provide for Tourist camping to occur outside the Licence Area;
- (b) must, as far as is reasonably practicable, ensure that Tourist camping is carried out in a manner that is environmentally sensitive to the adjoining Shark Bay Marine Park and the coastal vegetation and landscape comprising the Licence Area;
- (c) must not construct or erect or permit to be constructed or erected any permanent structure, improvement or other thing (other than fencing or a gate) that is a fixture on the Licence Area;
- (d) must not cause or permit any damage to the Licence Area or to the Surrounding Area;
- (e) must not cause or permit any Contamination, Pollution or Environmental Harm to occur in, on or under the Licence Area or to the Surrounding Area, and if any Contamination, Pollution or Environmental Harm is caused by the Licensee or the Licensee's Agents, the Licensee must give notice of it to the Licensor and must minimise and remediate any resultant damage and harm to the reasonable satisfaction of the Licensor;
- (f) must keep the Licence Area in good and safe repair and condition, and must take all steps necessary to keep it safe and free from hazard to any property or person on or using the Licence Area or the Surrounding Area, and where required must keep secure the Licence Area;
- (f) must minimise any disruption to all adjoining and surrounding roads due to vehicles entering or leaving the Licence Area;
- (g) must not dispose of or store on the Licence Area any rubbish or any poisonous, toxic or hazardous substance;
- (h) must not undertake nor allow to be undertaken any excavation or clearing of the Licence Area;
- (i) must pay all outgoings payable in respect of the use of the Licence Area under this Licence;

- (j) must punctually comply with and observe:
  - (i) all Laws; and
  - (ii) all notices received either by the Licensor or the Licensee from, and the requirements of, any relevant Governmental Agency;
- (k) must obtain, keep current and comply with all consents, approvals, permits, licences or other requirements under any Law, if any, to use the Licence Area for the purposes permitted under this Licence;
- (l) must repair or remedy any damage caused or permitted by the Licensee or the Licensee's Agents, to the Licence Area or the Surrounding Area or Services in, on, under or over the Licence Area, including remediating any Contamination, Pollution, Environmental Harm, and erosion or other form of degradation; and
- (m) must reinstate the Licence Area on the expiration of the Term or other termination of this Licence, in accordance with clause 8.

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## 6. RISK, INDEMNITY, RELEASE AND INSURANCE

### 6.1 RISK

The Licensee:

- (a) acknowledges that all Licensee's Property brought onto the Licence Area is at the Licensee's sole risk and responsibility at all times and entry onto and use of the Licence Area by the Licensee or any Licensee's Agent is at the sole risk of the Licensee; and
- (b) acknowledges that the Licensor accepts no responsibility or liability for use of the Licence Area by the Licensee or any Licensee's Agent nor for any loss or damage to the Licensee's Property that is brought onto the Licence Area.

### 6.2 INDEMNITY AND RELEASE

- (a) The Licensee hereby releases and indemnifies and agrees to keep released and indemnified the Licensor, the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees and licensees of any of them (the **Indemnified Parties**) from and against all claims, demands, actions, suits, proceedings, judgments, damages, compensation liabilities, costs, charges, expenses (including legal costs of defending or settling any action, claim or proceeding) and losses of any nature whatsoever whether based in contract, tort or statute or any combination thereof which the Indemnified Parties (or any of them) may suffer or incur or which may at any time be brought maintained or made against them (or any of them) by the Licensee, the Licensee's Agents or any other person in respect of or in connection with:
  - (i) any destruction, loss (including loss of use), injury or damage of any nature or kind of or to property of any person whether or not on the Licence Area and including the property of:
    - (A) any of the Indemnified Parties; or
    - (B) the Licensee or the Licensee's Agents; and
  - (ii) any death of, or injury or illness sustained by, any person and including:
    - (A) the Indemnified Parties; or
    - (B) the Licensee or the Licensee's Agents; and
  - (iii) any affect on or impairment of native title rights and interests, or affect on impairment of the exercise of native title rights and interests of any person in relation to the Licence Area (for the purposes of this sub-clause, the term "affect" has the same meaning as defined in the NTA); and

- (iv) any effect on the validity, or invalidity, of this Licence or the exercise by the Licensee or the Licensee's Agents of any rights conferred under this Licence,

directly or indirectly caused by arising out of or in connection with:

- (A) the Licensee's or Licensee's Agents use or enjoyment of the Licence Area or any part of the Licence Area pursuant to the terms of this Licence;
- (B) any works carried out by or on behalf of the Licensee under this Licence;
- (C) the exercise or enjoyment of any rights conferred upon the Licensee under this Licence;
- (D) any Contamination, Pollution or Environmental Harm of the Licence Area or the Surrounding Area caused or contributed to by the Licensee's or the Licensee's Agents use of the Licence Area;
- (E) any remediation required to be carried out by the Licensee under this Licence in respect of the Licence Area or the Surrounding Area or otherwise having to comply with any Environmental Notice or any other notice received from any Governmental Agency;
- (F) any default by the Licensee in the due and punctual performance, observance and compliance with any of the Licensee's covenants or obligations under this Licence;
- (G) any other act, neglect, default or omission by the Licensee or the Licensee's Agents; or
- (H) any invalidity of this Licence for the purposes of the NTA or otherwise by reason of the existence of native title rights or interests.

- (b) The obligations of the Licensee under this clause:

- (i) are unaffected by the obligation of the Licensee to take out insurance and the obligations of the Licensee to indemnify are paramount; and
- (ii) continue after the expiration or earlier determination of this Licence.

### 6.3 INSURANCE

- (a) The Licensee must during the Term effect, maintain and keep current with an insurer of good repute, a public liability insurance policy for the amount specified in item 7 of the Schedule for any one claim (or any other amount reasonably required by the Licensor from time to time consistent with usual prudent commercial practice) and which policy includes, but is not limited to, coverage in respect of:
- (i) any injury to, illness of, or death of, any person;
  - (ii) any loss, damage or destruction to any property including to the property of any of the Indemnified Parties;
  - (iii) any damages or compensation payable to the holders of or in respect of affects on or impairment of native title rights or interests;
  - (iv) the loss of use of any property, including the property of any of the Indemnified Parties; and
  - (v) liability arising out of any Contamination, Pollution or Environmental Harm of the Licence Area or the Surrounding Area (including neutralising or clean up costs) of a sudden and accidental nature during the Term caused or contributed to by the Licensee's or the Licensee's Agents' use of the Licence Area, or such other form of insurance coverage as may become readily available from such an insurer;



and such insurance shall include the interests of the Licensor under this Licence.

- (b) The Licensee:
  - (i) must give to the Licensor a copy of the certificate of currency of the policy of insurance referred to in subclause (a) at the Date of Commencement; and
  - (ii) must submit evidence to the Licensor on each anniversary of the Date of Commencement during the Term, or as otherwise requested by the Licensor, which shows that the insurance policy referred to is still current.
- (c) The Licensee shall effect and maintain all insurance required to be effected by it by law. Without limiting the generality hereof, the Licensee shall have all necessary insurance with respect to its employees under the relevant Laws and shall, if required by the Licensor, produce evidence of such insurance at any time.
- (d) The Licensee will not do or omit to do any act or thing or bring onto or keep anything on the Licence Area which might render the insurance on the Licence Area void or voidable.

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## 7. TERMINATION OF LICENCE

### 7.1 GROUNDS

- (a) This Licence and the rights granted to the Licensee pursuant to it may be terminated by the Licensor by notice in writing to the Licensee:
  - (i) if moneys payable under this Licence are in arrears and unpaid for 14 days after formal demand;
  - (ii) if the Licensee breaches or fails to observe any of the covenants, conditions or terms on the Licensee's part expressed or implied in this Licence, other than the obligation referred to in subclauses (i) and (iii), and the breach has not been remedied by the Licensee within 14 days after service of a notice from the Licensor requiring the Licensee to remedy the breach or non-observance;
  - (iii) if the Licensee breaches or fails to observe any of the covenants, obligations, conditions or terms referred to in clause 5 during the Term;
  - (iv) if the Licensee:
    - (A) becomes bankrupt or enters into any form of arrangement (formal or informal) with any of its creditors, or an administrator or a receiver or a receiver and manager is appointed to any of its assets;
    - (B) being a company or other body corporate, an order is made or a resolution is passed for its winding up except for the purpose of reconstruction or amalgamation;
    - (C) being a company, or other body corporate ceases or threatens to cease to carry on business or goes into liquidation, whether voluntary or otherwise, or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed; or
    - (D) being a company, is placed under official management under the *Corporations Act 2001* or enters into a composition or scheme of arrangement;and without limiting the foregoing but for the avoidance of doubt, this subclause (a)(iv) applies to any such event that may occur in relation to the Licensee if it is an Aboriginal and Torres Strait Islander corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 Cth*; or
  - (v) if the Licensee is an Aboriginal and Torres Strait Islander corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 Cth* and a

determination is made by the Registrar under that Act that the Licensee is to be under special administration; or

- (vi) if the Licensee abandons or vacates the Licence Area;

and this Licence and rights granted pursuant to it will terminate on expiry of the notice period specified in the notice.

- (b) No compensation or money is payable to, or recoverable by, the Licensee from the Licensor for termination of the Licence under this clause.
- (c) Any termination of the Licence under this clause:
- (i) does not affect any rights and obligations that are expressed in this Licence to survive expiry or earlier termination of this Licence; and
- (ii) is without prejudice to the rights of the Licensor in respect of any antecedent breach of the terms, covenants or conditions contained or implied in this Licence by the Licensee.

## 7.2 AUTOMATIC TERMINATION

- (a) Without limiting clause 7.1, if:
- (i) the Pastoral Lease is forfeited, surrendered, terminated or otherwise comes to an end for any reason whatsoever, and a new or renewed pastoral lease or other form of tenure is not granted to the Licensee in its place; or
- (ii) the Licensee ceases to be an Approved Lessee or Sublessee of the Pastoral Lease, or
- (iii) the Licence Area or land of which the Licence Area forms part becomes a reserve under the *Conservation and Land Management Act 1984*; or
- (iv) as provided in Clause 2.2(a), where there is an Approved Determination of Native Title that native title exists over land or waters that includes the Licence Area;
- (relevant event) this Licence shall automatically terminate on the date of the relevant event occurring, without the need for the Licensor to give any notice to the Licensee of such termination.
- (b) Such termination shall:
- (i) not affect any rights and obligations that are expressed in this Licence to survive expiry or earlier termination of this Licence;
- (ii) be without prejudice to any right of action of the Licensor in respect of any antecedent breach of the terms, covenants or conditions contained or implied in this Licence by the Licensee and no compensation or money is payable to, or recoverable by, the Licensee from the Licensor for termination of this Licence and the rights granted under it to the Licensee under this clause.

## 7.3 LICENSOR'S RIGHT TO ENTER AND TO REMEDY

- (a) If the Licensee has breached or failed to observe any of the terms of this Licence on its part contained or implied in this Licence, and that breach or non-performance has continued for at least 14 days after the service of a written notice on the Licensee requiring it to remedy the same, without affecting its other rights under this Licence, the Licensor may (but is not obliged to) remedy the breach, including the payment of monies.
- (b) For this purpose, the Licensee acknowledges and agrees that:
- (i) the Licensor, its servants, agents and contractors may enter the Licence Area at any time with all necessary materials and equipment to execute all or any required works as the Licensor thinks fit; and

- (ii) all debts costs and expenses incurred by the Licensor, including legal costs and expenses, in remedying a default is a debt due to the Licensor, and must be paid by the Licensee to the Licensor on demand.

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**8. REMOVAL OF PROPERTY ON EXPIRY OR TERMINATION****8.1 OBLIGATION TO REMOVE PROPERTY AND RESTORE**

- (a) The Licensee must upon the expiration of the Term or earlier termination of this Licence yield and deliver up possession of the Licence Area to the Licensor and in doing so must by the end of the Term or within 21 days after the earlier termination of this Licence:
  - (i) remove all of the Licensee's Property from the Licence Area, to the Licensor's absolute satisfaction;
  - (ii) reinstate the Licence Area to the state and condition in which it was at the Date of Commencement;
  - (iii) promptly make good to the satisfaction of the Licensor any damage caused by the removal of the Licensee's Property referred to in subclause (a)(i), including filling in, consolidating and levelling off any holes or trenches on the Licence Area; and
  - (iv) remediate any Contamination, Pollution or Environmental Harm to the Licence Area or the Surrounding Area caused by the Licensee or the Licensee's Agents or arising out of the Permitted Use.
- (b) The Licensee's obligations under subclause (a) do not in any way derogate from any of the Licensee's covenants under clause 5 and will survive the expiration of the Term or other termination of this Licence.

**8.2 FAILURE TO REMOVE**

If the Licensee's Property is not removed in accordance with clause 8.1, its presence on the Licence Area after the expiry of the relevant period referred to in clause 8.1(a) shall no longer be authorised by this Licence and:

- (a) the Minister may treat any structure forming part of the Licensee's Property as an alleged unauthorised structure under section 270 of the LAA;
- (b) sections 270, 271 and 272 of the LAA apply with respect to the removal of any such alleged unauthorised structure;
- (c) the Minister may, but is not obliged to, remove the Licensee's Property from the Licence Area, may store it at the Licensee's expense, and may make good any damage caused by that removal, and may reinstate the Licence Area to the condition provided for in clause 8.1(a)(ii); and
- (d) any costs incurred by the Minister in doing any matter under subclause (c) or section 270(6) of the LAA, are a debt due by the Licensee to the Licensor and may be recovered in a Court of competent jurisdiction.

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**9. NO ASSIGNMENT**

- (a) The rights granted by this Licence are for the benefit of the party named as "Licensee" in this Licence.
- (b) The Licensee must not:
  - (i) assign or transfer its rights under this Licence, or grant any sub licence or part with the possession, of the Licence Area, to any person; or
  - (ii) mortgage, charge or encumber its rights under this Licence.
- (c) To the extent that sections 80 and 82 of the *Property Law Act 1969* may be applicable, they are expressly excluded.



- (d) For the purposes of subclause (b), where the Licensee is a corporation (not being a corporation where shares are listed on any Stock Exchange in Australia) any intended change in the beneficial ownership or control of the Licensee which will have the consequence of altering the effective control of the Licensee is deemed to be an assignment of the Licensee's rights under this Licence.

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**10. GENERAL PROVISIONS****10.1 DUTY**

The Licensee will pay duty (if any) payable under the *Duties Act 2008* in respect of any dutiable transaction arising under or in respect of this Licence.

**10.2 FEES AND CHARGES**

The Licensee will pay all statutory and other fees and charges (if any) relating to this Licence within 30 days of the due date.

**10.3 NOTICES**

- (a) Any notice that must or may be served under or pursuant to this Licence:
- (i) must be signed by the Party giving the notice or by any solicitor or duly appointed representative of the Party giving the notice; and
  - (ii) will be sufficiently served on:
    - (A) the Licensor, if addressed to the Licensor and left at, or sent by prepaid post to the Minister for Lands c/o Director General of the Department at the address set out at item 5 of the Schedule or such other address as is notified by the Licensor to the Licensee; and
    - (B) the Licensee, if addressed to the Licensee and left at, or sent by prepaid post to the address set out at item 6 of the Schedule or such other address as is notified by the Licensee to the Licensor;
- (b) A notice sent by post will be deemed to be given at the time when it ought to be delivered in the ordinary course of a post whether the contrary is shown or not.
- (c) A notice given by facsimile transmission will be deemed to have been given on the date on which the facsimile transmission report of the machine from which it was sent, shows that it was successfully transmitted in its entirety.

**10.4 EFFECT OF WAIVER**

No consent or waiver express or implied by the Licensor or its officers, servants, agents, contractors or any of them, to or of any breach of any covenants conditions or stipulations of the Licensee will be construed as a consent or waiver to or of any other breach of the same or any other covenants conditions or stipulations contained or implied in this Licence.

**10.5 GOVERNING LAW**

- (a) This Licence shall be construed and interpreted in accordance with the laws in force in the State of Western Australia.
- (b) The Parties submit to the non-exclusive jurisdiction of the Courts of Western Australia.

**10.6 VARIATION**

This Licence cannot be altered or varied by the Parties except by deed.

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**11. GOODS AND SERVICES TAX****11.1 DEFINITIONS**

In this clause 11 the following terms have the following meanings:

- (a) **GST Act** means A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any legislation substituted for or amending that Act; and
- (b) The terms **GST**, **GST law**, **Tax Invoice** and **Taxable Supply** have the meaning given in section 195-1 of the GST Act.

**11.2 LICENCE FEE EXCLUSIVE OF GST**

The Licence Fee and any other amounts payable by the Licensee to the Licensor, under this Licence, are exclusive of GST.

**11.3 LICENSEE TO PAY GST**

The Licensee must pay additional to the Licence Fee and any other amounts payable by the Licensee, any GST payable by the Licensor in respect of a Taxable Supply made under this Licence.

**11.4 VARIATION OF GST**

Where GST is payable, the amount payable will be the amount specified in the Schedule to this Licence, until varied from time to time consequent upon each review of Licence Fee in accordance with this Licence.

**11.5 TAX INVOICE**

Where GST is payable, the Licensor will provide to the Licensee, a Tax Invoice in the format and form required as set out in the GST law.

**11.6 NOTIFICATION IS CONCLUSIVE**

A written notification given to the Licensee by the Licensor of the amount of GST that the Licensor is liable to pay on a Taxable Supply made or to be made under this Licence is conclusive between the Parties except in the case of an obvious error.

**11.7 TIME FOR PAYMENT**

The Licensee must pay to the Licensor the amount of the GST that the Licensee is liable to pay under this Licence:

- (a) at the same time; and
- (b) in the same manner;

as the Licensee is obliged to pay for the Taxable Supply.

**11.8 APPORTIONMENT OF GST**

Where a Taxable Supply is not separately supplied to the Licensee, the liability of the Licensee for any amount for GST, in relation to that Taxable Supply, is determined on the same basis as the Licensee's proportion of that Taxable Supply is determined.

**12. SPECIAL CONDITIONS**

**12.1 REVIEW OF LICENCE FEE**

- (a) The Licence Fee will be reviewed on and from 1 February 2020, 1 February 2023, 1 February 2026 (**Review Date**), to an annual Licence Fee determined by the Minister, having regard to the matters referred to in and information provided under clause 12.2. The determination made by the Minister will be final and binding on the Parties.
- (b) The amount of the Licence Fee as determined by the Minister as for each Review Date is payable from that relevant Review Date, even if notice of the Minister's determination was given after the relevant Review Date.

**12.2 FINANCIAL INFORMATION**

The Licensee shall provide to the Licensor by 31 December in each year of the Term:

- (a) a written report which includes the following information in respect of the Sites for the immediately preceding year:
  - (i) the gross income received by the Licensee in respect of the Sites;
  - (ii) total number of Tourists and rates charged for use of each of the Sites;
  - (iii) expenditure and operating expenses for the Sites;in a form and with such detail as is reasonably required by the Licensor;
- (b) a statutory declaration made by the Licensor in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005 (WA)* verifying the accuracy and completeness of the written report provided under (a).

**12.3 MANAGEMENT PLAN**

The Licensee shall implement the Management Plan from the Commencement Date and shall ensure continuing compliance with the Management Plan throughout the Term, in accordance with the terms of the Management Plan.

**12.4 VARIATION OF MANAGEMENT PLAN**

- (a) The Licensee may apply to the Licensor to renew, vary or amend the Management Plan by submitting a revised Management Plan to the Licensor.
- (b) It is within the absolute discretion of the Licensor whether or not to approve the revised Management Plan. Once approved by the Licensor the provisions of clause 12.2 shall apply as if the revised Management Plan submitted and approved under subclause 12.4(a) were the Management Plan.

**12.5 BREACH OF LICENSEE'S COVENANTS**

Without affecting any other breach of the Licensee's Covenants, the Licensee agrees it shall be taken to be in breach of the Licensee's Covenants if there is a breach of or failure to comply with a provision of the Management Plan (including a failure to comply with and meet a specified deadline).

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**SCHEDULE**

<b>ITEM</b>	<b>TERM</b>	<b>DEFINITION</b>
1.	<b>Licence Area</b>	Part of the land the subject of the Pastoral Lease and a portion of unallocated Crown land, as delineated and shown in green on the sketch plans annexed to this Licence as Annexure "A" and described thereon as Sites 1 - 23.
2.	<b>(a) Term</b>	That period commencing on the Date of Commencement and expiring on the Date of Expiry.
	<b>(b) Date of Commencement</b>	1 February 2017
	<b>(c) Date of Expiry</b>	31 January 2027
3.	<b>(a) Licence Fee</b>	\$3500.00 per annum
	<b>(b) GST Amount</b>	\$350.00 per annum
	<b>(c) Payment Date</b>	1 <sup>st</sup> day of February in each year of the Term
4.	<b>Permitted Use</b>	Managing Tourist camping and access on the Licence Area
5.	<b>Licensor's Address for Service of Notices</b>	Minister for Lands C/- Department of Lands 140 William Street Perth WA 6000 Attention: Manager, Midwest and Gascoyne
	<b>Facsimile No:</b>	08 6552 4417
6.	<b>Licensee's Address for Service of Notices</b>	PO Box 7312 Cloisters Square Perth WA 6000
7.	<b>Insurance Amount</b>	\$20 million
8.	<b>Pastoral Lease</b>	Pastoral Lease N049576 and being Lot 365 on Deposited Plan 48608 being the whole of the land comprised in Certificate of Crown land title Volume 3138 Folio 654.

**EXECUTED AS A DEED** on the date set out on page 1 at the commencement of this Licence.

**SIGNED FOR AND ON BEHALF OF THE** )  
**STATE OF WESTERN AUSTRALIA** by )  
an authorised officer for and on behalf of the )  
Minister for Lands by delegation under )  
section 9 of the *Land Administration Act 1997* )  
in the presence of: )

.....  
Department of Lands Officer

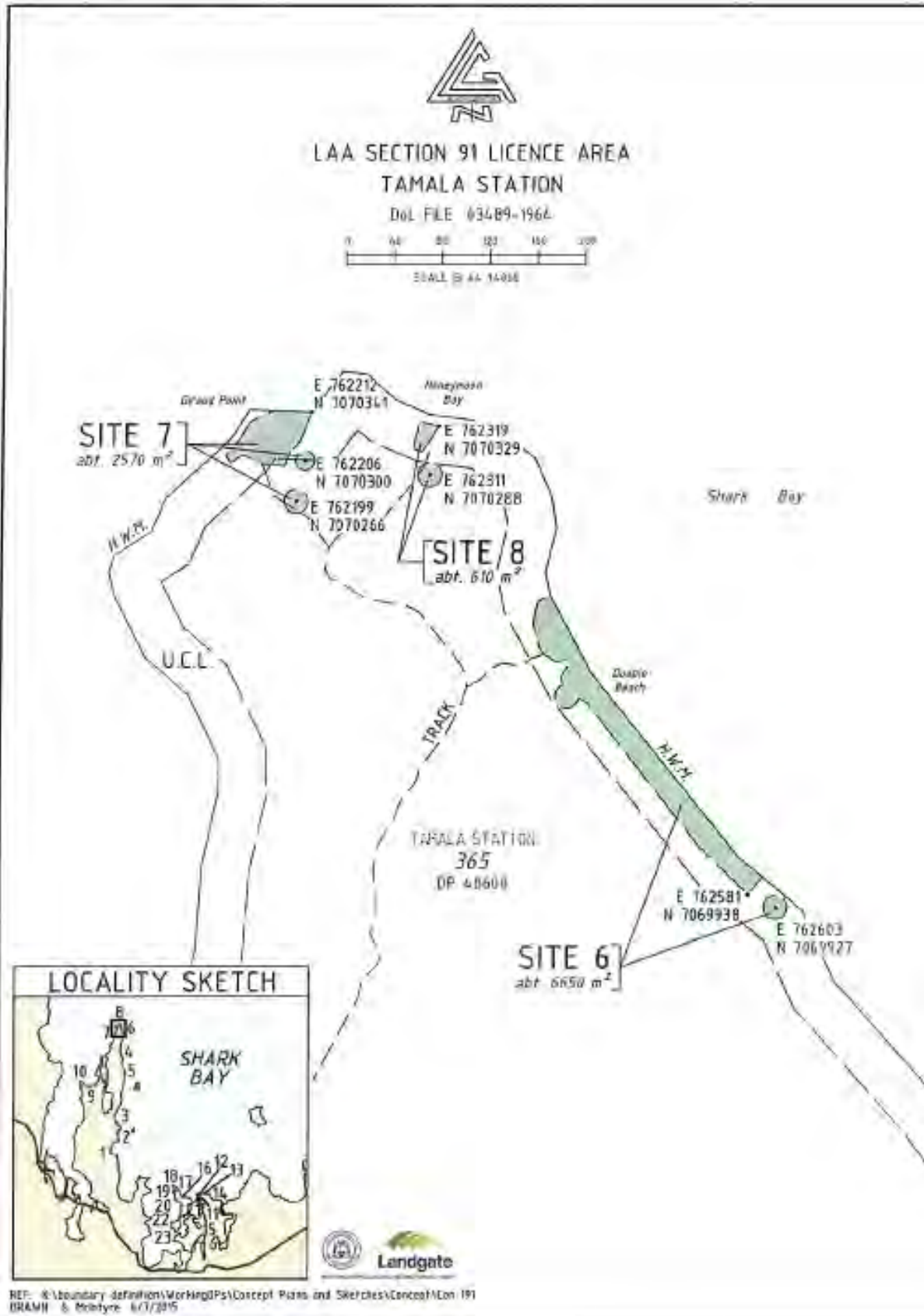
.....  
Name of Witness

.....  
Address of Witness

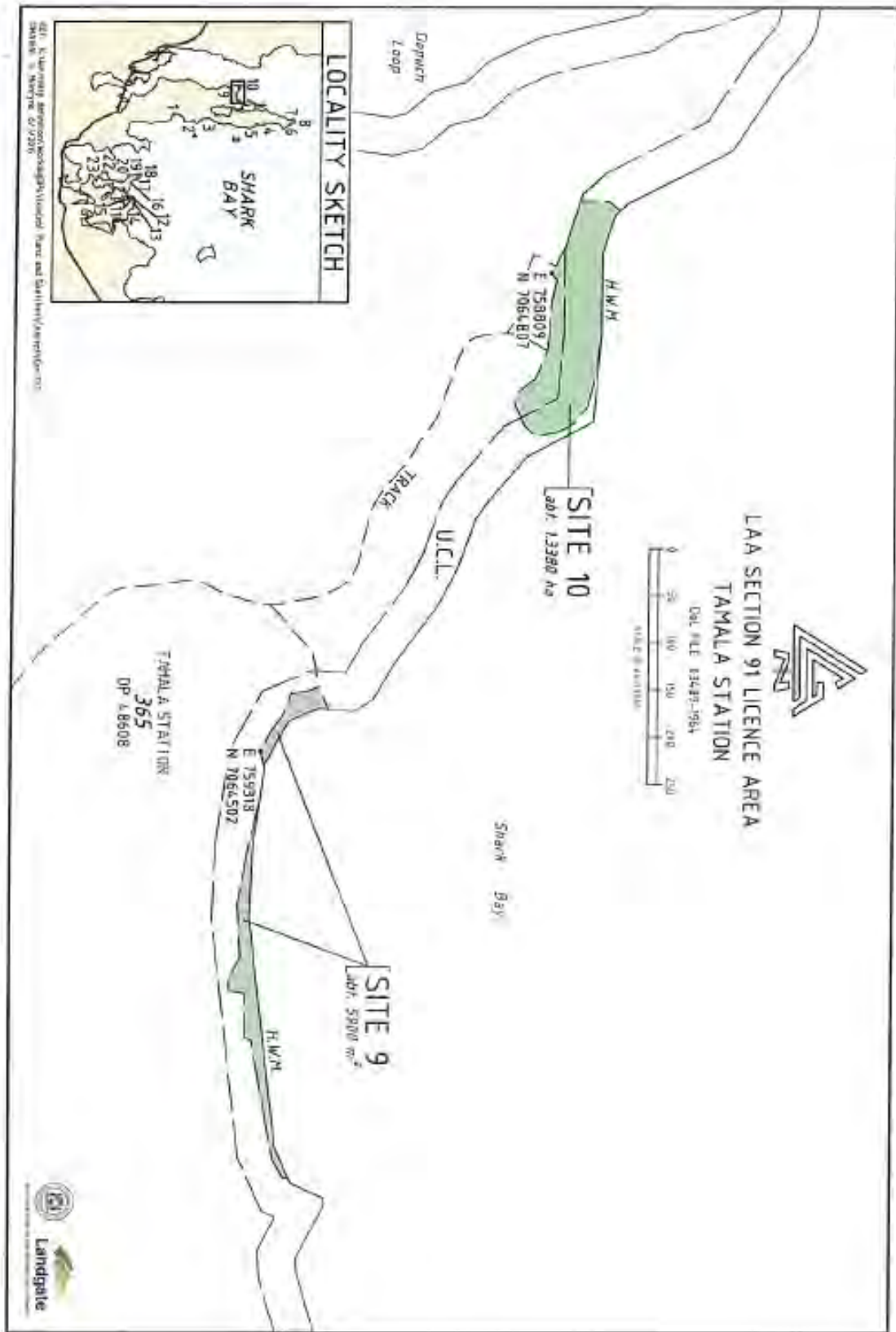
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Occupation of Witness

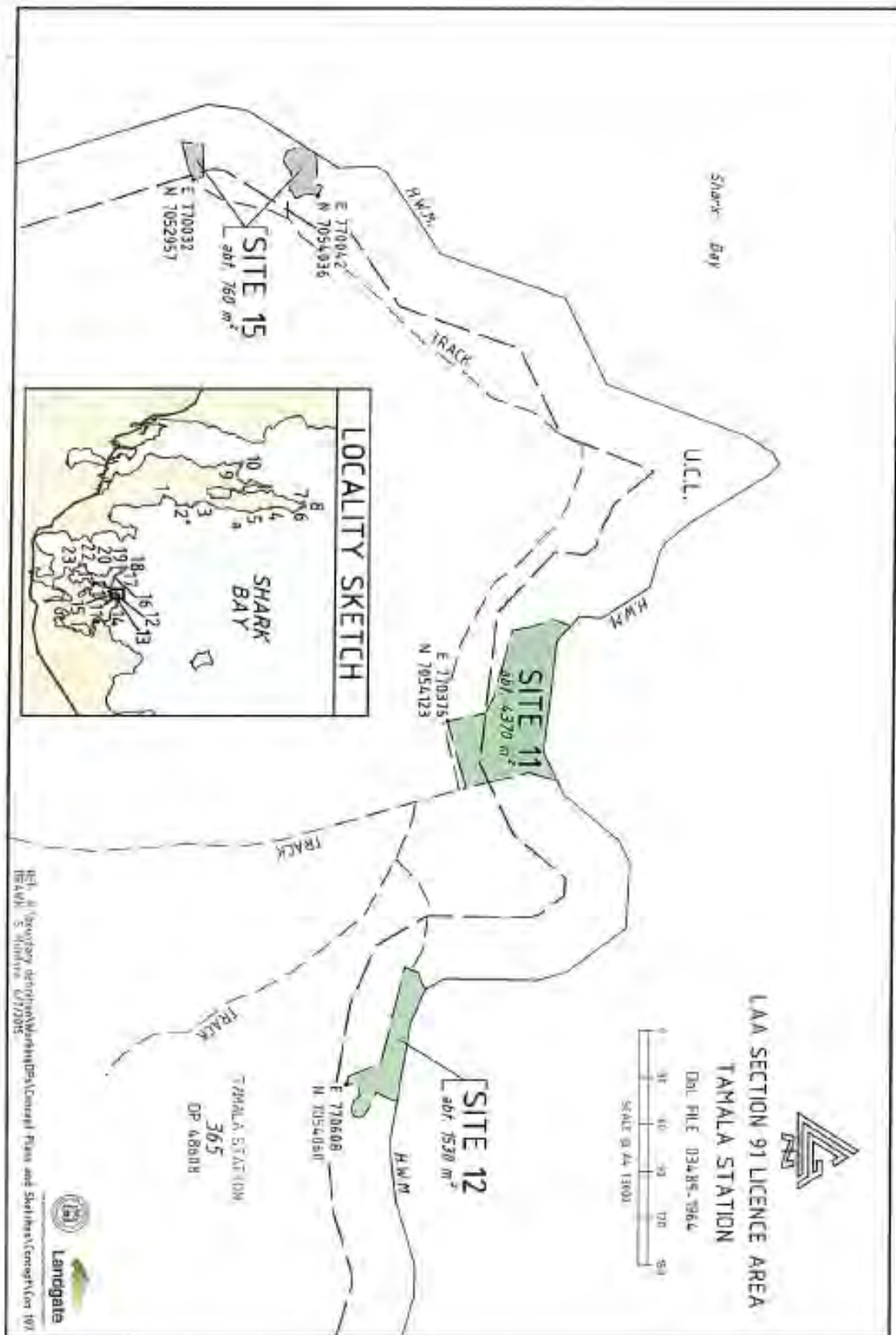
<b>EXECUTED</b> by ) <b>GABOR HOLDINGS PTY LTD ACN</b> ) <b>009 143 364</b> in accordance with section 127 of ) the <i>Corporations Act 2001 (Cth)</i> . ) ) ) )	
_____ Signature of Secretary/Other Director	_____ Signature of Director
_____ Print Name of Secretary/Other Director in Full	_____ Print Name of Director in Full

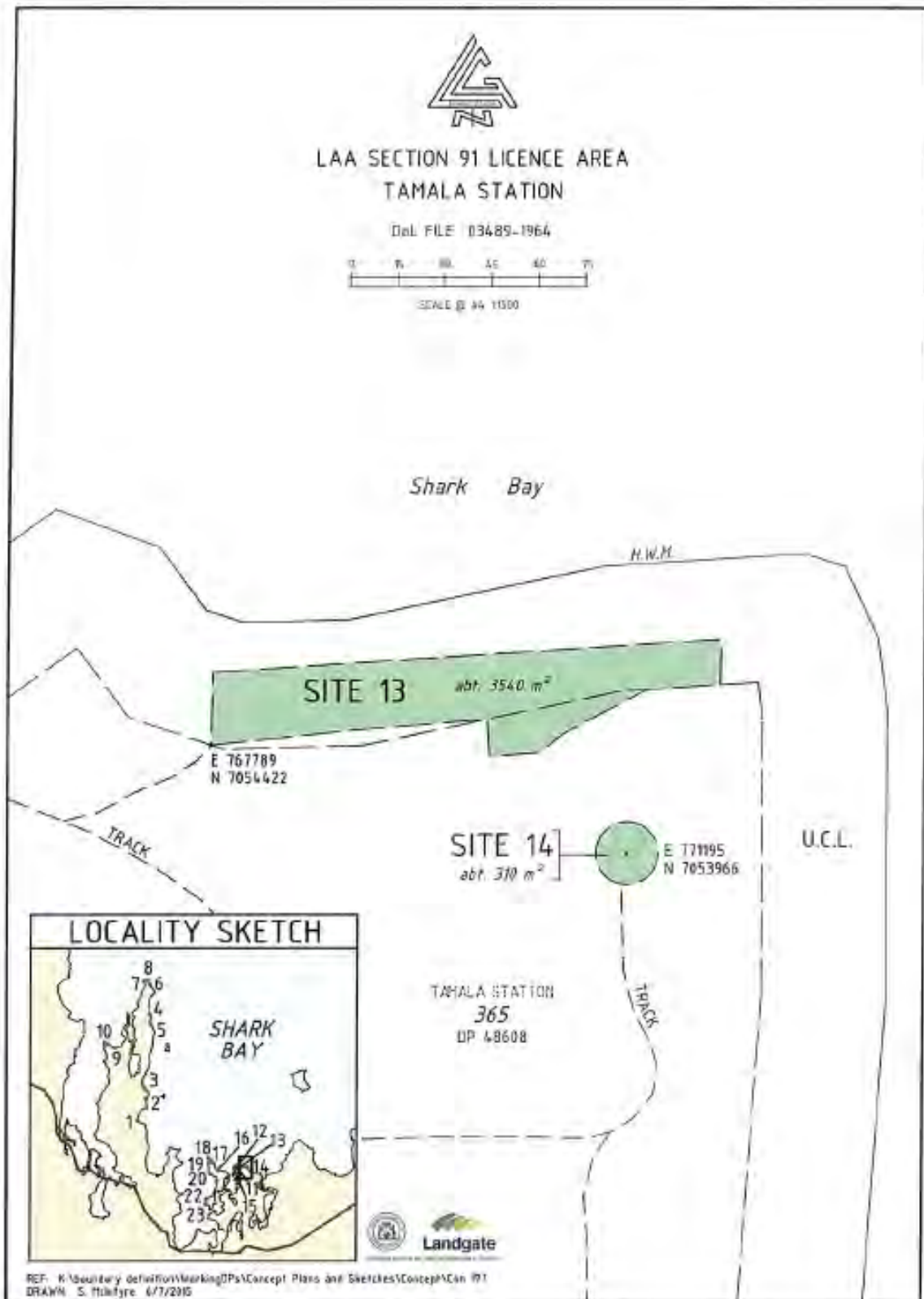
**ANNEXURE A – Plan**



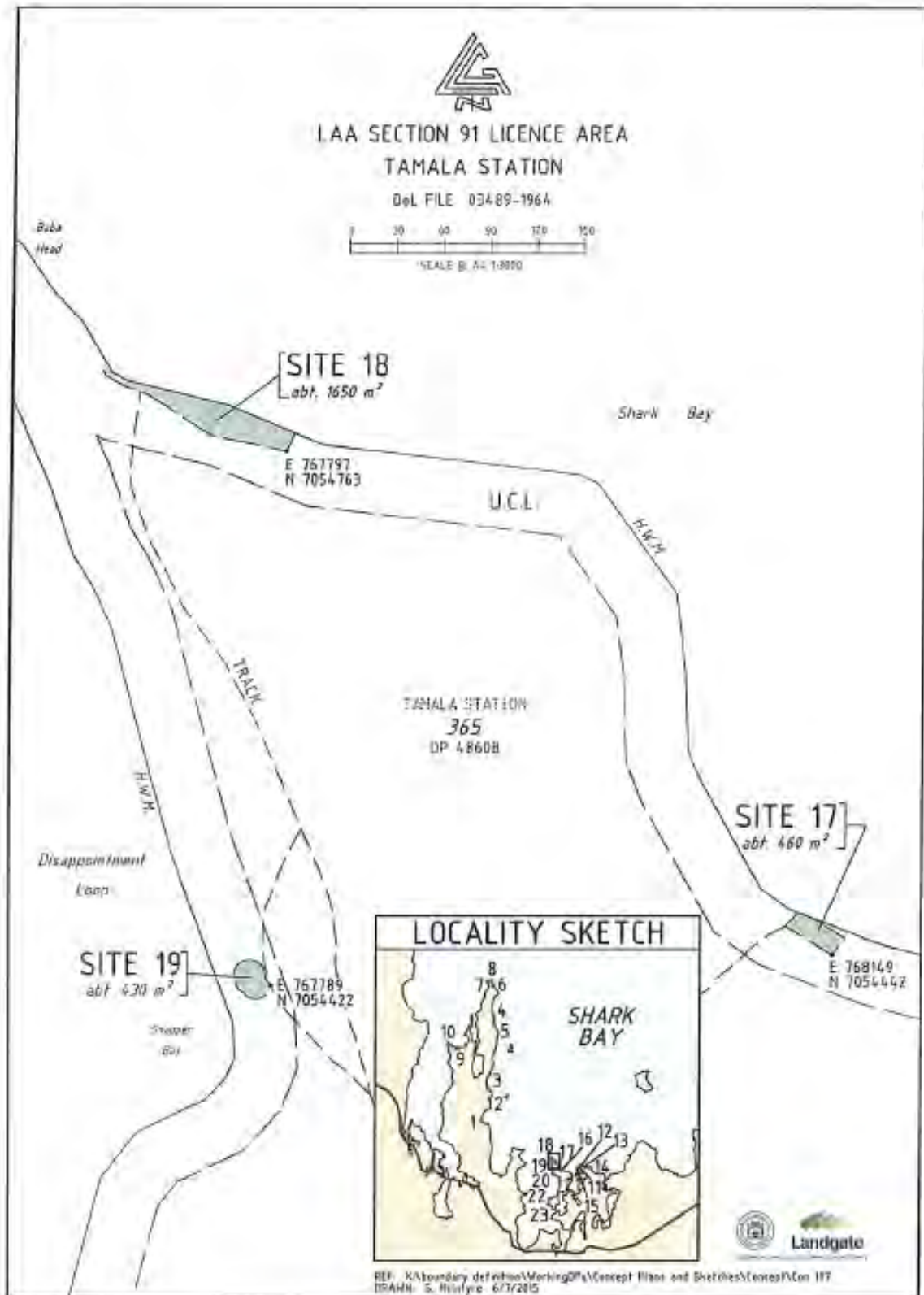


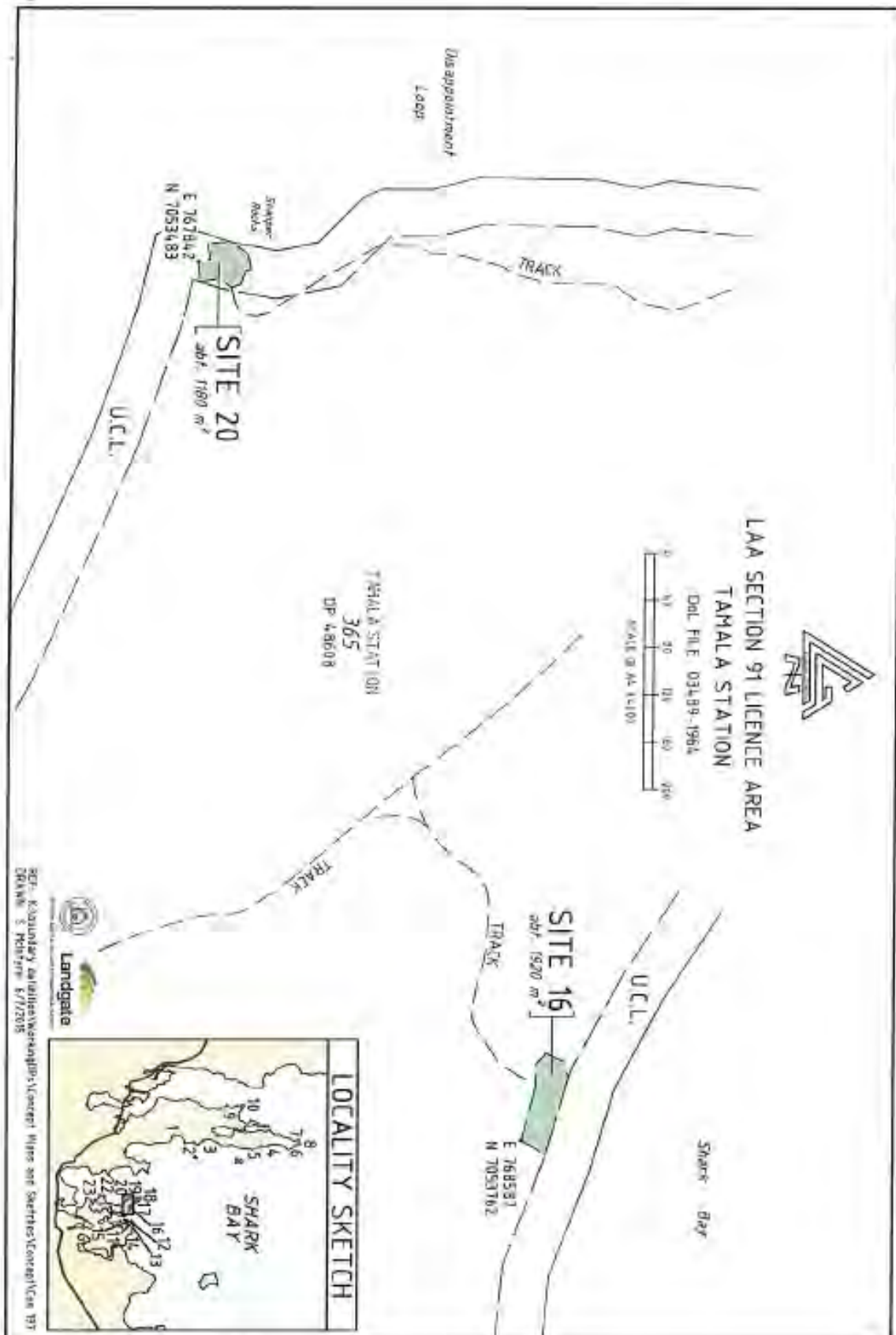




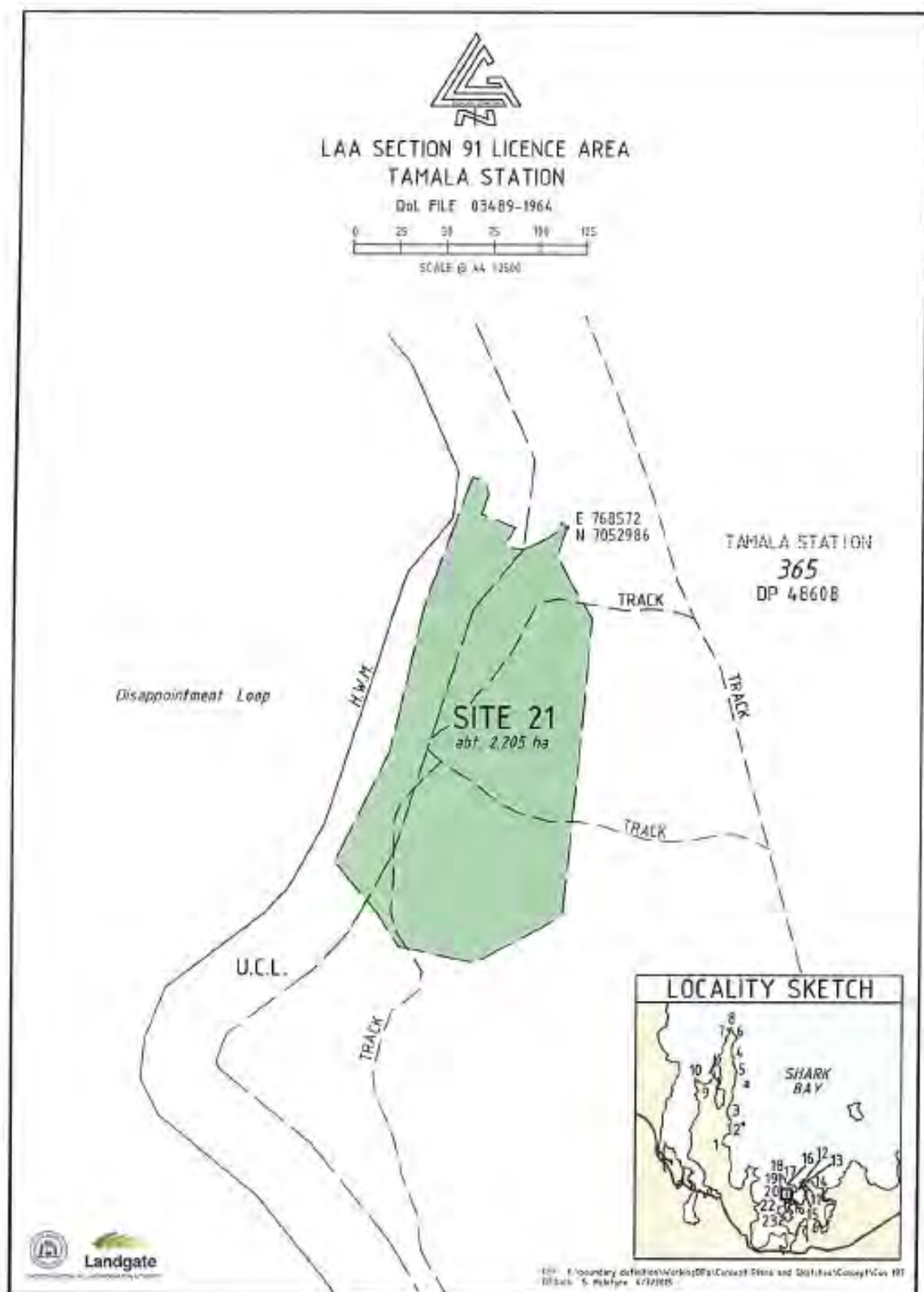


29 NOVEMBER 2017

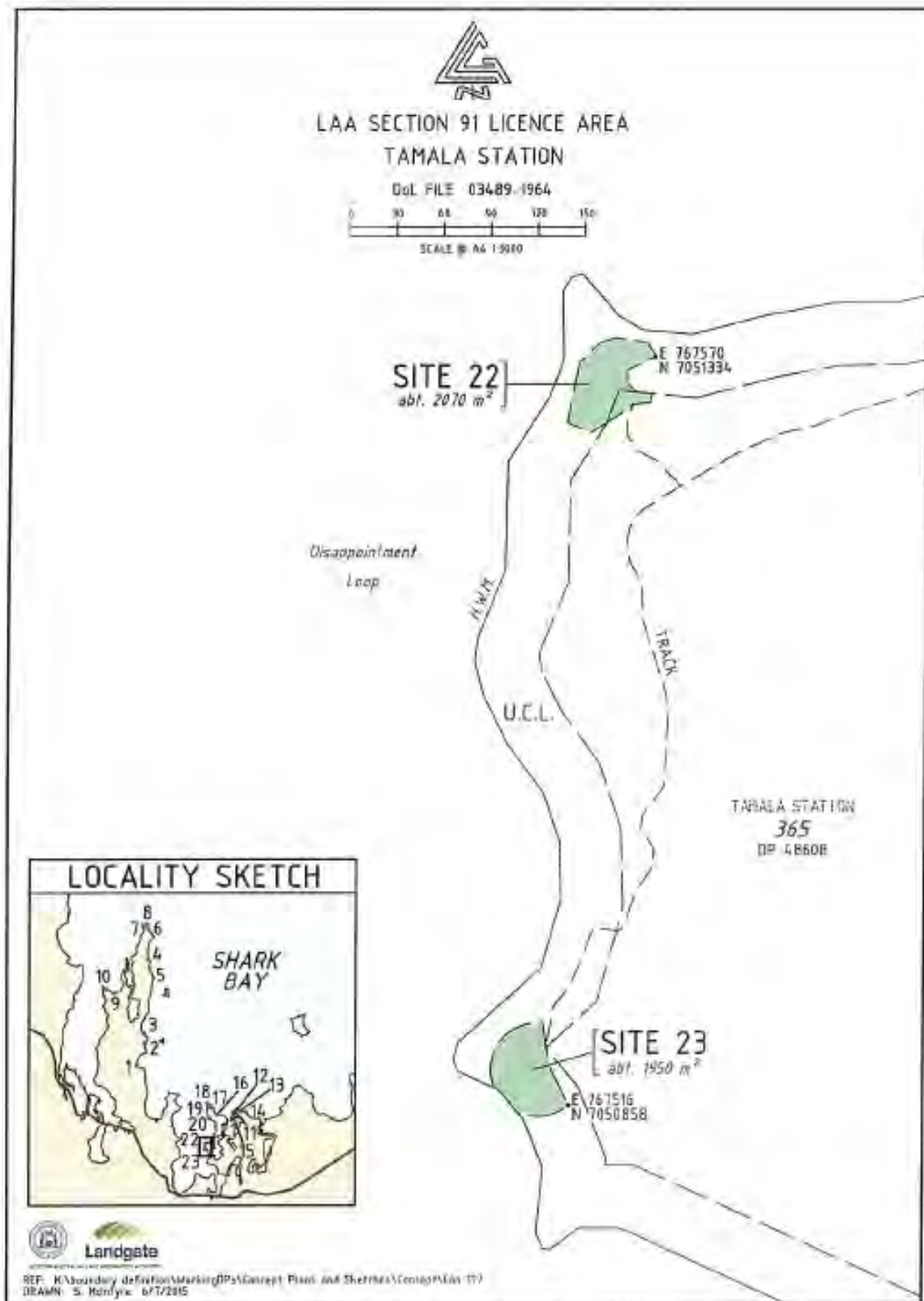








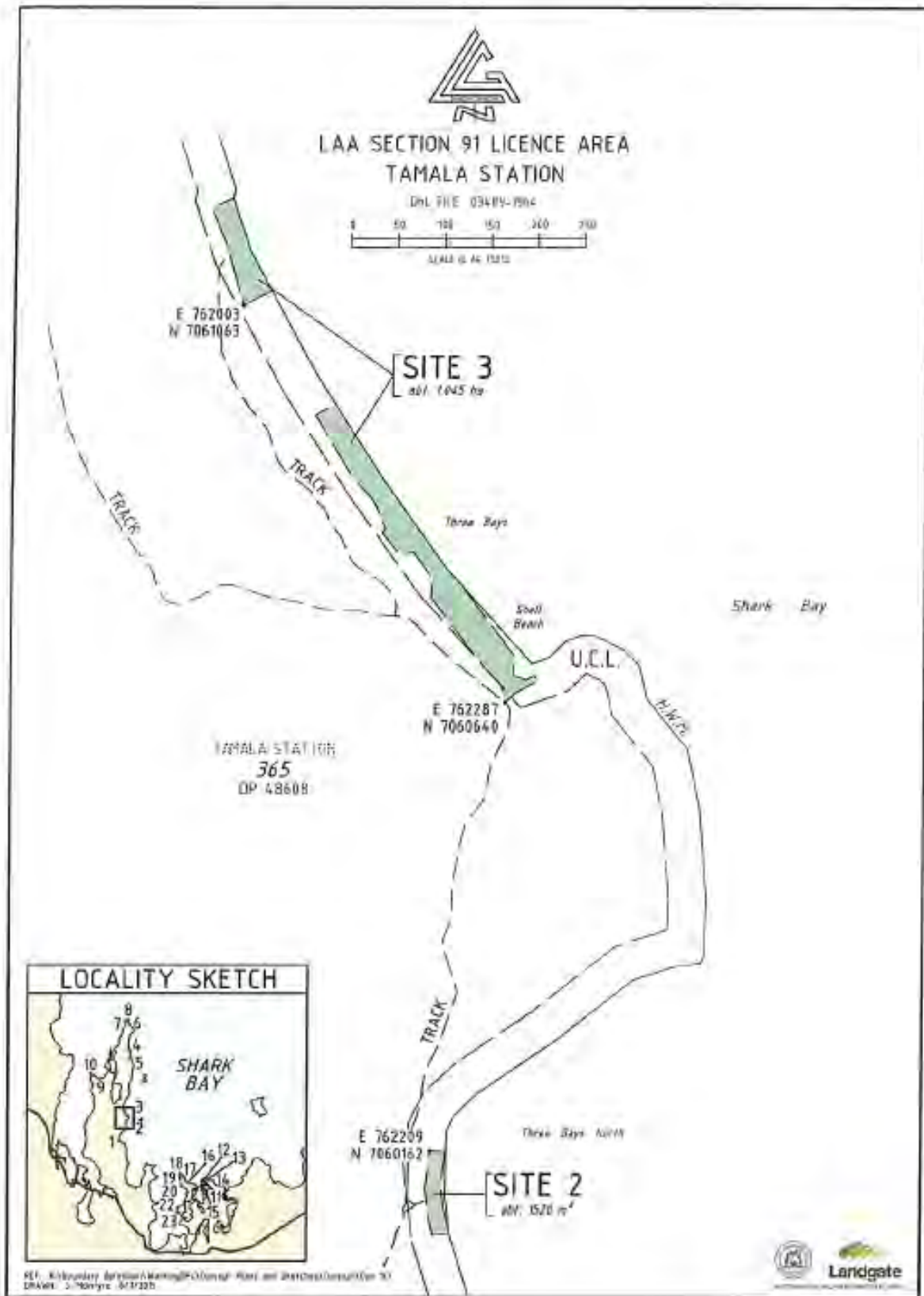
29 NOVEMBER 2017

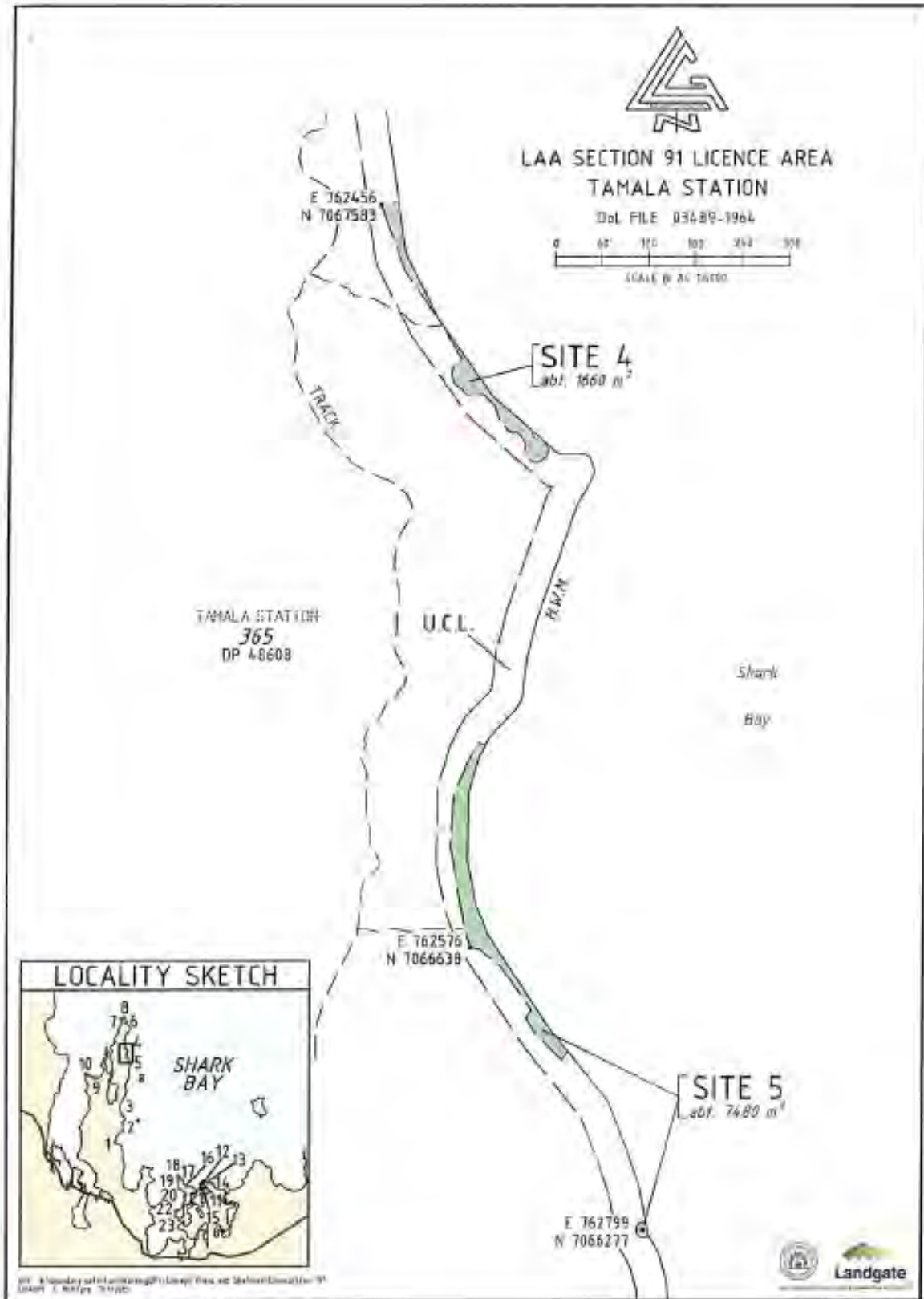




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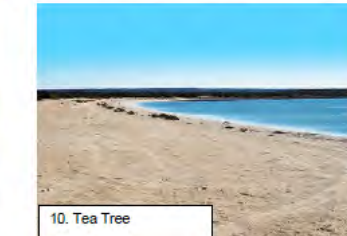
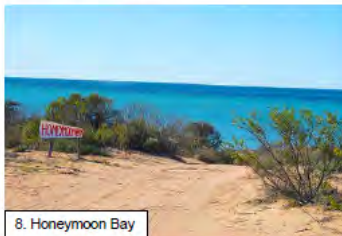






ATTACHMENT # 2

**tpi**  
SUMMARY SITE PLAN  
SHOWING  
BOORABUGGATTA  
BEACH CAMPSITES



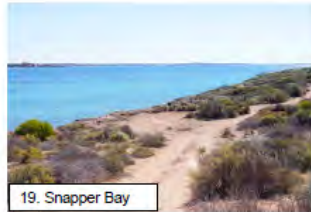
Compiled by TPI using information and maps from Tamaia Station website – numbering on map generally coincides with numbering of campsites on the Department of Lands Licence

November 2017



MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017



19. Snapper Bay



18. Baba Head



17. The Out Camp

**tpi**

**SUMMARY SITE PLAN SHOWING  
PRICKLY POINT CAMPSITES**



20. Snapper Rocks



21. Tent Landing



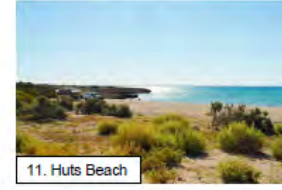
22. Keeny's Camp North



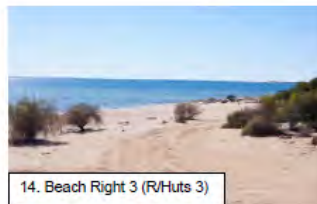
16. View of Ram Island from Camp 7



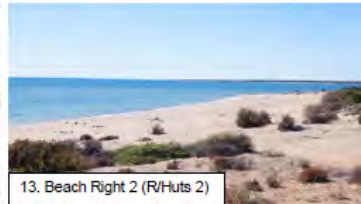
15. Ram Island Camp



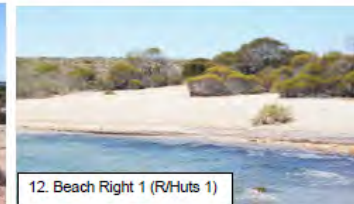
11. Huts Beach



14. Beach Right 3 (R/Huts 3)



13. Beach Right 2 (R/Huts 2)



12. Beach Right 1 (R/Huts 1)

Compiled by TPI using information and maps from Tamala Station website – numbering on map generally coincides with numbering of campsites on the Department of Lands Licence

November 2017

29 NOVEMBER 2017

13.3 PROPOSED STORAGE - LOT 90 (60) MONKEY MIA ROAD, DENHAM  
P1461

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 Bellottie

**Council Resolution**

**That Council:**

1. **Approve the application (No 23/2017) for an outbuilding / storage building on Lot 90 Monkey Mia Road, Denham subject to the following conditions:**
  - (i) **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
  - (ii) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
  - (iii) **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**
2. **Include advice notes on any planning approval to advise the applicant that:**
  - (a) **Planning consent is not an approval to commence construction. A separate Building Permit must be obtained for the proposed structure. Please liaise with the Shires Building Surveyor as any demolition may also require a Permit.**
  - (b) **Lot 90 is within a designated bushfire prone area as declared by the Commissioner of the Department of Fire and Emergency Services. A Bushfire Attack Level Assessment by a suitably qualified fire consultant may be required for any future development.**

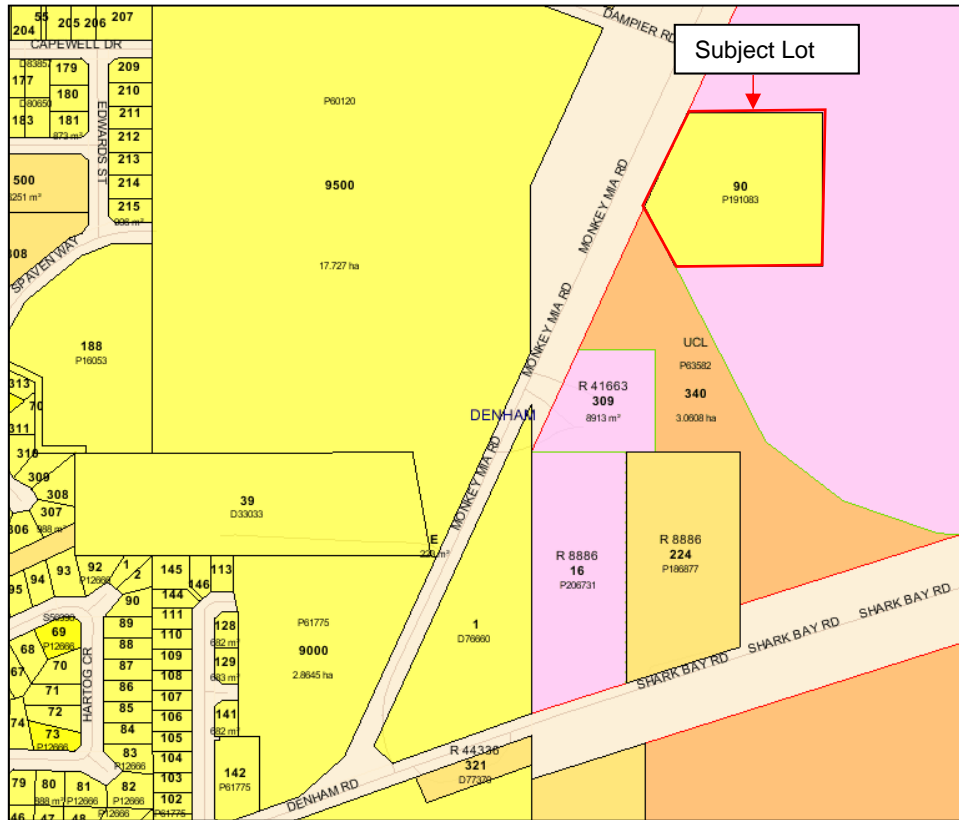
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The Shire has not required a Bushfire Attack Level for this application as the new structure will replace an old machinery shed and no significant land use intensification is proposed.

6/0 CARRIED

BACKGROUND

Lot 90 is located near the intersection of Monkey Road and Dampier Road in Denham – location plan below. It has an approximate area of 2.09 hectares.



Source: Landgate. The colours on this plan have no relevance to this report.

Lot 90 is zoned ‘Special Use – 11’ under the Shire of Shark Bay Local Planning Scheme No 3 (‘the Scheme’) which allows for a range of uses including pearl farming, aquaculture, residential, staff accommodation, plantation tree farming and associated uses.

The applicant has lodged a site plan showing an existing dwelling, transportable buildings, and ancillary outbuildings – refer overpage.

COMMENT

The application is for an open sided outbuilding / storage area. The structure will consist of two 12 metre long sea containers as a base, and a new roof that connects the sea containers.





The applicant has advised that the existing machinery shed on site is in poor condition, and will be demolished once the proposed new structure is completed. The new structure will be used to store existing machinery and boats that are already kept on the lot.

PHOTOGRAPH OF ROOF FRAME ATTACHED TO 2 SEA CONTAINERS



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ELEVATION



- **Relevant State Planning Policies and Guidelines –Bushfire Prone Areas**

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 90 is within the declared bushfire prone area (pink area).





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Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment. There is no specific exemption for outbuildings.

Since release of State Planning Policy 3.7 the Western Australian Planning Commission has released Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and application of the state planning policy.

The Planning Bulletin states that:

*'The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds).*

*State Planning Policy 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:*

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time;*  
*or*
- *result in an increase to the bushfire threat;*  
*the proposal may also be exempt from the provisions of State Planning Policy 3.7.'*

It is recommended that the application be supported without a Bushfire Attack Level assessment as the new structure will replace the existing machinery shed so there is no nett intensification of development, and there is no proposed increased in residents.

The proposed development will not have any visual impact on streetscape, will be well setback from Monkey Mia Road and is ancillary to existing development. Conditional approval is recommended.

#### LEGAL IMPLICATIONS

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

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 the 'deemed provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015 Council is to have 'due regard' to any state planning

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policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Lot 90 is identified in the Shire of Shark Bay Local Planning Strategy as Area 13, and the strategy states as follows:

*'The site is largely undeveloped and there may be future latitude to provide greater flexibility over landuse permissibility considering exposure to Monkey Mia Road, however it largely depends on landowners aspirations and service availability.'*

*The subject land has excellent road exposure and in the longer term may cater for some form of service commercial zone, or special use zone with adequate landuse controls to ensure commercial uses do not compete with the Town Centre zone.*

*It is not recommended that the land be re-zoned as part of a scheme review or that a scheme amendment be initiated until such time as a detailed land capability report and engineering services report is provided to the Shires satisfaction. Area 11 already caters for some commercial uses in the short to medium term, therefore Area 13 may be a longer term strategic prospect.*

*The Shire is prepared to support a future Scheme Amendment to facilitate either 'service commercial' uses or 'tourist uses' on the site where the uses will not adversely impact on the role and function of the Town Centre, and the combination of landuses are compatible.'*

The zoning is not proposed to change under Draft Scheme No 4 however it is open to the landowner to pursue a scheme amendment in the future.

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*Liz Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

8 November 2017

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13.4 EXCISION OF LAND FOR WANNOO TOWNSITE WASTE DISPOSAL SITE – PORTION OF LOT 219 NORTH WEST COASTAL HIGHWAY P2027

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 Cowell

Council Resolution

That Council:

1. **Resolve that the Shire of Shark Bay agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands (*Indemnified Parties*) and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party as a result of the compulsory acquisition of any interests (whether native title or non-native title) in the portion of Lot 219 on Deposited Plan 220369, shown as Lot 500 on Deposited Plan 409561 (*Land*), under the Land Administration Act 1997 or the Native Title Act 1993 (*Cth*) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the acquisition of the Land.**
2. **Authorise the Shire Chief Executive Officer to advise the Department of Lands of this Council resolution (quoting Job 152710 / Reference - 01007-2014).**

**6/0 CARRIED**

BACKGROUND

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

The Billabong Roadhouse was originally built in 1961, and the Hotel/Motel was established around 1971. There are no clear records of any formal arrangements for waste disposal when the businesses established.

Lot 219 is crown land owned by the State of Western Australia. There is a pastoral lease over the land which is referred to as the 'Meadow Pastoral Lease'.

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A portion of Lot 219 has historically been used as a waste disposal site by Main Roads Western Australia. The waste site is approximately 200 metres to the south of Wannoo townsite.

The Meadow lease was held by Clark and Sons since 1935 and was sold to Harold Crawford (Nerren-Nerren Pastoral Co) in 1984. Mr Crawford continued to allow the pit to be used by businesses for their kitchen and normal waste.

The owner of the Meadow Pastoral Lease was advised in June 2015 that the site had been reported as a contaminated site to the then Department of Environment Regulation.

Main Roads subsequently took actions to remove a significant amount of waste from the site.

The issue was historically discussed by Council in March 2001, August 2002 and September 2002 however was not significantly actioned.

The situation was reported to Council in July 2015, and Council resolved as follows:

**Part 1 Endorse the Chief Executive Officers actions in providing an interim waste disposal solution for businesses at the Wannoo Town Site with the owners of the Meadow Pastoral Lease.**

**Part 2 That the administration be requested to commence the process to excise a section of land from the Meadow Pastoral Lease for the purposes of a tip site for the Wannoo Town Site. The process to register a proposed waste disposal site for putrescible and inert waste only for businesses in the Wannoo Town Site be undertaken in conjunction with the excision of a section of Meadow Pastoral Lease. That a Memorandum of Understanding between the Shire of Shark Bay and businesses operating at the Wannoo Town Site be established to define the responsibilities and management associated with the proposed waste disposal site which will be established exclusively for the Wannoo Town Site business operators.**

COMMENT

Excision of the waste disposal site from the Meadow Pastoral Lease has been pursued through the Department of Lands since September 2015.

The land has been surveyed, it has been through native title processes, and the process is now in the final stages.

The Department of Lands has requested that the Shire provide additional information as follows:

1. Obtain written consent to partial surrender of the mortgage by Rural Bank Ltd. There is a mortgage associated with the pastoral lease.

The Shire Chief Executive Officer has written to the bank seeking the necessary consent.

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2. Provide a new Council resolution indemnifying the State, the Department and the Minister for Lands along with a cover letter signed by the Chief Executive Officer.

The Shire has previously provided written indemnification against the Minister for Lands for any claims or costs that may arise from this proposal. Unfortunately new policies have been introduced which render the previous indemnification provided by the Shire as being ineffective and outdated.

The purpose of this report is to action point 2 of the Departments request and they have provided specific wording that is reflected in the officer recommendation.

#### LEGAL IMPLICATIONS

A waste disposal site should operate in compliance with the *Environmental Protection Act* and Regulations and the Environmental Protection (rural landfill) Regulations 2002 and either be registered or licenced in accordance with the Act and comply with the regulations.

#### POLICY IMPLICATIONS

There are no policy implications associated with this report.

#### FINANCIAL IMPLICATIONS

The Shire pays fees to Liz Bushby of Town Planning Innovations to assist with general planning and land matters.

The Shire has paid survey costs of \$9,599.83 (inclusive of GST) to Ian Kelly associated with the excision process.

The area is currently fenced, however the fencing may not be sufficient long term and there will be ongoing financial implications when the fencing is required to be upgraded to ensure any rubbish is contained within the site.

There will be costs associated with the excavation of areas for the disposal of waste which can be included in future budgets when required. The Council raised \$12,001.57 in rates from two businesses in the Wannoo Town Site in the 2014/2015 year, \$12,091.38 in 2015/2016 and \$14,319.47 in 2016/2017 (excluding the emergency levy).

There is no rubbish charge associated with these properties.

#### STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

#### RISK MANAGEMENT

There is a component of risk involved with the operation of unmanned waste disposal sites and illegal dumping. The use of adequate fencing and a Memorandum of Understanding regarding responsibilities of operations with the business approved to utilise the site will mitigate but not remove the risk factors to Council.



MINUTES OF THE ORDINARY COUNCIL MEETING

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29 NOVEMBER 2017

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

9 November 2017

29 NOVEMBER 2017

13.5 PROPOSED STRUCTURE PLAN – LOTS 350 AND 351 HAMELIN POOL ROAD HAMELIN POOL P2002

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Ridgley  
Seconded       Cr Laundry

**Council Resolution**

**That Council:**

1.     **Note that a Structure Plan has been lodged for Lots 350 & 351 Hamelin Pool Road, Hamelin Pool on the 9 November 2017 and resolve to advertise it for public comment in accordance with Regulation 18(1)(a) and Regulation 18(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.**
2.     **Authorise the Chief Executive Officer to advertise the Structure Plan to comply with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.**
3.     **Authorise the Chief Executive Officer to advise the applicant, Landwest, and the owner, Ms Patricia Cox, of the Council resolution and to explain the Structure Plan process.**
4.     **Authorise Liz Bushby of Town Planning Innovations to refer a copy of the Structure Plan with advertising details to the Western Australian Planning Commission to comply with Regulation 18(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

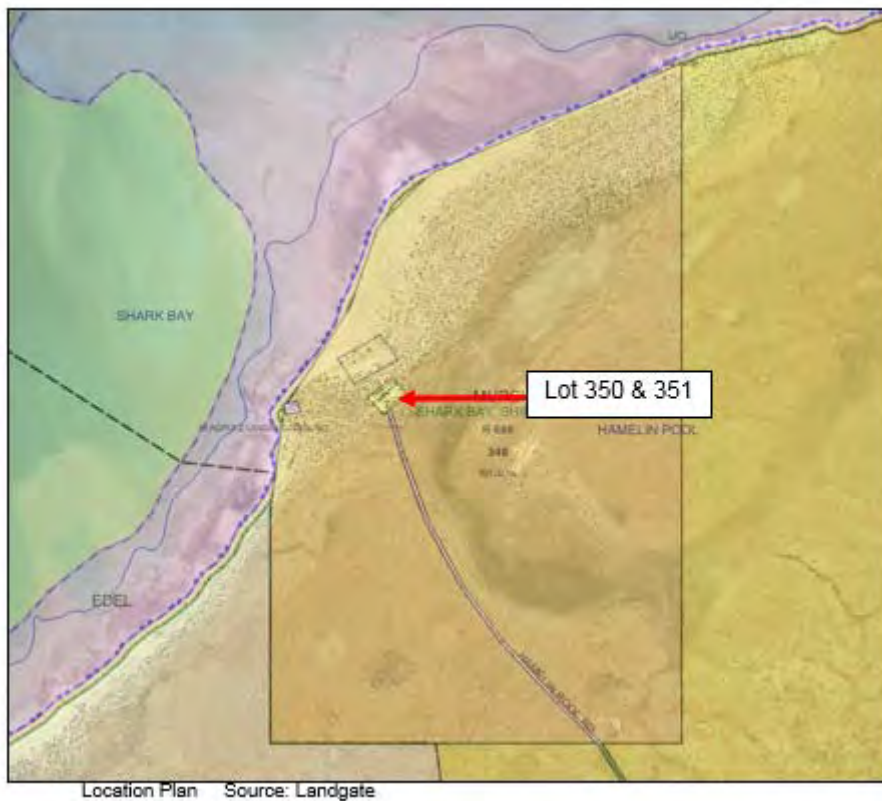
**6/0 CARRIED**

BACKGROUND

• ***Existing Development***

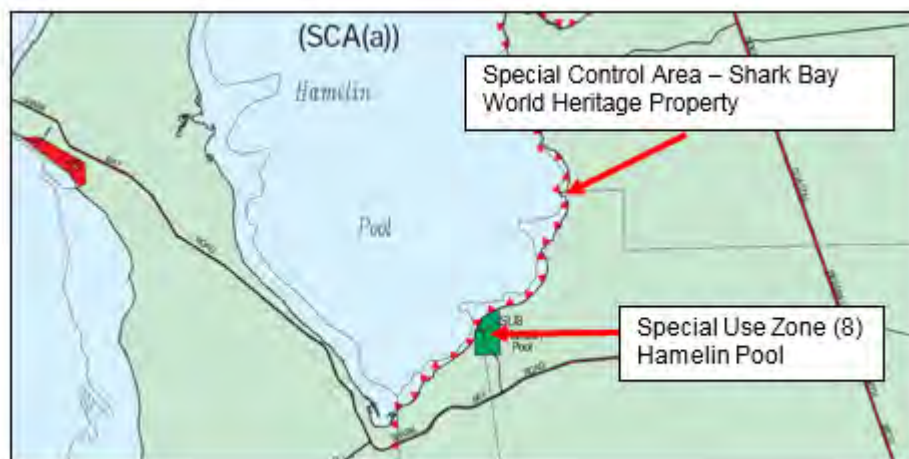
Lots 350 and 351 ('the subject lots') have been developed with a shop, sheds, a museum, tea rooms and camping grounds, including ablution amenities. It also contains a historic Telegraph Station.

The subject lots are surrounded by Reserve 658 which is vested to the Shire as 'common' – refer location plan overpage.



- **Zoning and relevant Scheme Requirements**

Lots 350 & 351 are zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme') and are notated as 'SU8' on the Scheme map.



Clause 4.7.2 of the Scheme states that:

*'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*

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4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land'.

Schedule 4 in the Scheme outlines permissible uses for 'Special Use 8' including 'short term accommodation' however it is subject to a specific condition also listed in Schedule 4 as follows:

*"Development of the site shall be in accordance with an approved Outline Development Plan, which has generally been prepared in accordance with the requirements of Clause 5.9 and endorsed by the Western Australian Planning Commission.*

*The Outline Development Plan should demonstrate that:*

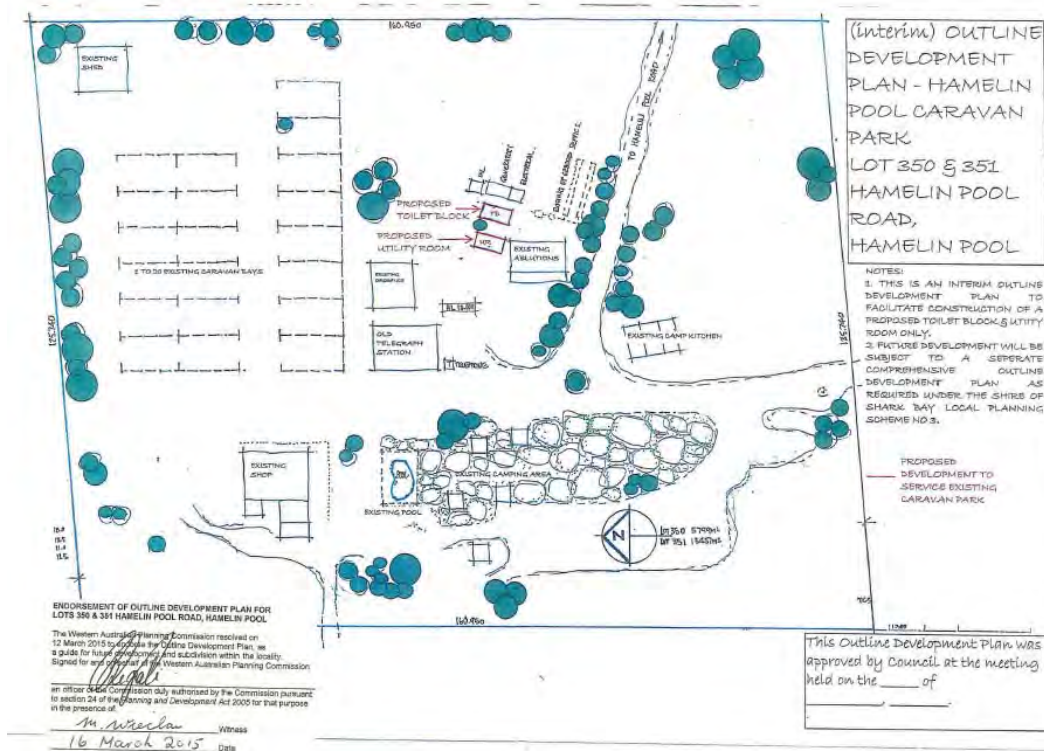
- the proposed development is sympathetic to the location, taking into account the topography and landscape character of the surrounding area; and*
- the interface with the foreshore is generally in accordance with Statement of Planning Policy 2.6 - State Coastal Planning Policy. This includes clear demarcation between the development site and the foreshore reserve and definition of the setback for development from the permanent vegetation line'.*

It should be noted that the term 'Outline Development Plan' has been replaced with the term 'Structure Plan' under current Planning Regulations. A Structure Plan is used to guide future development.

- *Interim Outline Development Plan 1995***

An interim Outline Development Plan for Hamelin Pool was endorsed by the Western Australian Planning Commission on the 16 March 2015 – copy below

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The interim development plan only included a proposed toilet block and utility room. At that time the Western Australian Planning Commission advised a more comprehensive plan was required to guide any other future development.

• **Planning approvals**

In 2014 Patricia Cox lodged a development application for;

- 4 short term accommodation buildings (open plan for families);
- 2 short term accommodation buildings with a total of 16 single bedrooms;
- short term accommodation building (open plan for backpackers); and
- amenities.

It was refused by Council because there was no adopted Outline Development Plan. Council adopted the plan as an interim ODP for the toilet block and ablutions. The Outline Development Plan was approved by the Western Australian Planning Commission on the 16 March 2015 as already explained.

There are no planning approvals for a number of transportable buildings shown on the current proposed Structure Plan. The last planning and building approval granted was for the toilet block and utility room in 2015.

A review of the Shires records for Hamelin Pool reveals that the following buildings have been placed on the lots without planning approval or building permits:

- A 4 room transportable accommodation unit now positioned north of the existing Family Units;

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- A 4 room transportable accommodation unit positioned near & east of the camp kitchen;
- A 4 room transportable accommodation unit positioned north of the approved transportable toilet block and utility room and the stone ablution block;
- A 4 room transportable accommodation unit positioned north-west of the Tearooms/Shop/Office building. The septic system has been installed for this building.

The review is ongoing and will be further investigated in consultation with the Shires Environmental Health Officer and Building Surveyor.

The Structure Plan identifies a number of 'retrospective' proposed buildings acknowledging there has been unauthorised development.

A co-ordinated approach needs to be undertaken as approvals for these types of developments traverse planning, building and health legislation.

If the Structure Plan is approved by the Western Australian Planning Commission then it will facilitate opportunity for the owner to lodge subsequent planning applications seeking retrospective approval for existing unauthorised development.

COMMENT

• ***Executive Summary***

The applicant has advised as follows:

- (i) This local structure plan has been prepared for Lots 350 and 351 Hamelin Pool Road, Hamelin Pool.
- (ii) The site contains the existing Hamelin Pool Caravan Park which is also the site of the historical Hamelin Pool Telegraph Station.
- (iii) The lots adjoin (but are excluded from) the Shark Bay World Heritage Area and the Hamelin Pool stromatolites. These sites are managed independently by Parks and Wildlife Services.
- (iv) The structure plan is intended to provide the planning framework that will formalise existing development and facilitate the further development of the site.

• ***Description of Structure Plan – Part 1***

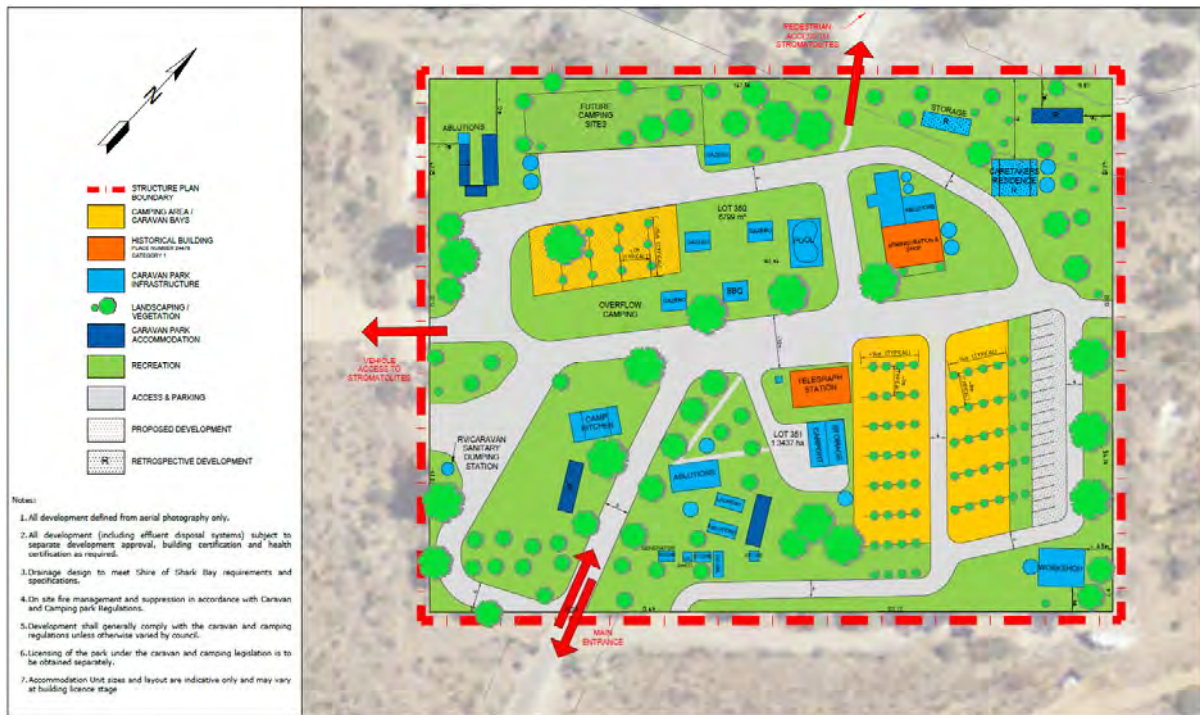
No significant change to the form of development for the overall park is anticipated.

The objectives of the structure plan are to:

- (a) provide the statutory framework which will guide the development of the subject land;
- (b) maintain the general landform and built form features of the development through siting and layout of development; and
- (c) create a safe and efficient internal vehicle and pedestrian access network.



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An A3 copy of the Structure Plan map is available to Councillor on request.

The plan shows existing development and proposes new caravan bays, future camping sites and new carparking.

The statutory section of the Structure Plan does not contain any specific development requirements. This will be examined during advertising and it recommended that some controls be considered such as:

- Bushfire mitigation and management measures are to be addressed in accordance with a Bushfire Management Plan approved by the Shire of Shark Bay.
- Development is to be in accordance with the Coastal Setback Assessment.
- The Shark Bay World Heritage Committee's preferred colours will be considered as part of new structures at development stage.
- Planning applications to be lodged with the Shire of Shark Bay for all retrospective development within 12 months of the Structure Plan being approved by the Western Australian Planning Commission.

• **Description of Structure Plan - Part 2**

The explanatory report describes the planning framework, relevant state planning policies, bushfire management and coastal issues.

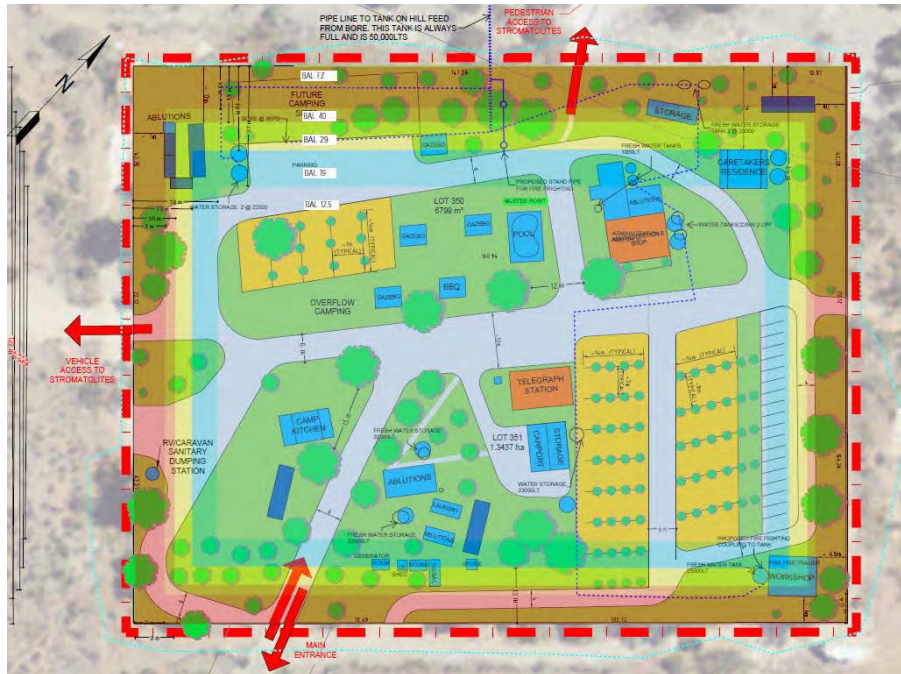
It is supported by a Bushfire Management Plan and a Coastal Setback Assessment.

Due to time limitations Town Planning Innovations has not comprehensively assessed the supporting documents, however there is some concern that the proposed camping areas are shown within a 'flame zone' on the Bushfire Attack Level map.



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The bushfire assessment concludes that the structure plan area has a hazard level of “low to moderate” however it is not clear how this fits in with the Bushfire Attack Level map showing ‘flame zone’ around the perimeter of the lot ‘flame zone’ around the perimeter of the lot



The Bushfire Management Plan classifies a significant portion of the land as ‘low’, however a ‘low’ classification only applies to low threat vegetation such as maintained lawns, golf courses, cultivated gardens and managed grassland not exceeding 100 millimetres. Town Planning Innovations anticipates that this issue will be raised by the Department of Fire and Emergency Services.

The Bushfire Management Plan will be referred to the Department of Fire and Emergency Services for comment. The coastal report will be referred to the Department of Planning, Lands and Heritage.

- **Consultation**

It is recommended that the proposed Structure Plan be publicly advertised for a minimum of 28 days as required by the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’).

*Advertising will include a newspaper advert, letters to nearby landowners and letters to relevant key stakeholders including the Department of Fire and Emergency Services, Department for Planning, Parks and Wildlife Services, the World Heritage Advisory Committee, Department of Health, Department of Aboriginal Affairs, Tourism WA and Main Roads WA.*

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LEGAL IMPLICATIONS

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

*Overview:*

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.

The Regulations contain specific provisions applicable to Structure Plans which override the Shire's outdated Scheme provisions relating to Outline Development Plans.

The Western Australian Planning Commission is the approval authority for Structure Plans.

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

POLICY IMPLICATIONS

There are no known policy implications associated with this matter.

FINANCIAL IMPLICATIONS

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

The applicant will be responsible for newspaper advertising costs and has paid an application fee.

STRATEGIC IMPLICATIONS

The Shire of Shark Bay Local Planning Strategy recognises Hamelin Pool as an existing development and states:

*'No changes to the existing zoning is recommended however in recognition of existing landuses it is recommended that 'exhibition centre' and 'restaurant' be specifically listed in Schedule 4 applicable to this land.'*

RISK MANAGEMENT

Not Applicable – the Western Australian Planning Commission is the determining authority.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author *L Bushby*

Chief Executive Officer *P Anderson*

Date of Report 17 November 2017

29 NOVEMBER 2017

13.6 PROPOSED RECYCLING FACILITY AT DENHAM TIPSITE – RESERVE 48541  
RES48541 / P4315

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved            Cr Bellottie  
Seconded       Cr Capewell

**Council Resolution**

**That Council:**

- 1. Note that an application for a recycling facility has been lodged for Reserve 48541 and that the existing waste disposal facility is a non-conforming use in a Rural/Pastoral zone.**
- 2. Note that ‘due regard’ has been given to the requirements of State Planning Policy 3.7 relating to Planning for Bushfire Protection however a Bushfire Attack level assessment is not required as the proposed recycling facility will not result in any significant intensification of landuse or additional staff on site.**
- 3. Grant delegated authority to the Chief Executive Officer to determine the application (following advertising) in accordance with Clause 11.3.1 of the Shire of Shark Bay Local Planning Scheme No 3 and Regulation 82 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**6/0 CARRIED BY ABSOLUTE MAJORITY**

BACKGROUND

Lot 357 Shark Bay Road (known as Reserve 48541) is managed by the Shire of Shark Bay and contains an existing waste disposal facility.



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

COMMENT

• ***Proposed development***

A recycling facility is proposed to be established on Reserve 48541 in order to provide recycling options for the community, extend the life of the existing tip, and to reduce the amount of waste going into landfill.



Aerial plan showing location

A 'Bring Centre' is proposed to be established at the Shire Depot where the general public can take recyclable materials such as glass, cans, cardboard etc. These materials will then be taken to the new recycling shed to be compacted using a baler machine. There will also be a drop offsite established at the refuse site.



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- **Non-Conforming Use**

It is known that the existing waste disposal facility has been established and operated in this location for an extended time period. The existing Rural/Pastoral zone is an anomaly which is proposed to be corrected under the Draft Shire of Shark Bay Local Planning Scheme No 4.

It is difficult to establish past planning approvals due to the age of the existing landuse, however Shire Administration consider it most likely that the waste disposal facility is a 'non-conforming use'.

A non-conforming use is a use of property that was allowed under the zoning requirements at the time the use was established but which, because of subsequent zoning or scheme text changes, is no longer a permissible use under the current zone.

Any non-conforming use can continue to operate under the Scheme however requires planning approval for any change, extension or to erect a new building.

The proposed development is supported as it is ancillary to the existing waste disposal facility, will not have any negative impact on the amenity of the surrounding area and complements existing development.

Advertising of the proposed development is compulsory under the Scheme therefore it is recommended that Council delegate authority to the Chief Executive Officer to determine the application after advertising has been completed.

- **Planning for Bushfire Protection – State Planning Policy 3.6 (and guidelines)**

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

Reserve 48541 is within the declared bushfire prone area, and the Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level assessment.

It is recommended that the application be determined without a Bushfire Attack Level for the following reasons:

- The recycling building will not be used for habitable purposes. A Bushfire Attack Level for non-habitable development only influences the siting of buildings (setbacks to vegetation) as there are no higher construction standards for industrial buildings.
- The development will not likely increase bushfire risk or result in any increase in the number of people coming to the site.
- There are adequate firebreaks in and around the site

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LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 –

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.

Regulation 82 allows delegation by the Council to the Chief Executive Officer however Regulation 82(2) requires delegation to be by an Absolute Majority.

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

Clause 4.9.2 requires the application to be advertised.

Clause 11.3.3 requires an absolute majority for the exercise of the power of delegation.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The Shire pays Liz Bushy (Town Planning Innovations) consultancy fees for general planning advice.

It is understood that the anticipated cost of the recycling building is approximately \$120,000 which will be funded via a grant obtained from the Department of Regional Development.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report. Under the Draft Shire of Shark Bay Local Planning Scheme No 4 the reserve is proposed to be a Local Scheme Reserve for ‘Special Purpose’.

RISK MANAGEMENT

There are no known risks associated with the proposal.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Author

*L Bushby*

Chief Executive Officer

*P Anderson*

Date of Report

21 November 2017

29 NOVEMBER 2017

**14.0 BUILDING REPORT**

**15.0 HEALTH REPORT**

**16.0 WORKS REPORT**

**16.1 REGIONAL ROAD GROUP  
RD00017**

Author  
Works Manager

Disclosure of Any Interest  
Declaration of Interest: Cr Fenny  
Nature of Interest: Financial Interest as Owner of Ocean Park

Cr Fenny left Council Chambers at 5.37 pm

Officer Recommendation

That Council note the savings of Regional Road Group funding totalling \$134,000 achieved by the joint resealing programme utilising the Main Roads contractors for the resealing programmes on Nanga and Ocean Park Roads.

That the Gascoyne Regional Road Group committee be requested to approve that the unallocated Regional Road Group funds of \$134,000 be moved from Nanga Road and Ocean Park Road to:

- a) Eagle Bluff Road or
- b) Useless Loop Road or
- c) Other to be determined by Council

Moved            Cr Ridgley  
Seconded       Lapsed for want of a seconder

Councillor Motion

That Council note the savings of Regional Road Group funding totalling \$134,000 achieved by the joint resealing programme utilising the Main Roads contractors for the resealing programmes on Nanga and Ocean Park Roads.

That the Gascoyne Regional Road Group committee be requested to approve that the unallocated Regional Road Group funds of \$134,000 be moved from Nanga Road and Ocean Park Road to:

- c) Other to be determined by Council



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Moved            Cr Bellottie  
Seconded       Cr Laundry

**Council Resolution**

**That Council note the savings of Regional Road Group funding totalling \$134,000 achieved by the joint resealing programme utilising the Main Roads contractors for the resealing programmes on Nanga and Ocean Park Roads.**

**That the Gascoyne Regional Road Group committee be requested to approve that the unallocated Regional Road Group funds of \$134,000 be moved from Nanga Road and Ocean Park Road to**

**a) Eagle Bluff Road**

**5/0 CARRIED**

Cr Fenny Returned to Council Chamber at 5:43pm.

**Background**

The 5 year Capital Road plan works schedule contains an estimated Capital expenditure on roads within the Shire of Shark Bay for the next 5 years.

A Portion of the capital funding for roads is derived from the Regional Road Group funds.

The 2017/2018 funds were allocated to Nanga Road, Ocean Park Road and the Useless Loop Road and endorsed in the Ordinary Council meeting held June 2017.

**Comment**

**Regional Road Group**

Regional Road Group projects for 2017/2018 include a vertical realignment program on the Useless Loop Road between SLK 13 to SLK 18.5, a resheet program on the Useless Loop Road between SLK 74 to SLK 77, a reseal on the Nanga Road and a reseal on the Ocean Park Road.

Regional Road Group funding for resealing of the Nanga Road was expected to be \$159,000.00 and the resealing of the Ocean Park Road was to be \$90,000.00.  
An overall total of \$249,000.00

Main Roads has a sealing programme scheduled for the Monkey Mia road in 2017/2018 and the Nanga Road and Ocean Park road are to be sealed at the same time utilising the main roads appointed contractors. This will achieve economies of scale and has resulted in a far more cost effective programme.

The contractor for the resealing of the Monkey Mia Road has been determined by Main Roads.

Administration has confirmation from Main Roads and the savings from a joint resealing program with Main Roads is considerable.

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It can be seen in the attached email from Ernie Reynolds of Main Roads, the Nanga and Ocean Park Road reseals will come to a joint cost of approximately \$115,000.00. The original allocated amount was \$249,000.00 so the remaining \$134,000.00 needs to be reallocated for 2017/2018.

After consideration, administration has determined the two most advantageous roads to reallocate the remaining funds would be the Useless Loop Road or the Eagle Bluff road.

Considering the Eagle Bluff Boardwalk is a major tourist attraction and the fact that the Eagle Bluff Road is a gravel road that is required to be closed when it rains, the surplus funds could be spent to bring the Eagle Bluff Road up to a standard in readiness for sealing.

Eagle Bluff Road has, at this stage, \$90,000.00 of Regional Road Group funds allocated in 2018/2019 and a further \$90,000.00 in 2020/2021.

With the reallocation of the \$134,000.00 in savings this year and the \$90,000.00 in 2018/2019 the Shire could prepare the base course of Eagle Bluff Road for future sealing.

If the Capital Road Program was altered and the Eagle Bluff Road was brought forward from 2021/2021 to 2019/2020 then there would be a possibility that a portion of the Eagle Bluff Road could be sealed in conjunction with the seal program on the Useless Loop Rd expected in 2019/2020.

The expected unallocated funds could also be spent on the Useless Loop Road to assist with the vertical alignment required with the sealing program and ongoing resheet programs.

#### Legal Implications

There are no legal implications associated with this report

#### Policy Implications

There are no policy implications associated with this report

#### Financial Implications

The Regional Road Group funding is based on a two thirds one third basis with the one third contributed by the Shire.

In the 2017/2018 financial year the total Regional Road Group budget will be \$708,915.00. The required contribution from the Shire is one third, this equates to \$236,305.00.

The reallocation the \$134,000.00 in savings has no financial implications on the overall budget as the one third contribution from the Shire has already been identified and endorsed in Councils 2017/2018 budget.

#### Strategic Implications

Outcome 1.1

1.1.7 Develop and maintain sustainable transport infrastructure.

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Outcome 1.2

1.2.5 Allocate resources to deliver economic development and population growth.

RISK MANAGEMENT

There are no risks associated with this report.

Voting Requirements

Simple Majority Required

Signatures

Author

*B Galvin*

Chief Executive Officer

*P Anderson*

Date of Report

22 November 2017

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

Brian

As discussed the other week, below is comment re estimate

“A summary of the preferred tenderer’s submitted costs for LGA and DoT sections (I’ve only included the LGA works)

LGA (Shire of Shark Bay)

Ocean Park Rd \$44,862.99  
Nanga Bay Rd \$55,822.41  
Total: \$100,685.40”

These costs do not include the Supervision. If we are overly pessimistic the say Overall cost is \$115,000.

Based on the program budgets are (inc of Shire contribution);

Nanga \$159,000  
Ocean park \$ 90,000

Total \$249,000, which means that there are \$134,000 available to reallocate

Can you please provide email outlining where you would like to re-allocate funding to, so we can put forward the RRG for groups endorsement.

Thanks

**Ernie Reynolds**

Operations Manager Carnarvon  
Mid West-Gascoyne Region  
Central and Northern Regions  
p: (08)9941 0718 | m: 0418 919 321  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



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

MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

SHIRE OF SHARK BAY																									
Road Capital Program 2017/18 to 2021/22																									
Regional Road Group																									
Road	Year	Place		Amount	2017/18				2018/19				2019/20				2020/21				2021/22				
		From	To		Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	
Useless Loop Road	17/18	13.00	18.00	5.00	Seal Work	Feb/18	Shire	\$ 300,915.00																	
	17/18	74.00	77.00	3.00	Resheet	43,009	Shire	\$ 159,000.00																	
	18/19	33.00	38.50	5.50					Resheet	July 18	Shire	\$ 229,000.00													
	19/20	18.00	23.00	5.00									Seal Work	July/19	Shire	\$ 229,000.00									
	20/21	50.40	55.90	5.50													Resheet	July/20	Shire	\$ 229,000.00					
21/22	23.00	28.00	5.00																	Seal Work	,Feb/22	Shire	\$ 229,000.00		
Stella Rowley Drive	19/20	0.00	4.30	4.30									Shoulders	Nov/19	Shire	\$ 90,000.00									
Nanga Road	17/18	1.40	2.65	1.25	Reseal	Feb/18	Contractors	\$ 159,000.00																	
Ocean Park Road	20/21	0.00	2.50	2.50	Reseal	Feb/18	Contractors	\$ 90,000.00																	
Airport Road	21/22																			Reseal	,Feb/22	Contractors	\$ 90,000.00		
Eagle Bluff Road	18/19	0.00	2.10	2.10					Resheet	Nov/ 18	Shire	\$ 90,000.00													
	20/21	2.10	4.38	2.28												Resheet	,Nov/21	Shire	\$ 90,000.00						
<b>Total RRG</b>								<b>\$ 708,915.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>	
RRG								\$ 472,610.00				\$ 212,666.67				\$ 212,666.67				\$ 212,666.67				\$ 212,666.67	
Balance								-\$ 236,305.00				-\$ 106,333.33				-\$ 106,333.33				-\$ 106,333.33				-\$ 106,333.33	
<b>Roads to Recovery</b>																									
Road	Year	Place		Amount	2017/18				2018/19				2019/20				2020/21				2020/21				
		From	To		Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	Type	Time	By	Cost	
Woodleigh- Byro	16/17	84.00	120.00	36.00																					
Knight Terrace	16/17	0.00	0.90	0.90																					
Old Knight Terrace	16/17	0.00	0.14	0.14																					
Brockman Street	17/18	0.00	0.59	0.59	Reconstruct	Feb/18	Contractors	\$ 199,877.00																	
Durlacher Street	18/19	0.00	1.12	1.12					Reconstruct	Feb/19	Contractors	\$ 399,745.00													
<b>Total R2R</b>								<b>\$ 199,877.00</b>				<b>\$ 399,745.00</b>				<b>\$ -</b>				<b>\$ -</b>				<b>\$ -</b>	
R2R																									
<b>Grand Total</b>								<b>\$ 908,792.00</b>				<b>\$ 718,745.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>				<b>\$ 319,000.00</b>	

29 NOVEMBER 2017

16.2 HAMELIN RESERVE CARPARK  
RES658 / RES30885

AUTHOR

WORKS MANAGER

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

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

Moved Cr Ridgley

Seconded Cr Fenny

**Council Resolution**

**That Council note the Administrations findings for costings to install bins and toilets at the Hamelin Reserve Carpark.**

**6/0 CARRIED**

Move Cr Ridgley

Seconded Cr Fenny

**Council Resolution**

**That Council Administration liaise with the Department of Biodiversity, Conservation and Attractions regarding the possible installation of a toilet for visitors to the at Hamelin Pool Stromatolites carpark.**

**6/0 CARRIED**

BACKGROUND

At the Ordinary Council meeting held 27 September 2017 administration was asked to research options and costings relating to the installation and management of bins and toilets at the Hamelin Reserve Carpark.

COMMENT

The carpark on the Hamelin Reserve is situated on Reserve 658 and is vested with the Shire of Shark Bay.

The carpark services the Stromatolites Boardwalk situated in Reserve 30885 vested with the Department of Biodiversity, Conservation and Attractions and managed by the Parks and Wildlife Services division.

If it is decided to install bins in the Hamelin Reserve Carpark it is envisaged that they would be of similar design and style as used by Main Roads Western Australia in their road side parking areas.

Estimated costs to purchase and install bins in the Hamelin Reserve Carpark would be approximately \$1,200.00.



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Cost to empty and maintain the bins would be approximately \$250.00 per service interval. Service levels required by Council will determine the full costs associated. If Council decided on two services per week the annual cost would be approximately \$26,000.00.

Utilising Main Roads experience with remote toilets, the recommended toilet suitable for this area would be a Holding Tank Sewage system similar to the Modus Yarra as seen in attachment A.

Main Roads have commented that they have not had any success with the composting style of remote toilets and do not recommend this type.

The toilets installed at the Little Lagoon are the Holding Tank Sewage System and seem to perform very well.

It should be noted that although the toilets at the Little Lagoon are working satisfactorily there is a daily inspection and cleaning schedule performed by Shark Bay Cleaning Services and this level of service would not be possible at the Hamelin Reserve Carpark. The question on how best to inspect for toilet paper replacement and cleanliness at acceptable service levels is still under investigation.

Holding Tank Sewage System style of toilets require natural biological bacteria to perform the breakdown of the effluent and keep it smelling pleasant. Any disposal of portable toilet systems with harsh chemicals like formaldehyde into this type of toilet will kill the natural biological bacteria. If this happens the system would cease to function and the holding tank would need to be pumped clean and the initiation process started again.

This is a major problem that Main Roads face with their roadside toilets and adds considerable costs to maintaining the toilets in an acceptable working condition. As this is a remote area there is limited if any monitoring available.

Including the cost of the toilet, tank, concrete pad, accommodation and labour the expected costs associated with the installation of a toilet at the Hamelin Reserve Carpark would be in the vicinity of \$46,200.00.

Further investigations would be required to establish the costs to maintain to maintain a toilet. This would also be dependent upon the style of toilet that is installed and the service level council expects.

There may also be a few options to maintain any facilities, including the shires contract cleaner to maintain the toilets on a monthly/quarterly basis, shire staff to maintain on a regular basis or the managers at Hamelin pool caravan park being contracted to undertake the task as required.

The degree of maintenance would need to be established in line with the Councils service level expectations and the level of maintenance required to keep the facility to an acceptable standard.

As a guide the contracted price to service the public toilets at the Denham oval cost \$6,752 per annum, this is without any building maintenance costs.

## MINUTES OF THE ORDINARY COUNCIL MEETING

29 NOVEMBER 2017

If the council feels that toilets and waste bins are required in this area, given that the attraction of the stromatolites is managed by Parks and Wildlife it may be an option to request them to install these facilities, similar to what is provided at Shell Beach.

There also may be the option of proposing a joint management of any facilities that are to be installed.

### LEGAL IMPLICATIONS

There are no legal implications associated with this report

### POLICY IMPLICATIONS

There are no policy implications associated with this report

### FINANCIAL IMPLICATIONS

If council wish to proceed with a project to install bins and toilets in the Hamelin Reserve Carpark, a budget amendment will need to be endorsed by Council.

The following costs are indicative:

#### **Installation costs:**

Installation of Bins	\$1,200.00
Installation of Toilets	\$46,200.00
<b>Total cost of installation</b>	<b>\$47,400.00</b>

#### **Annual Costs:**

##### **Bins**

Emptying of bins twice weekly	\$26,000.00
Estimated yearly maintenance	\$2,000.00

##### **Toilets**

Estimated yearly servicing	\$6,000
Estimated yearly maintenance	\$2,500
Emptying of Toilets as required	\$975 per time

**Total maintenance cost p/a                    \$9,475 estimated**

### STRATEGIC IMPLICATIONS

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

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

### RISK MANAGEMENT

There are no risks associated with this report

### SIGNATURES

Author *B Galvin*

Chief Executive Officer *P Anderson*

Date of Report 16 November 2017

Attachment A

MA 3038

MODUS PROPOSAL



Shire of Shark Bay

Hamelin Pool Stromatolites

Yarra-1 Toilet Building with Coastal Spec

**modus**  
Australia

Restrooms & Toilet Buildings

29 NOVEMBER 2017

## Introduction

2/11/2017  
Shire of Shark Bay  
Attention: Brian Galvin



MODUS AUSTRALIA  
26 Wildfire Road  
Maddington WA, 6109  
ABN: 53 147 987 095  
ACN: 147 987 095  
info@modusaustralia.com.au  
www.modusaustralia.com.au

Hello Brian,

Thank you for your valued enquiry regarding our Toilet Buildings. Please see the below proposal for your consideration.  
We trust it meets with your satisfaction.

## YARRA OPTION 1

### YARRA.

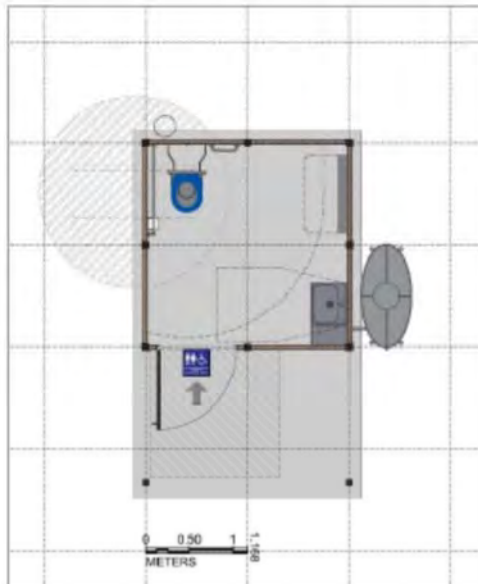
The Yarra® Toilet Building distinguishes itself from a standard toilet building with a distinctive skillion style roof line, designed to integrate seamlessly into any environment whilst adding an architectural compliment to its surroundings.



Render above: Yarra-1 Toilet Building

# Building Floorplan

## Yarra Toilet Building | Option: 1





Attachment B

MAINTENANCE GUIDE

HOLDING TANK SEWAGE SYSTEM



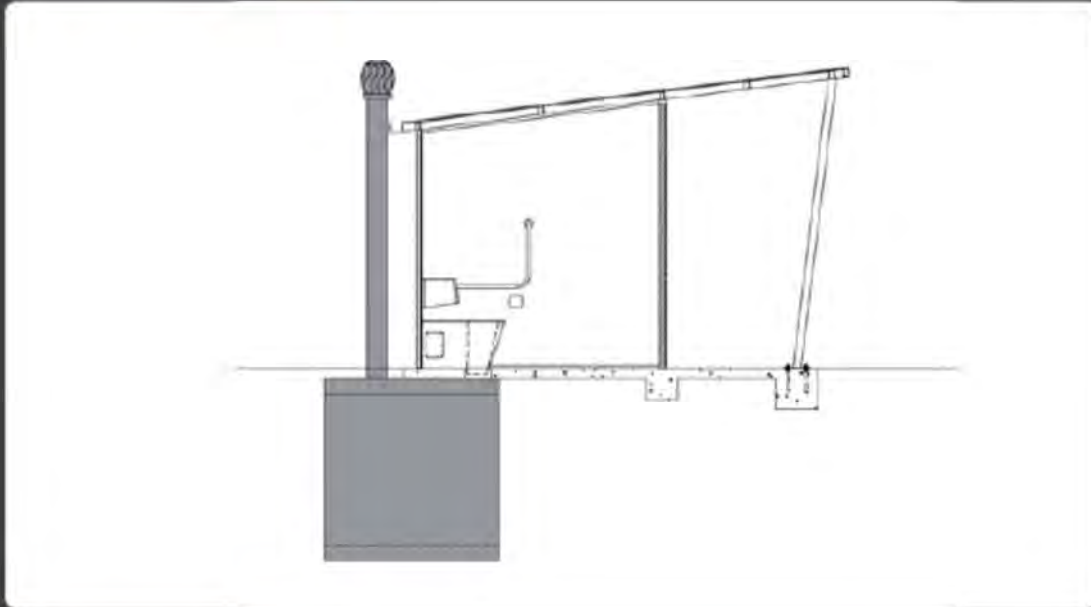
CONCRETE HOLDING TANK

Isolated Sewage Control

**modus**  
Australia

Restrooms & Toilet Buildings

**Modus Made.**



**DELIVERING SYSTEM EFFICIENCY**

Holding Tank Isolated Sewage Control Systems are well suited to remote environments where services are not available at the site.

On a functional level the system works by breaking down waste efficiently with bacteria in the tank. A flue with a rotary vent exhausts vapour out of the system. Cool air is drawn down through the toilet pan, across the waste matter and up out through vent. The wind powered sustainable solution provides an odourless experience.

**SET UP**

Fill the tank with 10% water of the total capacity. Introduce industrial quality septic waste digester such as [E-Zyme Crystals](#) and follow guidelines as per manufacturers recommendation for an efficient non-fushable toilet system odour control.

**MAINTENANCE**

A holding tank must be monitored every 4-6 weeks throughout the first 12 months. The level of waste fluctuates at a rate relative to climatic conditions and amount of use. To monitor the septic tank level requires a visual inspection, done by pointing a torch down through the toilet pan to inspect the waste level. An appropriate management plan will ensure a safe user experience.

The level of waste must not exceed 300mm below the toilet pan. If the 300mm level is exceeded a septic cleaning pump is required to flush and extract all waste the tank via the toilet pan. All waste is removed from the tank before beginning the set up and may be repeated before adding a 10% water level.

**FRESHEN UP FOR CONTINUED USE**

Counteract unpleaant odours and provide essential enzymes centrate use is recommended during daily and weekly cleaning cycles using [E-Fresh](#). Protective clothing must be worn during maintenance procedures in accordance to Work Health Safety Guidelines.

**ABCO**

**ENVIROPLUS**

**PRODUCT LINKS**

- [Enviroplus E-Zyme Crystals](#)
- [Enviroplus E-Fresh](#)



## Maintenance

### GENERAL MAINTENANCE, INSPECTION, SERVICING & CLEANING GUIDE

#### EXTENT

The procedures recommended below outline cleaning and maintenance of Modus products, including colour coated, powdercoated, anodised finished and stainless steel products, and are to ensure the maximum life span of the product and the longevity of the product, and the products coatings, are achieved.

#### INTENTION

The purposes of the recommendations are to assist maintenance personnel (as representing the Client) involved in the care and maintenance of Modus products which incorporate finished steel and aluminium structures, toilet buildings including stainless steel components, and furniture. These are recommendations only; giving the best proposed methods from maintenance experts and previous industry experience, and are based on Australian standards and the American Architectural Manufacturers Associations guide for finished products, all to assist in establishing for the product owner a suitable and reliable maintenance, servicing and cleaning procedure.

#### General Information

It is important to note that all coatings, powder, anodic and paint, will slowly degenerate over time with the effect of natural weathering and deposit build up. In addition, the concentration and nature of industrial activity and the effect of the combustion of fossil fuels must also be taken into account. Prevailing winds can also exert an influence, depending on the nature of their intensity and direction. Other factors which may cause breakdown of product coatings or the product

Fixtures include:

1. Industrial contamination
2. Contamination from agricultural fertilizers or insecticides
3. Alkaline or acidic fall out
4. Damp locations not dried by direct exposure to the sun
5. Hot or cold surfaces
6. Animal enclosures
7. Abrasion or impact
8. Exposure to sea breezes
9. Prevailing winds which can transport contamination from one location to another.

#### General Maintenance, Servicing and Cleaning Procedures

All product coatings should be regularly cleaned to remove air-borne deposits such as salt, general dirt and atmospheric pollution from the finished surface. Cleaning should be done at one to four month intervals, depending on atmospheric pollution and general location. All cleaning and maintenance of the product should be carried out in accordance with the recommendations of the finish supplier, and meet the recommendation of ASS715-2002 for powdercoat finish, and AS1231-2000 for anodized finish. For Colorbond, steel and Zincalume, maintenance of the product should be carried out in accordance with the Bluescope Technical Bulletin No TB4.

**Note** that the follow is a general procedure and every application will need specific requirements and a specific maintenance program depending on location, environment and factors noted above.

#### General Cleaning on Completion of Construction

It is important to ensure that building and construction grime and soils are removed immediately on completion of the project. Cleaning should be carried out during mild cloudy weather where possible and the correct cleaning products should be investigated and spot tested before general use to ensure compatibility with the finishes.

#### General Routine Maintenance, Servicing and Cleaning

For removal of general light surface dirt build up a water rinse with mild soap or neutral product at moderate pressure to clean and dislodge grime, followed by a light water rinse using cloths or suitable industrial wipers is recommended. Carefully rinse away all surplus cleaning product.

**NOTE:** Never use harsh or abrasive cleaners. Do not use chlorinated or bleach water. All moving parts should be lubricated every 3 month period.

#### 7. Major Maintenance, Servicing and Cleaning for Heavy Dirt Build Up

For industrial and marine environments monthly cleaning is necessary and the maximum period between cleaning should never be more than three months. Under the most strenuous conditions including heavy grime deposits and consistent atmospheric pollution, including both chlorides and sulphur compounds, more frequent cleaning will be necessary if deterioration of the coatings is to be prevented. For heavy dirt removal some types of mild solvents can be utilized to remove the build-up of matter or soil deposits. Again, spot testing should be carried out to ensure the surface is not scarred or damaged through use of strong cleaning products. Product surfaces must be thoroughly washed over with clean water after the use of cleaning products.

#### 8. Precautions

1. Avoid harsh solvents
2. Avoid solvents which scratch the surface and promote premature fading and degradation of the coating integrity
3. Minimum contact time of cleaning solvents with product finishes
4. Avoid abrasive cleaning tools
5. Test solvent suitability before cleaning ensure the colour does not fade or the cleaning product does not mar the surface.

#### 9. Spot Repairs and Touch Up

**NOTE** that the finished surface can be touched up where scuff marks or scratches show. Contact the manufacturer for the relevant touch up to match the finished product.

#### 10. Caution

In event of any fatigue, breakdown, fault or concern raised from the inspection routine or other sighting, the area should be excluded from public access Modus Maintenance Guide & Schedule (No. Q-W-MGS) immediately by means of a solid barrier, and the manufacturer notified, for arranging inspection and maintenance. All maintenance and cleaning personnel should be inducted in cleaning and maintenance and safety procedures in accordance with the relevant State and Territory OH&S legislation and must have at least ten years previous continuous experience in the trade.

#### 11. Electrical

Any work or maintenance related to the electrical services must be carried out by a certified electrical engineer with no less than 10 year of continuous experience in the industry. All modifications, changes or maintenance and to the electrical services must be notified to the manufacturer in writing.

#### 12. Cleaning, Maintenance, Servicing and Inspection Records

Records regarding cleaning, maintenance, servicing and inspections are to be kept and maintained in a suitable location. Copies of these records must be forwarded to the manufacturer annually for collation and record keeping. The details of inspections test and maintenance shall be entered on the following Cleaning and

1. Maintenance Log, including:
2. Date of occurrence
3. Name of the person concerned
4. Details of any faults
5. Action taken to rectify any faults
6. Date at which the faults were rectified
7. Records must be recorded with a signature and name, including 'sign-off' by secondary authorised building service personnel.

Failure to maintain, and forward to the manufacturer, signed records and a maintenance program for inspection, servicing and cleaning will constitute a waiver of liability for the Manufacturer and render the warranty void.

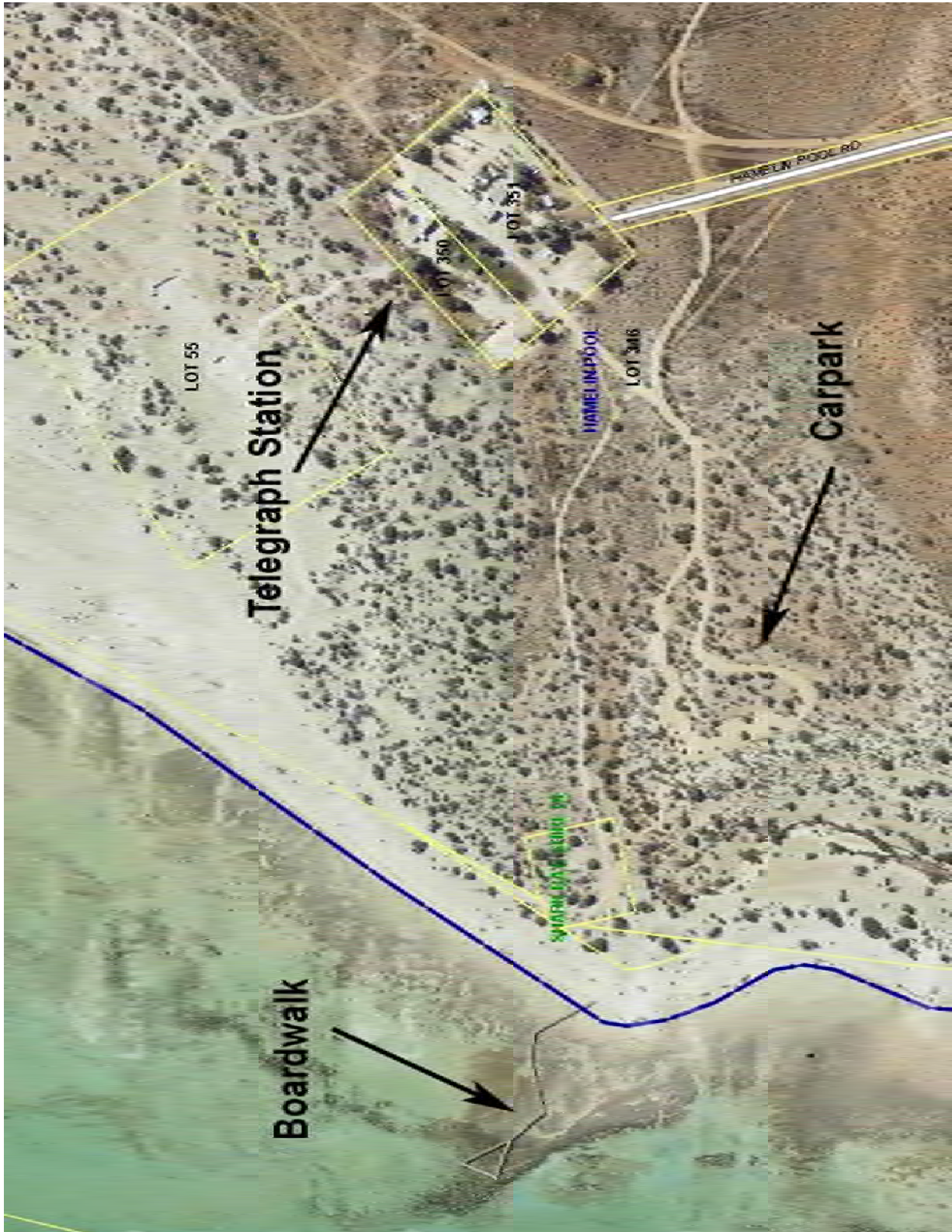


Over View Hamelin Reserve





29 NOVEMBER 2017



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16.3 NEW 4X4 PRIME MOVER  
CM00014

AUTHOR  
WORKS MANAGER

DISCLOSURE OF ANY INTEREST  
Nil

Moved            Cr Laundry  
Seconded       Cr Fenny

**Council Resolution**

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

**6/0 CARRIED**

Members of the gallery left Council Chambers

Moved            Cr Fenny  
Seconded       Cr Laundry

**Council Resolution**

**That the recommendation submitted by the Works Manager in the confidential evaluation report for Supply and Delivery of a new 4x4 Truck as per the conditions of quote be considered.**

**6/0 CARRIED**

Moved            Cr Capewell  
Seconded       Cr Laundry

**Council Resolution**

**That Council appoint WA Hino, based on the assessment of the Capability, Warranty and pricing considerations offered under PS 2017/18-06 Supply and Delivery of a New 4X4 Truck.**

**6/0 CARRIED**

Moved            Cr Fenny  
Seconded       Cr Capewell

**Council Resolution**

**That the meeting be re-opened to the members of the public.**

**6/0 CARRIED**

Members of the gallery returned to Council Chambers

29 NOVEMBER 2017

BACKGROUND

As per the Shire of Shark Bay's policy manual and in accordance with the Five Year Plant Replacement Plan and 2017/18 budget, the Shire's 4x4 Fuso Canter is due for replacement.

Quotes were called for from Three Truck suppliers of which the Shire received three quotes.

The specifications requested for the new 4X4 truck are listed below

- 4X4 Dual Cab Truck
- GVM 6500 Kg or equivalent
- GCM 10 000 Kg or equivalent
- Tray size negotiable
- 1.5 tonne forward mounted Crane (Kevrek or Similar)
- Hydraulics for crane to be engine PTO driven (Not Electric over)
- Hi Flow Hydraulics to be installed capable of driving an Auger attachment on the Crane. (Auger not to be supplied)
- Long range fuel tank
- Isolator Switch
- Bull Bar
- Tow Bar
- Ladder for safe tray access
- Super Single tyres (Optional)
- LED Tail Lights
- Spare Tyre Carrier
- Twin Flashing Amber Lights on light bar
- UHF Radio
- Fire Extinguisher
- Rust Proofed
- 40 L Fresh Water Tank
- 

The qualitative selection criteria that was decided upon was a weighting system and the weighting percentages are as described.

- Capability - 35%
- Warranties/maintenance - 25%
- Pricing Considerations - 40%

29 NOVEMBER 2017

COMMENT

The three compliant quotes are all capable of performing the tasks required by the Shire of Shark Bay.

While determining the capabilities of the submitted machines, areas deemed to be of importance to enable the required tasks to be performed where,

- 1 Gross Vehicle Mass
- 2 Gross Combined Mass
- 3 Power

Gross Vehicle Mass determines the maximum amount a vehicle is capable of carrying including itself. A higher Gross Vehicle Mass permits a larger payload to be transported while still being safe and legal. A larger payload can mean increased efficiency.

Gross Combined Mass is the combination of the trucks mass and payload including any trailer and payload the trailer is legally capable of carrying. The larger the Gross Combined Mass the larger the payload can be transported, once again enhancing productivity.

Power was taken into consideration in conjunction with the GVM and GCM. The more power associated with a vehicle the less effort an engine has to do to accomplish the work required. The less effort an engine has to do the less wear and tear, enhancing engine longevity.

The Shire of Shark Bay currently owns and operates a Fuso Canter Dual Cab 4X4 Truck.

To date the truck being offered for trade has been a reasonable vehicle.

The evaluation panel considered the three vehicles to try and determine the best approach to address the minor issues associated with the previous 4x4 truck for a more long term beneficial outcome for the Shire.

One of the issues with the current Fuso is the poor handling of the truck on gravel roads.

This issue has been investigated and the common response was to fit super single tyres to the truck. To gauge the price difference the Shire asked for super single tyres to be included as an option.

The Shire has had Hino trucks since 2007.

A Hino 300 series single cab in 2007

A Hino 500 series single cab in 2009

A Hino 300 series single cab and a Hino 500 series single cab in 2015.

All trucks have proven to be very reliable with excellent customer service.

If the Shire decide to continue with a rear mounted crane there will be a need to include the added spring to compensate with the extra weight of the crane.

It can be seen that with the added options the recommended Truck is still under budget.



29 NOVEMBER 2017

The evaluation recommendation report is attached for Council's consideration. The recommendation from the panel is as follows:

***Recommend the appointment of WA Hino, based on the assessment of the Capability, Warranty and Pricing considerations offered under PS 2017/18 –06 Supply and Delivery of a New 4X4 Truck.***

LEGAL IMPLICATIONS

All companies approached are members of the Western Australian Local Government Association's preferred suppliers list and are exempt from the normal tender process. Three truck suppliers were asked to supply a quote to ensure a fair, equitable and transparent process.

POLICY IMPLICATIONS

The process decided upon to establish an approved contractor complies with the Shire of Shark Bay's purchasing policy.

FINANCIAL IMPLICATIONS

The table below illustrates the pricing structure of the three submitted quotes. The price submitted by the recommended quote is the lowest. With the added options and trade price taken into account the recommend quote is \$81,823.01. This equates to \$8,176.99 under budget

STRATEGIC IMPLICATIONS

Outcome 1.2

Assists in the strategic objective of providing and maintaining a cost effective and safe work environment for the Shire of Shark Bay's Work staff.

RISK MANAGEMENT

There is a risk associated with this report if a non-complying quote is accepted over a complying quote.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*B Galvin*

Chief Executive Officer

*P Anderson*

Date of Report

22 November 2017

29 NOVEMBER 2017

**17.0 TOURISM, RECREATION AND CULTURE REPORT**

**17.1 SHARK BAY BRAND PROJECT**  
ED00006

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as World Heritage Project Officer for the Department of Biodiversity, Conservation and Attractions.

Moved            Cr Ridgley  
Seconded       Cr Laundry

**Council Resolution**

**That Council notes the scope of the Shark Bay brand project includes discovery, brand strategy, which will culminate in a unique and unifying tourism destination brand for Shark Bay.**

**6/0 CARRIED**

BACKGROUND

At the February 2017 Ordinary Council Meeting, it was agreed to accept the \$20,000 Royalties for Regions - Community Chest Fund focused at the implementation of the Shark Bay Brand project from July 2017. The project grant agreement has been recorded between the Shire of Shark Bay and the Gascoyne Development Commission.

The project is focused on defining and developing a Shark Bay destination brand in order to refresh the way in which the region is presented and to raise the profile of the Shark Bay region as a favourable holiday destination.

COMMENT

Since the adoption of the grant a Project Brief was sent out to a number of marketing agencies requesting proposals for developing a Shark Bay Brand. Three proposals were received with costs ranging from \$24,000 to \$45,000. A small working group interviewed two of the agencies and it was recommended to go with MARKETFORCE – a Perth base marketing company whose quotation was \$26,705.00

This proposal does not include the cost of travel, accommodation, photography and printing. It is estimated that the entire project could reach up to \$40,000. With this in mind, discussions were held with the Shark Bay Business and Tourism Association who have now committed some funds to the project. Some local businesses have also offered accommodation and tours for free – which helps manage the overall costs of the project.

Discussions have also been held with Department of Parks and Wildlife Services and World Heritage on the potential of additional funds being committed from these agencies towards the Shark Bay Brand project.

29 NOVEMBER 2017

The current project budget includes:

- \$20,000 Community Chest Funds
- \$3,000 Shire of Shark Bay
- \$3,000 Shark Bay Tourism Association and 'Famils'
- \$2,000 In-kind contribution from Shire and Discovery & Visitor Centre staff

A component of winning the contract for Marketforce was they are to travel to Shark Bay by car and stop at key locations along the way. From Sunday 3 December, Brad Haseldine and Jez Reilly will travel from Perth to Billabong. Monday 4 December will see them experience the World Heritage Drive and a tour of Ocean Park Aquarium.

Following settling into their accommodation for two nights at the Heritage Resort, they have been offered a Sunset Cruise on the Aristocat 2. On Tuesday 5 December, the Department of Parks and Wildlife Services will host Brad and Jez to Peron Homestead. While yet to be confirmed, it is planned to have them experience a Shark Bay Scenic flight covering DH Island, Useless Loop and Zuytdorp Cliffs.

Tuesday evening (6.30-9.30) will involve a key stakeholder three hour Brand Discovery Workshop with 12 participants. The strategy behind the limited numbers is to ensure there is focus on uncovering brand insights and developing strong stakeholder/operator engagement.

Wednesday 6 December will see a visit to Monkey Mia for the dolphin interaction experience followed by a half-day cultural tour with Wula Gula Nyinda Eco Adventures in the afternoon.

A Community Information Session will be held at the Recreation Centre meeting room on Wednesday evening from 6.30pm. Accommodation at Oceanside Villas overnight.

Interspersed throughout their visit, Brad and Jez will conduct a series of in-depth face-to-face interviews with business followed by additional telephone interviews with other key stakeholders and/or operators.

LEGAL IMPLICATIONS

There are no legal implications relating to this report

POLICY IMPLICATIONS

There are no policy implication relating to this report

FINANCIAL IMPLICATIONS

Management and reporting on use of Royalties for Regions Community Chest grant

STRATEGIC IMPLICATIONS

**OUTCOME 1.4 – Diversification of industries and increase jobs**

1.4.1 – Continue to promote and support tourism

RISK MANAGEMENT

There are no risks associated with this item.

MINUTES OF THE ORDINARY COUNCIL MEETING

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29 NOVEMBER 2017

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

*L Butterly*

Chief Executive Officer

*P Anderson*

Date of Report

17 November 2017

29 NOVEMBER 2017

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

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

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

Moved            Cr Fenny  
Seconded       Cr Capewell

**Council Resolution**

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

**19.1 Annual Audit Report 2016/2017**

**19.2 Little Lagoon Walk Trail**

**6/0 CARRIED**

**19.1 ANNUAL REPORT 2016/2017**

FM00009

**Author**

Executive Manager Finance and Administration

**Disclosure of Any Interest**

Nil

Moved            Cr Laundry  
Seconded       Cr Fenny

**Officer Recommendation**

**That Council –**

**Receive and Accept the Annual Report for the 2016/2017 financial year.**

**Receive and Accept the Annual Financial and Auditors reports for the 2016/2017 financial year and note the comment on ratios.**

**Set the date for the Annual General Meeting of electors for Wednesday 20 December 2017 commencing at 5.00pm at the Shark Bay Recreation Centre in accordance with section 5.27(2) of the *Local Government Act 1995*.**

**6/0 CARRIED BY ABSOLUTE MAJORITY**

**Background**

The 2016/2017 Annual Report, which includes the annual financial statements and auditor's report, has been prepared in accordance with section 5.53 of the *Local Government Act 1995* and is attached under separate cover.

The Annual Report highlights the Shire's achievements in 2016/2017 under the outcomes in the Strategic Community Plan.

Following the acceptance of the Annual Report the Council must have a meeting of electors not more than 56 days after the acceptance of the Annual Report for the previous financial year. This means that the last day that the Council can hold an electors' meeting is 24 January 2018.

29 NOVEMBER 2017

Comment

The annual financial statements are included in the Annual Report and reflect an unqualified audit report.

The audit management report comments on the financial ratios which local government is now required to report on in the annual financial statements. The ratios particularly identified by the auditor include the debt service cover ratio, operating service ratio and the own source revenue ratio.

The auditor's comments follow:



29 NOVEMBER 2017

23 November 2017

The Shire President  
Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537

## MOORE STEPHENS

Level 13, Exchange Tower,  
2 The Esplanade, Perth, WA 6000  
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WA 6831

T +61 (0)8 9223 3355  
F +61 (0)8 9223 6181

[www.moorestephens.com.au](http://www.moorestephens.com.au)

Dear Cr Cowell

### Management Report for the Year Ended 30 June 2017

We advise that we have completed our audit procedures for the year ended 30 June 2017 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions which, we hope, will be useful to you.

### SIGNIFICANT ADVERSE TREND IN FINANCIAL POSITION

As highlighted in our audit report this year, we have noted a significant adverse trend in the financial position of the Shire.

This trend is evidenced by:

**i. A significant structural deficit in the operating result for the year ended 30 June 2017**

The Shire's operating result (ignoring non-operating grants, subsidies and contributions) for the year ended 30 June 2017 recorded a net deficit (before other comprehensive income) of \$1,076,521.

In addition, the Shire has incurred an operating deficit in 4 of the last 5 years and an operating deficit of \$2,460,010 has been budgeted for the 2017/18 financial year.

Due to the ongoing nature of the operating deficit, we consider the Shire to have significant structural deficit in its operations.

**ii. A deterioration in the Debt Service Cover Ratio and the Operating Surplus Ratio which have been trending downward over the longer term**

The continued decline in the Shire's operating result is the main contributing factor leading to the adverse trend as evidenced by the deterioration in the Shire's Debt Service Cover Ratio and Operating Surplus Ratio which are below target levels and trending downwards over recent years.

29 NOVEMBER 2017

## MOORE STEPHENS

## COMMENT ON RATIOS

Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends. Whilst not conclusive in themselves, understanding ratios, their trends and how they interact is beneficial for the allocation of scarce resources and planning for the future. Information relating to the statutory ratios disclosed in the financial report is summarised in the table below and further commentary provided on the following pages.

	Target Ratio <sup>1</sup>	Actual 2017	Council's Adjusted Ratios					Council's 5 Year Trend <sup>2</sup>	5 Year Average <sup>3</sup>	
			2017	2016	2015	2014	2013		Regional	State
Current Ratio	≥ 1	3.26	1.94*	1.34*	2.78	2.91	3.27	↓	2.33	2.22
Asset Sustainability Ratio	≥ 1.1	2.02	2.02	1.50	0.77	0.76	1.20	↑	1.39	1.18
Debt Service Cover Ratio	≥ 15	9.13	(1.83)*	6.09*	8.81	(0.15)	19.23	↓	3.31	12.41
Operating Surplus Ratio	≥ 0.15	(0.29)	(0.56)*	(0.40)*	(0.36)	(0.67)	0.05	↓	(0.58)	(0.11)
Own Source Revenue Coverage Ratio	≥ 0.9	0.33	0.33	0.36	0.45	0.46	0.46	↓	0.50	0.67
Asset Consumption Ratio	≥ 0.75	0.98	0.98	0.98	0.99	0.82	0.77	↑	0.77	0.73
Asset Renewal Funding Ratio	≥ 1.05	1.06	1.06	1.25	0.87	N/A	N/A	↔	1.04	0.94

<sup>1</sup> Target ratios per Department of Local Government and Communities (DLGC) Guidelines except the Debt Service Ratio which is a target devised by Moore Stephens (and based on experience). For information, DLGC Guidelines indicate a target Debt Service Cover Ratio of 5.

<sup>2</sup> The 5-year trend compares the adjusted 2016 ratio to the average of the adjusted ratios for last 5 years (except for the Asset Consumption and Asset Renewal Funding Ratios which are a 4-year trend).

<sup>3</sup> The average in relation to the Regional and State comparisons is a 5 year average of 2012, 2013, 2014, 2015 and 2016.

\* Adjusted for "one-off" timing/ non-cash items.

## Adjustments relating to 2017

Three of the ratios in the accompanying table have been adjusted for a "one off" timing item as being the early payment of 2017/18 Financial Assistance Grants (FAGs) totalling \$986,341 received on 8 June 2017.

Comparative year ratios (which had been affected by relevant similar "one-off" items) were also adjusted.

## Regional and State 5 Year Averages

Regional and State 5 year averages have not been adjusted for "one-off" items even though these items may have been applicable in prior years as they are based on the statutory ratios which have been reported in published financial reports. However, they still provide a useful reference point as they are indicative of a trend.

## Further commentary on specific ratios

## • Own Source Revenue Ratio

The Own Source Revenue Coverage Ratio measures the Shire's ability to cover operating expenses from their own source revenue. The higher the ratio, the more self-reliant the Shire is.

The ratio is below the Regional and State 5 year averages and is trending downwards. Whilst the current year has seen a slight decline compared to the 2016 year, the downward trend in the last 2 years is due to operating expenses including material and contract expenditure relating to grant funded projects. If this expenditure, amounting to approximately \$3 million, was excluded from operating expenses, the ratio would improve to 0.45 which would be consistent with prior years.



29 NOVEMBER 2017

**MOORE STEPHENS**

**Summary**

Whilst the current ratio and the three asset ratios are above their industry benchmarks, the ratios relating the Shire's operations are below the accepted industry benchmark and are trending downwards over the longer term. Strategies to reverse the downward trends and address the structural operational deficit should be considered.

To help alleviate the continued erosion of these ratios, both Council and Management will need to consider ways to improve the operating position either via increasing revenue or by decreasing expenditure (or a combination of both). This is dependent upon the Council and management understanding the circumstances and the interaction of all the ratios and operations in general.

We will continue to monitor the financial position and ratios in future financial years and suggest it is prudent for Council and management to do so also as they strive to manage the scarce resources of the Shire.

If the Shire requires, we have a report available which is able to compare your ratios against other Local Governments across the State and by Region. The report is also able to incorporate a selection of your peer Local Governments, whether they be of near neighbours or similar type in nature. This may be of particular relevance in your case as you are included in the Gascoyne region when comparison to other, more similar local governments, may be more relevant.

If you are interested in such an expanded report, please contact us.

**UNCORRECTED MISSTATEMENTS**

We advise there were no uncorrected misstatements noted during the course of our audit.

We take this opportunity to thank all staff for the assistance provided during the audit. Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully



Greg Godwin  
Partner  
Moore Stephens

Encl.

29 NOVEMBER 2017

**Auditors Management Letter Review**

**i A significant deficit in the operating result for the year ended 30 June 2017**

The shire's operating result, (ignoring non-operating grants, subsidies and contributions) for the year ended 30 June 2017 recorded a net deficit (before other comprehensive income) of \$1,076,521.

In addition we have received the following 2017/2018 Operating Grants in Advance:

1. Financial Assistance Grants 2017/2018	\$986,341
2. Fire and Emergency Service Authority Operating Grant 2017/2018	\$ 11,877
3. Tourism WA 2017/2018 WIFI Contribution	\$ 7,097

Removing these grants increases our deficit to \$2,081,836.

A large contributing factor to this deficit is the \$721,192 Loss of Disposal of Assets of which \$618,552 is abnormal and non-recurring in nature and relate primarily to the transfer of the Maritime Public Facility Boat Ramp and associated assets to the Department of Transport for nil consideration.

Even though the transfer of this asset is a non-cash accounting transaction the upside is that the shire is now being paid to maintain these assets instead of having to allocate scarce resources to the ongoing maintenance and renewal of these public facilities.

The loss above also takes into account non cash depreciation expense of \$1,812,933.

<b>Summary of Operating Loss</b>	<b>\$1,076,521</b>
<b>Add Back 2017/2018 Operating Grants</b>	<b>\$1,005,315</b>
<b>Less Abnormal Non-Recurring Loss</b>	<b><u>\$( 618,552)</u></b>
<b>Operating Loss</b>	<b>\$1,463,284</b>
<b>Add back Non-Cash Depreciation</b>	<b><u>\$1,812,933</u></b>
<b>Surplus After Depreciation</b>	<b><u>\$ 349,649</u></b>

This report highlights that we are cash positive however reinforces the ongoing issue that we are not able to contribute yearly to our reserves to support our future asset replacement/maintenance program.

The operating deficit for 2017/2018 of \$2,460,010 is mentioned in the management letter. However taking into account 2017/2018 Operating Grants received in 2016/2017 reduces this deficit to \$1,454,695 which is in line with the Operating Loss above. Budgeted depreciation is \$1,689,050 and when removed from this loss reflects a budget operating surplus of \$234,355.

The auditor also commented that Council and management will need to consider ways to improve the operating position either by increasing own source revenue or by decreasing expenditure. Hence it is imperative that Council and management review the financial position and ratios in future years to strive to manage the scarce resources of the Shire.



29 NOVEMBER 2017

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19.2 LITTLE LAGOON WALK TRAIL  
PK00001

Moved            Cr Fenny  
Seconded       Cr Capewell

**Council Resolution**

**That Councillors have an onsite inspection prior to the Ordinary Council Meeting scheduled for 20 December 2017, to view the location of proposed track closures and areas to be rehabilitated adjacent to the Little Lagoon inlet prior to any further works being undertaken.**

**6/0 CARRIED**

**20.0 MATTERS BEHIND CLOSED DOORS**

Matters behind closed doors were discussed previously in the meeting.

**21.0 DATE AND TIME OF NEXT MEETING**

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 20 December 2017, commencing at 3.00 pm.

**22.0 CLOSURE OF MEETING**

As there was no further business the President closed the Ordinary Council meeting at 6:30pm.