

SHIRE OF SHARK BAY MINUTES

27 June 2018

ORDINARY COUNCIL MEETING



Cape Peron – Taken by Trish Bartlet-Torr



27 JUNE 2018



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MINUTES OF THE ORDINARY COUNCIL MEETING

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The unconfirmed minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 27 June 2018 commencing at 3.00 pm.

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1.0 DECLARATION OF OPENING

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

2.0 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE GRANTED

ATTENDANCES

Cr C Cowell	President
Cr K Laundry	Deputy President
Cr L Bellottie	
Cr J Burton	
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
Mrs R Mettam	Executive Assistant

APOLOGIES

VISITORS

3 visitors in the Gallery

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 3.00 pm

Mr H Raven asked the following:

It is apparent to me that jetty users and some Councillors do not understand the ramifications of the proposed changes to the jetty local laws put before the Council today.

I therefore ask will the Council, in the interests of transparency, leave the proposed amendments to the local laws on the table and, prior to deciding to adopt any changes to the jetty local laws, convene a meeting / workshop of all stakeholders, to fully explain the effects of the proposed local laws, so as to obtain feedback which may not have been forthcoming in the form of submissions, due to a misunderstanding of the content of the proposed local laws.

In support of my request I point out the lack of urgency to decide on changing the local laws is evidenced by the continuing cooperative, trouble free use of the jetty over the 2 years and approximately 5,000 berthing's since introduction of the current regulations.

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The President replied that the request will be considered when Council addresses the item which is currently on the agenda.

With no further questions the President closed public question time at 3.02pm.

5.0 **APPLICATIONS FOR LEAVE OF ABSENCE**

There were no application for leave of absence for the June Ordinary Council meeting.

6.0 **PETITIONS**

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

7.0 **CONFIRMATION OF MINUTES**

7.1 **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2018**

Moved Cr Ridgley

Seconded Cr Burton

Council Resolution

That the minutes of the Ordinary Council meeting held on 30 May 2018, as circulated to all Councillors, be confirmed as a true and accurate record.

7/0 CARRIED

8.0 **ANNOUNCEMENTS BY THE CHAIR**

The President spoke about the launch of REX Airlines this morning at the Shark Bay Airport.

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

Meeting Attendance

31 May	Bush Babies exhibition launch – Shark Bay World Heritage Discovery and Visitor Centre
8 June	Ministers for Transport and Environment – teleconference
18	Friends of Festival meeting

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- 20 Minister for Health advisor – teleconference
ABC North West radio interview
- 22 Western Australian Local Government Association- Gascoyne Zone meeting
- 25 Positive Leadership workshop
- 26 REX aviation representatives meeting
- 27 REX Community Question and Answer session – Shark Bay airport
Presentation – Carnarvon Aboriginal Medical Service
Strandline presentation/workshop
June Shire Ordinary Council meeting

Signatures

Councillor *Councillor Cowell*
Date of Report 20 June 2018

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution

That the President's activity report for June 2018 be received.

7/0 CARRIED

10.0 COUNCILLORS' REPORTS

- 10.1 CR BURTON
GV00018
Nil report for the June 2018 Ordinary Council meeting.
- 10.2 CR RIDGLEY
GV00008
Nil report for the June 2018 Ordinary Council meeting.
- 10.3 CR LAUNDRY
GV00013
Nil report for the June 2018 Ordinary Council meeting.
- 10.4 CR BELLOTTIE
GV00010
Nil report for the June 2018 Ordinary Council meeting.
- 10.5 CR FENNY
GV00017
Nil report for the June 2018 Ordinary Council meeting.

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10.6 CR CAPEWELL
GV00005

Committee Membership

Member	Audit Committee
Member	Regional Road Group
Deputy Delegate	Gascoyne Zone of Western Australian Local Government Association

Meeting Attendance

22 June 2018

Attended the Presentation from the Office of Emergency Management on Western Australian National Disaster Relief and Recovery Arrangements in Carnarvon
Attended the Regional Road Group meeting in Carnarvon
Attended the Western Australian Local Government Association Gascoyne Zone meeting in Carnarvon as Deputy Delegate.

Signatures

Councillor	<i>Councillor Capewell</i>
Date of Report	18 June 2018

Moved	Cr Burton
Seconded	Cr Fenny

Council Resolution

That Councillor Capewell's June 2018 report on activities as Council representative be received.

7/0 CARRIED

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11.0 ADMINISTRATION REPORT

11.1 RESERVE 46663 LOCATION 119 - CAPE INSCRIPTION LIGHTHOUSE KEEPERS QUARTERS RES46663

Author

Chief Executive Officer

Disclosure of Any Interest

Declaration of Interest: Cr Cowell

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

Officers Recommendation

Option 1. That the Department of Planning, Lands and Heritage be advised the Council wishes to relinquish the vesting of Reserve 46663 Location 119, which is designated as a Heritage Precinct and on which the Cape Inscription Lighthouse Keepers Quarters and associated infrastructure is located.

OR

Option 2. That Council's resolution of November 2011 being:
That the vesting of Reserve 46663 Location 119 be retained with the Shire of Shark Bay and Council advise appropriate State agencies its long-term objective for the Lighthouse Keepers Quarters is as a self-guided interpretive centre which requires an ongoing maintenance budget from the State Government

stands and the possibility of funding from the State for ongoing maintenance be investigated further.

Moved Cr Bellottie

Seconded Cr Burton

Council Resolution

That the Department of Planning, Lands and Heritage be advised the Council wishes to relinquish the vesting of Reserve 46663, which is designated as a Heritage Precinct and on which the Cape Inscription Lighthouse Keepers Quarters and associated infrastructure is located.

7/0 CARRIED

Background

The Shire of Shark Bay was granted a Management Order in October 2001 for Reserve 46663 Location 119 which has the following conditions attached:

To be used for the designated purposes of Heritage precinct only

1. A Management Plan under section 49 of the Land administration act 1997 is to be prepared in consultation with the Heritage Council,
2. Conservation and Land Management and all relevant agencies and interested parties within two years issue of the management order.

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At the Ordinary Council meeting held in November 2011 a report was considered by Council (attachment # 1) regarding the ongoing vesting and maintenance of the Cape Inscription Lighthouse Keepers Quarters with the following amended resolution being adopted by Council:

Officers Recommendation

A. That the Department of Lands Administration be advised the Council wishes to relinquish the vesting of Reserve 46663 Location 119 comprising the Cape Inscription Lighthouse Keepers Quarters to the State Government at the completion of the current funding project.

OR

B. That the vesting of Reserve 46663 Location 119 be retained with the Shire of Shark Bay and the Council advise appropriate State agencies of its long-term objective for usage for the Lighthouse Keepers Quarters and associated infrastructure.

AMENDMENT

Reason: To ensure that its objective was stated and that external funding was ongoing for the maintenance of the building and surrounds.

Council Resolution

That the vesting of Reserve 46663 Location 119 be retained with the Shire of Shark Bay and Council advise appropriate State agencies its long-term objective for the Lighthouse Keepers Quarters is as a self-guided interpretive centre which requires an ongoing maintenance budget from the State Government.

Enquiries were made with State Government Agencies in 2011 and it was advised that the responsibilities in relation to maintenance of the building are vested and remain the responsibility of the Shire.

It was also advised that there are contestable capital funding grants available.

The restoration works were complete in the 2012/2013 financial year and Council has been responsible for the maintenance since this time.

The 400 year commemorations include the application of interpretive material to the building by the Western Australian Museum.

Comment

The comments in the 2011 report in regard to the ongoing obligations to maintain the building are still relevant.(Attachment # 1)

There is also an obligation to ensure the management plan is maintained.

The ongoing expenditure required for the maintenance of the building will be an increasing impost on the Council's resources that would appear to be providing limited discernible benefit to the Shark Bay community.

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The Lighthouse Keepers Quarters has been restored and since the installation of the interpretive material in 2016 is serving the function as a self-guided interpretive centre.

The Council could further consider the option of relinquishing the management of the Reserve and building to the State, given the majority of the island is a National Park and Department of Biodiversity, Conservation and Attractions has built and is maintaining other infrastructure on the island.

The relinquishing of the building and Reserve would devolve the Council of any responsibilities and ongoing costs associated with the Reserve or the building but the ability of the Council to influence or control future activities on the Reserve or the building would then be limited.

If the Council resolved to relinquish the management of the Reserve the Department of Planning, Lands and Heritage as the relevant State Department would assume responsibility and/or seek another State Department to manage the Reserve.

The Department of Biodiversity, Conservation and Attractions has increased its presence on the island and has been the main user of the building since its restoration and may accept some responsibility for the ongoing maintenance of the State asset.

Council may also like to consider retaining the Reserve and Quarters and continue to seek funding from the State for ongoing maintenance. The likely hood of funding from the State may be difficult given the budgetary constraints being experienced by most State Departments. Any funding may also be contingent upon ongoing matching funding from the Shire.

Legal Implications

There are no legal implications associated with this report

Policy Implications

There are no policy implications associated with this report

Financial Implications

Since the restoration project was completed in the 2012/2013 financial year the Council has spent a further \$45,500 on ongoing maintenance of the building and the 2017/2018 budget included a sum of \$28,000 for maintenance, which has been held off until the 2018/2019 year.

The ongoing maintenance costs will increase due to the harsh environment and there will be future capital works required as the building ages and materials deteriorate.

There may be grant funding for capital works available to assist the Council on a regular basis but this could not be guaranteed and the grant conditions usually require matching funding from the applicant.

Strategic Implications

The building has significant strategic implications as it may be an important tourism drawcard that could build on the economic prosperity of the region.

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Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

7 June 2018

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ATTACHMENT # 1

Reserve 46663 Location 119 - Cape Inscription Lighthouse Keepers Quarters
RES46663

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Hanscombe

Seconded Cr Pepworth

Officers Recommendation

A. That the Department of Lands Administration be advised the Council wishes to relinquish the vesting of Reserve 46663 Location 119 comprising the Cape Inscription Lighthouse Keepers Quarters to the State Government at the completion of the current funding project.

OR

B. That the vesting of Reserve 46663 Location 119 be retained with the Shire of Shark Bay and the Council advise appropriate State agencies of its long-term objective for usage for the Lighthouse Keepers Quarters and associated infrastructure.

Moved Cr Hanscombe

Seconded Cr Pepworth

Amendment

Reason: To ensure that its objective was stated and that external funding was ongoing for the maintenance of the building and surrounds.

Council Resolution

That the vesting of Reserve 46663 Location 119 be retained with the Shire of Shark Bay and Council advise appropriate State agencies its long-term objective for the Lighthouse Keepers Quarters is as a self-guided interpretive centre which requires an ongoing maintenance budget from the State Government.

5/0 CARRIED

Background

Dirk Hartog Island is within the boundary of the Shark Bay World Heritage area, which was listed in 1991.

The Dirk Hartog landing site of 1616 and the Cape Inscription area was included on the National Heritage list in 2006.

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Cape Inscription Lighthouse Keepers Quarters is listed on the Heritage Council of Western Australia's Register of Heritage Places and is listed on the Shire of Shark Bay's Municipal Inventory of Heritage Places.

The Cape Inscription Lighthouse Keeper's Quarters are situated on Reserve 46663 Location 119 which is currently vested with the Shire of Shark Bay

Restoration works were undertaken in 2006 which was phase one of a staged program of works that appears to have been commissioned at the instigation of the original Dirk Hartog committee. Mr John Taylor, historical architect, was commissioned to establish the programme with an expected outcome intended to restore the buildings to their original form as far as possible to ensure the longevity of the structure for future generations.

Funding for stage one was provided by Lotterywest in the 2005/2006 financial year and utilised to re-roof the building. However, subsequent funding applications to this body and the Commonwealth Government were unsuccessful until the receipt of the current grant.

The Council has recently been successful in obtaining a Federal Government grant of \$160,483.64 under the National Historic Sites funding for the second stage of the restoration of the building. This grant was contingent upon the Council providing matching funding.

The Premier's Office, through the Dirk Hartog Commemoration Committee, was then approached to provide matching funding to assist the Council and this was forthcoming.

Comment

The Shire of Shark Bay was granted a Management Order in October 2001 for Reserve 46663 Location 119 which has the following conditions attached:

To be used for the designated purposes of Heritage precinct only

3. A Management Plan under section 49 of the Land administration act 1997 is to be prepared in consultation with the Heritage Council,
4. Conservation and Land Management and all relevant agencies and interested parties within two years issue of the management order.

The Council has endorsed the Cape Inscription Reserve 46663 Management Plan 2010, which includes the following extract.

"16. LIGHTHOUSE KEEPERS QUARTERS

The Lighthouse Keepers Quarters are located on Reserve 46663 as well as a storehouse, oil store and 20,000 gallon tank.

A Conservation and Management Plan for Cape Inscription Lighthouse Keepers Quarters, Dirk Hartog Island was prepared for the National Trust by Palassi Architects in 1996.

The lighthouse and quarters built at Cape Inscription in 1908/09 are significant for their association with the development and operation of the coastal

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navigation system in Western Australia in the early 20th century, and in particular the manned operation of remote lighthouses and the living and working conditions experienced by light keepers posted to remote stations.

The lighthouse and light keepers quarters were constructed at the same time, together with a jetty at Turtle Bay and a tramway to the lighthouse, used to bring in supplies and equipment. The quarters are of concrete and were for two men. A 20 000 gallon underground water tank was also constructed. The lighthouse keepers quarters were abandoned when the lighthouse was automated in 1917, after an acetylene lantern was fitted.

Statement of Significance

The Conservation and Management Plan for Cape Inscription Lighthouse Keepers Quarters, Dirk Hartog Island (1996) grades the heritage significance of various elements within the Cape Inscription site. The Quarters are identified as having considerable heritage significance in this document.

The historical and archaeological features of the Cape Inscription area make it a site of national and international significance.

The Cape Inscription area was placed on the National Heritage List in April 2006 as having outstanding heritage value to the nation because of the area's importance in the course, or pattern of Australia's natural or cultural history. In this context, the heritage values of the Lighthouse Keepers Quarters are an important element of the values associated with Cape Inscription.

Restoration and work completed up to 2009

Lottery West funded restoration work at the Lighthouse Keepers Quarters. That work was completed in August 2005 and included new timber roof framing, corrugated galvanized iron roofing and guttering and ceilings over the Quarters, consistent with the original Public Works Department design in accordance with the Burra Charter.

The Shire of Shark Bay also completed a tender process to assist in costing further works at the site. There have subsequently been two unsuccessful applications to the former Commonwealth Department of Environment and Heritage for funding to complete the Conservation Plan.

Restoration work to be completed

The Conservation and Management Plan details the restoration of the floor, doors and windows. It is a priority that the refurbishment of the Quarters be completed to lock up stage to ensure ongoing security of the building and to protect the investment already made in restoration.

For cost effectiveness and efficiency through integration of the various elements of the project, it is highly desirable that all the work identified in the Conservation and Management Plan be completed concurrently under a single contract.

Existing use of the Lighthouse Keepers Quarters

The Lighthouse Keepers Quarters have been used in the past by DEC staff and volunteers undertaking research activities near Cape Inscription. These activities have included monitoring the loggerhead turtle rookery at Turtle Bay

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and adjacent beaches and also monitoring humpback whales on their annual migration along the west coast.

During those research field trips, all necessary amenities such as electricity generators and portable chemical toilets are taken to the site and removed from the site at the conclusion of the field trip.

The continued use of the site as a research facility, until such time as further restoration allows alternative uses, is an appropriate use of the site.

Future use of the Lighthouse Keepers Quarters

The site analysis and concept plan for the area incorporating the Lighthouse Keepers Quarters identify a number of options for future use of the Quarters.

These include:

- ❖ *Restore and adapt as a small interpretation centre;*
- ❖ *Restore and adapt for use as tourist accommodation;*
- ❖ *Restore and adapt for use as ranger/warden accommodation.*

The details are provided with the maps, however in summary, restoration of the buildings to enable them to be occupied will present issues of cost for provision of amenities such as electricity, water and waste management and potential issues of heritage constraints with the restoration work.

The simplest outcome following restoration will be to utilise the building as an interpretive centre for the site as this will not require the provision of amenities that are needed for accommodation purposes.

Consideration of these options for use will occur as restoration work continues and patterns of visitation to the area develop. Obtaining funding for the restoration of the Quarters is critical to ensure that the investment that has been made so far is not lost.

Recurrent maintenance budget requirements

Restoration of the Quarters places an onus on the Shire to ensure a maintenance program is established for the building. Council will need to consider an annual budget allocation for the upkeep of the Quarters and associated infrastructure.”

“16 – Lighthouse Keepers Quarters – Actions

- 1. Continue to restore the historic buildings and infrastructure associated with the lighthouse and quarters in accordance with relevant conservation management plans;*
- 2. Ensure any proposed developments do not have a detrimental impact on the historic character of the Cape Inscription area;*
- 3. Actively seek funding to enable restoration of the Lighthouse Keepers Quarters to continue;*
- 4. Shire of Shark Bay to consider an annual recurrent budget allocation for maintenance of the Lighthouse Keepers Quarters.”*

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The Council resolution was that any restoration works would only be undertaken when sufficient resources became available.

The Management Plan considers that the building would require funding allocations from the Shire's funds on an annual basis in conjunction with grant funding applications to ensure the building was maintained in a an appropriate manner.

There is funding available for conservation works on an annual basis through a competitive application process via the heritage grants program. These grants are for up to \$100,000 and the applicant is required to contribute matching funding.

The ability to generate income from the building in the short and long term would be limited by the level of restoration that is undertaken and the isolated environment.

The introduction of visitor fees to the building would require administrative costs to administer which may negate the amount collected.

The inaugural meeting of the Dirk Hartog Island Committee (copy attached) referred to a proposed project to include the following;

“Restore the lighthouse keeper’s quarters of 1910 as close as possible to their original state, for use as a visitor’s centre and museum, a caretakers quarters and use by CALM staff.”

It was also noted in the minutes under sources of funding the following;

No specific proposal for funding and sources of the funding were put forward. It was agreed the proposal be implemented progressively as funds become available. All were agreed that this project is of such importance that funding should not be a major problem.

It is interesting to note that though the Council had representation through the previous president, this committee was not a standing committee of Council yet was discussing matters specific to a reserve which is vested in the Shire of Shark Bay.

In a report to the Council in December 2003 it was recorded that ;

*“The Committee **is not** a Standing Committee of Council and was formed originally on recommendation by the Shire of Shark Bay to the (then) Premier and relevant Minister with Dr Phil Playford recommended as Chair.”*

Any decisions of this committee were not binding on the Shire and would have required Council approval before being implemented and any funding applications or works undertaken would have needed the approval of the Council as the body responsible for the undertaking of works and /or securing any additional funding required. The Council currently has grant funding to undertake works associated with stage two of the project and needs to consider any future requirements or desire to maintain the building to its restored state.

The Council also needs to consider if the vision that was discussed at the inaugural Dirk Hartog Committee in 2003 and repeated through the Management Plan is the desire of the current Council. Although the Management Plan has been in place and the building restoration had been discussed since 2003 there is no indication that

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Council funding has been allocated to the building on an annual basis. This would have been required to ensure that after any restoration works, follow up inspections and remedial works were undertaken to prevent any further deterioration.

The Council, if it wishes to maintain the building in accordance with the original concept in 2003 and the Management Plan, would need to ensure that funding is included in future budgets and that grant funding is actively sought to offset any expenditure.

The ongoing expenditure required for the maintenance of the building would be an impost on the Council's resources that may not provide any significant benefit to the community of the Shire of Shark Bay. In the event that the Council resolved to restore the quarters as close as possible to the original state, significant additional funding would have to be allocated to finalise the restoration project. There would also be costs associated with the fit out to a visitors centre and museum which would have to be investigated.

The use of the building as caretaker's quarters would require substantial investigation and would require the Council to source either an employee or a volunteer as a caretaker. The use of the premises by Department of Environment and Conservation (DEC) staff would also have to be with the agreement of the relevant State Government Department.

The Council should also consider the option of relinquishing the management of the reserve and building to the State, given the majority of the island is a national park and Department of Environment and Conservation has responsibilities to maintain other infrastructure on the island. The relinquishing of the building and reserve would devolve the Council of any responsibilities associated with the reserve or the building but the ability of the Council to influence or control future activities on the reserve would be significantly compromised.

The Council would need to consider the long term consequences of both retaining or relinquishing the vesting of the reserve as the implications of either action could be significant.

"22.2 DIRK HARTOG ISLAND - DIRK HARTOG ISLAND COMMITTEE FOR 'DIRK HARTOG AND THE LAND OF THE EENDRACHT' - PART OF 'AUSTRALIA ON THE MAP' CELEBRATIONS 2006 HI 100.01

Author

Chief Executive Officer

Disclosure of Any Interest

Nil.

Background

Notes from the inaugural meeting of the Dirk Hartog Island Committee were forwarded to all Councillors for information. The notes are appended below.

Council needs to look at the overall role of this Committee and use it to attract funding for the restoration works at Cape Inscription.

The Shire President has been requested to be a member of this Committee.

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DIRK HARTOG ISLAND COMMITTEE

The inaugural meeting of the Dirk Hartog Island Committee was held from 2.00 pm to 3.30 pm on Tuesday 4 November at Mineral House, 100 Plain Street, East Perth.

1 Attendance

Mark Hook, Graeme Henderson, Stephen Carrick, Tom Vanderveldt and Phil Playford. Apologies were received from Les Moss (represented by Mark Hook), Ian Baxter (represented by Stephen Carrick) and Hugh Edwards.

2 Outline of proposed project

The project, entitled 'Dirk Hartog and the Land of the Eendracht' is to form part of the 'Australia on the Map' Celebrations, planned for 2006 to coincide with the 400th anniversary of the discovery of Australia by Europeans, when Willem Jansz of the Duyfken charted the west side of Cape York Peninsula in 1606.

It is proposed that one of the main events (probably the major event) in Western Australia will be the project on 'Dirk Hartog and the Land of the Eendracht'.

A PowerPoint presentation was given outlining the history of the area and steps needed to achieve the following objectives, which were agreed by the Committee.

- 1 Bring to the attention of the public the importance of Dirk Hartog's discovery in 1616 of the west coast of Australia. That newly discovered land was soon recognised internationally as forming part of a major landmass that was named 'The Land of the Eendracht'. This was the first name to be applied to Australia as a whole and it was used by the VOC (the 'United East India Company', commonly known as the 'Dutch East India Company') for more than 150 years. Indeed it was Dirk Hartog's discovery that put 'Australia on the map' for the first time, and Dirk Hartog's famous plate is the oldest surviving record of a European landing in Australia. On the other hand Willem Jansz regarded the land he had discovered as part of New Guinea, and his view was accepted for many years.
- 2 Construct an airstrip at an appropriate location near the north end of Dirk Hartog Island and make suitable arrangements to allow day visits using air transport by members of the public, to view the historic localities at Cape Inscription, Turtle Bay and Dampier Landing. At present these localities, arguably the most important group of historic sites in Australia, are inaccessible for most tourists.
- 3 Install replicas of Dirk Hartog's and Willem de Vlamingh's plates and posts of 1616 and 1697 in the 'cleft in the rock' at Cape Inscription, together with a replica of Emanuel Hamelin's post of 1802 and Phillip Parker King's nailed inscription of 1822. Also install appropriate supplementary plaques on the Cape Inscription Lighthouse and plaques to mark François de St Alluarn's proclamation site of 1772 and William Dampier's landing and plant collection site of 1699.
- 4 Restore the Lighthouse Keepers' quarters of 1910 as close as possible to their original state, for use as a visitors' centre and museum, a caretaker's quarters, and use by CALM staff. The original drawings and specifications of the quarters are still preserved and can be utilised for the planned reconstruction. The concrete walls of the quarters are still in good condition and can readily be used with minimal repair

3 Matters discussed in connection with the proposal

Tenure and Heritage Factors

The Lighthouse Keeper's quarters are vested in the Shire of Shark Bay; the Reserve covering the northern end of Dirk Hartog Island (No 14918) and other smaller Reserves surrounding the lighthouse and quarters are also vested in DOLA. The Shire of Shark Bay has recommended to the Minister that these Reserves should all be vested in the Shire. Relevant maps showing the Reserves are attached to these minutes.

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The Heritage Council has placed the Cape Inscription Lighthouse and Quarters in its Register of Heritage Places, and Laura Gray is preparing a heritage report on the area, which should be available shortly.

The Government has announced that the pastoral lease covering Dirk Hartog Island will not be renewed, and it is hoped that agreement will be reached for resumption of the lease in the near future. It will then become a National Park, vested in CALM, and may prove to be the most important nature reserve in Western Australia.

Role of the Shark Bay Shire

The role of the Shark Bay Shire will be crucial to success of the project. The Shire will be willing to provide relevant equipment and some of the personnel needed to accomplish the objectives outlined above.

Role of the Heritage Council

The Heritage Council will need to be consulted on any proposals affecting the Cape Inscription area covered by its Register of Heritage Places. Other Authorities that will need to be consulted included CALM and the Maritime Museum.

Lighthouse Keepers' Quarters

It was agreed that restoration of the Lighthouse Keepers' Quarters should be given a very high priority. However, other aspects of the project can be implemented at an earlier date, especially providing for day visits to the area by the public.

Tramway

The tramway that once existed between the lighthouse and Turtle Bay should be restored, preferably at the same time as restoration of the quarters takes place.

Quantity Survey

Preparation of a quantity survey required for restoration of the quarters is part of the brief given to Laura Gray.

The architectural evaluation prepared for the Heritage Committee by the Royal Australian Institute of Architects indicates that restoration of the quarters will cost about \$600,000, some other costs will be about \$7,500, and estimates of additional costs will require further study.

The general view expressed at the meeting was that it seems unlikely that restoration of the quarters and tramway, installation of an airstrip and commemorative plaques, and provision of facilities needed for day visits can be achieved for less than \$1,000,000.

Road

A view was expressed that road construction will be needed to Cape Inscription from Dampier Landing (once used to take ashore a Duck vehicle for maintenance of the lighthouse). This Landing may be suitable for unloading materials required for restoration in the area.

Another road will be needed from the airstrip to Cape Inscription.

Airstrip

Construction of an airstrip should be given a high priority. In selecting the site for a strip it will be necessary to choose one that will have the least impact on the environment, while providing a suitable substrate. Geological advice will be needed in this regard.

Barge

The need for a suitable barge to take materials from Denham to the Island was discussed. This matter is under consideration by the Shire. High priority will be given to transporting to the Island an appropriate vehicle, a bulldozer (to construct the airstrip) and mobile accommodation for workers.

Replica Plates and Posts

The need for replica plates and posts was discussed. No problem is envisaged in having these made and installed. It will not be feasible for them to be put securely in place until there is a caretaker in residence at Cape Inscription.

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Sources of Funding

No specific proposals for funding and sources of that funding were put forward. It was agreed that the proposal can be implemented progressively as funds become available. All were agreed that this project is of such importance that funding should not be a major problem.

Membership of the Committee

The present Committee consists of Les Moss, Ian Baxter, Graeme Henderson, Tom Vanderveldt, Hugh Edwards and Phil Playford (acting as Chairman and Secretary). It was agreed that there is also a need for an appropriate architect to join the Committee. Phil Playford will approach John Taylor to determine whether he will be willing to accept appointment.

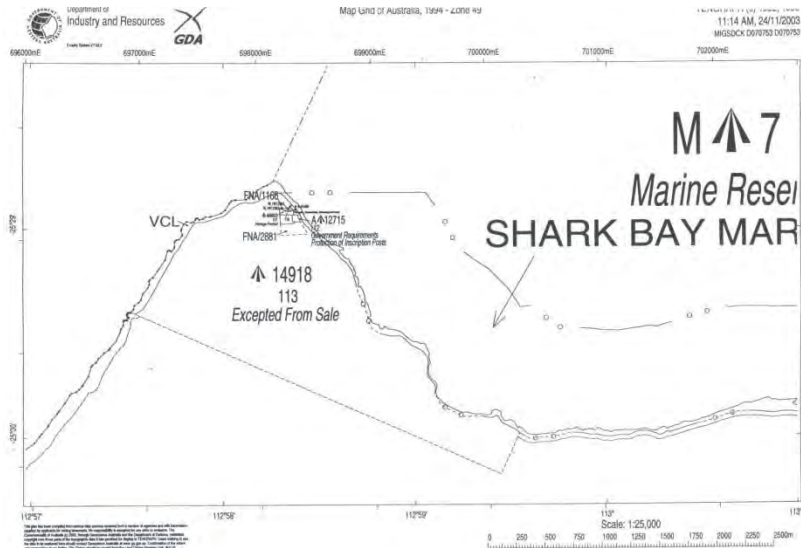
It was also agreed that there was need for representation by Conservation and Land Management on the Committee. Phil Playford will discuss this matter with a senior staff member of Conservation and Land Management.

Chairman and Secretary

It was agreed that the appointment of a permanent Chairman and a Secretary would be deferred to the next meeting.

Next Meeting

The next meeting of the Committee will be held at a time when most members are able to attend.



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Comment

This Committee will certainly help to attract funding for Cape Inscription.

Legal Implications

Nil.

Policy Implications

Nil.

Financial Implications

Unknown at this stage.

Strategic Implications

Restored historical buildings.

Recommendation

That the Shire President be Council's representative on the Dirk Hartog Island Committee.

Voting Requirements

Simple Majority Required.

Signature

Chief Executive Officer

Date of Report 16 December 2003

Moved Cr

Seconded Cr

That the recommendation be adopted."

Legal Implications

Nil

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Policy Implications

Nil

Financial Implications

The Council has \$320,967 to be expended upon the lighthouse keeper's quarters for the second stage of restoration. As indicated in the report put to Council in October 2011 the initial estimated costs to undertake the works in the second stage were in excess of \$437,481. Significant additional funding would be required to complete the building to a habitable standard.

There is also the whole of life costs to consider once the restoration project to a certain stage is finalised. The Council did not budget any funds to maintain the building, following the restoration project in 2005. It is difficult to estimate the costs associated with regular maintenance to the building at this stage as it would be dependent upon the level to which the building is restored and the ultimate use of the building.

However, given the harsh and isolated environment in which the building is situated, it could be anticipated that annual maintenance costs would be significant. There may be grant funding available to assist the Council on a regular basis but this could not be guaranteed.

Strategic Implications

The building has significant strategic implications as it may be an important tourism drawcard that could build on the economic prosperity of the region.

Voting Requirements

Simple Majority Required

Date of Report

24 November 2011

27 JUNE 2018

11.2 INFRINGEMENT – MONKEY MIA CARPARK – INFRINGEMENT # 0011
RC00003

AUTHOR

Executive Assistant

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement 0011 and advise Mr Featherstone that no further action will be taken in regard to this matter.

Or

Option 2

Refuse the request to withdraw infringement 0011 and instruct the administration to advise Mr Featherstone that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Capewell

Seconded Cr Burton

Council Resolution

That Council request the administration to withdraw infringement 0011 and advise Mr Featherstone that no further action will be taken in regard to this matter.

6/1 CARRIED

BACKGROUND

On the 13 April 2018 Council's ranger issued infringement 0011 to a trailer that was unattached to a vehicle (trailer registration 1TCX-579) in the Monkey Mia Carpark.

The entrance to the carpark is clearly signposted (photo attached) indicating the carpark is for boat and trailer parking only and no unattached trailers.

There is no discrimination between commercial and private unattached trailers on the signage.

Pictures are included at the end of this report.

COMMENT

On the 24 May 2018 Mr Featherstone emailed the administration at the Shire regarding infringement number 0011 as per below:

From: Michael Featherstone <mmbh@westnet.com.au>

Date: 24 May 2018 at 9:28:13 am AWST

To: <admin@sharkbay.wa.gov.au>

Subject: Parking Fine Monkey Mia

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To whom this may concern,

Good-morning. My name is Michael Featherstone and I hold a Department of Biodiversity, Conservation and Attractions M class tourism license to operate on Monkey Mia beach. During the April school holidays I parked my trailer (used for transporting hire equipment) in the commercial area of the Shire boat ramp car park where I received a \$100 parking fine. I'm wondering if I can get a dispensation and have this fine revoked please.

Yours sincerely,
Michael Featherstone,
Monkey Mia Boat Hire
0428911283
mmbh@westnet.com.au

Further email from Mr Featherstone was received on the 29 May as follows:

From: Michael Featherstone [<mailto:mmbh@westnet.com.au>]
Sent: Tuesday, 29 May 2018 9:36 AM
To: Amber Phillipps <amber@sharkbay.wa.gov.au>
Subject: Re: Parking Fine Monkey Mia

Good-morning Amber,

I am sorry i didn't follow up on your quick response and advise to my query. I have been packing up from a stint working at the Abrolhos and needed to get to Perth in a rush. Thank-you for following this up.

A fine, serial number 0011 for \$100, was given on the 13/04/2015 regarding my Roadmaster trailer registration 1TCX-579 which was parked in the commercial use area of the Monkey Mia boat ramp car park. The trailer is used for transporting my rescue dingy and kayaks. I would normally leave the trailer parked in the resort property but this year due to the Resort redevelopment this was not possible. In future I will contact the shire and ask permission before leaving my unattached trailer in the carpark. I would appreciate the chance to put in front of council at the next meeting consideration of a dispensation due to the circumstances.

Thank-you for your time on this matter.

Yours sincerely,

Michael Featherstone,
Monkey Mia Boat Hire,
0428911283
mamba@westnet.com.au

It is now for Council to decide if they wish the infringement to stand or for it to be withdrawn with the following options:

Option 1

Request the administration to withdraw infringement 0011 and advise Mr Featherstone that no further action will be taken in regard to this matter.

27 JUNE 2018

Or

Option 2

Refuse the request to withdraw infringement 0011 and instruct the administration to advise Mr Featherstone that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Parking and Parking Facilities Local Law section 3.1(3) (b)

3.1 Restrictions on Parking in Particular Areas

- (3) A person shall not park a vehicle -
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law.

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$100.00

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

20 January 2017

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27 JUNE 2018



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Shire of Shark Bay

65 Knight Terrace, Denham 6537
 PO Box 126, Denham 6537
 Ph: (08) 9948 1218 • Fax: (08) 9948 1237
 Email: admin@sharkbay.wa.gov.au

SCHEDULE 2 - LOCAL GOVERNMENT ACT 1995 - FORM 3
**PARKING AND PARKING FACILITIES
 LOCAL LAW INFRINGEMENT NOTICE**

Serial No 0011
 Date 12/06/18

To (1) _____
 of (2) _____
 It is alleged that on 12/06/18 at (3) 12/06/18
 at (4) _____ In respect of vehicle -
 make _____
 model _____
 registration TCX-29194
 was involved in the commission of the following offence - Failure to pay 20% in excess of 2000

 contrary to Clause 211 of the Parking and Parking Facilities Local Law,
 The modified penalty for the offence is \$ 100.00
 If you do not wish to have a complaint of alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an Authorised Person at
 (5) _____
 within a period of 28 days after the giving of this notice.
 Unless within 28 days after the being served with this notice -
 (a) you pay the modified penalty, or
 (b) you -
 (i) inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, or you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed,
 (ii) you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.
 If you take no action this infringement notice may be registered with the fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.
 If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.
 (6) _____
 (7) _____

(1) Name of alleged offender or "the owner"	(5) Place where modified penalty may be paid
(2) Address of alleged offender	(6) Signature of Authorised Person
(3) Time of alleged offence	(7) Name and title of Authorised person given notice
(4) Location of alleged offence	

Other _____
 Dist to sign: _____ Sign type: _____ Side of Road: N S E W
 Outside Adjacent/Opposite to: _____ Facing: N S E W L R
 Rego Plate: Writing TCX Background White State WA
MAP

27 JUNE 2018

11.3 PROPOSED LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2018
LE00011

AUTHOR

CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgely

Nature of Interest: Financial interest as work on the Monkey Mia Jetty

Cr Ridgely asked to return to the Council Chamber for the discussion on the item.
Cr Ridgely left the Council Chamber at 3.12 pm.

Officer Recommendation

That Council:

1. Notes the submissions from the Department of Local Government and members of the public in relation to the proposed Shire of Shark Bay Local Government Property Amendment Local Law 2018;
2. Resolves to make the Shire of Shark Bay Local Government Property Amendment Local Law 2018, as per the Attachment # 1, incorporating the amendments outlined by the Department of Local Government, and those as determined by Council in response to the public submissions;
3. Authorise the affixing of the Common Seal of the Shire of Shark Bay Local Government Property Amendment Local Law 2018.
4. Publish the local law, as per (2) above, in the *Government Gazette* and provide a copy to the Minister for Local Government;
5. Give local public notice of the adoption of the local law; and
6. Forward a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.

Moved Cr Fenny

Seconded Cr Burton

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 3.13 pm for open discussion on Item 11.3 Proposed Local Government Property Amendment Local Law 2018.

6/0 CARRIED

Moved Cr Bellottie

Seconded Cr Fenny

Council Resolution

That Council reinstate Standing Orders at 3.15 pm

6/0 CARRIED

Moved Cr Fenny

Seconded Cr Laundry

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Council Resolution

That Council lay the item on the table and a community / stakeholders workshop be undertaken to enable further submissions to the local law.

6/0 CARRIED

BACKGROUND

The purpose of this report is to:

- 1) consider the submissions (if any) received on the proposed Shire of Shark Bay Local Government Property Amendment Local Law 2018;
- 2) determine if any drafting amendment(s) are required to the Amendment local law as a result of the submissions received;
- 3) give notice of the purpose and effect of the local law;
- 4) to resolve the Shire of Shark Bay Local Government Property Amendment Local Law 2018, incorporating all changes as determined by Council;
- 5) authorise the local law's publication in the *Government Gazette*;
- 6) give local public notice, (after Gazettal), of the date the local law will come into effect; and
- 7) authorise the affixing of the Common Seal to the local law.

At the Ordinary Council meeting held on 28 February 2018, it was resolved to commence the process to amend the Shire of Shark Bay Local Government Property Local Law. The amendment is to repeal the whole of Part 7 – Monkey Mia Jetty, replace Part 7 with new provisions and update Schedule 1 Prescribed Offences.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

COMMENT

The proposed Local Government Property Amendment Local Law 2015 was advertised both state-wide and locally for public comment with advertisement –

- in the West Australian on 10 March 2018
- in the Midwest Times 14 March 2018, and
- Office and Library Notice Boards and Councils website from 9 March 2018 September to 14 May 2018

Legal advice from McLeod's Solicitors was sought on the amendment, particularly in line with the magistrates ruling and the interpretation of clauses 7.3 and 7.5 and the definition of obstruction, which was included in the draft for advertising.

At the close of the comment period, public submissions had been received from –

- Mr Greg Ridgely
- Harvey Raven (Monkey Mia Wildsights)

These submissions with officer's comments are in attachment #2

Comment was also received from the Department of Local Government, Sport and Cultural Industries on 11 May 2018 and the comments have been incorporated into the draft for Councils consideration.

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The jetty area is within the Shire of Shark Bay gazetted district boundaries.

Full copies of the public submissions and the Department of Local Government and Communities comments are attached as # 3.

The Council should now consider the submissions presented and if all or part of the submission should be incorporated as a further amendment to the Local Law and undertake a redraft to incorporate these amendments.

Dependent upon the number of amendments Council makes to the advertised draft, there may be a requirement for re-advertising.

If the Council does not after considering all submissions make significant amendments to the attached draft Local Law would does not require re-advertising since –

- the majority of amendments seek to remove ambiguity that were identified by the magistrate and are removing clauses that other clauses deal with.

Once formally adopted by Council, the Local Law –

- is to be published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication,
- signed copy is sent to Minister for Local Government,
- local public notice given of adoption (Statewide notice is not required).

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- does not take effect until 14 days after Gazettal.

Attachments –

- Proposed Shire of Shark Bay Local Government Property Amendments Local Law 2018 as advertised – attachment # 1
- Summary of submissions received – attachment # 2
- Public submissions received in full – attachment # 3
- Proposed Shire of Shark Bay Local Government Property Amendments Local Law 2018 as amended in response to the submissions received – as attachment # 4

LEGAL IMPLICATIONS

Amendment to the Shire of Shark Bay Local Government Property Local Law – Part 7 and Schedule of penalties

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

Cost of giving local public notice of final adoption and publication of amendment in the Government Gazette

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

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RISK MANAGEMENT

Addresses a number of risks identified in the use of the jetties and the area.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

13 June 2018

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ATTACHMENT # 1 - Advertised Local Law

PART 7 - MONKEY MIA JETTIES AND BOAT RAMP

Division 1 - Preliminary

7.1 Interpretation

In this Part –

boat ramp means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

cargo means bulk produce, such as grain, coal, oil or mineral ore and includes the catch of a fishing vessel;

commercial jetty means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

commercial vessel means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

fish means an aquatic organism of any species (whether alive or dead) and includes –

- (a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and
- (b) a part only of an aquatic organism (including the shell or tail); and
- (c) live rock and live sand;

fishing or **fishing activity** means any of the following –

- a) searching for fish;
- b) attempting to take fish;
- c) taking fish;
- d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

fishing vessel means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

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

moor means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

pleasure vessel a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

recreational jetty means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

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sign includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

vessel means any kind of vessel used or capable of being used in navigation by water.

7.2 Application of this Part

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1686.

Division 2 - Commercial jetty

7.3 When vessels may be moored

- (1) Without the prior 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 in accordance with clause 7.5(2);
 - (ii) the vessel is moored for no longer than 30 minutes; and
 - (iii) a period of more than 30 minutes 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 in accordance with clause 7.5(2);
 - (iii) the vessel is moored for not 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 in accordance with clause 7.5(2);
 - (iii) the vessel is not moored between the hours of 6.00pm on one day and 6.00am 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) Any person reprovisioning or carrying out routine maintenance shall complete the task in as soon as practicable, and no other activity on the vessel is permitted during this time.
- (3) 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)

7.4 Berthing fees

The local government may, in accordance with sections 6.16 to 6.19 of the Act, determine and impose fees for mooring at the commercial jetty.

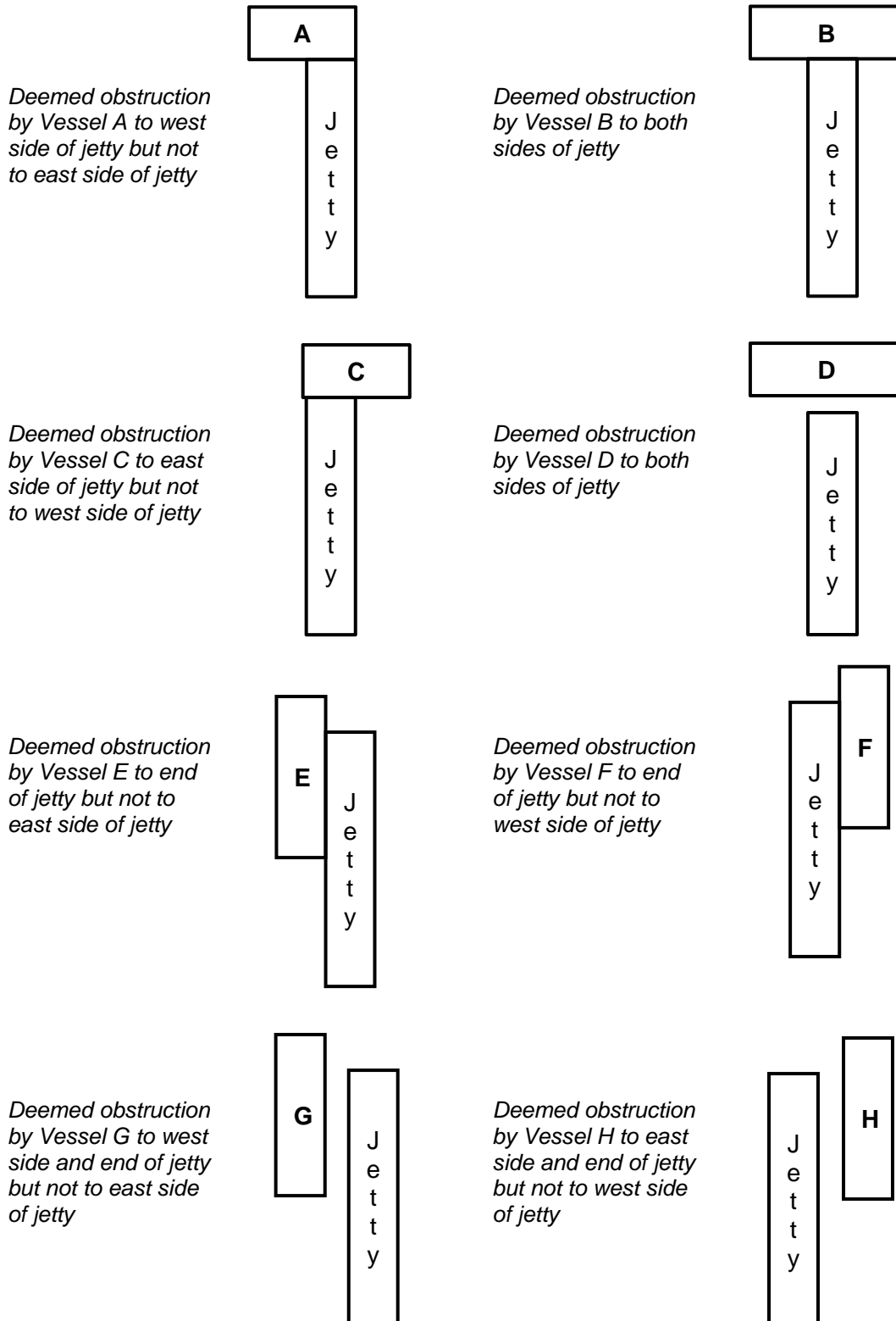
7.5 Obstruction by vessels

- (1) A person shall not moor a vessel to the commercial jetty in such a manner as to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing from the commercial jetty.
- (2) Without limiting the effect of sub-clause (1), a vessel moored to the commercial jetty will be deemed to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing the commercial jetty if –
 - (a) when moored at the end of the commercial jetty, a portion of the vessel extends beyond the

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- 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 – H in the diagrams below.



7.6 Vehicles on jetty

- (1) A person shall not drive a vehicle of a gross vehicle mass exceeding ten tonnes on to the commercial jetty.

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- (2) Only vehicles servicing vessels shall be permitted on the commercial jetty immediately prior to and until completion of unloading and loading of vehicle with a maximum time of 30 minutes other than professional fishermen while loading or unloading.

7.7 Cargo

- (1) A person in control of a vessel shall not allow the vessel to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
- (a) until the cargo or other goods are ready to be loaded or discharged; and
 - (b) without the written authorisation of the Local Government –
 - (i) for longer than two hours; and
 - (ii) unless a period of more than one hour has passed since the vessel last departed the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat shall –
- (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
 - (b) load the cargo onto the boat as soon as practicable after the vessel is moored to the jetty.
- (3) Any person unloading cargo or other goods from a vessel on to the jetty shall remove the cargo, or cause it to be removed from the jetty as soon as practicable.

7.8 Vessel moored is to be attended

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.

Division 3 - Recreational jetty

7.9 Use of recreational jetty

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

7.10 Vehicles on recreational jetty

A person shall not drive a vehicle on the recreational jetty.

Division 4 - Boat Ramp

7.11 Obstruction

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the launching or retrieval of a vessel as quickly as practicable.

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Division 5 - General

7.12 Method of mooring vessel

A person in control of a vessel shall not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

7.13 No private fixtures

- (1) A person shall not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.
- (3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

7.14 Jetty may be closed

When indicated by placement of appropriate warnings 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 a jetty which is –

- (a) under construction or repair; or
- (b) closed.

7.15 Nuisance on jetties or beach access to jetties

- (1) A person shall not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –
 - (a) on a jetty; or
 - (b) within 5 metres of the approach to the built infrastructure of a jetty.
- (2) A vehicle shall not be parked in a manner that obstructs access to or from the jetty.

7.16 Authorised person may order removal of a vessel

Notwithstanding anything to the contrary in this local law, a person shall immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

7.17 Authorised person may direct removal of obstruction

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

7.18 Bicycles on jetties

A person shall not ride or have a bicycle on a jetty.

7.19 Rubbish from jetty

- (1) A person shall not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from a jetty.
- (2) A person shall not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on a jetty.

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7.20 Liquor on boats

A person shall not sell alcoholic beverages from a boat while moored to, or alongside a jetty.

7.21 Fishing from jetty

Fishing from a jetty is prohibited.

7.22 Swimming from a jetty

Swimming, including diving, jumping and the like, from, under or within 5 metres of a jetty or vessel moored to the jetty, is prohibited.

7.23 Explosives on jetties

Except with the prior written authorisation of the Local Government, a person shall not land, place or handle on a jetty any explosives as defined in regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*.

7.24 Penalties

- (1) The local government may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted, or has paid the modified penalty, within the last 12 months in respect of 2 or more offences under Part 7 of this local law.
- (2) The local government may by notice in writing cancel the suspension referred to in subclause (1) once a person has been convicted, or has paid the modified penalty, for only one offence under Part 7 of the local law within the last 12 months

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ATTACHMENT # 2 – Submissions with Officer’s Comments

Submitter	Submitter Comment	Officer Comment
<p>Mr Greg Ridgley Perfect Nature Cruises / Monkey Mia Yacht Charters Pty Ltd PO Box 46 Denham WA 6537</p>	<p>I am happy with the current Local Law of the Monkey Mia Jetty with the exception of the following:</p> <ol style="list-style-type: none"> 1. Refuelling some people drain through a valve the fuel into their boats, this can take some time if the tide is high and the fuel does not flow fast. I propose that we allow 45 minutes for refuelling when the fuel is running through a valve to the boat, with no mechanical assistance. 2. Also if conditions result in a vessel having to use the end of the jetty to load or unload that it can do so in the quickest possible time. This could come about when conditions are not favourable for one side of the jetty, a vessel is already berthed on the other, In some cases we arrive at the jetty and cannot get on a side so we berth on the end unload then go straight to the mooring. 	<ol style="list-style-type: none"> 1. The two hour allowable berthing time for commercial vessels would be sufficient 2. The current local law would only apply in the event when the vessels correctly berthed were departing the jetty, while a vessel was in a position that was deemed to be obstructing.
<p>Mr Harvey Raven Monkey Mia Wildsights Raven Multihulls Pty Ltd PO Box 22 Denham WA 6537</p>	<ol style="list-style-type: none"> 1. Clause 7.3 the word “deem” to be deleted from all Clauses/Subclauses and be replace with the word “considered”. 2. Clause 7.3(1)(c)(iii) To be deleted 3. Clause 7.3(2) Clarify or delete: “No other activity on the vessel is permitted during this time” 	<ol style="list-style-type: none"> 1. Deemed has legal standing, considered would create ambiguity as to whom considered the matter 2. clause 7.3(1)(c)(iii) is for fishing vessels only and restricts overnight mooring 3. Agree delete clause 7.3(2) is unenforceable with the current wording, as soon as practicable, as it is open to interpretation as to what is practicable. The time limits in 7.3 (1) may be sufficient.

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	<p>4. Clause 7.5 Delete entirely and replace with:</p> <p>i. A vessel berthed as per the following diagrams (insert existing 7.5.2 Local Laws diagrams here) shall for the purposes of the Local Law be considered to be an obstruction to any other vessel requiring to berth at, or depart from the jetty.</p> <p>ii. Upon being asked to move by a vessel requiring to berth at, or depart from the jetty, an obstructing vessel shall move so that it is not obstructing as defined in the diagrams in Clause 1.</p> <p>iii. If a vessel intending to berth or depart does not request the obstructing vessel to move then the obstructing vessel will no longer be considered to be an obstruction to the vessel intending to berth or depart and there shall be no breach of the Local Law.</p> <p>iv. Upon the vessel that made the request for access having berthed or departed, the vessel which moved as requested is permitted to return to its original “obstructing” position subject to Clause 2.</p> <p>v. Although the permitted time period of 2 hours stipulated in Clause 7.3(b)(iii) has not elapsed since it berthed, a serviceable vessel that is not obstructing and not loading/unloading, shall, when requested, provide access to another vessel that has advised it would experience difficulty in safely using the jetty unless it gained</p>	<p>4.</p> <p>i. 7.5(1) a catch all clause should be retained obstruction provision and make the ‘deemed obstruction’ provisions in addition to this requirement by inserting the words “without limiting the effect of subclause (1)” at the start of clause 7.5(2). The reason for retaining the catch all obstruction provision is to ensure that an obstruction which is not a deemed obstruction is still caught. Consistent with the councils proposed clause 7.5(2)</p> <p>ii. creates ambiguity as to what is obstruction and would create difficulty with enforcement as it is reliant upon an operators ascendance to a request.</p> <p>iii. conflicts with proposed clause I and creates ambiguity as to what is deemed obstruction</p> <p>iv. noted may conflict with existing clauses contained with section 7.3 regarding interpretation of departure from the jetty</p> <p>v. further limitation on berthing time periods would alleviate this issue, this would require the creation of another offence that would need to be further clarified and would be difficult to enforce given the reliance on evidence of one operator against the other and</p>
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	<p>access to the part of the jetty currently being occupied by the vessel not loading or unloading.</p> <p>vi. A vessel that fails to move when requested shall be in breach of the Local Law</p> <p>5. Clause 7.24(2) Clarify the meaning, or delete.</p>	<p>sufficient evidence in regard to the safety concerns.</p> <p>vi. conflicts with deemed obstruction clauses in part 7.5(2) and would be difficult to enforce given the reliance on evidence of one vessel operator against the other.</p> <p>5.this clause allows for one offence 12 months year without possible suspension, deletion would provide for harsher penalties. Could be clarified to refer to either a calendar year or financial year i.e. the council may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted or paid the modified penalty for two or more offences in a calendar(or financial) year.</p>
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27 JUNE 2018

ATTACHMENT # 3 – Submissions in Full

Email from Mr Steven Elliott Department of Local Government, Sport and Cultural Industries I-CR-2432 Dated 11 May 2018

Dear Mr Anderson,

Thank you for your letter to the Minister, dated 16 March 2018, regarding proposed amendments to the Shire's local law. The Department's comments are provided below. Due to the minor nature of the proposed amendments, there are no significant drafting issues. However, there are some more general issues which have been noted for the Shire's consideration

Shire of Shark Bay Local Government Property Amendment Local Law 2018

1. Preliminary draft

The Department notes that the draft included in the Shire's letter is a preliminary draft of the current local law with marked up changes.

The Shire should ensure that the final draft is structured as a formal amendment, similar to the Shire's previous amendments gazetted in 12 August 2014 and 5 January 2016.

2. Potential jurisdictional issue – jetties and surrounding coastal waters

The *Local Government Act 1995* provides under section 3.5(2) that local laws only generally operate within the local government's district. In most cases, a district boundary is taken to end at the water mark of the coastline unless the Governor has expressly determined otherwise.

The Shire should ensure that the water and jetty mentioned in Part 7 fall within the Shire's gazetted district boundary. If they do not, then in accordance with section 3.6 of the Act, the Shire must obtain the Governor's approval to make the amendment before it can be validly made by Council.

If the Shire concludes that approval is required, the Shire should forward the final draft (i.e. the final document intended to be submitted to Council) to the Department along with a written request for the Governor's approval.

The Department can prepare the appropriate paperwork to the Governor free of charge and this approval will normally be obtained within four to six weeks depending on the Governor's meeting schedule. Once the final draft receives approval, it can then be submitted back to the Council and made in the usual manner.

3. Minor edits:

The following minor edits are suggested –

- Replace "sub-clause" with "subclause" to match the format of the 2002 local law;
- Replace all instances of "shall" with "must".

The Shire should also double check all cross-references and ensure that the reserve number "1686" is still up to date.

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Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Statutory Checklist and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlgsc.wa.gov.au. Failure to comply with the checklist may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.

Regards

Steven Elliott
Senior Legislation Officer

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Telephone +61 8 6552 1642
Email steven.elliott@dlgsc.wa.gov.au
Web www.dlgsc.wa.gov.au

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The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.

From: gregridg@westnet.com.au <gregridg@westnet.com.au>
Sent: Thursday, 10 May 2018 11:30 AM
To: Paul Anderson <paul@sharkbay.wa.gov.au>
Subject: jetty by law

Hi Paul

I am happy with the currant by law of the Monkey Mia Jetty.

There is a couple of things that could be done.

Refuelling some people drain through a valve the fuel into their boats, this can take some time if the tide is high and the fuel does not flow fast.

I prepose that we allow 45 minutes for refuelling when the fuel is running through a valve to the boat, with no mechanical assistance.

Also if conditions result in a vessel having to use the end of the jetty to load or unload that it can do so in the quickest possible time.

This could come about when conditions are not favourable for one side of the jetty, a vessel is already berthed on the other,

In some cases we arrive at the jetty and cannot get on a side so we berth on the end unload then go straight to the mooring.

Regards

Greg



Monkey Mia Yacht Charters Pty Ltd , PO Box 46, Denham WA 6537

Local: 1800 030 427 **International:** +61 (8) 9948 1446 **Email:**

info@perfectnaturecruises.com.au

www.perfectnaturecruises.com.au



27 JUNE 2018

RECEIVED

11 MAY 2018

SHIRE OF SHARK BAY



**MONKEY MIA
WILDSIGHTS**

Cruises, Tours, Walks, Talks, Limos & Stays

10th May 2018.

Mr. Paul Anderson,
CEO,
Shark Bay Shire Council,
Knight Terrace,
Denham. WA 6537

Monkey Mia Jetty proposed amendments to the Local Law

Previous disagreement between Jetty users regarding access to the jetty resulted in Local Laws being rewritten to define Jetty access rules. **Since the introduction of the current local laws, over 2 years ago, there has been no conflict between the users with regard to jetty access because of the jetty users interpretation of the Local Laws.** The only issue that has arisen was not as a result of a complaint by any user, but by the Shire administration's effort to prosecute alleged breaches that all of the users agreed were non-existent.

The users' interpretation was subsequently tested in the local Magistrate's Court and found to have merit, in that the Shire's prosecution of our Company for the deemed Local Law breaches alleged by the Shire failed and we were acquitted.

After 2 years, it shows that the users' interpretation is working and has enabled harmonious and safe usage. It therefore doesn't warrant change, in fact the opposite is the case, it should be supported. The users' interpretation, previously advised to the Shire, is repeated here:

- Unless there is signage to the contrary, a boat may moor to the jetty wherever it wants whenever no other vessel is tied to the jetty.
- The by-laws provide diagrams of situations in which a vessel is considered to obstruct another vessel's access to the jetty.
- If requested by a vessel intending to use the jetty, a vessel tied to the jetty, and potentially obstructing the other vessel's access as described in the diagrams, shall move so as to no longer create an obstruction to the section of the jetty where access is requested.
- A vessel potentially obstructing shall not be considered to be obstructing unless it is asked to move and fails to do so.

The Shire's proposed amendments to the current local laws for the jetty are that if a vessel remains tied to the jetty in such a manner as is **deemed** to be obstructing and although not



2000 British Airways
"Tourism for Tomorrow"
Awards (UK):
Highly Commended -
Australia Special Award

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

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



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

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Denham, WA 6537 Australia

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Fax: (08) 99 481 471
Intl: (61 8) 99 481 471

Bookings
Freecall: 1800 241 481
Freefax: 1800 241 480

info@monkeymiawildsights.com.au

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asked to move, it will be obstructing, even if the approaching vessel has previously instructed the “obstructing” vessel that it does not require the vessel to move (which was the crux of the Shire’s aforementioned prosecution).

This situation is made possible through the device of “deeming”, which, in legalese, creates a “legal fiction” or “false truth”. Effectively it is an untruth. Because of this devious “false truth” a person can be prosecuted for having done something they, in the real world, actually didn’t do. That is they can be prosecuted by the Shire for a “deemed obstruction” when in fact no fellow jetty user considered an actual obstruction to exist (as happened to us).

To avoid prosecution of a “deemed” obstruction will impose the unnecessary inconvenience of having to needlessly move vessels that are, in the real world, actually not obstructing, but by moving may create an actual and greater obstruction in the position to where moved.

It is doubted that the present jetty users understand the ramifications of the use of the word “deem” in the Local Law. The proposed Local Law with its “false truth” would be completely misunderstood by any lay person using the jetty. A visiting boat will be a sitting duck. One should not need a lawyer to interpret the Local Law or be sent to the Court for arbitration/definition of the Local Law.

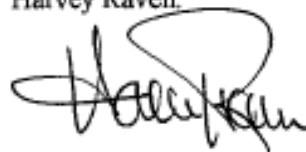
It is disappointing, that having taken the matter to court and having had a discussion with the CEO that the stakeholders be consulted before amending the Local Laws, that no consultation was done and, if alterations are to be made to the proposed Local Laws, that once again the Shire faces unnecessary procedure and expense. Especially since there are no grounds for introducing the deeming precedent, which will add unnecessary complication for jetty users.

The Local Law must speak clearly to everyone that reads it. It should say what is truthful and factual. Laws should be just, appropriate and equitable. It is neither just, appropriate nor equitable to apply the law, simply for the sake of being able to, when there has been no wrongdoing done to any person, except for the contravening of a law, which then permits the injustice of penalty to occur.

The purpose of the Local Law should be to acknowledge and confirm in plain, simple, everyday language, the basic maritime courtesy, that a vessel shall move, if asked by another vessel to provide reasonable access to, or egress from the jetty.

The following submission is intended to ensure that the Local Law contains no deeming provision and that it clearly states in simple terms the jetty users’ interpretation of the Local Laws presently in force. It is submitted in substitution of the relevant proposed Local Laws.

Thank you in advance for a positive response. Harvey Raven.



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Submission of amendments to proposed Local Law for the Monkey Mia Jetty

1. Clause 7.3 The word “deem” to be deleted from all Clauses/Subclauses and be replaced with the word “considered”.
2. Clause 7.3(1)(c)(iii) To be deleted
3. Clause 7.3(2) Clarify or delete: “No other activity on the vessel is permitted during this time”
4. Clause 7.5 Delete entirely and replace with:
 - i. A vessel berthed as per the following diagrams (insert existing 7.5.2 Local Laws diagrams here) shall for the purposes of the Local Law be considered to be an obstruction to any other vessel requiring to berth at, or depart from the jetty.
 - ii. Upon being asked to move by a vessel requiring to berth at, or depart from the jetty, an obstructing vessel shall move so that it is not obstructing as defined in the diagrams in Clause 1.
 - iii. If a vessel intending to berth or depart does not request the obstructing vessel to move then the obstructing vessel will no longer be considered to be an obstruction to the vessel intending to berth or depart and there shall be no breach of the Local Law.
 - iv. Upon the vessel that made the request for access having berthed or departed, the vessel which moved as requested is permitted to return to its original “obstructing” position subject to Clause 2.
 - v. Although the permitted time period of 2 hours stipulated in Clause 7.3(b)(iii) has not elapsed since it berthed, a serviceable vessel that is not obstructing and not loading/unloading, shall, when requested, provide access to another vessel that has advised it would experience difficulty in safely using the jetty unless it gained access to the part of the jetty currently being occupied by the vessel not loading or unloading.
 - vi. A vessel that fails to move when requested shall be in breach of the Local Law
- 5 Clause 7.24 (2) Clarify the meaning, or delete.

End of submission.

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ATTACHMENT # 4 - Amended Local Law following Advertising

PART 7 - MONKEY MIA JETTIES AND BOAT RAMP

Division 1 - Preliminary

7.1 Interpretation

In this Part –

boat ramp means the place adjacent to Reserve 1686 where vehicles equipped with trailers launch and retrieve vessels;

cargo means bulk produce, such as grain, coal, oil or mineral ore and includes the catch of a fishing vessel;

commercial jetty means the western jetty, being a concrete and steel structure extending northwards for 55 metres, located adjacent to Reserve 1686, and includes the approaches to the jetty within 5 metres of built infrastructure;

commercial vessel means a vessel which is not used solely for pleasure or recreation and the use of which is in the course of any business or in connection with any commercial transaction, and includes any Government vessel other than one that belongs to an arm of the Defence Force;

fish means an aquatic organism of any species (whether alive or dead) and includes –

- (a) the eggs, spat, spawn, seeds, spores, fry, larva or other source of reproduction or offspring of an aquatic organism; and
- (b) a part only of an aquatic organism (including the shell or tail); and
- (c) live rock and live sand;

fishing or fishing activity means any of the following –

- (a) searching for fish;
- (b) attempting to take fish;
- (c) taking fish;
- (d) engaging in any other activity that can reasonably be expected to result in the taking of fish;

fishing vessel means a vessel used or intended to be used for catching fish for trading or manufacturing purposes;

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

moor means to secure a vessel in place by cables or by lines, and if the context permits, includes a stationary vessel alongside a jetty, but not secured to the jetty, and positioned so as to restrict approach to or departure from the jetty;

pleasure vessel a vessel held wholly for the purpose of recreational or sporting activities and not for hire or reward;

recreational jetty means the eastern jetty located adjacent to Reserve 1686 and utilised for launching and retrieval of vessels, and includes the approaches to the jetty within 5 metres of built infrastructure;

sign includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

vessel means any kind of vessel used or capable of being used in navigation by water.

7.2 Application of this Part

This Part applies to the commercial jetty, the recreational jetty and the boat ramp located adjacent to Reserve 1888.

Division 2 - Commercial jetty

7.3 When vessels may be moored

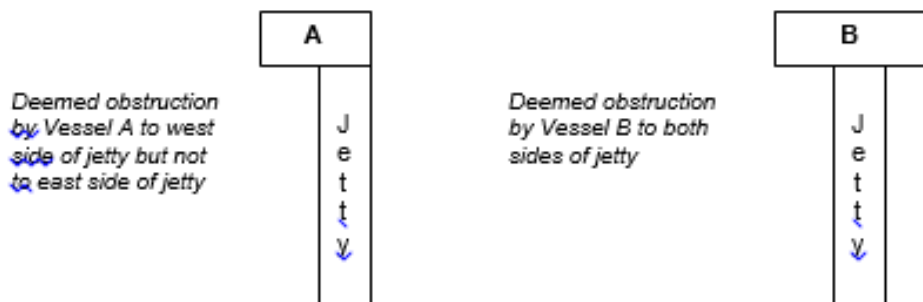
- (1) Without the prior written authorisation of the local government, a person must not moor a vessel to the commercial jetty unless –
- (a) the vessel is not a commercial vessel, and –
 - (i) the vessel is not deemed to be obstructing in accordance with clause 7.5(2);
 - (ii) the vessel is moored for no longer than 30 minutes; and
 - (iii) a period of more than 30 minutes 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 in accordance with clause 7.5(2);
 - (iii) the vessel is moored for not 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 in accordance with clause 7.5(2);
 - (iii) the vessel is not moored between the hours of 8.00pm on one day and 8.00am 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 must 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)

7.4 Berthing fees

The local government may, in accordance with sections 8.18 to 8.19 of the Act, determine and impose fees for mooring at the commercial jetty.

7.5 Obstruction by vessels

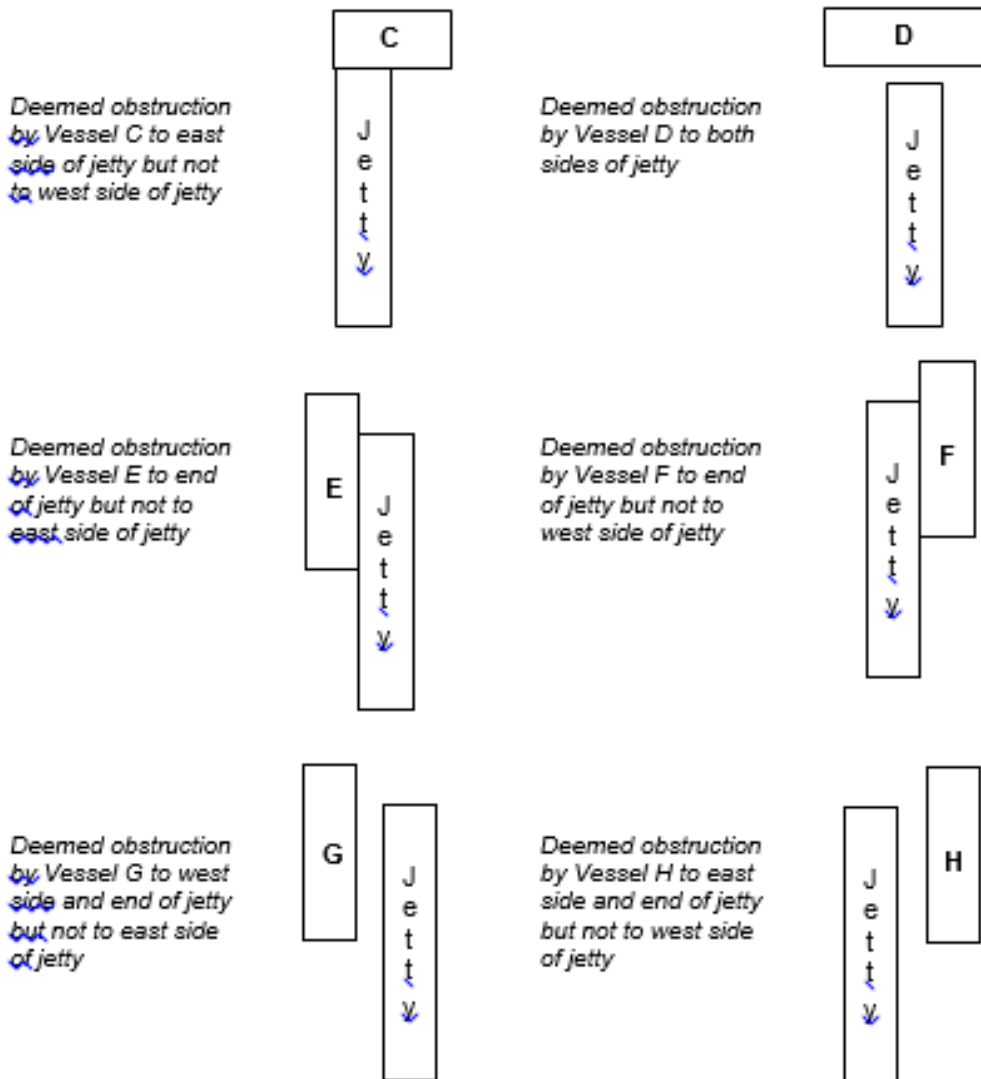
- (1) A person must not moor a vessel to the commercial jetty in such a manner as to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing from the commercial jetty.
- (2) Without limiting the effect of subclause (1), a vessel moored to the commercial jetty will be deemed to obstruct a vessel approaching the commercial jetty and intending to moor to the jetty or a vessel which is departing the commercial jetty 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 – H in the diagrams below.



Deemed obstruction by Vessel A to west side of jetty but not to east side of jetty

Deemed obstruction by Vessel B to both sides of jetty

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7.6 Vehicles on jetty

- (1) A person must not drive a vehicle of a gross vehicle mass exceeding ten tonnes on to the commercial jetty.
- (2) Only vehicles servicing vessels must be permitted on the commercial jetty immediately prior to and until completion of unloading and loading of vehicle with a maximum time of 30 minutes other than professional fishermen while loading or unloading.

7.7 Cargo

- (1) A person in control of a vessel must not allow the vessel to be moored to the commercial jetty for the purpose of loading or discharging cargo or other goods –
 - (a) until the cargo or other goods are ready to be loaded or discharged; and
 - (b) without the written authorisation of the Local Government –
 - (i) for longer than two hours; and
 - (ii) unless a period of more than one hour has passed since the vessel last departed the jetty.
- (2) A person in control of cargo or other goods intended for loading on to a boat must –

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- (a) not allow the cargo to be stored or placed on the jetty unless and until the vessel is moored to the jetty; and
 - (b) load the cargo onto the boat as soon as practicable after the vessel is moored to the jetty.
- (3) Any person unloading cargo or other goods from a vessel on to the jetty must remove the cargo, or cause it to be removed from the jetty as soon as practicable.

7.8 Vessel moored is to be attended

A vessel moored to the commercial jetty is to be attended at all times by a person licenced and authorised by the owner to operate the vessel.

Division 3 - Recreational jetty

7.9 Use of recreational jetty

Except with the prior written authorisation of the Local Government, use of the recreation jetty is limited to –

- (a) pleasure vessels;
- (b) launching and retrieving of vessels; or
- (c) a vessel in distress, and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere.

7.10 Vehicles on recreational jetty

A person must not drive a vehicle on the recreational jetty.

Division 4 - Boat Ramp

7.11 Obstruction

The vehicle and boat trailer are permitted on the boat ramp for only such time as is required for the launching or retrieval of a vessel as quickly as practicable.

Division 5 - General

7.12 Method of mooring vessel

A person in control of a vessel must not moor the vessel to a jetty, or to any part of a jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

7.13 No private fixtures

- (1) A person must not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, the Local Government may give notice requiring the removal of the private fixtures within a specified period.
- (3) Should the private fixtures not be removed within the required period, the local government may undertake the work and recover the cost as a debt.

7.14 Jetty may be closed

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

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- (a) under construction or repair; or
- (b) ~~closed~~.

7.15 Nuisance on jetties or beach access to jetties

- (1) A person must not place any object, sign, cargo or item of any nature or behave in such a manner as to cause any obstruction or impede the free passage of other persons –
 - (a) on a jetty; or
 - (b) ~~within~~ 5 metres of the approach to the built infrastructure of a jetty.
- (2) A vehicle must not be parked in a manner that obstructs access to or from the jetty.

7.16 Authorised person may order removal of a vessel

Notwithstanding anything to the contrary in this local law, a person must immediately remove a vessel moored to or standing alongside a jetty, upon being directed to do so by an authorised person.

7.17 Authorised person may direct removal of obstruction

An authorised person may direct a person who, in the opinion of the authorised person is in charge of cargo or other goods, or item which remains on a jetty contrary to any provision of this Part or creates an obstruction in any way, to remove the goods or items from the jetty.

7.18 Bicycles on jetties

A person must not ride or have a bicycle on a jetty.

7.19 Rubbish from jetty

- (1) A person must not throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from a jetty.
- (2) A person must not deposit any commercial rubbish from charter boats or offal into any rubbish bin located on a jetty.

7.20 Liquor on boats

A person must not sell alcoholic beverages from a boat while moored to, or alongside a jetty.

7.21 Fishing from jetty

Fishing from a jetty is prohibited.

7.22 Swimming from a jetty

Swimming, including diving, jumping and the like, from, under or within 5 metres of a jetty or vessel moored to the jetty, is prohibited.

7.23 Explosives on jetties

Except with the prior written authorisation of the Local Government, a person must not land, place or handle on a jetty any explosives as defined in regulation 8 of the *Dangerous Goods Safety (Explosives) Regulations 2007*.

7.24 Penalties

- (1) The local government may by notice in writing suspend a person from mooring a vessel to the commercial jetty where the person has been convicted, or has paid the modified penalty, within the last 12 months in respect of 2 or more offences under Part 7 of this local law.

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- (2) The local government may by notice in writing cancel the suspension referred to in subclause (1) once a person has been convicted, or has paid the modified penalty, for only one offence under Part 7 of the local law within the last 12 months

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11.4 DENHAM DEPARTMENT OF TRANSPORT BOAT RAMP CARPARK - INFRINGEMENT # 0012 RC00004

AUTHOR

Executive Assistant

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement 0012 and advise Ms Cooper that no further action will be taken in regard to this matter.

Or

Option 2

Refuse the request to withdraw infringement 0012 and instruct the administration to advise Ms Cooper that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Capewell

Seconded Cr Bellottie

Cr Ridgley returned to the Council Chamber at 3.18pm

Council Motion

That Council refuse the request to withdraw infringement 0012 and instruct the administration to advise Ms Cooper that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

3 / 4 LOST

Moved Cr Laundry

Seconded Cr Burton

Council Resolution

That Council request the administration to withdraw infringement 0012 and advise Ms Cooper that no further action will be taken in regard to this matter.

4/3 CARRIED

BACKGROUND

On the 23 April 2018 Council's ranger issued infringement 0012 to a trailer that was unattached to a vehicle (trailer registration 1TRI-603) in the Denham Department of Transport Carpark.

The entrance to the carpark is clearly signposted (photo attached) indicating the carpark is for boat and trailer parking only and no unattached trailers.

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There is no discrimination between commercial and private unattached trailers on the signage.

Pictures are included at the end of this report.

COMMENT

On the 13 May 2018 Ms Cooper emailed the administration at the Shire regarding infringement number 0012 as per below:

From: Nicole Tolomeo <nic86t@outlook.com>
Sent: Sunday, 13 May 2018 10:12 AM
To: Paul Anderson <paul@sharkbay.wa.gov.au>
Subject: Trailer Fine

Dear Mr Anderson

I was fined \$100 on the 23/04/18 for parking my boat trailer down the front in the boat ramp car park. The boys had gone fishing and left around 8.30 am and i needed to go out to Monkey Mia to pick up my son's medication that i had left at my friends room the day before. As we were on holidays from Karratha to see our family/ friends in Shark Bay and only had one car . I took the car and left the trailer down the car park, when i returned early afternoon i saw a fine on my trailer.

fine no: 0012

trailer rego: 1TRI-603 wa

Please Help 😊

Kind Regards

Nicole & Brodi Cooper

It is now for Council to decide if they wish the infringement to stand or for it to be withdrawn with the following options:

Option 1

Request the administration to withdraw infringement 0012 and advise Ms Cooper that no further action will be taken in regard to this matter.

Or

Option 2

Refuse the request to withdraw infringement 0012 and instruct the administration to advise Ms Cooper that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Parking and Parking Facilities Local Law section 3.1(3) (b)

3.1 Restrictions on Parking in Particular Areas

(3) A person shall not park a vehicle -

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- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law.

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$100.00

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

12 June 2018



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MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018



27 JUNE 2018



Shire of Shark Bay

65 Knight Terrace, Denham 6537
 PO Box 128, Denham 6537
 Ph: (08) 9948 1218 • Fax: (08) 9948 1237
 Email: admin@sharkbay.wa.gov.au

SCHEDULE 2 - LOCAL GOVERNMENT ACT 1995 - FORM 3 PARKING AND PARKING FACILITIES LOCAL LAW INFRINGEMENT NOTICE

Serial No 0012
 Date 23/06/2018

To (1)
 of (2)
 It is alleged that on 23/06/2018 at (3) 10:00am
 at (4) Denham Dog Pound Carpark In respect of vehicle -
 make SALVADOR 16
 model
 registration 1TK3-603 (WA)
 was involved in the commission of the following offence - Parking in a
Prohibited Area not in Accordance To Signs

contrary to Clause 3.1(3b) of the Parking and Parking Facilities Local Law.
 The modified penalty for the offence is \$ 100.00

If you do not wish to have a complaint of alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an Authorised Person at
 (5) SHIRE OF SHARK BAY
 within a period of 28 days after the giving of this notice.

- Unless within 28 days after the being served with this notice -
- (a) you pay the modified penalty, or
 - (b) you -
 - (i) inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed,
 you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) [Signature]
 (7) Shire Ranger SHIRE RANGER

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of Authorised Person
- (7) Name and title of Authorised person given notice

Other
 Dist to sign: 40m Sign type: Side of Road: N S E W
 Outside Adjacent/Opposite to: Facing: N S E W L R
 Rego Plate: Writing blue Background white State WA
 MAP

27 JUNE 2018

11.5 INFRINGEMENT – MONKEY MIA CARPARK – INFRINGEMENT # 0017
RC00003

AUTHOR

Executive Assistant

DISCLOSURE OF ANY INTEREST

NIL

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement 0017 and advise Mr White that no further action will be taken in regard to this matter.

Or

Option 2

Refuse the request to withdraw infringement 0017 and instruct the administration to advise Mr White that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Ridgely
Seconded Cr Laundry

Council Resolution

That Council refuse the request to withdraw infringement 0017 and instruct the administration to advise Mr White that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

7/0 CARRIED

BACKGROUND

On the 10 May 2018 Council's ranger issued infringement 0017 to a Vehicle with a Caravan attached (vehicle registration S774-AZZ(SA)) in the Monkey Mia Carpark.

The carpark is clearly signposted (photo attached) indicating the area where there was parking for commercial operators only.

Pictures are included at the end of this report.

COMMENT

On the 20 June 2018 Mr White emailed the administration at the Shire regarding infringement number 0017 as per below:

Dear Sir/Madamn,

I refer to a Parking and Facilities Local Law Infringement Notice - Serial No. 0017 - dated 10/05/2018 - Landcruiser(Prado) s774-AZZ(SA) - 'Parking in a Parking Area - not in accordance to signs'

I wish to inform you that on arrival I had attempted to find a safe place to park the Prado and caravan. Initially there was no room/space in the allocated/signed areas to park

27 JUNE 2018

safely. I was travelling with another caravan and attempted to park behind them on the exit road but my van was partially on the road and it was clearly not safe to leave it there. So I investigated other possibilities.

Whilst doing so I asked a gentleman about the parking spaces in the boat ramp area. He claimed to be a local and told me it would be OK to park in the 'Commercial Users Only' park because it was 'out of season' and he pointed out that lots of other cars were parked in these parks at that time. As a result of this discussion I thought it would be OK and safer to park where I did.

*Given that the Shire of Shark Bay is promoting and encouraging tourist activities and financial benefits - it has the responsibility to provide adequate and safe parking facilities for all vehicles. This did not happen on the 10th May 2018. As a result I was issued with a fine of \$100 which I don't believe is fair and should not have to pay.
Tony White.*

It is now for Council to decide if they wish the infringement to stand or for it to be withdrawn with the following options:

Option 1

Request the administration to withdraw infringement 0017 and advise Mr White that no further action will be taken in regard to this matter.

Or

Option 2

Refuse the request to withdraw infringement 0017 and instruct the administration to advise Mr White that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Parking and Parking Facilities Local Law section 3.1(3) (b)

3.1 Restrictions on Parking in Particular Areas

- (3) A person shall not park a vehicle -
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law.

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$100.00

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report

RISK MANAGEMENT

This is a low risk item to Council

VOTING REQUIREMENTS

Simple Majority Required

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SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

20 June 2018



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MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018



27 JUNE 2018



Shire of Shark Bay

65 Knight Terrace, Denham 6537
 PO Box 126, Denham 6537
 Ph: (08) 9948 1218 • Fax: (08) 9948 1237
 Email: admin@sharkbay.wa.gov.au

SCHEDULE 2 - LOCAL GOVERNMENT ACT 1995 - FORM 3
**PARKING AND PARKING FACILITIES
 LOCAL LAW INFRINGEMENT NOTICE**

Serial No 0017
 Date 10 / 05 / 2018

To (1) _____
 of (2) _____

It is alleged that on 10 / 05 / 2018 at (3) 11:57am

at (4) HEATHERY HIGH BEACH ENTRY CARPARK In respect of vehicle -
 make TOYOTA

model LANDCROVER (4WD)

registration S779 - A22 (SA)

was involved in the commission of the following offence - Personal use of a
parking area not in accordance with Council

contrary to Clause 3.1(1) of the Parking and Parking Facilities Local Law.

The modified penalty for the offence is \$ 100.00

If you do not wish to have a complaint of alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an Authorised Person at

(5) SHIRE OF SHARK BAY
 within a period of 28 days after the giving of this notice.

Unless within 28 days after the being served with this notice -

- (a) you pay the modified penalty, or
 - (b) you -
 - (i) inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed.
- you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) [Signature]
 (7) M. Scuffe Shire Clerk

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signatures of Authorised Person
- (7) Name and title of Authorised person given notice

Other _____
 Dist to sign: 100m Sign type: _____ Side of Road: N S E W
 Outside Adjacent/Opposite to: _____ Facing: N S E W L R
 Rego Plate: Writing Black Background White State SA

MAP

27 JUNE 2018

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author

Finance Officer / Accounts Payable

Disclosure of any Interest

Declaration of Interest:

Nature of Interest:

Moved Cr Laundry

Seconded Cr Ridgely

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$679,792.91 be accepted.

7/0 CARRIED

Comment

The schedules of accounts for payment covering -

Municipal fund credit card direct debits for the month of May 2018 totalling \$1,618.19

Municipal fund account cheque numbers 26882 to 26883 totalling \$9,395.96

Municipal fund direct debits to Council for the month of May 2018 totalling \$23,227.26

Municipal fund account electronic payment numbers MUNI 23178 to 23199, 23230 to 23268, 23274 to 23300, 23303, 23305 to 23310, 23312, and 23314 to 23331 totalling \$441,989.60

Municipal fund account for May 2018 payroll totalling \$121,346.00

No Trust fund account cheque numbers were issued for May 2018

Trust fund Police Licensing for May 2018 transaction number 171811 totalling \$29,287.75 and

Trust fund account electronic payment numbers 23269 to 23271, 23304, and 23342 to 23367 totalling \$52,928.15

The schedule of accounts submitted to each member of Council on 22 June 2018 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.

MINUTES OF THE ORDINARY COUNCIL MEETING

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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	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	15 June 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

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**SHIRE OF SHARK BAY – CREDIT CARD PERIOD
MAY 2018**

CREDIT CARD TOTAL \$1,618.19

CEO

DATE	NAME	DESCRIPTION	AMOUNT
19/04/2018	WA LIBRARY SUPPLIES	LIBRARY STATIONERY SUPPLIES	\$251.00
1/05/2018	QANTAS AIRWAYS	FLIGHT CHERYL COWELL - REGIONAL STATE COUNCIL MEETING – REIMBURSED BY WALGA	\$464.69
16/05/2018	BANKWEST CREDIT CARD REWARDS	MORE REWARDS CASHBACK	\$-200.00

\$515.69

EMCD

8/05/2018	PARTIES IN PACKAGES	BUNTING FOR FREYCINET FESTIVAL	\$105.10
8/05/2018	ALPINE WHOLESALE	DECORATIONS & SIGNS FOR FREYCINET FESTIVAL	\$133.12
14/05/2018	OZ 3D ZEN PROMOTIONAL	3D GLASSES FOR HMAS SYDNEY EXHIBIT	\$181.50

\$419.72

EMFA

19/04/2018	NISBETS	HOT WATER URN FOR ADMIN BUILDING	\$291.39
10/05/2018	NISBETS	HOT WATER URN FOR REC CENTRE	\$281.39
27/04/2018	FALLS RETREAT	ACCOMMODATION CHERYL COWELL – WALGA STATE COUNCIL MEETING – TO BE REIMBURSED BY WALGA	\$110.00

\$682.78

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**SHIRE OF SHARK BAY – MUNI CHQ
MAY 2018**

CHEQUE # 26882 & 26883

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26882	07/05/2018	DEPARTMENT OF TRANSPORT	MONTHLY VEHICLE SEARCH FEES	-6.70
26883	14/05/2018	WATER CORPORATION - OSBORNE PARK	WATER USAGE – SHIRE PROPERTIES	-9389.26
TOTAL				\$9,395.96

**SHIRE OF SHARK BAY – DIRECT DEBITS
MAY 2018**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
DD14351.1	05/05/2018	BANKWEST CORPORATE MASTERCARD	CORPORATE CREDIT CARD APRIL 2018	-1152.02
DD14354.1	13/05/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3366.72
DD14354.2	13/05/2018	WESTPAC ADMINISTRATION LTD	SECURITIES SUPERANNUATION CONTRIBUTIONS	-202.12
DD14354.3	13/05/2018	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	-510.59
DD14354.4	13/05/2018	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-241.44
DD14354.5	13/05/2018	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-403.06
DD14354.6	13/05/2018	AUSTRALIAN SUPERANNUATION	ETHICAL SUPERANNUATION CONTRIBUTIONS	-382.97
DD14354.7	13/05/2018	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-202.12
DD14354.8	13/05/2018	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-381.45
DD14354.9	13/05/2018	REST	SUPERANNUATION CONTRIBUTIONS	-220.13
DD14372.1	09/05/2018	SHERIFF'S OFFICE, PERTH	LODGEMENT FEE FOR REGISTERING UNPAID INFRINGEMENT NAME: BRIAN LONG INFRINGEMENT NO: 0310	-118.00
DD14393.1	27/05/2018	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3827.04

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CHQ/EFT	DATE	NAME		DESCRIPTION	AMOUNT
DD14393.2	27/05/2018	WESTPAC ADMINISTRATION LTD	SECURITIES	SUPERANNUATION CONTRIBUTIONS	-202.12
DD14393.3	27/05/2018	MACQUARIE SUPER ACCUMULATOR		SUPERANNUATION CONTRIBUTIONS	-410.59
DD14393.4	27/05/2018	PRIME SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-241.44
DD14393.5	27/05/2018	AMP SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-403.06
DD14393.6	27/05/2018	AUSTRALIAN SUPERANNUATION	ETHICAL	SUPERANNUATION CONTRIBUTIONS	-382.97
DD14393.7	27/05/2018	CBUS SUPER		SUPERANNUATION CONTRIBUTIONS	-202.12
DD14393.8	27/05/2018	SUN SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-381.45
DD14393.9	27/05/2018	REST		SUPERANNUATION CONTRIBUTIONS	-220.13
DD14354.10	13/05/2018	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-471.34
DD14354.11	13/05/2018	BT SUPER FOR LIFE		SUPERANNUATION CONTRIBUTIONS	-912.58
DD14354.12	13/05/2018	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	-1100.24
DD14354.13	13/05/2018	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-237.16
DD14354.14	13/05/2018	AUSTRALIAN SUPER		SUPERANNUATION CONTRIBUTIONS	-1582.16
DD14354.15	13/05/2018	GUILD SUPER		SUPERANNUATION CONTRIBUTIONS	-633.50
DD14354.16	13/05/2018	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-178.04
DD14354.17	13/05/2018	ESSENTIAL SUPER		SUPERANNUATION CONTRIBUTIONS	-161.95
DD14393.10	27/05/2018	MTAA SUPERANNUATION		SUPERANNUATION CONTRIBUTIONS	-586.53
DD14393.11	27/05/2018	BT SUPER FOR LIFE		SUPERANNUATION CONTRIBUTIONS	-912.57
DD14393.12	27/05/2018	HOSTPLUS PTY LTD		SUPERANNUATION CONTRIBUTIONS	-1081.59
DD14393.13	27/05/2018	MERCER SUPER TRUST		SUPERANNUATION CONTRIBUTIONS	-284.66
DD14393.14	27/05/2018	AUSTRALIAN SUPER		SUPERANNUATION CONTRIBUTIONS	-1095.27
DD14393.15	27/05/2018	GUILD SUPER		SUPERANNUATION CONTRIBUTIONS	-223.70
DD14393.16	27/05/2018	AMP SUPERLEADER		SUPERANNUATION CONTRIBUTIONS	-155.65
DD14393.17	27/05/2018	ESSENTIAL SUPER		SUPERANNUATION CONTRIBUTIONS	-158.78
TOTAL					\$23,227.26

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**SHIRE OF SHARK BAY – MUNI EFT
MAY 2018**

EFT 23178- 23199, 23230-23268, 23274-23300, 23303, 23305-23310, 23312, 23314-23331

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23178	07/05/2018	ALLELECTRIX PTY LTD	TO SUPPLY AND INSTALL DVR, CAMERA AND MONITOR AT REFUSE SITE	-3890.70
EFT23179	07/05/2018	ANDREW ROBERT HARDING	REIMBURSEMENT LEARNERS PERMIT AND DRIVERS LICENCE MR	-54.60
EFT23180	07/05/2018	AIR LIQUIDE	RENTAL OF CYLINDERS	-94.19
EFT23181	07/05/2018	BATAVIA COAST TRIMMERS	SUPPLY A NEW FORESHORE SHADE SAIL	-2872.00
EFT23182	07/05/2018	BURTON TILING MAINTENANCE & RENOVATIONS	GALLERY PAINTING WALLS AND MOVING THE OFFICE DOOR - SBDC	-1033.30
EFT23183	07/05/2018	SHARK BAY FUEL FISHING AND CAMPING CENTRE	P182 BEARING, SEAL KIT AND GREASE, P146 NUTS AND BOLTS, P178 BOLTS, P174 PAINT	-266.95
EFT23184	07/05/2018	FAR WEST ELECTRICAL	SUPPLY AND REPAIR HEATER PLATE TO DISHWASHER AT REC CENTRE	-250.00
EFT23185	07/05/2018	GYM CARE	MAINTENANCE FOR ALL COMMUNITY GYM EQUIPMENT – DEC 2017	-1600.00
EFT23186	07/05/2018	REFUEL AUSTRALIA (FORMERLY GERALDTON FUEL COMPANY)	P176 FUEL CARD, P172 FUEL CARD, BULK DIESEL FOR TANKER, ENGINE OIL, HYDRAULIC OIL AND GREASE	-27439.26
EFT23187	07/05/2018	MICHAEL STANLEY	REIMBURSEMENT FOR ELECTRIC FRYING PAN AND BRAKE FLUID	-130.73
EFT23188	07/05/2018	MARTINS TRAILER PARTS	P154 BRAKEPLATE	-64.79
EFT23189	07/05/2018	SHARK BAY NEWSAGENCY	FIRST AID SUPPLIES FOR DEPOT	-44.50
EFT23190	07/05/2018	SHARK BAY CLEANING SERVICE	CLEANING: PUBLIC TOILETS – FORESHORE, SHIRE HALL, AND TOWN OVAL. FISH CLEANING FACILITIES, BBQ GAZEBOS ON FORESHORE AND LITTLE LAGOON, SHIRE DEPOT, MORTUARY, SPORTS & REC CENTRE, DISCOVERY CENTRE, SHIRE OFFICES AND SHIRE HALL	-21075.44
EFT23191	07/05/2018	MCKELL FAMILY TRUST	MONTHLY-RUBBISH COLLECTION AND STREET SWEEPING	-11366.28
EFT23192	07/05/2018	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	11 MAY 2018 - FIRST AID TRAINING FOR SBDC STAFF	-472.00
EFT23193	07/05/2018	AUSCOINWEST	SBDC MERCHANDISE - HMAS SYDNEY II COINS	-550.00
EFT23194	07/05/2018	COVS AUTOMOTIVE, MINING & INDUSTRIAL SUPPLIES	P177 AIR FILTER	-85.22

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23195	07/05/2018	FAR WEST ELECTRICAL	REPAIRS TO GYM DOOR	-180.00
EFT23196	07/05/2018	MIDWEST FIRE PROTECTION SERVICE	QUARTERLY SERVICING OF FIRE PUMP SYSTEM SBDC	-904.64
EFT23197	07/05/2018	TELSTRA CORPORATION LTD	TELEPHONE SERVICE FOR SMS TO PUBLIC WITH COMMUNITY MESSAGES	-106.08
EFT23198	07/05/2018	TOWN PLANNING INNOVATIONS	SHIRE OF SHARK BAY SCHEME REVIEW	-1361.26
EFT23199	07/05/2018	VISIT MERCHANDISE	SBDC MERCHANDISE - HMAS SYDNEY II	-489.39
EFT23230	10/05/2018	GRIFFIN CIVIL	KNIGHT TERRACE RESEAL -PROGRESS CLAIM #1	-127360.20
EFT23231	11/05/2018	REBECCA STANLEY	REIMBURSEMENT - PLATE STAND AND MICROFIBRE CLOTHS FOR SBDC	-11.00
EFT23232	11/05/2018	ALLELECTRIX PTY LTD	SUPPLY AND INSTALL TWO DATA OUTLETS FOR HMAS SYDNEY II EXHIBIT	-1045.00
EFT23233	11/05/2018	ESTHER MILLS	SENIORS YOGA SESSIONS	-154.00
EFT23234	11/05/2018	HERITAGE RESORT	4 X NIGHTS ACCOMMODATION - MS WENDY DALLYWATER – 30 APRIL 18 TO 4 MAY 18	-819.98
EFT23235	11/05/2018	RJ & D HEWITT	REIMBURSEMENT FOR FOOD AND FUEL – TO ATTEND HEARING TESTING IN GERALDTON (TO BE REIMBURSED BY LGIS)	-176.00
EFT23236	11/05/2018	ITVISION	IT VISION SYSTEM SUPPORT AND SYNERGY PLAY ACCOUNT UPDATE	-1237.50
EFT23237	11/05/2018	J & T FREIGHT	THEATRE SEATING FREIGHT	-637.00
EFT23238	11/05/2018	LIFTRITE HIRE & SALES	PP127 BUSHING, PINS AND DUST SEALS	-4091.09
EFT23239	11/05/2018	MARKET FORCE ADVERTISING LTD	ADVERTISING WA NEWSPAPER SATURDAY 7 APRIL 2018 - LOT 1 MONKEY MIA ROAD UNMANNED SERVICE STATION	-706.44
EFT23240	11/05/2018	MHW INTEGRATION PTY LTD	AV HARDWARE, 3D TELEVISION INSTALLATION AND PROGRAMMING FOR HMAS SYDNEY-KORMORAN PROJECT	-7602.10
EFT23241	11/05/2018	MY OFFICE SOLUTIONS	LOCKERS AND CABINETS FOR SHIRE DEPOT	-4681.75
EFT23242	11/05/2018	MARKETFORCE PTY LTD	DESTINATION SHARK BAY LOGO AND TAGLINE	-7007.00
EFT23243	11/05/2018	MOORE STEPHENS	AGREED AUDIT FEES FOR 2017-18 YEAR – INTERIM AUDIT	-11814.00
EFT23244	11/05/2018	PAUL GREGORY ANDERSON	CEO SALARY PACKAGE REIMBURSEMENT FOR HEALTH INSURANCE SEPT 2017 - MARCH 2018	-2782.00
EFT23245	11/05/2018	PROFESSIONAL PC SUPPORT	NEW LOGIN FOR FINANCE OFFICER	-70.00

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23246	11/05/2018	ROBYN JOHNSTON	DESIGN OF A FOUR-PAGE SOUVENIR DL PAMPHLET - 'FIRE ON THE WATER' THE STORY OF THE HMAS SYDNEY AND HSK KORMORAN	-2150.00
EFT23247	11/05/2018	SKIPPERS AVIATION	MS TARRYN BRADY - PERTH TO MONKEY MIA RETURN - 04/06/2018 - 06/06/2018 - SENIORS DEMENTIA WORKSHOP	-1077.00
EFT23248	11/05/2018	SHARK BAY NEWSAGENCY	10 BOXES OF PAPER	-399.50
EFT23249	11/05/2018	SHARK BAY COTTAGES	ACCOMMODATION FOR PAINTING CONTRACTOR – 5 SPAVEN WAY, 65 BROCKMAN ST, 51 DURLACHER ST, 80 DURLACHER ST	-1680.00
EFT23250	11/05/2018	SHARK BAY COMMUNITY RESOURCE CENTRE	RECREATION CENTRE MANAGEMENT - MARCH 2018	-6543.70
EFT23251	11/05/2018	STRUT & FRET PRODUCTION HOUSE PTY LTD	DESIGN OF FESTIVAL LOGO	-1100.00
EFT23252	11/05/2018	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES	-6187.50
EFT23253	11/05/2018	WES OLSON	SPECIALIST HISTORICAL CONSULTANCY - HMAS SYDNEY II EXHIBIT	-2000.00
EFT23254	11/05/2018	WA MUSEUM	SBDC MERCHANDISE - HMAS SYDNEY II BOOKS	-119.70
EFT23255	11/05/2018	AUSTRALIA POST	MONTHLY POSTAGE ACCOUNT	-539.53
EFT23256	11/05/2018	DISCUS DIGITAL PRINT	HMAS SYDNEY II EXHIBITION DISPLAY PANELS - PRINTING AND CUTTING	-6747.62
EFT23257	11/05/2018	HEARING & AUDIOLOGY	WORKCOVER FULL AUDIO FOR ROGER HEWITT – TO BE REIMBURSED BY LGIS	-255.00
EFT23258	11/05/2018	HORIZON POWER	STREET LIGHTING	-3153.61
EFT23259	11/05/2018	LGIS RISK MANAGEMENT	JINKER AGREEMENT TERMS & CONDITIONS FOR SHIRE USE – TO BE REIMBURSED BY LGIS	-792.00
EFT23260	11/05/2018	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV VALUATION	-65.50
EFT23261	11/05/2018	PURCHER INTERNATIONAL PTY LTD	SUPPLY AIR COMPRESSOR DISCHARGE PIPES	-1636.42
EFT23262	11/05/2018	PROFESSIONAL PC SUPPORT	PPS UPDATING COMPUTER IN SBDC OFFICE	-70.00
EFT23263	11/05/2018	SHARK BAY BAKERY	MORNING TEA FOR SYDNEY LAUNCH	-216.00
EFT23264	11/05/2018	MOORE STEPHENS	STANDARD OPERATING PROCEDURE DOCUMENTATION REPORTING DETAILING PROCESS, APPROPRIATENESS, EFFECTIVENESS AND SUGGESTED IMPROVEMENTS OF RECEIPTING SYSTEM	-6050.00

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23265	11/05/2018	TRADESALES	FORKLIFT WORK PLATFORM	-1047.20
EFT23266	11/05/2018	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	WA HOLIDAY GUIDE COMMISSION FOR APRIL 2018	-316.98
EFT23267	11/05/2018	WASTECH ENGINEERING	VERTICAL BALER INCLUDING DELIVERY, INSTALLATION, COMMISSIONING & TRAINING – RECYCLING INITIATIVES	-34573.00
EFT23268	11/05/2018	WATER TECHNOLOGY PTY LTD	TENDER 2017/2018-01 DENHAM TOWNSITE COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN BASED ON PROJECT FEES ON PAGE 34 OF THE TENDER DOCUMENT	-9072.99
EFT23274	15/05/2018	COLLEEN STEINECK	REFUND OF CASUAL GYM MEMBERSHIP	-62.00
EFT23275	15/05/2018	SHIRE OF SHARK BAY	CHERYL BELL T688 FORFEITED (15/12/17) GYM CARD DEPOSIT REINSTATEMENT	-20.00
EFT23276	16/05/2018	ROGER WINSTON CHRISTISON	RETURN OF OVERPAYMENT BY OF PENSIONER RENT - ROGER CHRISTISON	-690.00
EFT23277	16/05/2018	SHERRI KYM SMITH	RETURN OF FORFEITED GYM CARD 40708 DEPOSIT	-20.00
EFT23278	17/05/2018	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	-28129.00
EFT23279	18/05/2018	ABSOLUTE PAINTING WA	EXTERIOR PAINTING - 5 SPAVEN WAY	-4890.00
EFT23280	18/05/2018	BUNNINGS BUILDING SUPPLIES PTY LTD	HALOGEN GLOBES, FLUORESCENT GLOBES, SECURITY DOOR KNOBS	-586.46
EFT23281	18/05/2018	DENHAM IGA X-PRESS	APRIL MONTHLY ACCOUNT	-982.95
EFT23282	18/05/2018	SHARK BAY SUPERMARKET	APRIL MONTHLY ACCOUNT	-411.37
EFT23283	18/05/2018	TOLL IPEC PTY LTD	FREIGHT- ARROW TYRES – SENT OT PAUL'S TYRES FOR FITTING	-314.74
EFT23284	18/05/2018	J & T FREIGHT	FREIGHT - BUILDING PRODUCTS ORDERED BY BURTON TILING	-747.60
EFT23285	18/05/2018	KOMATSU AUSTRALIA	P147 PARTS FOR SERVICING	-1114.12
EFT23286	18/05/2018	TRUE VALUE HARDWARE	GATE HINGES	-377.80
EFT23287	18/05/2018	SHARK BAY SKIPS	MAIN ROADS PICK UP SKIP BINS	-7502.00
EFT23288	18/05/2018	ST JOHN AMBULANCE ASSOC. - SHARK BAY SUB CENTRE	FIRST AID KIT REPLENISH DEPOT	-194.00
EFT23289	18/05/2018	TRUCKLINE PARTS CENTRE	P175 PARTS AND PP127 FILTERS	-791.10
EFT23290	22/05/2018	CDH ELECTRICAL	REPAIR TRACK LIGHTS TEST & TAG- SBDC	-99.00
EFT23291	22/05/2018	IMPART MEDIA PTY LTD	WEBSITE DEVELOPMENT - SBDC	-13509.54

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23292	22/05/2018	LANDGATE (WA LAND INFORMATION AUTHORITY)	VALUATION ROLLS - MINING TENEMENTS	-260.65
EFT23293	22/05/2018	MICHAEL STANLEY	REIMBURSEMENT TRENT TEAGUE'S HC LICENSE	-176.90
EFT23294	22/05/2018	OCEANSIDE VILLAGE	ACCOMMODATION - GLENN BANGAY EHO/ BUILDING-CANCELLATION FEE FOR ACCOMMODATION	-160.00
EFT23295	22/05/2018	QUALITY PRESS	FIRE ON THE WATER BROCHURES	-765.60
EFT23296	22/05/2018	ROBYN JOHNSTON	FIRE ON THE WATER - KORMORAN FILM FINAL DELIVERY	-22250.00
EFT23297	22/05/2018	RICHARD CLAUDE MORONEY	RUBBISH AND SEAWEED REMOVAL SBDC - APRIL 18	-50.00
EFT23298	22/05/2018	SKIPPERS AVIATION	FLIGHTS FOR 4 PASSENGERS WITH 1 REIMBURSABLE	-1795.00
EFT23299	22/05/2018	SHARK BAY NEWSAGENCY	50 REAMS OF PAPER - APRIL 18	-349.50
EFT23300	22/05/2018	TELSTRA CORPORATION LTD	OFFICE MOBILES AND SBDC 1300 PHONE	-138.74
EFT23303	23/05/2018	TELSTRA CORPORATION LTD	GROUP PLAN LANDLINE AND INTERNET	-1427.03
EFT23305	28/05/2018	BATTERY MART	BATTERY FOR GALLA BILGE PUMP	-431.20
EFT23306	28/05/2018	CONTROLLED IRRIGATION SUPPLIES AUSTRALIA	SPRINKLER FOR FORESHORE	-418.00
EFT23307	28/05/2018	GERALDTON MOWER & REPAIRS SPECIALISTS	PP076 PARTS	-340.28
EFT23308	28/05/2018	TOLL IPEC PTY LTD	FREIGHT- MHW INTEGRATION - TOOLS	-444.96
EFT23309	28/05/2018	J & T FREIGHT	FREIGHT - TRADESALES	-328.10
EFT23310	28/05/2018	OUTBACK COAST AUTOMOTIVES AND RADIATORS	PUNCTURE REPAIR FORD RANGER	-44.00
EFT23312	11/05/2018	DEPARTMENT OF PLANNING, LAND AND HERITAGE	LICENCE FEE AND DOCUMENT PREPARATION FEE FOR CAMPING AREAS	-687.00
EFT23314	29/05/2018	BRIAN JOHN GALVIN	REIMBURSEMENT - UTILITIES	-647.56
EFT23315	29/05/2018	HORIZON POWER	ELECTRICITY SHIRE PROPERTIES	-10886.89
EFT23316	29/05/2018	HERITAGE RESORT	ACCOMMODATION - JANE WUNDERSITZ - LEADERSHIP WORKSHOP	-324.00
EFT23317	29/05/2018	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANITVIRUS	-673.50
EFT23318	29/05/2018	LYONS ENTERPRISES AUS PTY LTD	CAR HIRE- VISITING DOCTORS	-330.00
EFT23319	29/05/2018	MOORE STEPHENS	WALGA TAX PAYG WORKSHOP T. MORONEY & F.BETTESWORTH	-1320.00
EFT23320	29/05/2018	SHARMAIN ANDREWS	RATES REFUND FOR ASSESSMENT A1429 7A FRY COURT DENHAM 6537	-6.81

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23321	30/05/2018	AUSTRALIA POST	APRIL POSTAGE COSTS	-96.51
EFT23322	30/05/2018	ATC MIDWEST APPRENTICE & TRAINEESHIP	TRAINEE WAGES – THOMAS MORONEY	-218.76
EFT23323	30/05/2018	ART ON THE MOVE	ART ON THE MOVE ANNUAL MEMBERSHIP	-220.00
EFT23324	30/05/2018	CARROLL AND RICHARDSON FLAGWORLD	FLAGS FOR SBDC	-944.00
EFT23325	30/05/2018	HERITAGE RESORT	FINGER FOOD LUNCHEON – COUNCIL MEETING	-264.00
EFT23326	30/05/2018	LADYBIRD ENTERTAINMENT	BALANCE OWING - SHARK BAY WINTER MARKETS	-1100.00
EFT23327	30/05/2018	PROFESSIONAL PC SUPPORT	EMERGENCY CALL OUT - SERVER FAILURE	-2582.86
EFT23328	30/05/2018	RICHARD CLAUDE MORONEY	REMOVE RUBBISH, SEAWEED AND SAND FROM SBDC	-50.00
EFT23329	30/05/2018	WINC AUSTRALIA PTY LIMITED	MAY METER READ FOR OFFICE PRINTER	-379.48
EFT23330	30/05/2018	SKIPPERS AVIATION	MRS CHERYL COWELL FLIGHT BOOKING 4-8 JUNE 2018 – TO BE REIMBURSED	-718.00
EFT23331	30/05/2018	TELSTRA CORPORATION LTD	SHIRE TELSTRA MOBILES	-398.95
TOTAL				\$441,989.60

**SHIRE OF SHARK BAY – TRUST TRANSACTION
MAY 2018
TRUST POLICE LICENSING TRANSACTION # 171811**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
171811	31/05/2018	COMMISSIONER OF POLICE	POLICE LICENSING MAY 2018	-29287.75
TOTAL				\$29,287.75

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

**SHIRE OF SHARK BAY – TRUST EFT
MAY 2018**

EFT 23269-23271, 23304, 23342-23367

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23269	15/05/2018	COLLEEN STEINECK	GYM CARD DEPOSIT REFUND	-20.00
EFT23270	15/05/2018	CRAIG WILLIAM STEVENSON	GYM CARD DEPOSIT REFUND	-20.00
EFT23271	15/05/2018	TIMOTHY WYNN HARGREAVES	HALL CLEANING DEPOSIT REFUND	-275.00
EFT23304	24/05/2018	HAYLEY SHAW	GYM CARD DEPOSIT REFUND	-20.00
EFT23342	31/05/2018	MAC ATTACK FISHING CHARTERS	BOOKEASY MAY 2018	-705.50
EFT23343	31/05/2018	SHARK BAY AVIATION	BOOKEASY MAY 2018	-1491.75
EFT23344	31/05/2018	BLUE DOLPHIN CARAVAN PARK	BOOKEASY MAY 2018	-816.00
EFT23345	31/05/2018	BAY LODGE MIDWEST OASIS	BOOKEASY MAY 2018	-800.80
EFT23346	31/05/2018	BLUE LAGOON PEARLS	BOOKEASY MAY 2018	-80.00
EFT23347	31/05/2018	CORAL BAY ECO TOURS	BOOKEASY MAY 2018	-790.00
EFT23348	31/05/2018	SHARK BAY COASTAL TOURS	BOOKEASY MAY 2018	-2613.75
EFT23349	31/05/2018	DENHAM SEASIDE CARAVAN PARK	BOOKEASY MAY 2018	-781.59
EFT23350	31/05/2018	HARTOG COTTAGES	BOOKEASY MAY 2018	-954.80
EFT23351	31/05/2018	INTEGRITY COACH LINES (AUST) PTY LTD	BOOKEASY MAY 2018	-298.43
EFT23352	31/05/2018	KINGS NINGALOO REEF TOURS	BOOKEASY MAY 2018	-586.50
EFT23353	31/05/2018	MONKEY MIA YACHT CHARTERS (ARISTOCAT)	BOOKEASY MAY 2018	-5364.48
EFT23354	31/05/2018	MONKEYMIA WILDSIGHTS	WILDSIGHTS ONLINE MAY 2018	-5297.78
EFT23355	31/05/2018	DENHAM NATURETIME - 4WD TOURS/PHOTOGRAPHY TOURS	BOOKEASY MAY 2018	-1641.20
EFT23356	31/05/2018	WA OCEAN PARK PTY LTD	BOOKEASY MAY 2018	-4139.50
EFT23357	31/05/2018	SHARK BAY SCENIC QUAD BIKE TOURS	BOOKEASY MAY 2018	-1224.00
EFT23358	31/05/2018	RAC TOURISM ASSETS P/L T/A MONKEY MIA DOLPHIN RESORT	BOOKEASY MAY 2018	-628.32
EFT23359	31/05/2018	SHARK BAY HOTEL MOTEL	BOOKEASY MAY 2018	-122.25

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT23360	31/05/2018	SHARK BAY COTTAGES	BOOKEASY MAY 2018	-153.00
EFT23361	31/05/2018	SHIRE OF SHARK BAY	SBDC COMMISSION MAY 2018	-4697.44
EFT23362	31/05/2018	TRADEWINDS SEAFRONT APARTMENTS	BOOKEASY MAY 2018	-607.20
EFT23363	31/05/2018	WICKED CAMPERS	BOOKEASY MAY 2018	-762.45
EFT23364	31/05/2018	WULA GURA NYINDA ECO ADVENTURES	BOOKEASY MAY 2018	-657.36
EFT23365	31/05/2018	CONSTRUCTION TRAINING FUND	AUSSIE MODULAR PERMIT 3288 LOT 130 (501) MONKEY MIA RD MONKEY MIA	-10244.40
EFT23366	31/05/2018	DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	AUSSIE MODULAR PERMIT 3288 LOT 130 (501) MONKEY MIA RD MONKEY MIA	-7076.65
EFT23367	31/05/2018	SHIRE OF SHARK BAY	COLLECTION FEE AUSSIE MODULAR PERMIT 3288	-58.00
TOTAL				\$52,928.15

27 JUNE 2018

12.2 FINANCIAL REPORTS TO 31 MAY 2018
CM00017

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Declaration of Interest:

Nature of Interest:

Moved Cr Burton
Seconded Cr Ridgely

Council Resolution

That the monthly financial report to 31 May 2018 as attached be received.

7/0 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 May 2018** 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
21 June 2018

27 JUNE 2018

SHIRE OF SHARK BAY			
MONTHLY FINANCIAL REPORT			
For the Period Ended 31 May 2018			
LOCAL GOVERNMENT ACT 1995			
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996			
<u>TABLE OF CONTENTS</u>			
Compilation Report			
Monthly Summary Information			
Statement of Financial Activity by Program			
Statement of Financial Activity By Nature or Type			
Statement of Capital Acquisitions and Capital Funding			
Note 1	Significant Accounting Policies		
Note 2	Explanation of Material Variances		
Note 3	Net Current Funding Position		
Note 4	Cash and Investments		
Note 6	Receivables		
Note 7	Cash Backed Reserves		
Note 8	Capital Disposals		
Note 9	Rating Information		
Note 10	Information on Borrowings		
Note 11	Grants and Contributions		
Note 12	Trust		
Note 13	Capital Acquisitions		

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 May 2018							
	Note	Amended Annual Budget	YTD Amended Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		13,892	13,568	3,252	(10,316)	(76.03%)	▼
General Purpose Funding - Rates	9	1,288,069	1,288,069	1,265,663	(22,406)	(1.74%)	▼
General Purpose Funding - Other		984,361	977,489	987,213	9,724	1.0%	▲
Law, Order and Public Safety		134,099	124,153	76,720	(47,433)	(38%)	▼
Health		1,665	1,605	1,502	(103)	(6.42%)	▼
Housing		82,118	74,684	84,318	9,634	12.9%	▲
Community Amenities		294,681	270,116	306,608	36,492	13.51%	▲
Recreation and Culture		316,409	290,184	287,513	(2,671)	(0.9%)	▼
Transport		424,857	424,770	428,433	3,663	0.9%	▲
Economic Services		909,731	848,469	794,141	(54,328)	(6.4%)	▼
Other Property and Services		48,000	44,330	35,036	(9,294)	(21.0%)	▼
Total Operating Revenue		4,497,882	4,357,437	4,270,398	(87,039)	(2.00%)	
Operating Expense							
Governance		(317,113)	(325,940)	(241,040)	84,900	(26.0%)	▲
General Purpose Funding		(118,081)	(108,392)	(95,921)	12,471	(11.5%)	▲
Law, Order and Public Safety		(428,655)	(394,509)	(248,176)	146,333	(37.1%)	▲
Health		(63,831)	(58,637)	(47,204)	11,433	(19.5%)	▲
Housing		(179,338)	(163,086)	(163,166)	(80)	0.0%	▲
Community Amenities		(644,611)	(591,563)	(566,127)	25,436	(4.3%)	▲
Recreation and Culture		(2,419,682)	(2,239,471)	(1,994,805)	244,666	(10.9%)	▲
Transport		(1,635,890)	(1,504,734)	(1,445,107)	59,627	(4.0%)	▲
Economic Services		(1,189,258)	(1,100,216)	(945,804)	154,412	(14.0%)	▲
Other Property and Services		(47,500)	(51,895)	(106,378)	(54,483)	105.0%	▼
Total Operating Expenditure		(7,043,959)	(6,538,443)	(5,853,728)	684,715	(10.5%)	
Funding Balance Adjustments							
Add back Depreciation		2,018,080	1,849,738	1,830,527	(19,211)		
Adjust (Profit)/Loss on Asset Disposal	8	7,961	7,961	7,502	(459)		
Adjust Provisions and Accruals		0	0	0			
Net Cash from Operations		(520,036)	(323,307)	254,699	578,006	(178.78%)	
Capital Revenues							
Grants, Subsidies and Contributions	11	872,363	839,042	682,561	(156,481)	(18.6%)	▼
Proceeds from Disposal of Assets	8	176,682	120,682	120,682	0	0.0%	
Total Capital Revenues		1,049,045	959,724	803,243	(156,481)	(16.3%)	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(100,000)	(98,326)	(48,642)	49,684	50.53%	▲
Infrastructure - Roads	13	(1,292,413)	(1,233,334)	(951,389)	281,945	22.9%	▲
Infrastructure - Public Facilities	13	(478,387)	(457,179)	(429,124)	28,055	6.1%	▲
Infrastructure - Streetscapes	13	(7,500)	(7,500)	0	7,500	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	(50,000)	0	50,000	100.0%	▲
Infrastructure - Drainage	13	(13,441)	(13,441)	(13,441)	0	0.0%	▲
Plant and Equipment	13	(379,018)	(374,018)	(250,078)	123,940	33.1%	▲
Furniture and Equipment	13	(10,271)	(10,271)	(10,271)	0	0.0%	▲
Total Capital Expenditure		(2,331,030)	(2,244,069)	(1,702,945)	541,124	24.1%	
Net Cash from Capital Activities		(1,281,985)	(1,284,345)	(899,702)	384,643	29.95%	
Financing							
Proceeds from Self Supporting Loans		5,342	2,407	2,407	0	0.0%	
Transfer from Reserves	7	514,895	384,692	384,692	0	0.0%	
Repayment of Debentures	10	(67,020)	(66,998)	(66,998)	0	0.0%	
Transfer to Reserves	7	(975,793)	(357,275)	(357,275)	0	0.0%	
Loans to Community Groups		0	0	0	0	0.0%	
Net Cash from Financing Activities		(522,576)	(37,174)	(37,174)	0	0.0%	
Net Operations, Capital and Financing		(2,324,597)	(1,644,826)	(682,176)	962,650	58.53%	▲
Opening Funding Surplus(Deficit)	3	2,324,597	2,324,597	2,324,597	0		
Closing Funding Surplus(Deficit)	3	0	679,771	1,642,421	962,650	141.61%	▲

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

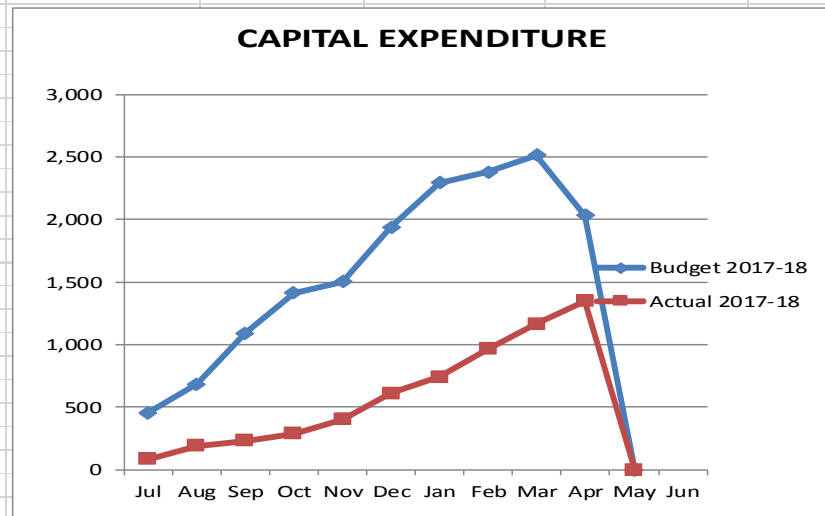
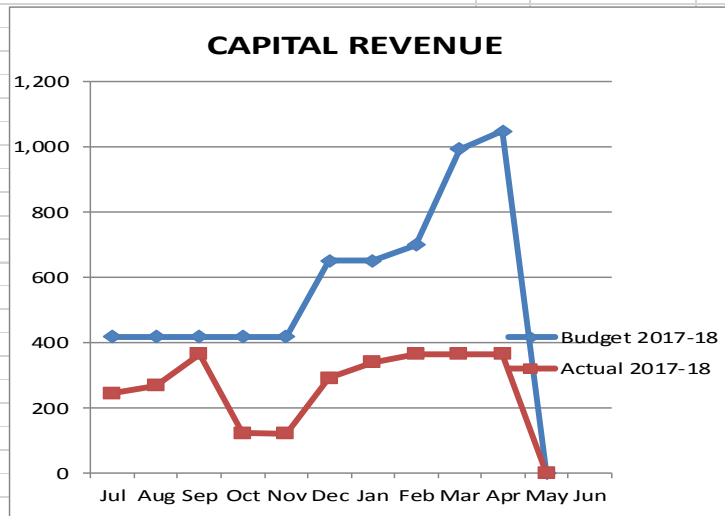
SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 May 2018				
	Note	Amended Annual Budget	YTD Amended Budget (a)	YTD Actual (b)
Operating Revenues				
Rates	9	\$ 1,288,069	\$ 1,288,069	\$ 1,265,663
Operating Grants, Subsidies and Contributions	11	1,517,666	1,504,976	1,403,418
Fees and Charges		1,473,775	1,363,454	1,425,091
Interest Earnings		51,175	46,871	58,418
Other Revenue		157,105	143,975	117,808
Profit on Disposal of Assets	8	10,092	10,092	0
Total Operating Revenue		4,497,882	4,357,437	4,270,398
Operating Expense				
Employee Costs		(2,229,355)	(2,067,917)	(1,932,226)
Materials and Contracts		(2,239,941)	(2,093,011)	(1,618,617)
Utility Charges		(172,097)	(155,863)	(161,807)
Depreciation on Non-Current Assets		(2,018,080)	(1,849,738)	(1,830,527)
Interest Expenses		(14,360)	(11,028)	(10,564)
Insurance Expenses		(162,150)	(162,150)	(151,241)
Other Expenditure		(186,200)	(178,782)	(137,524)
Loss on Disposal of Assets	8	(21,776)	(18,140)	(11,222)
Total Operating Expenditure		(7,043,959)	(6,536,629)	(5,853,728)
Funding Balance Adjustments				
Add back Depreciation		2,018,080	1,849,738	1,830,527
Adjust (Profit)/Loss on Asset Disposal	8	7,961	7,961	7,502
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		(520,036)	(321,493)	254,699
Capital Revenues				
Grants, Subsidies and Contributions	11	872,363	839,042	682,561
Proceeds from Disposal of Assets	8	176,682	120,682	120,682
Total Capital Revenues		1,049,045	959,724	803,243
Capital Expenses				
Land Held for Resale				0
Land and Buildings	13	(100,000)	(98,326)	(48,642)
Infrastructure - Roads	13	(1,292,413)	(1,233,334)	(951,389)
Infrastructure - Public Facilities	13	(478,387)	(457,179)	(429,124)
Infrastructure - Streetscapes	13	(7,500)	(7,500)	0
Infrastructure - Footpaths	13	(50,000)	(50,000)	0
Infrastructure - Drainage	13	(13,441)	(13,441)	(13,441)
Plant and Equipment	13	(379,018)	(374,018)	(250,078)
Furniture and Equipment	13	(10,271)	(10,271)	(10,271)
Total Capital Expenditure		(2,331,030)	(2,244,069)	(1,702,945)
Net Cash from Capital Activities		(1,281,985)	(1,284,345)	(899,702)
Financing				
Proceeds from New Debentures		5,342	2,407	2,407
Transfer from Reserves	7	514,895	384,692	384,692
Repayment of Debentures	10	(67,020)	(66,998)	(66,998)
Transfer to Reserves	7	(975,793)	(357,275)	(357,275)
Loans to Community Groups		0	0	0
Net Cash from Financing Activities		(522,576)	(37,174)	(37,174)
Net Operations, Capital and Financing		(2,324,597)	(1,643,012)	(682,176)
Opening Funding Surplus(Deficit)	3	2,324,597	2,324,597	2,324,597
Closing Funding Surplus(Deficit)	3	0	681,585	1,642,421

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 31 May 2018

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	48,642	48,642	98,326	100,000	49,684
Infrastructure Assets - Roads	13	0	951,389	951,389	1,233,334	1,292,413	281,945
Infrastructure Assets - Public Facilities	13	418,733	10,391	429,124	457,179	478,387	28,055
Infrastructure Assets - Footpaths	13	0	0	0	50,000	50,000	50,000
Infrastructure Assets - Drainage	13	3,441	10,000	13,441	13,441	13,441	0
Infrastructure Assets - Streetscapes	13	0	0	0	7,500	7,500	7,500
Plant and Equipment	13	0	250,078	250,078	374,018	379,018	123,940
Furniture and Equipment	13	10,271	0	10,271	10,271	10,271	0
Capital Expenditure Totals		432,444	1,270,500	1,702,945	2,244,069	2,331,030	541,124



MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1. SIGNIFICANT ACCOUNTING POLICIES					
(a) Basis of Preparation					
This report has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.					
Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.					
The Local Government Reporting Entity					
All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.					
In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.					
All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 16 to this budget document.					
(b) Rounding Off Figures					
All figures shown in this report, other than a rate in the dollar, are rounded to the nearest dollar.					
(c) Rates, Grants, Donations and Other Contributions					
Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.					
Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.					
(d) Goods and Services Tax (GST)					
Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).					
Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.					
Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.					
(e) Superannuation					
The Council contributes to a number of Superannuation Funds on behalf of employees.					
All funds to which the Council contributes are defined contribution plans.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)				
	(f) Cash and Cash Equivalents				
	Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.				
	Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.				
	(g) Trade and Other Receivables				
	Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.				
	Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.				
	Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.				
	(h) Inventories				
	General				
	Inventories are measured at the lower of cost and net realisable value.				
	Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.				
	Land Held for Resale				
	Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.				
	Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.				
	Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.				
	(i) Fixed Assets				
	Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.				
	Mandatory Requirement to Revalue Non-Current Assets				
	Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.				

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(j) Fixed Assets (Continued)					
<i>Land Under Control</i>					
In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.					
Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.					
Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014.					
<i>Initial Recognition and Measurement between Mandatory Revaluation Dates</i>					
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.					
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.					
Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation of the next anniversary date in accordance with the mandatory measurement framework.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
	(j) Fixed Assets (Continued)			
	Revaluation			
	Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.			
	Transitional Arrangement			
	During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.			
	Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.			
	Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.			
	Land Under Roads			
	In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.			
	Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.			
	Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.			
	Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.			
	Depreciation			
	The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.			

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(j) Fixed Assets (Continued)				
Major depreciation periods used for each class of depreciable asset are:				
Buildings				10 to 50 years
Furniture and Equipment				5 to 10 years
Plant and Equipment				5 to 10 years
Heritage				25 to 100 years
Sealed Roads and Streets				
- Subgrade				Not Depreciated
- Pavement				80 to 100 years
- Seal	Bituminous Seals			15 to 22 years
	Asphalt Surfaces			30 years
Formed Roads (Unsealed)				
- Subgrade				Not Depreciated
- Pavement				18 years
Footpaths				40 to 80 years
Drainage Systems				
- Drains and Kerbs				20 to 60 years
- Culverts				60 years
- Pipes				80 years
- Pits				60 years
The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.				
An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.				
Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.				
When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.				
Capitalisation Threshold				
Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.				
(k) Fair Value of Assets and Liabilities				
When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:				
Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.				

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)			
	(k) Fair Value of Assets and Liabilities (Continued)			
	As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.			
	To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).			
	For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.			
	Fair Value Hierarchy			
	AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:			
	Level 1			
	Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.			
	Level 2			
	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.			
	Level 3			
	Measurements based on unobservable inputs for the asset or liability.			
	The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.			
	Valuation techniques			
	The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:			
	Market approach			
	Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.			

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(k) Fair Value of Assets and Liabilities (Continued)					
Income approach					
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.					
Cost approach					
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.					
Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.					
As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.					
(l) Financial Instruments					
Initial Recognition and Measurement					
Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).					
Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.					
Classification and Subsequent Measurement					
Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.					
Amortised cost is calculated as:					
(a) the amount in which the financial asset or financial liability is measured at initial recognition;					
(b) less principal repayments and any reduction for impairment; and					
(c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(I) Financial Instruments (Continued)				
<p>The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.</p>				
<i>(i) Financial assets at fair value through profit and loss</i>				
<p>Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.</p>				
<i>(ii) Loans and receivables</i>				
<p>Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>				
<p>Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.</p>				
<i>(iii) Held-to-maturity investments</i>				
<p>Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.</p>				
<p>Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.</p>				
<i>(iv) Available-for-sale financial assets</i>				
<p>Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.</p>				
<p>They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.</p>				
<p>Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.</p>				
<i>(v) Financial liabilities</i>				
<p>Non-derivative financial liabilities (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.</p>				

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
	1. SIGNIFICANT ACCOUNTING POLICIES (Continued)			
	(l) Financial Instruments (Continued)			
	<i>Impairment</i>			
	A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).			
	In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.			
	In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.			
	For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.			
	<i>Derecognition</i>			
	Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.			
	Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.			
	(m) Impairment of Assets			
	In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.			
	Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.			
	Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revaluation decrease in accordance with that other standard.			

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1.	SIGNIFICANT ACCOUNTING POLICIES (Continued)				
(m)	Impairment of Assets (Continued)				
	For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.				
(n)	Trade and Other Payables				
	Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.				
(o)	Employee Benefits				
	Short-Term Employee Benefits				
	Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.				
	The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.				
	Other Long-Term Employee Benefits				
	Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.				
	The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.				

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(p) Borrowing Costs					
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.					
(q) Provisions					
Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.					
Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.					
(r) Current and Non-Current Classification					
In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale where it is held as non-current based on the Council's intentions to release for sale.					

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

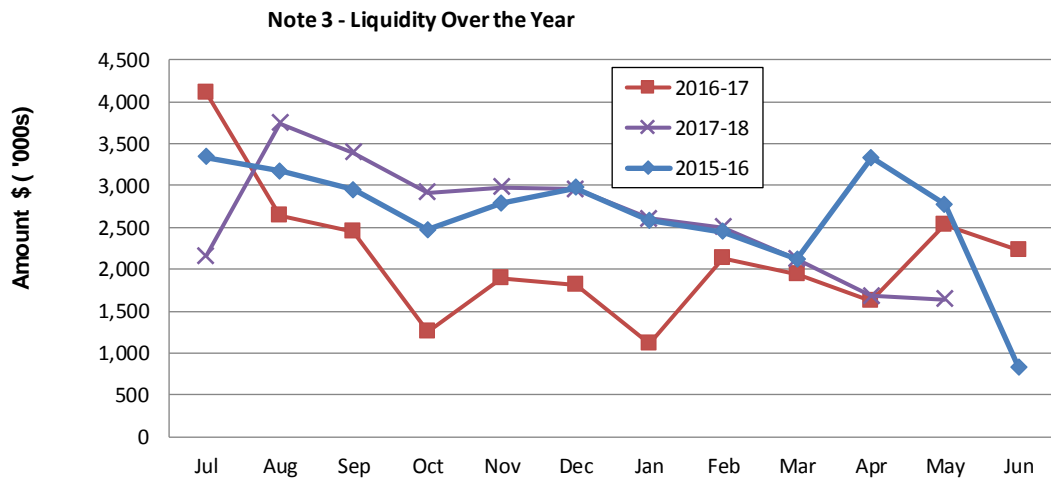
Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 May 2018					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(10,316)	(76.0%)	▼	Permanent	Variance due to Sale of of EMCA and EMFA vehicles due for Trade In in June
General Purpose Funding - Rates	(22,406)	(1.7%)	▼	Permanent	Variance due to reversal of prepaid rates from 2016/17.
General Purpose Funding - Other	9,724	1.0%	▲	Timing	No Reportable Variance
Law, Order and Public Safety	(47,433)	(38.2%)	▼	Timing	Approved Overspend on SES Budget to be reimbursed by FESA - Coastal Hazards Grants have not been fully received as project is still progressing
Health	(103)	(6.4%)	▼	Permanent	No Reportable Variance
Housing	9,634	12.9%	▲	Timing	Pensioner Rent Received in Advance
Community Amenities	36,492	13.5%	▲	Permanent	Increased refuse site fees, Sale of scrap Metal and Planning Orders and Requisitions applications .
Recreation and Culture	(2,671)	(0.9%)	▼	Permanent	No Reportable Variance
Transport	3,663	0.9%	▲	Timing	No Reportable Variance
Economic Services	(54,328)	(6.4%)	▼	Timing	Variance due to non receipt of Contribution - Monkey Mia Resort \$50K
Other Property and Services	(9,294)	(21.0%)	▼	Permanent	Decrease in refunds income.
Operating Expense					
Governance	84,900	(26.0%)	▲	Timing	Underspend in Council Expenses and Fair Value for infrastructure not yet complete
General Purpose Funding	12,471	(11.5%)	▲	Permanent	Reduction in Governance Overhead allocated costs
Law, Order and Public Safety	146,333	(37.1%)	▲	Timing	Coastal Hazard Identification project has recently commenced.
Health	11,433	(19.5%)	▲	Timing	Health Inspection Invoices still to be received plus reduction in Governance Overhead
Housing	(80)	0.0%	▲	Timing	No reportable variance.
Community Amenities	25,436	(4.3%)	▲	Timing	Reduction in Governance Overhead allocated costs
Recreation and Culture	244,666	(10.9%)	▲	Timing	Various projects not yet completed such as Battle Off Shark Bay , Tourism WA RVCSGP Website Upgrade, Nicholson Point Rehabilitation and overall underspend compared to YTD budget
Transport	59,627	(4.0%)	▲	Timing	Maintenance - Country Roads in progress with reduction in Governance Overhead Allocated Costs
Economic Services	154,412	(14.0%)	▲	Timing	Underspend compared to budget in Community Events and Festivals, Festival 2018 Grant
Other Property and Services	(54,483)	105.0%	▼	Timing	Funding Assistance and Tourism Promotion Overall under allocation of Plant and public works overheads.
Capital Revenues					
Grants, Subsidies and Contributions	(156,481)	(18.6%)	▼	Timing	Ocean Park and Nanga Road RRG grants no longer receivable as Main Road contracted out the work enabling Eagle Bluff Road to be covered under this agreement for 17-18
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No reportable variance
Capital Expenses					
Land and Buildings	49,684	50.5%	▲	Timing	Denham Town Hall and New Depot Abultion Block not yet completed
Infrastructure - Roads	281,945	22.9%	▲	Timing	RRG Ocean Park and Nanga Roads contractors have been paid direct by Main Roads. SSB will be paying their portion next month to Main Roads. (No Longer receiving the grant).
Infrastructure - Public Facilities	28,055	6.1%	▲	Timing	Refuse and Recycling initiative 90% complete
Infrastructure - Footpaths	50,000	0.0%	▲	Timing	Expenditure on Footpaths yet to commence.
Infrastructure - Streetscapes	7,500	0.0%	▼	Timing	Overlander Solar Project not yet commenced.
Plant and Equipment	123,940	33.1%	▲	Timing	Excavator Repairs to commence in May/June and YTD underspend in Major Plant Items
Financing					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Note 3: NET CURRENT FUNDING POSITION				
Positive=Surplus (Negative=Deficit)				
	Note	31 May 2018	30th June 2017	31 May 2017
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	1,988,566	2,096,415	7,058,457
Cash Restricted	4	1,210,832	1,909,228	1,101,743
Receivables - Rates	6	51,681	21,187	119,979
Receivables -Other	6	63,809	123,224	156,472
Interest / ATO Receivable		0	6,948	22,087
Inventories		218,244	187,603	101,434
		3,533,132	4,344,605	8,560,172
Less: Current Liabilities				
Payables		(476,145)	(578,024)	(701,144)
Provisions		(203,734)	(203,734)	(226,944)
Royalties for Regions Funding		0		(3,200,000)
		(679,879)	(781,758)	(4,128,088)
Less: Cash Reserves	7	(1,210,832)	(1,238,250)	(1,101,743)
Net Current Funding Position		1,642,421	2,324,597	3,330,341



Comments - Net Current Funding Position

MINUTES OF THE ORDINARY COUNCIL MEETING

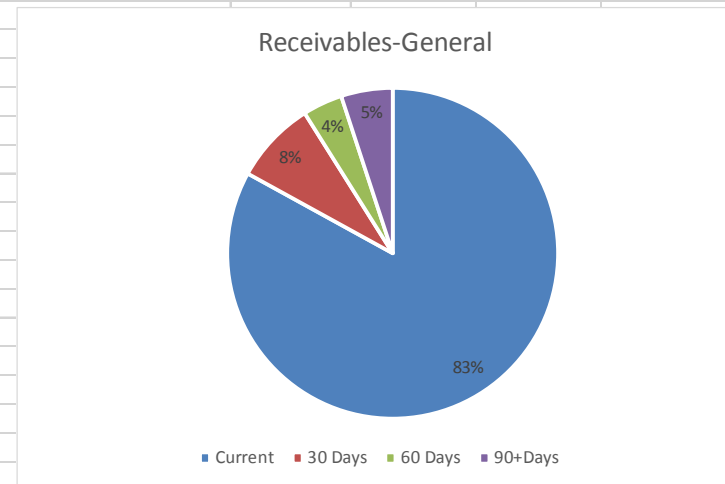
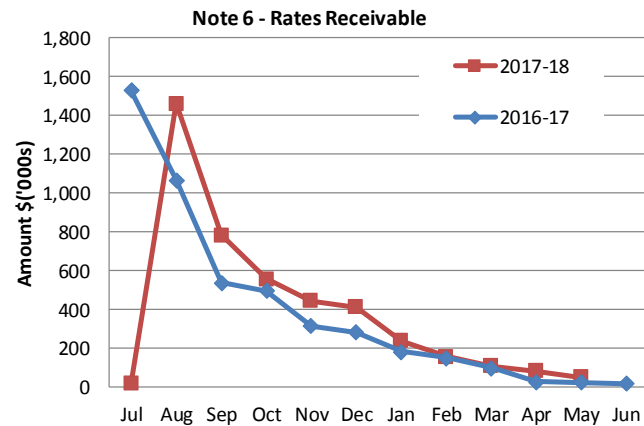
27 JUNE 2018

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 May 2018							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	72,820			72,820	Bankwest	At Call
Reserve Bank Account	0.00%		832		832	Bankwest	At Call
Telenet Saver	1.10%	614,945			614,945	Bankwest	At Call
Trust Bank Account	0.00%			15,002	15,002	Bankwest	At Call
Cash On Hand		800			800		On Hand
(b) Term Deposits							
Municipal Investment	2.35%	1,300,000			1,300,000	Bankwest	16/07/2018
Reserve Investment	2.35%		1,210,000		1,210,000	Bankwest	10/08/2018
Total		1,988,566	1,210,832	15,002	3,214,400		
Comments/Notes - Investments							
Surplus funds invested for terms conducive to cashflow requirements. Although the Municipal Bank Account appears in overdraft, it is not.							
There is a timing issue on the update of the ledger compared to the actual transfer of funds from the Telenet Saver to cover the payments.							

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Shire of Shark Bay				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 May 2018				
Note 6: RECEIVABLES				
Receivables - Rates Receivable	31 May 2018	30 June 2017	Receivables - General	Current 30 Days 60 Days 90+Days
	\$	\$		\$ \$ \$ \$
Opening Arrears Previous Years	25,814	25,814	Receivables - General	52,382 5,086 2,459 3,180
Levied this year	1,288,212	1,520,406	Total Receivables General Outstanding	63,108
Less Collections to date	(1,262,345)	(1,525,033)	Amounts shown above include GST (where applicable)	
Equals Current Outstanding	51,681	21,187		
Net Rates Collectable	51,681	21,187		
% Collected	96.07%	98.63%		



Comments/Notes - Receivables Rates

Rates collection is better than last year.

No major issues at this time - major debtor is Main Roads and Department of Parks and Wildlife.

MINUTES OF THE ORDINARY COUNCIL MEETING

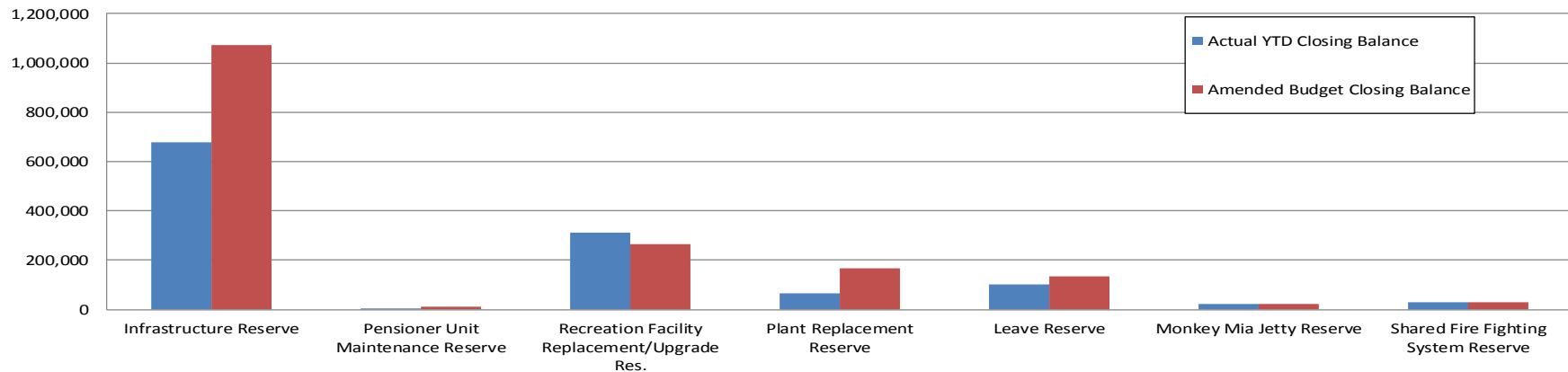
27 JUNE 2018

Shire of Shark Bay
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 31 May 2018

Note 7: Cash Backed Reserve

2017-18									
Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
Infrastructure Reserve	\$ 725,034	\$ 13,500	\$ 12,587	\$ 404,597	\$ 0	\$ (68,692)	\$ (58,692)	\$ 1,074,439	\$ 678,929
Pensioner Unit Maintenance Reserve	732	15	14	10,000	0	0	0	10,747	746
Recreation Facility Replacement/Upgrade Res.	307,765	6,250	5,752	0	0	(50,000)	0	264,015	313,517
Plant Replacement Reserve	55,128	2,050	1,133	505,336	335,000	(396,203)	(326,000)	166,311	65,261
Leave Reserve	100,199	2,040	1,868	31,000	0	0	0	133,239	102,067
Monkey Mia Jetty Reserve	21,122	430	394	0	0	0	0	21,552	21,516
Shared Fire Fighting System Reserve	28,269	575	527	0	0	0	0	28,844	28,796
	1,238,249	24,860	22,275	950,933	335,000	(514,895)	(384,692)	1,699,147	1,210,832

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



MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 May 2018							
Note 8 CAPITAL DISPOSALS							
Actual YTD Profit/(Loss) of Asset Disposal					Original Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 05 2018		
\$	\$	\$	\$		Amended Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
				Plant and Equipment	\$	\$	\$
				Transport			
55,000	(3,972)	48,182	(2,846)	CEO Vehicle	(2,846)	(2,846)	0
34,765				EMFA Vehicle	6,559	0	6,559
37,866				EMCD Vehicle	3,534	0	3,534
51,000	(14,992)	25,455		Dual Cab Truck 5T	(10,553)	0	10,553
32,000	(4,967)	24,319	(2,714)	Gardners Vehicle	(2,714)	(2,714)	0
32,000	(7,332)	22,726	(1,942)	Country Ute Single Cab	(1,941)	(1,942)	(1)
3,721	0	0	(3,721)	Denham Recreational Boat Ramp(DOT asset) Retention Cost Transfer	(3,721)	(3,721)	
246,352	(31,263)	120,682	(11,223)		(11,682)	(11,223)	20,645
Comments - Capital Disposal/Replacements							

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 May 2018											
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 \$	
Note 9: RATING INFORMATION											
RATE TYPE											
Differential General Rate											
GRV Rateable Property	0.094627	301	3,606,327	341,256	474	2	341,732	341,256	331	2	341,589
GRV Vacant	0.094627	17	337,194	31,908			31,908	31,908			31,908
GRV - Commercial	0.097244	43	2,041,030	198,478	-1,069		197,409	198,478			198,478
GRV - Industrial/Residential	0.104714	45	619,128	64,831			64,831	64,831	-1,069		63,762
GRV Industrial /Residential Vacant	0.094627	2	17,099	1,618			1,618	1,618			1,618
GRV Rural Commercial	0.098348	5	304,201	29,917			29,917	29,917			29,917
GRV Resort	0.103811	2	1,112,800	115,521			115,521	115,521			115,521
UV General	0.194257	6	1,150,738	223,539	2,040	9,806	235,385	223,539	2,040	9,806	235,385
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	82,132			82,132
UV Exploration	0.254752	9	615,590	153,111			153,111	153,111			153,111
Sub-Totals		442	10,428,459	1,244,163	1,445	9,808	1,255,416	1,244,163	1,302	9,808	1,255,273
Minimum Payment											
GRV Rateable Property	825.00	67	511,894	70,125			70,125	70,125		7,528	77,653
GRV Vacant	825.00	85	283,570	55,275			55,275	55,275			55,275
GRV - Commercial	825.00	25	154,340	20,625	1,650	7,528	29,803	20,625	1,650		22,275
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	4300	1,720	7598	13,618	4,300	1,720	7598	13,618
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		-118	742	860		-118	742
Sub-Totals		186	978,320	154,520	3,370	15,008	172,898	154,520	3,370	15,008	172,898
Excess Rates 16/17 Impact											
						(22,549)					
Concessions						(177,763)	(177,763)				
Amount from General Rates						1,228,002	1,250,408				
Specified Area Rates						37,661	37,661				
Totals						1,265,663	1,288,069				
Comments - Rating Information											

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 May 2018								
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 Amended Budget \$	2017/18 Actual \$	2017/18 Amended Budget \$	2017/18 Actual \$	2017/18 Amended Budget \$
Loan 57 Monkey Mia Bore	194,230	0	29,208	29,210	165,022	165,020	6,033	8,460
Loan 53 - Staff Housing	43,286	0	20,953	20,960	22,333	22,326	1,215	2,000
Loan 56 - Staff Housing	63,544	0	16,837	16,850	46,707	46,694	3,317	3,900
	301,060	0	66,998	67,020	234,062	234,040	10,564	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

27 JUNE 2018

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 May 2018								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2017-18	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
			Amended Budget				Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	672,403	0	672,403	0	672,403	0
Grants Commission - Roads	WALGGC	Y	226,077	0	226,077	0	226,077	0
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	5,633	0	5,633	0	5,633	0
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	36,415	0	36,415	0	30,000	6,415
Coastal Hazards Identification	WA Planning Commission	Y	15,000	0	15,000	0	0	15,000
Coastal Hazard Risk Management & Adaptation	WA Planning Commission	Y	65,000	0	65,000	0	32,500	32,500
RECREATION AND CULTURE								
Tourism WA RVCSGP Grant	Tourism WA	Y	24,879	0	24,879	0	12,598	(12,598)
TRANSPORT								
Road Preservation Grant	State Initiative - Main Roads WA	Y	57,908	0	57,908	0	57,908	0
Useless Loop Road - Mtce	Main Roads WA	Y	315,000	0	315,000	0	315,000	0
Contributions - Road Projects	Pipeline	Y	8,350	0	8,350	0	8,600	(250)
Roads To Recovery Grant - Cap	Roads to Recovery	Y	399,753	0	0	399,753	399,753	0
RRG Grants - Capital Projects	Regional Road Group	Y	472,610	0	0	472,610	282,808	189,802
ECONOMIC SERVICES								
Contribution - Monkey Mia	Dept. of Parks and Wildlife	Y	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
Community Engagement Team Building	Dept. Of Local Government, Sport and Cultural	Y	20,000	0	20,000	0	20,000	0
Thank A Volunteer Day	Dept. Of Local Government and Communities	Y	1,000	0	1,000	0	700	300
Grant Shark Bay Rendezvous Festival	Horizon Power	Y	0	0	0	0	2,000	(2,000)
TOTALS			2,390,028	0	1,517,665	872,363	2,085,979	279,169
			Operating		1,517,665		1,403,418	
			Non-operating		872,363		682,561	
					2,390,028		2,085,979	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Shire of Shark Bay					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 May 2018					
Note 12: TRUST FUND					
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:					
Description	Opening Balance 1 Jul 17	Amount Received	Amount Paid	Closing Balance 31-May-18	
	\$	\$	\$	\$	
CITF Levy	0	15,042	(15,042)	0	
Library Card Bond	50	200	(250)	0	
Bookeasy- Sales	0	394,421	(394,366)	55	
Kerb/Footpath Deposit	4,300	999	(1,000)	4,299	
Bond Key	2,080	1,960	(1,840)	2,200	
Hall Bond	0	275	(275)	0	
Police Licensing	1,393	258,738	(259,446)	686	
Election Deposit	0	560	(560)	0	
Marquee Deposit	0			0	
Building Licence Levy	0	11,030	(11,030)	0	
Road Reserve - Hughes Street	2,000	298	0	2,298	
Tour Sales	0	2,821	(2,821)	0	
Rates Unidentified Deposit	210	0	0	210	
	10,033	686,344	(686,629)	9,748	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

CAPITAL WORKS PROGRAM 2017/2018								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Amended Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Land and Buildings								
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	1.2.4	CEO	(10,000)	(10,000)	(5,822)	4,178	5,822	
Staff Housing - 65 Brockman St	1.2.4	EMCD	(10,000)	(10,000)	(16,229)	(6,229)	16,229	
Staff Housing - 51 Durlacher St	1.2.4	EMFA	(10,000)	(10,000)	(13,414)	(3,414)	13,414	
Staff Housing - 80 Durlacher St	1.2.4	EMCD	(10,000)	(10,000)	(7,100)	2,900	7,100	
Pensioner Units Capital	3.7.1	EMCD	(20,000)	(20,000)	(6,077)	13,923	6,077	
Housing Total			(60,000)	(60,000)	(48,642)	11,358	48,642	
Recreation and Culture								
Denham Town Hall	3.7.1	EMCD	(20,000)	(18,326)	0	18,326		
Recreation and Culture Total			(20,000)	(18,326)	0	(18,326)	0	
Transport								
Depot- New Ablution	3.7.1	WKM	(20,000)	(20,000)	0	20,000		
Transport Total			(20,000)	(20,000)	0	20,000	0	
Land and Buildings Total			(100,000)	(98,326)	(48,642)	13,032	48,642	
Drainage/Culverts								
Transport								
Drain Kestrals - Foreshore	1.1.2	WKM	(3,441)	(3,441)	(3,441)	0		
Hughes Street Sump Upgrade	1.1.2	WKM	(10,000)	(10,000)	(10,000)	0	10,000	
Drainage/Culverts Total			(13,441)	(13,441)	(13,441)	0	10,000	
Footpaths								
Transport								
Footpath Construction-Denham Footpath Plan	3.7.1	WKM	(50,000)	(50,000)	0	(50,000)		
Transport Total			(50,000)	(50,000)	0	(50,000)	0	
Footpaths Total			(50,000)	(50,000)	0	(50,000)	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Furniture & Office Equip.								
Governance								
New Photocopier	1.1.2	EMFA	(10,271)	(10,271)	(10,271)	0		
Governance Total			(10,271)	(10,271)	(10,271)	0	0	
Recreation and Culture Total								
Discovery Centre - Furniture & Equipment	2.4.1	EMCD	0	0	0	0		
Recreation And Culture Total			0	0	0	0	0	
Furniture & Office Equip. Total			(10,271)	(10,271)	(10,271)	0	0	
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	1.1.2	CEO	(60,081)	(60,081)	(60,081)	0	60,081	
EMFA Vehicle	1.1.2	EMFA	(35,000)	(35,000)	0	35,000		
EMCD Vehicle	1.1.2	EMCD	(35,000)	(35,000)	0	35,000		
Total Governance			(130,081)	(130,081)	(60,081)	70,000	60,081	
Transport								
Dual Cab Truck 5T	1.1.6	WKM	(107,198)	(107,198)	(107,511)	(313)	107,511	
Excavator	1.1.6	WKM	(40,000)	(36,663)	0	36,663		
Gardeners Vehicle	1.1.6	WKM	(40,352)	(40,352)	(39,252)	1,100	39,252	
Dual Cab Ute - Country	1.1.6	WKM	(41,033)	(41,033)	(39,933)	1,100	39,933	
Camp Upgrades 16-17	1.1.6	WKM	(354)	(354)	(354)	0	354	
Major Plant Items	1.1.6	WKM	(20,000)	(18,337)	(2,947)	15,390	2,947	
Transport Total			(248,937)	(243,937)	(189,997)	53,940	189,997	
Plant , Equipment and Vehicles Total			(379,018)	(374,018)	(250,078)	123,940	250,078	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	2016/17 Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Public Facilities								
Community Amenities								
Refuse Tip and Recycling	2.4.2	WKM	(388,341)	(381,341)	(381,104)	(237)		
Community Amenities Total			(388,341)	(381,341)	(381,104)	(237)	0	
Recreation And Culture								
Pioneer Park Improvements	3.2.2	WKM	(10,000)	(10,000)	(7,983)	2,017		
Westend Carpark to DOT Carpark Limestone Wall and Beach Upgrade	3.23	WKM	(29,646)	(29,646)	(29,646)	0		
Town Oval Bore C/F 16-17	3.7.1	WKM	(50,400)	(36,192)	(10,391)	(25,801)	10,391	
Recreation And Culture Total			(90,046)	(75,838)	(48,020)	(23,784)	10,391	
Public Facilities Total			(478,387)	(457,179)	(429,124)	(24,021)	10,391	

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Roads (Non Town)								
Transport								
R2R Knight Terrace 16-17	1.1.6	WKM	(148,283)	(148,283)	(148,283)	0	148,283	
R2R Old Knight Terrace 16-7	1.1.6	WKM	(35,462)	(35,462)	(37,067)	1,605	37,067	
R2R Projects 17/18	1.1.6	WKM	(399,753)	(399,753)	(426,160)	(26,407)	426,160	
Useless Loop Road - RRG 17-18	1.1.6	WKM	(459,915)	(421,586)	(339,879)	81,707	339,879	
Nanga Road - RRG 17-18	1.1.6	WKM	(159,000)	(145,750)	0	145,750	0	
Ocean Park Road - RRG 17-18	1.1.6	WKM	(90,000)	(82,500)	0	82,500	0	
Transport Total			(1,292,413)	(1,233,334)	(951,389)	285,155	951,389	
Roads (Non Town) Total			(1,292,413)	(1,233,334)	(951,389)	285,155	951,389	
Streetscapes								
Economic Services								
Overlander - Solar Light Improvements	2.1.3	EMCD	(7,500)	(7,500)	0	7,500	0	
Economic Services Total			(7,500)	(7,500)	0	7,500	0	
Capital Expenditure Total			(2,331,030)	(2,244,069)	(1,702,945)	355,605	1,270,500	

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12.3 COUNCILLOR FEES, ALLOWANCES AND EXPENSES
FM 00005

AUTHOR

Executive Manager Finance and Administration

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That Council:

1. Adopt, in accordance with section 5.98, 5.99 and 5.99A of the *Local Government Act 1995*, annual attendance fees be paid to all Councillors in lieu of meeting fees and annual allowances in lieu of reimbursement of expenses;
2. Approve such fees and allowances to be paid at 3 monthly intervals in advance;
3. Approve for inclusion in the 2018/2019 budget, the following entitlements for the 2018/2019 financial year payable quarterly in advance:
 - a. An annual attendance fee for the Shire President of \$..... in accordance with section 5.99 of the *Local Government Act 1995*;
 - b. An annual attendance fee for council members' of \$..... in accordance with section 5.99 of the *Local Government Act 1995*;
 - c. An annual allowance for the Shire President of \$..... in accordance with section 5.98(5) of the *Local Government Act 1995*;
 - d. An annual allowance for the Deputy Shire President of \$..... in accordance with section 5.98A of the *Local Government Act 1995*;
 - e. An annual Information, Communication and Technology allowance for all council members' of \$..... in accordance with section 5.99A of the *Local Government Act 1995*;
4. Approve the reimbursement of expenses incurred by a council member in accordance with section 5.98(2)(b) and (3) of the Act and regulation 32 of the Local Government (Administration) Regulations 1996;
5. Approve the reimbursement of travel costs incurred by a council member in accordance with regulation 31(1)(b) of the Local Government (Administration) Regulations 1996;
6. Approve the reimbursement of childcare costs incurred by a council member in accordance with regulation 31(1)(b) and regulation 32(1) of the Local Government (Administration) Regulations 1996; and
7. Include the proposed increases and expenses in the 2018/2019 Draft budget.

Moved Cr Ridgely
Seconded Cr Burton

Council Resolution

That Council:

1. **Adopt, in accordance with section 5.98, 5.99 and 5.99A of the *Local Government Act 1995*, annual attendance fees be paid to all Councillors in lieu of meeting fees and annual allowances in lieu of reimbursement of expenses;**

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2. Approve such fees and allowances to be paid at 3 monthly intervals in advance;
3. Approve for inclusion in the 2018/2019 budget, the following entitlements for the 2018/2019 financial year payable quarterly in advance:
 - A. An annual attendance fee for the Shire President of \$11,663 in accordance with section 5.99 of the *Local Government Act 1995*;
 - B. An annual attendance fee for council members' of \$5,673 in accordance with section 5.99 of the *Local Government Act 1995*;
 - C. An annual allowance for the Shire President of \$11,978 in accordance with section 5.98(5) of the *Local Government Act 1995*;
 - D. An annual allowance for the Deputy Shire President of \$2,995 in accordance with section 5.98A of the *Local Government Act 1995*;
 - E. An annual Information, Communication and Technology allowance for all council members' of \$2,143 in accordance with section 5.99A of the *Local Government Act 1995*;
4. Approve the reimbursement of expenses incurred by a council member in accordance with section 5.98(2)(b) and (3) of the Act and regulation 32 of the Local Government (Administration) Regulations 1996;
5. Approve the reimbursement of travel costs incurred by a council member in accordance with regulation 31(1)(b) of the Local Government (Administration) Regulations 1996;
6. Approve the reimbursement of childcare costs incurred by a council member in accordance with regulation 31(1)(b) and regulation 32(1) of the Local Government (Administration) Regulations 1996; and
7. Include the proposed increases and expenses in the 2018/2019 Draft budget.
4/3 CARRIED

BACKGROUND

Section 7A of the *Salaries and Allowances Act 1975* require the Salaries and Allowances Tribunal to undertake a review of the fees and allowances for local government elected council members on an annual basis.

The Tribunal determination finalised on the 10 April 2018 that there will be no increase in the remuneration, fees, expenses or allowances ranges provided to Chief Executive Officer's and elected members.

However they also mention that each council retains the capacity to provide an increase within the current band parameters as long as they satisfy itself and provide

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

public justification for any increase within their allotted bank in the current economic climate.

Council has determined the fees to be paid in past years was as follows

	2014/2015	2015/2016	2016/2017	2017/18
Annual Attendance Fees				
President	\$9,536	\$11,433	\$11,605	\$11,663
Councillors	\$4,640	\$5,562	\$5,645	\$5,673
Annual Allowances				
President	\$9,795	\$11,742	\$11,918	\$11,978
Deputy President (25% of President)	\$2,448	\$2,936	\$2,980	\$2,995
Other Allowances				
Information Technology	\$1,804	\$2,100	\$2,132	\$2,143

COMMENT

The Tribunal Determination sets a range of fees and allowances for the Shire as a Band 4 Local Government and this allows the Council the flexibility to amend the fees and allowances annually in order to maintain some relativity with the actual costs of being a council member.

The Council has previously set its Councillor fees and allowances at a mid-range of band 4 of the Tribunals Determination.

The chart below indicates the minimum Fees and allowance applicable to a Band 4 Local Government and what Council determined the payment would be in 2017/2018.

Councillor Fees and Allowances 2017/2018			
Band 4 Local Government	Shark Bay		
	Min	Max	2017/2018 Payment
Annual Attendance Fees			
President	\$3,553	\$19,341	\$11,663
Councillors	\$3,553	\$9,410	\$5,673
Annual Allowances			
President	\$508	\$19,864	\$11,978
Deputy President (25% of President)	\$127	\$4,966	\$2,995
Other Allowances			
Information Technology	\$500	\$3,500	\$2,143

MINUTES OF THE ORDINARY COUNCIL MEETING

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To assist Council in its considerations a percentage increase has been applied to the 2017/2018 payment

	2017/18 Payment	1% increase	2% increase	3% Increase	4% Increase
Annual Attendance Fees					
President	\$11,663	\$11,780	\$11,896	\$12,013	\$12,130
Councillors	\$5,673	\$5,673	\$5,786	\$5,843	\$5,900
Annual Allowances					
President	\$11,978	\$12,098	\$12,218	\$12,337	\$12,457
Deputy President (25% of President)	\$2,995	\$3,025	\$3,055	\$3,085	\$3,115
Other Allowances					
Information Technology	\$2,143	\$2,164	\$2,186	\$2,207	\$2,229

The impact of the percentage increase indicated above on the draft 2018/2019 Budget is as follows

	2018/2019 Totals	1% Increase	2% Increase	3% Increase	4% Increase
Total Councillor Fees and Allowances	\$75,675	\$76,432	\$77,189	\$77,945	\$78,702
Annual Increase		\$757	\$1,514	\$2,270	\$3,027

Further to determining the level of fees and allowances, Council is required to approve the reimbursement of expenses, the payment of travel costs and the reimbursement of childcare costs incurred by a Council member.

This allows the payment on expenses to council members while on Council business such as meal and accommodation costs or taxi costs; the payment of travel costs such as mileage for the attendance at Council meetings; and the reimbursement of childcare costs to a maximum of \$25 per hour.

LEGAL IMPLICATIONS

Section 5.99 refers to the payment of an annual meeting attendance fee in lieu of meeting attendance fees for council members.

Section 5.98(2)(b) and (3) refers to the payment of expenses used in the course of council business.

Section 5.98(5) refers to the payment of an annual allowance for the President.

Section 5.98A(1) refers to the payment of an annual allowance for the Deputy President being no greater than 25% of the annual allowance for the President.

MINUTES OF THE ORDINARY COUNCIL MEETING

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Section 5.99A refers to the payment of an Information Communication and Technology allowance to council members.

Local Government (Administration) Regulations 1996

Regulation 31(1)(b) and 32(1) refers to the reimbursement of travel costs and childcare costs.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Any increase in Councillor fees would need to be included in the 2018/2019 draft budget considerations.

STRATEGIC IMPLICATIONS

Outcome 4.3 A long term strategically focused Council that functions efficiently and is unified.

RISK MANAGEMENT

Adoption of this increase in fees may result in a low political risk to Council on the basis that it will not be supported by the community.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author
Chief Executive Officer
Date of Report

A Pears
P Anderson
20 May 2018

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13.0 TOWN PLANNING REPORT

13.1 PROPOSED WAREHOUSE – LOT 332 (145) DAMPIER ROAD, DENHAM P1525

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 to nominate 2A OR 2B when moving the motion
Seconded Cr

Officer Recommendation

That Council:

1. Approve the application (14/2018) lodged by Raymond Pryer for a warehouse on Lot 332 Dampier Road, Denham subject to the following conditions:
 - (i) The plans lodged with the application shall form part of this planning approval. All development shall be in accordance with the approved plans and the building shall be constructed out of colourbond materials.
 - (ii) A trafficable driveway shall be installed on site within 6 months of the issue of a building permit or alternative time period agreed to in writing by the Chief Executive Officer.
 - (iii) The owner / applicant to upgrade and construct the existing crossover in accordance with the specifications of Policy 2.1 in the Shire of Shark Bay Policy Manual, within 6 months from the date of this planning consent or an alternative time period approved separately by the Shire in writing.
 - (iv) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - (v) No storage shall occur in the front setback area (between the front building line and the street frontage).
 - (vi) This approval is issued based on a proposed landuse of 'warehouse'.
 - (vii) An informal carparking area with capacity to accommodate a minimum of 3 carparking bays is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer.
 - (viii) 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. In regards to landscaping (discussed in this report), Council resolves:
 - (A) To include a condition to require lodgement of a landscaping plan as follows:

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(ix) *The owner / applicant to lodge a landscaping proposal for separate written approval by the Chief Executive Officer. Landscaping shall be installed in accordance with a plan approved by the Shire within 6 months from completion or occupation of the development, whichever is the lesser time period, or an alternative time period approved separately by the Shire in writing. ‘*

OR

- (B) To vary the requirement for landscaping in accordance with Clause 5.6.1 of the Shire of Shark Bay Local Planning Scheme No 3 and determine that:
- (i) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
 - (ii) The non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
 - (iii) It is appropriate not to require landscaping in the Industrial area due to a number of factors including water restrictions.
3. Include a footnote / advice note on any planning approval to advise the applicant that:
- (a) In regards to Condition (vii), the owner / applicant is advised that a warehouse is defined as *‘means premises used to store or display goods and may include sale by wholesale’*.
 - (b) In regards to Condition (vi), the owner / applicant is advised that once a crossover is constructed to the Shires requirements, an application can be lodged seeking a contribution from the Shire towards a portion of the construction cost.
 - (c) Support for this development should not be construed as support for any future subdivision. Any subdivision application would be lodged with and determined by the Western Australian Planning Commission.

Moved Cr Laundry
Seconded Cr Cowell

Council Resolution

That Council:

1. **Approve the application (14/2018) lodged by Raymond Pryer for a warehouse on Lot 332 Dampier Road, Denham subject to the following conditions:**
- (i) **The plans lodged with the application shall form part of this planning approval. All development shall be in accordance with the approved plans and the building shall be constructed out of colourbond materials.**
 - (ii) **A trafficable driveway shall be installed on site within 6 months of the issue of a building permit or alternative time period agreed to in writing by the Chief Executive Officer.**

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- (iii) **The owner / applicant to upgrade and construct the existing crossover in accordance with the specifications of Policy 2.1 in the Shire of Shark Bay Policy Manual, within 6 months from the date of this planning consent or an alternative time period approved separately by the Shire in writing.**
- (iv) **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
- (v) **No storage shall occur in the front setback area (between the front building line and the street frontage).**
- (vi) **This approval is issued based on a proposed landuse of 'warehouse'.**
- (vii) **An informal carparking area with capacity to accommodate a minimum of 3 carparking bays is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer.**
- (viii) **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. In regards to landscaping (discussed in this report), Council resolves:

To include a condition to require lodgement of a landscaping plan as follows:

'(ix) The owner / applicant to lodge a landscaping proposal for separate written approval by the Chief Executive Officer. Landscaping shall be installed in accordance with a plan approved by the Shire within 6 months from completion or occupation of the development, whichever is the lesser time period, or an alternative time period approved separately by the Shire in writing. '

3. Include a footnote / advice note on any planning approval to advise the applicant that:

- (a) **In regards to Condition (vii), the owner / applicant is advised that a warehouse is defined as *'means premises used to store or display goods and may include sale by wholesale'*.**
- (b) **In regards to Condition (vi), the owner / applicant is advised that once a crossover is constructed to the Shires requirements, an application can be lodged seeking a contribution from the Shire towards a portion of the construction cost.**

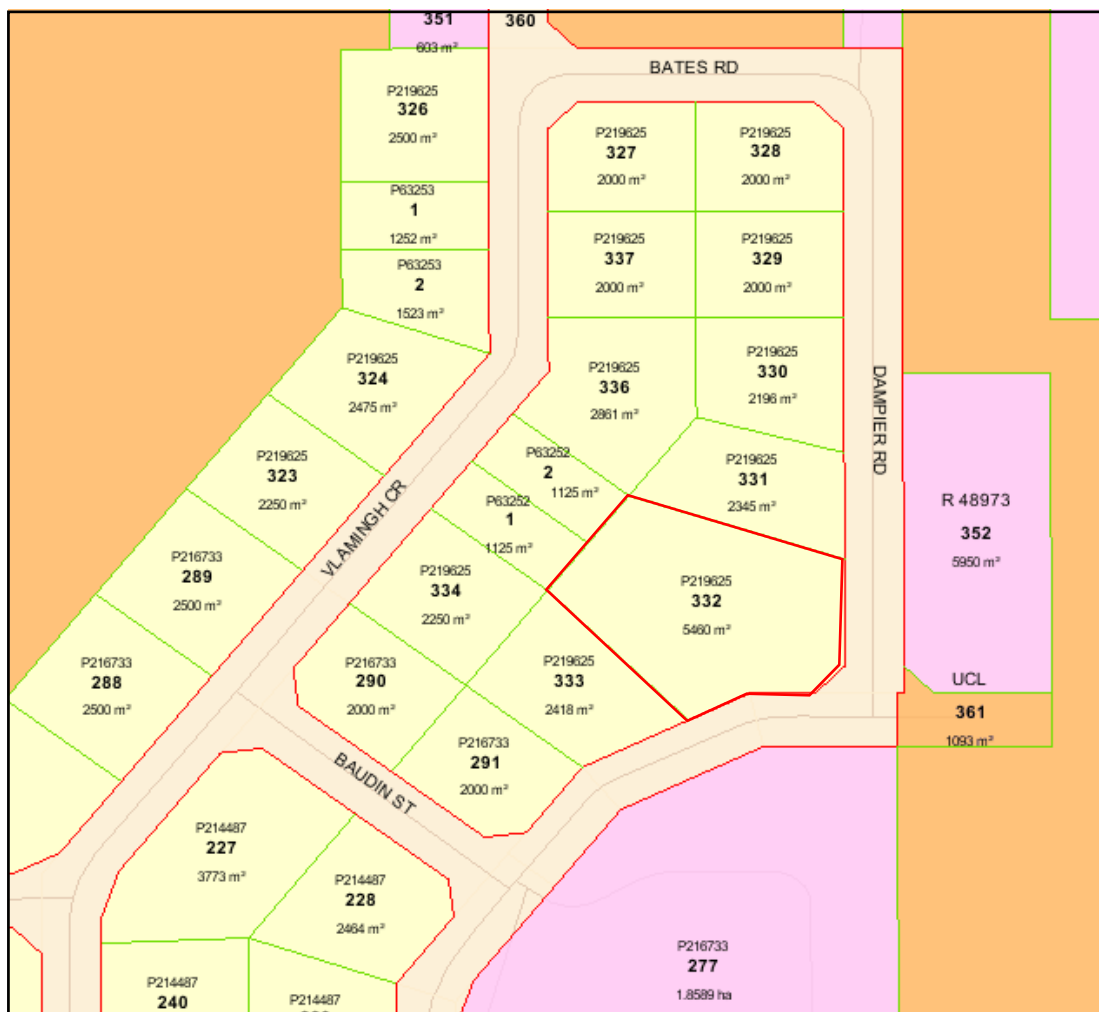
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- (c) **Support for this development should not be construed as support for any future subdivision. Any subdivision application would be lodged with and determined by the Western Australian Planning Commission.**

7/0 CARRIED

BACKGROUND

Lot 332 is zoned 'Industry' under the Shire of Shark Bay Local Planning Scheme No 3 ('the Scheme'). The lot has an approximate area of 5460m², and is vacant.



Location Plan Source: Landgate

An application for a warehouse on the front portion of the lot was referred to Council on the 30 May 2018. The application was deferred and the applicant was requested to lodge a Bushfire Attack Level Assessment by a suitably qualified fire consultant.

The applicant has lodged a new planning application and a revised plan.

COMMENT

- *Description of Development*

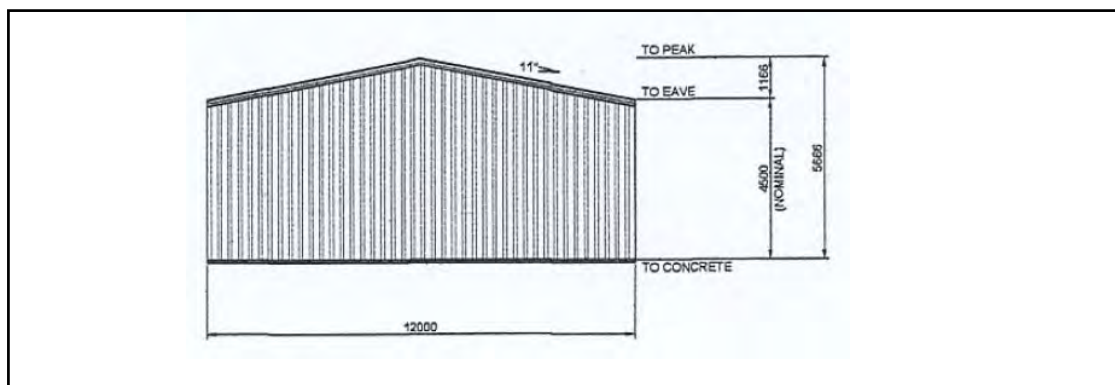
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The owner proposes to construct a shed on the lot to use for storage. It will be located to the rear of the lot – refer site plan below.

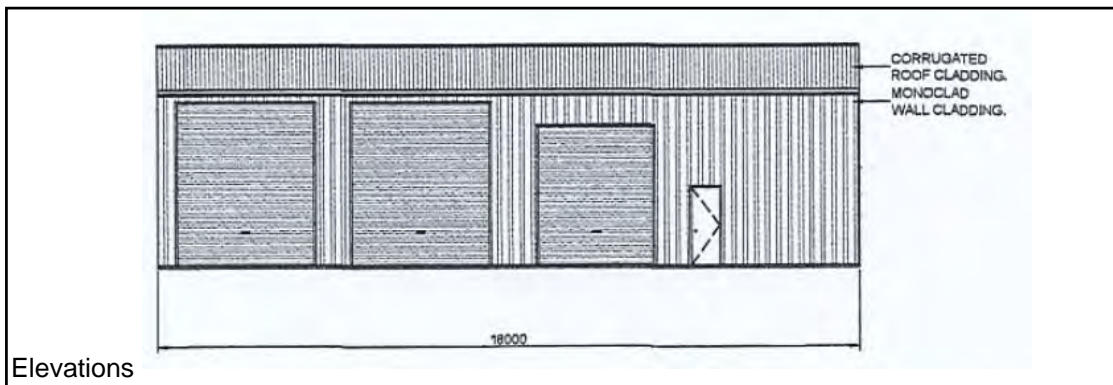
The building will measure 12 metres by 18 metres, with a maximum height of 5.6 metres.



It is recommended that the landuse be construed as a 'warehouse' which 'means premises used to store or display goods and may include sale by wholesale'. A warehouse is permitted in the 'Industry' zone.



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- *Future Subdivision*

The owner has included a future indicative subdivision on the site plan. Any subdivision application would be lodged with, and determined by, the Western Australian Planning Commission.

The Scheme allows for lots of 1000m², however Town Planning Innovations has reservations over the shape of proposed lot 3 and whether it can be practically developed to accommodate an industrial landuse, on site carparking and cater for truck movements.

It is recommended that the applicant be advised that support for the development should not be construed as support for future subdivision.

- *Setbacks*

A 15 metre front and 6 metre side and rear setback applies to the Industrial zone under the Scheme. The application complies with all setback requirements.

- *Parking Provision and Assessment*

Under Clause 5.14.4 of the Scheme, carparking is required to be provided, constructed and maintained in accordance with the provisions of the Scheme, and the number of bays is specified in 'Table 2 : Carparking'.

Table 2 under the Scheme requires 1 bay for every 100m² Gross Floor Area for a warehouse.

The Scheme requires a total of 3 carparking bays for the proposed warehouse (216m²). The balance lot area can accommodate sufficient on site carparking.

- *Carparking construction standards*

Town Planning Innovations has not recommended a condition be imposed requiring the carpark to be fully constructed (concrete/bitumen) and drained, as it appears that the majority of Industrial lots have historically been provided with informal gravel carparking areas.

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- *Crossover*

The Shire of Shark Bay Policy Manual has minimum construction standards for crossings under Policy 2.1 and requires bitumen (over roadbase), concrete, brick pavers or 'other as approved by Council'.

A condition is recommended to require construction of a formal crossover. This condition has been imposed on other developments in the Industry zone.

- *Landscaping*

Clause 5.11.4 of the Scheme includes landscaping requirements for the Industrial zone, and specifies landscaping should be provided in the front setback area within 6 months of completion or occupancy.

The Scheme does not specify the amount or width of landscaping required.

A draft condition has been included in the Officer Recommendation to require landscaping as a new development is proposed. Provision of landscaping as part of any new industrial or commercial landuse is a normal planning requirement.

Town Planning Innovations is not aware of whether the Shire has imposed landscaping conditions on any other new developments in the Industry zone. Most of the applications assessed historically by Town Planning Innovations or Gray & Lewis have been for alterations / additions to existing development or caretakers dwellings.

Council has discretion not to impose recommended Condition (ix) requiring landscaping, however it will set a precedent for any other new development in the Industry zone.

The Officer Recommendation provides Council with options to require landscaping or to vary the Scheme requirement for landscaping.

- *Discretion to vary Scheme requirement for landscaping*

Landscaping is a 'requirement' under the Scheme. Council has discretion to approve an application that does not comply with a standard or requirement under Clause 5.6.1 of the Scheme.

Council may consider that it is appropriate not to require landscaping based on a number of factors including consideration of local water restrictions and if landscaping has not been required for other developments in the Industrial area.

If Council considers it appropriate not to require any landscaping, it has to decide if the variation is likely to affect any owners or occupiers in the general locality or adjoining the site.

If Council is of the view that the variation may impact on adjacent landowners, then they have to be consulted prior to the application being determined in accordance with Clause 5.6.2 of the Scheme.

Council can only vary the requirement for landscaping where it is satisfied that:

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- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Clause 10.2 outlines *'matters to be considered by the local government'* such as orderly and proper planning, the compatibility of a use or development with its setting, the preservation of the amenity of the locality and the relationship of the proposal to development on adjoining land or on other land in the locality.

- *Relevant State Planning Guidelines and Policies – Bushfire Prone Areas*

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.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. The warehouse is proposed to be built on a portion of Lot 332 which is outside of the declared bushfire prone area (pink area).



Source: Department of Fire and Emergency Services website

Accordingly State Planning Policy 3.7 relating to bushfire requirements does not apply.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – explained in the body of this report however a complete copy of Clause 5.6 is included below.

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5.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.6.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- b) have regard to any expressed views prior to making its determination to grant the variation.

5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Planning and Development (Local Planning Schemes) Regulations 2015 - In accordance with Regulation 67 (f) in Schedule 2 the 'matters to be considered by the local government' includes 'any approved State Planning Policy'.

POLICY IMPLICATIONS

Relevant state planning policy requirements are discussed in this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

If landscaping is not required for this new development, it will set a precedent for other new developments in the Industry zone.

RISK MANAGEMENT

This is a low risk item to Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author
Chief Executive Officer
Date of Report

L Bushby
P Anderson
19 June 2018

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13.2 PROPOSED LICENCE OVER PORTION OF RESERVE 52019 FOR BEACH ACCESS (ADJACENT TO OCEAN PARK)
RES52019 / P4391

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Fenny

Nature of Interest: Financial Interest as owner of Ocean Park

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Executive Officer of Shark Bay World Heritage Advisory Committee

Cr Fenny left the Council Chamber at 3.48pm

Moved Cr Bellottie

Seconded Cr Cowell

Council Resolution

That Council:

1. **Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that:**

(A) **The Shire is generally supportive of the proposed licence over part of Reserve 52019 however considers that measures need to be undertaken to:**

- (i) **ensure adequate protection of the foreshore (especially as the purpose of the Reserve is specifically for ‘foreshore protection’); and**
- (ii) **maintain access to the beach by the general public.**

(B) **The Shire advises as follows:**

- (i) **The licence area is within the Shark Bay World Heritage Area therefore it is essential that environmental impact and any vegetation removal be minimised.**
- (ii) **The area contains typical low coastal vegetation. As outlined in the Western Australian Planning Commission ‘Coastal Planning and Management Manual – A Community Guide for Protecting and Conserving the West Australian Coast’ uncontrolled vehicle and pedestrian access to the coast can cause a loss of vegetation from dunes.**

The Guide recognises that ‘unmanaged pedestrian tracks from developed areas.....can lead to destabilisation of dunes and cause problems with sand drift. In addition to physical damage and loss of biodiversity resulting from

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excessive vehicle and pedestrian traffic, there is a significant reduction in the aesthetic value of coastal landscapes.'

- (iii) A Foreshore Management Plan be developed to:
- Nominate controlled, limited and clearly identifiable pedestrian path locations from Lot 556 to the beach;
 - Identify the extent of any clearing which should be limited to a small number of controlled pedestrian pathways.
 - Ensure vegetation outside of designated pedestrian paths is protected through fencing or bollards;
 - Identify any infrastructure or structures to be erected in the reserve such as boardwalks, seating areas and the like. It is not clear whether any infrastructure is proposed.
 - Outline management strategies (such as signage) to ensure that guests do not access or impact on vegetation (outside of designated pathways).
 - Include ongoing monitoring of the condition of existing vegetation.
- (C) The Shire has referred the application to the Shark Bay World Heritage Advisory Committee. The Department is requested to consider any comments and advice provided by the Committee.
- (D) Lot 556 contains an oceanarium and restaurant. The owner of Lot 556 has lodged a planning application for a camping area (for students) & ancillary amenities (BBQ/pool area), workers accommodation and car parking.

The application has not yet been determined by the Shire Council as the Department of Fire and Emergency Services have not endorsed a Bushfire Management Plan for the proposal.

2. Authorise the Chief Executive Officer to provide photographs of the reserve to the Department of Planning, Lands and Heritage.

6/0 CARRIED

Cr Fenny returned to the Council Chamber at 4.07pm

BACKGROUND

- *Relevant information – Lot 556*

An oceanarium and restaurant has been established at Lot 556 Ocean Park Road, which is to the south of Denham townsite.

The owners of Lot 556 are progressing a planning application for a camping area & ancillary amenities (BBQ/pool area), workers accommodation and car parking. The

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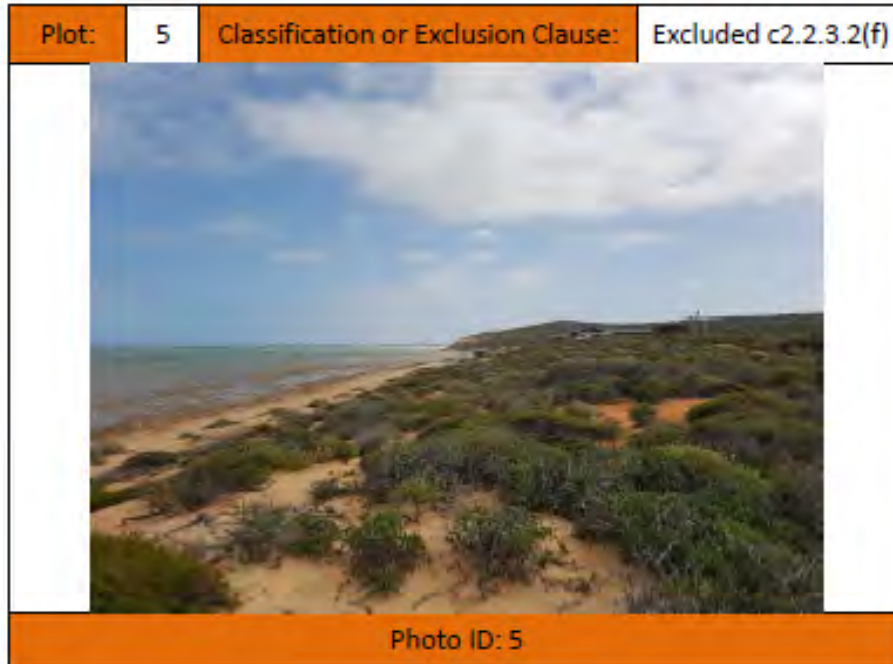
application process has been stalled as the lot is within a declared bushfire prone area, and their Bushfire Management Plan requires revision to comply with bushfire requirements and to obtain endorsement by the Department of Fire and Emergency Services.

Recent communications from the owners' fire consultant has indicated that they are in the process of revising their Bushfire Management Plan. Any revised Bushfire Management Plan received by the Shire will be referred to Department of Fire and Emergency Services.

The existing (unendorsed) Bushfire Management Plan for Lot 556 includes aerials and photographs of the adjacent foreshore, including the proposed licence area.



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- *Reserve 52019*

Reserve 52019 is crown land owned by the State of Western Australia. The purpose of the reserve is for 'foreshore protection'.

COMMENT

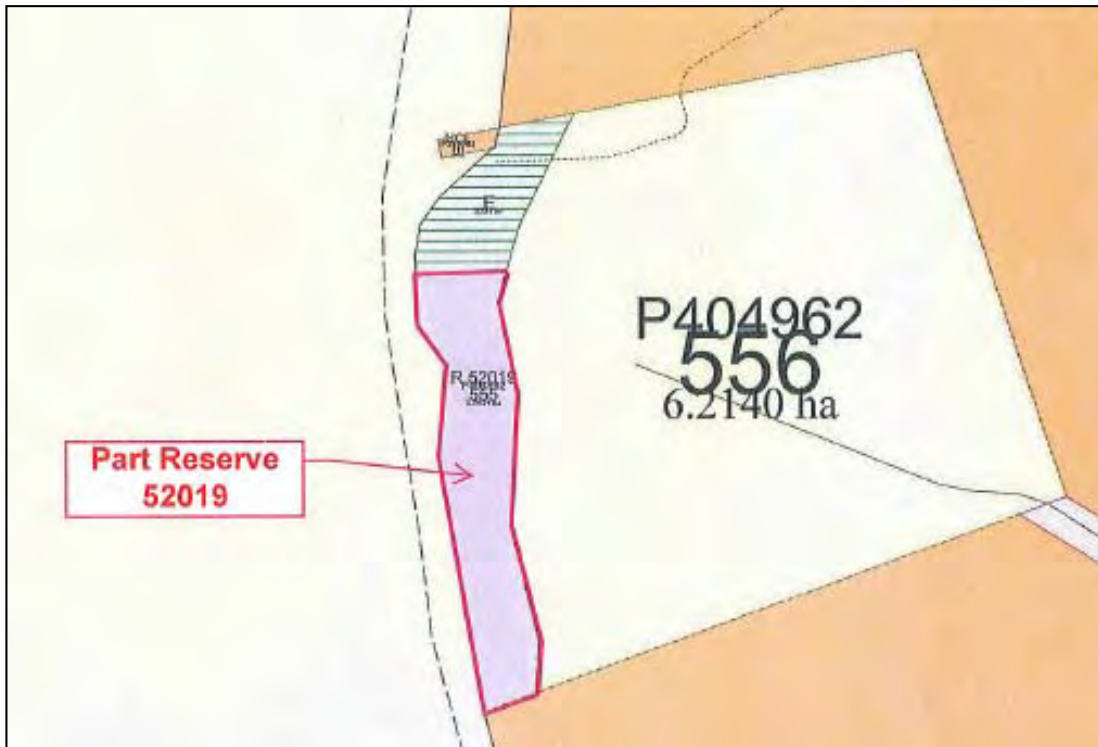
- *Referral by Department of Planning, Lands and Heritage*

The Department of Planning, Lands and Heritage is investigating a proposal to grant a licence over a portion of Reserve 52019 for 'beach access' for a term of 5 years.

The prospective licensee is WA Ocean Park Ltd. The Department of Planning, Lands and Heritage has advised that the rationale of the proposal is to provide legal access to the beach for guests and to provide an alternative fire escape route.

Unfortunately the Department of Planning, Lands and Heritage does not provide detailed information with their referrals, however have provided a plan showing the proposed licence area.

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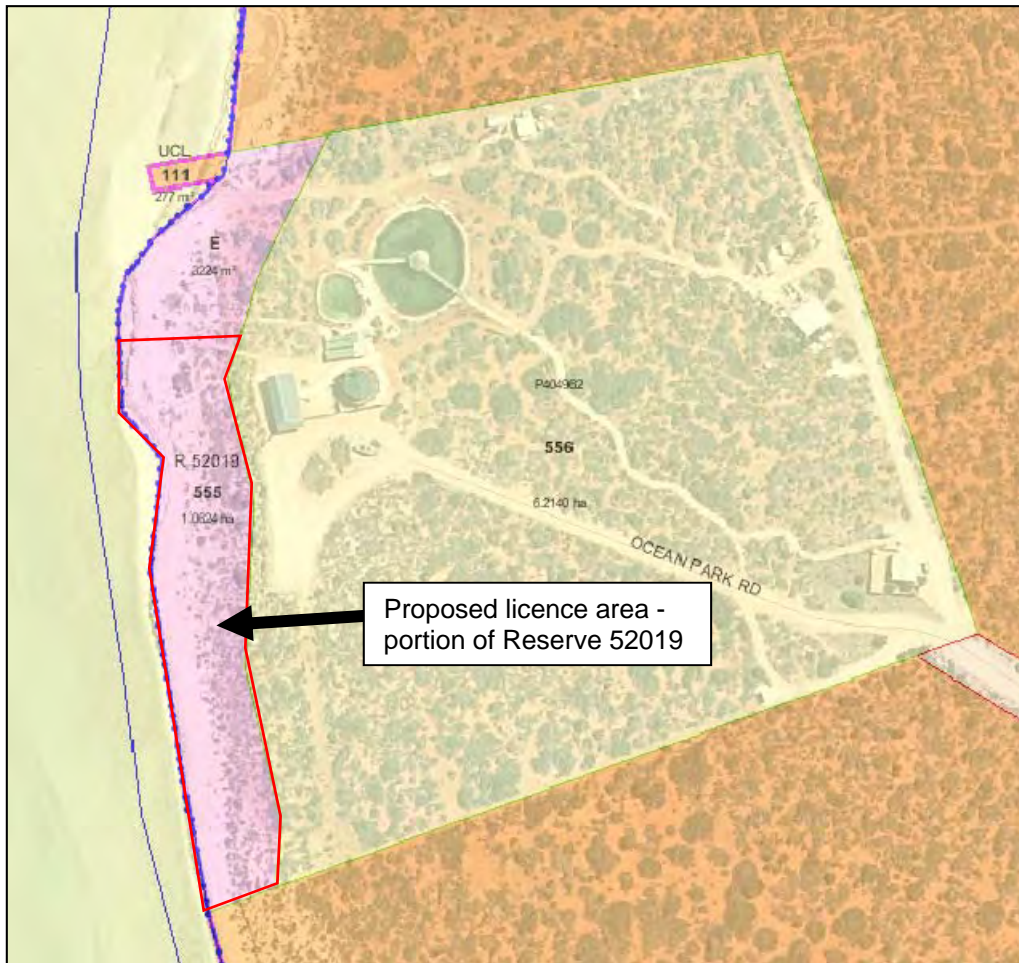


The Shire has been invited to advise the Department of Planning, Lands and Heritage in writing of any objections or comments regarding the proposal.

- *Coastal Vegetation*

It is noted that the proposed licence area incorporates typical low coastal vegetation – refer aerial overpage. This is evident by the information provided in the Bushfire Management Plan for Lot 556.

27 JUNE 2018



Map from Landgate with cadastral boundaries overlaid with an aerial

There are four options available in considering this matter:

OPTION 1 – Not support the licence

There are a number of remote tourist sites adjacent to foreshore / beach areas.

Support for this licence may set a precedent for other coastal lot owners to also seek licences over public beach areas.

Town Planning Innovations is of the view that irrespective of the licence, guests will likely walk to the beach if the existing planning application is approved. It is recognised that the owner is seeking the proper approvals to gain access over the Reserve.

Option 1 is not recommended.

OPTION 2 – Support the licence with conditions

Council may consider it reasonable for the owner to expect some access to the foreshore to service future development considering that they operate an oceanarium, and Lot 556 is immediately adjacent to the beach. Part of the attraction of the site is its coastal location.

27 JUNE 2018

Town Planning Innovations has reservations that unfettered pedestrian access to the entire licence area has potential to negatively impact on existing coastal vegetation. It is expected that this native vegetation, although sparse, may play an important role in stabilising the surface against wind erosion.

The Western Australian Planning Commission produced a 'Coastal Planning and Management Manual – A Community Guide for Protecting and Conserving the West Australian Coast'. It notes that uncontrolled vehicle and pedestrian access to the coast can cause a loss of vegetation from dunes.

The Guide also recognises that '*unmanaged pedestrian tracks from developed areas.....can lead to destabilisation of dunes and cause problems with sand drift. In addition to physical damage and loss of biodiversity resulting from excessive vehicle and pedestrian traffic, there is a significant reduction in the aesthetic value of coastal landscapes.*'

If Council supports the licence area, Town Planning Innovations recommends that a Foreshore Management Plan be requested to identify any clearing for pedestrian access, nominate and identify a limited number of pathways, ensure those pathways are clearly identifiable, and ensure some measures are in place to protect existing coastal vegetation.

Option 2 is recommended.

OPTION 3 – Support a modified smaller licence area

If Council has reservations that this proposal will set an undesirable precedent for other coastal reserves, an alternative option is to support a reduced licence area with limited designated pedestrian access paths.

The proposed licence area is approximately 1 hectare and beach access could readily be achieved on a smaller portion of the reserve.

If Option 3 is preferred, a Foreshore Management Plan can still be requested.

Town Planning Innovations has not recommended Option 3 as a Foreshore Management Plan would be more beneficial and cohesive if prepared for the licence area as proposed, and it is likely impractical to limit guest access to a smaller beach area.

OPTION 4 – Support the licence unconditionally

Council may not have any reservations over the proposed licence, and accordingly can support the proposal without any conditions.

- *Referral to Shark Bay World Heritage Advisory Committee*

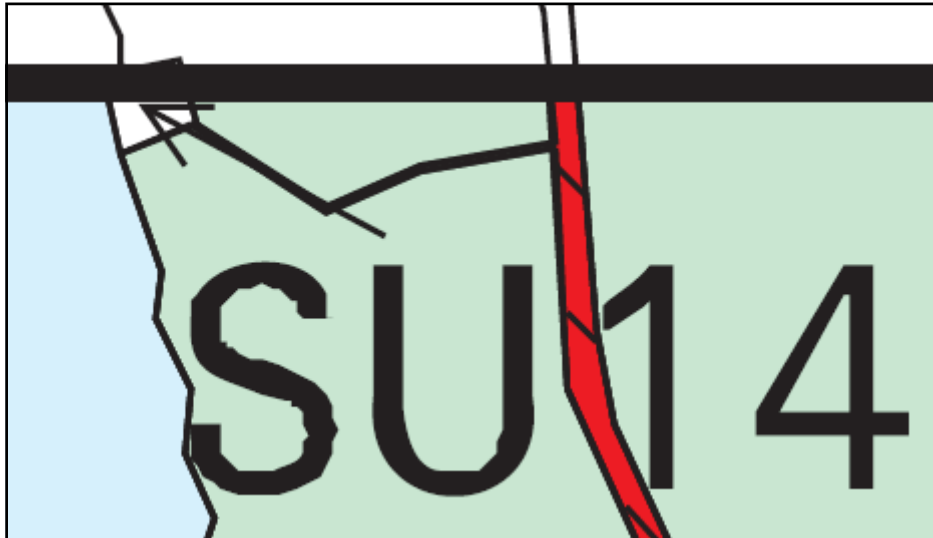
Town Planning Innovations has referred the proposal to the Shark Bay World Heritage Advisory Committee, however has advised the Committee to lodge any comments directly to the Department of Planning, Lands and Heritage due to timeframes.

27 JUNE 2018

Town Planning Innovations has also sent a copy of the proposal to the Department of Biodiversity, Conservation and Attractions - Parks and Wildlife Service however their usual procedure is to comment directly to the Department of Planning, Lands and Heritage.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 3 – Both Lot 556 and Reserve 52019 traverse two zoning maps. It appears that Reserve 52019 is included in the Special Use Zone No 14 that applies to Lot 556.



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 556*

Lot 556 is proposed to be zoned "Special Use No 13' under the Draft Shire of Shark Bay Local Planning Scheme No 4 with modified provisions that allow flexibility for a (public) camping ground, holiday accommodation or tourist development as discretionary uses where they are guided by a Local Structure Plan endorsed by the Western Australian Planning Commission.

Council supported the modification to the Scheme at the Ordinary Council meeting held on the 26 July 2017.

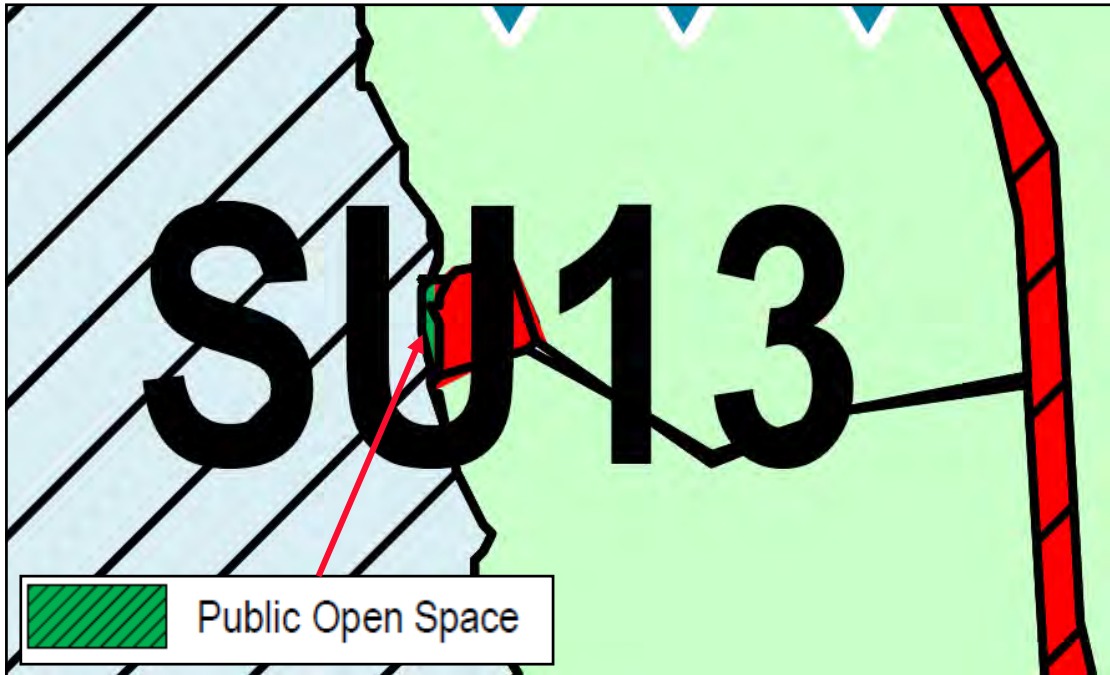
It should be noted that when a new Local Planning Scheme No 4 is approved by the Minister for Planning and is gazetted, there will be a mandatory requirement for development on Lot 556 to be guided by a Structure Plan.

27 JUNE 2018

This will impact on the owners current planning application unless they resolve the bushfire management plan issues and the application is determined under the current Scheme No 3.

- *Reserve 52019*

The existing mapping anomaly that applies to Reserve 52019 was identified as part of the Scheme Review and has been corrected in the Draft Shire of Shark Bay Local Planning Scheme No 4 zoning maps. It is proposed to be reserved as 'Public Open Space' under Draft Scheme No 4.



RISK MANAGEMENT

The Shire is only providing comments to the Department of Planning, Lands and Heritage.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

15 June 2018

27 JUNE 2018

13.3 PROPOSED REVISED PLANS - LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281

Council decided to delay the tabling of this item until after item 18.1 Monkey Mia Reserve 1686 – refer page 166

14.0 WORKS REPORT

14.1 REFUSE AND RECYCLING SITE QUARRY RES48541

Author

Works Manager

Disclosure of Any Interest

Nil

Moved Cr Capewell
Seconded Cr Ridgely

Council Resolution

That Council instruct administration to close the Pindan Sand Quarry located on Reserve 48541 until rehabilitated and made safe for future operations.

That Council include a sum of \$25,000.00 in the 2018/2019 budget and instruct administration to initiate works to make safe the Pindan Sand Quarry and stockpile 5,000 cubic metres of material.

That Council instruct administration to revise the fees and charges to recover costs of maintenance and rehabilitation in the Pindan Sand Quarry.

That Council instruct administration to ensure that the Pindan Sand Quarry is only accessed during the refuse site open times and with a Council employee on site.

7/0 CARRIED

Background

Council's Pindan Sand Quarry is located at the north end of the Denham Refuse and Recycling site, Reserve 48541. This quarry has been in use for approximately sixteen to eighteen years. It is predominantly used by local/non local contractors and Councils work crew.

It is an important source of clean fill and is a significant resource for continued civil works within Denham and surrounding areas.

Comment

The Pindan Sand Quarry located in the Refuse and Recycling site has a multiple padlocked access system. Local contractors have their own padlocks on the gate allowing unrestricted access at any time.

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Due to unrestricted access, the sand quarry has slowly degraded into a significant safety risk for Council.

The sand quarry currently has 5 to 7 metre shear face. (See Attached Photos)

The current method of operation is machine operators dig into the quarry face, the face is then undermined until they collapse onto the quarry floor. The material is then loaded into trucks and carted away. This is an extremely dangerous method of operation, there is significant risk of material falling onto and burying machines and operators.

The quarry belongs to Council and as such Council is responsible for the safety of all personnel entering the quarry site. Administration believe this situation represents an extreme risk to Council. All efforts should be made to rectify the present condition to enable safe operations within the quarry.

During investigations the Code of Practise for Excavations was referred to ensuring administration recommendations are in line with best practices.
Some extracts from the code are referenced below:

Foreword

The Occupational Safety and Health Act 1984 established the Commission for Occupational Safety and Health, which comprises representatives of employers, unions, government and experts. The Commission has the function of developing the legislation and supporting guidance material and making recommendations to the Minister for implementation. To fulfil its functions, the Commission is empowered to establish advisory committees, hold public enquiries and publish and disseminate information.

The Commission's objective is to promote comprehensive and practical preventative strategies that improve the working environment of Western Australians.

This code of practice has been developed through this tripartite consultative process, and the views of employers and unions along with those of government have been considered.

The following information is provided as background to understanding this code of practice.

The Act

The Occupational Safety and Health Act 1984 provides for the promotion, co-ordination, administration and enforcement of occupational safety and health in Western Australia.

With the objective of preventing occupational injuries and diseases, the Act places certain duties on employers, employees, self-employed persons, manufacturers, designers, importers and suppliers.

In addition to the broad duties established by the Act, it is supported by a further tier of statute, commonly referred to as regulations, together with lower tiers of non-statutory codes of practice and guidance notes.

27 JUNE 2018

Regulations

Regulations have the effect of spelling out the specific requirements of the legislation.

Regulations may prescribe minimum standards. They may have a general application or they may define specific requirements related to a particular hazard or a particular type of work.

Regulations may also be for the licensing or granting of approvals, certificates, etc.

Codes of practice

A code of practice is defined in the Act as a document prepared for the purpose of providing practical guidance on acceptable ways of achieving compliance with statutory duties and regulatory requirements.

Codes of practice:

- should be followed, unless there is another solution which achieves the same or better result; and*
- can be used to support prosecution for non-compliance.*

Scope

This code of practice applies to all workplaces in Western Australia covered by the Occupational Safety and Health Act 1984 where excavation occurs, and to all persons with the potential for exposure to hazards resulting from excavation in those workplaces, including:

- all areas where equipment is used to excavate; and*
- all areas where processes associated with excavation are undertaken.*

The document provides practical guidance to prevent occupational injury and disease in all workplaces where excavation and associated earthworks are performed.

Excavation work may range from shallow trenching and simple foundation excavation to large and complex excavations for buildings and structures and deep sewers where the risk of serious injury is very significant.

Who should use this code of practice?

This code of practice should be used by all persons involved in any aspect of work related to excavation, including designers, manufacturers, suppliers, employers, contractors, self employed persons, managers, supervisors, persons in control of workplaces, employees and safety and health representatives to assist them to comply with the Occupational Safety and Health Act 1984 and regulations.

INTRODUCTION

Excavation is regarded as one of the most hazardous construction operations.

Excavation failure occurs very quickly, giving a worker virtually no time to escape, especially if the collapse is extensive and the excavation is a trench. Normally, a slab of earth collapses off the trench face under its own weight and breaks against the opposite wall of the excavation, burying and crushing any person in its path. This can result in death by suffocation or internal injuries.

This code of practice sets out industry-wide guidelines for establishing and maintaining a safe working environment wherever excavation, including trenching, is carried out.

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This code provides practical advice about the safe practices required in carrying out all forms of excavations, including trenching, in various soil types. Advice is given on the provision of protective systems to prevent cave-ins, and to protect employees when cave-ins occur, and to protect employees from material that could fall or roll from an excavated face or from the collapse of adjacent structures.

SECTION 3: COMPETENT PERSON

Employers should ensure a competent person maintains supervision of employees when excavation work is being carried out.

A competent person is defined in the regulations as 'one who has acquired through training, qualification or experience, or a combination of those things, the knowledge and skills required to do that thing competently'.

A competent person should be capable of identifying existing and predictable hazards or dangerous and unsafe working conditions in and around excavations, and be authorised to take prompt corrective action to eliminate them. A competent person should have knowledge of, and experience in, the installation and use of protective systems and their causes of failure, and the ability to detect conditions in excavations that could result in cave-ins.

The term 'competent person' is used extensively throughout this code and the necessary capabilities of the competent person in each particular instance will vary depending on the complexity of the excavation work being carried out.

SECTION 8: WORKER SAFETY IN AND AROUND EXCAVATIONS

Everyone involved in excavation work should be aware of their responsibilities under the Occupational Safety and Health Act. Under the Act, employers must, so far as practicable, provide and maintain workplaces in which employees are not exposed to hazards.

Excavation is one of the most hazardous of construction activities due to the risk of cave-ins.

SECTION 9: SAFE SLOPES

9.1 General

The face of an excavation may be cut back to a safe slope as an alternative to shoring. Sloping (battering) the face may be a safe and cheaper way if there is sufficient space at the site. A slope is safe when the material is stable. That is, the slope does not flatten when left for a considerable period, there is no movement of material down the slope and the toe of the slope remains in the same place.

The safe slope for a face will depend on the depth of cut, the type of soil, the moisture content and condition of the material in the face and the length of time the face will be required to stand.

In considering the stability of an excavated slope, it is important to note that, as a rule of thumb, the magnitude of horizontal forces is a function of the square of the total depth of the face. Therefore, at a depth of two metres, horizontal forces are four times the magnitude of such forces in a one metre deep cut, nine times in a three metre deep cut, 16 times in a four metre deep cut and so on. These simple calculations indicate the very significant impact of the rate of increase of horizontal forces with increasing depth.

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As mentioned previously, a safe slope depends on many factors and a competent person (see Section 3) should determine safe slopes for excavations. For excavations deeper than six metres, safe slopes should be determined by an engineer.

Where there are no adverse geological conditions present, such as slip planes, or high groundwater levels, the following guide to safe slopes in various soil conditions may apply:

- For most types of soil for excavations up to six metres depth, one-and-a-half horizontal distance to one vertical distance (equivalent to an angle of approximately 34 degrees from the horizontal). This slope may be safe, even for granular soils such as crushed rock, gravel, non-angular poorly graded sand (such as 'Bassendean sand') and loamy sand with very little cohesive properties.*
- Weak cohesive soils such as angular well graded sand (such as 'Karrakatta sand' or 'Spearwood sand'), silt, silty loam and sandy loam may be safe at slopes of one horizontal to one vertical (45 degrees) for excavations up to six metres.*
- Cohesive soils with a greater compressive strength such as clay, silty clay and sandy clay may be safe at steeper angles, three-quarters horizontal distance to one vertical distance (equivalent to an angle of approximately 53 degrees from the horizontal).*

Administration believe that a safer operation would be for Council to batter down all existing dangerous faces. Push up and stockpile material away from the face and ensure all personnel only load from the stockpiled material. Only authorised contractors to push up and stockpile material

There is a requirement for ongoing rehabilitation at the quarry. Rehabilitation batters are generally around 1 in 3. This is a lesser slope than the recommended safe slopes in the Code of Practice for Excavations and would be the desired slope for the batters in the Refuse Site quarry. This would ensure that all batters exceed the safe slope design stated in the Code of Practice for Excavations.

Administration has presented some available options to rectify the identified issues within the quarry.

Option A: Close down the quarry.

This option, although very effective at mitigating the risk, will not achieve a suitable outcome.

Option B: Rehabilitate the sand quarry and make safe with suitable batters. Push up and stockpile 5000m³ of material. Redirect authorised traffic through the Refuse and Recycling site during normal opening hours with a Council employee present. Only Council approved contractors to push up material.

Revisit the fees and charges and assess a fair and equitable royalty for pindan sand incorporating costs for rehabilitation.

This option is preferred as it mitigates the risk while still supplying the resource required for continued civil expansion and development within Denham and the surrounding areas.

27 JUNE 2018

Option C: Rehabilitate sand quarry and make safe with suitable batters. Make no changes to the existing operations, access or purchasing procedures.

This option mitigates the existing risk in the short term. It doesn't deal with the long term risks associated with the quarry. Any unsupervised access will result in the quarry reverting back to its existing state.

Option D: Do nothing and make no changes to the existing operations, access or purchasing procedures.

This option is not recommended and leaves Council at a significant risk.

Legal Implications

The Shire of Shark Bay has an obligation under the "Occupational Safety and Health Act 1984" to provide a safe working environment for all employees and contractors. As Council own the quarry Council also need to ensure that all personnel entering the site are managed in a safe manner.

The Occupational Safety and Health Act 1984 provides for the promotion, co-ordination, administration and enforcement of occupational safety and health in Western Australia.

With the objective of preventing occupational injuries and diseases, the Act places certain duties on employers, employees, self-employed persons, manufacturers, designers, importers and suppliers.

In addition to the broad duties established by the Act, it is supported by a further tier of statute, commonly referred to as regulations, together with lower tiers of non-statutory codes of practice and guidance notes.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

The cost to rehabilitate the sand quarry to a suitable safe state will cost approximately \$12,000.00.

Pricing at hand to push up and stockpile 5000 cubic metres of pindan sand will be approximately \$11,000.00.

Currently the 2017/2018 fees and charges has pindan sand listed at \$7.00 per cubic metre. If council decides to recover rehabilitation and stockpiling costs it would be recommended to increase the pindan sand rates to \$10.00 per cubic metre.

Strategic Implications

Objective 1 - Economic - Sustainable Growth and Progress.

Outcome 1.2 - To improve fiscal management practices and procedures and maximise operating revenue

Action 1.2.1 - Conduct a review of operations to ensure the Shire is operating efficiently and effectively and work towards achieving full cost recovery.

27 JUNE 2018

Risk Management Implications

Existing access and ongoing operational procedures in the pindan sand quarry leave Council at a significant risk.

Council is responsible for all personnel and equipment accessing the sand quarry. It would be prudent to act in a responsible and timely fashion to negate the high risk associated with this matter.

Voting Requirements

Simple Majority Required

Signatures

Author

B Galvin

Chief Executive Officer

P Anderson

Date of Report

23 May 2018

27 JUNE 2018



27 JUNE 2018



27 JUNE 2018

15.0 TOURISM, RECREATION AND CULTURE REPORT

15.1 GASCOYNE REGIONAL BUSINESS AWARDS – SHARK BAY 2018 SPONSORSHIP PROPOSAL ED00001

AUTHOR

Executive Manager Community Development

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest: As a Committee member

Moved Cr Bellottie
Seconded Cr Fenny

Council Resolution

That Council agrees to nominate as a Bronze Sponsor in the 2018 Gascoyne Regional Business Awards to the value of \$500 from the Member's Donations account.

7/0 CARRIED

BACKGROUND

Held each year, the Gascoyne Regional Business Awards showcase the industry trailblazers who are at the forefront of raising standards and changing the way we service the community and the country.

The awards are an opportunity for business to review, recognise and celebrate their success. The full spectrum of Gascoyne small businesses was represented in last year's awards, with 28 finalists chosen from 60 nominations throughout the region. Local tourism operator – Perfect Nature Cruises Aristocat II nominated and won an award in 2017.

Key Dates

Applications open: Monday 23 April
Applications close: Monday 2 July 5pm
Judging commences: Tuesday 3 July
Finalists announced: Monday 23 July
Gala Dinner: Saturday 18 August – RAC Monkey Mia Resort

The Gascoyne Regional Business Awards Gala Dinner is one of the most eagerly anticipated business events on the Gascoyne business calendar. Held in each of the five Gascoyne towns on a rotating basis each year, the Gala Dinner is the culmination of months of meticulous planning, excitement and expectation during which businesses have gone through the nomination, application and judging process.

Everyone is welcome to attend the Gala Dinner (August 18) at the RAC Monkey Mia Resort in Shark Bay and enjoy a wonderful night of recognition, fun and festivity to highlight, reward and promote the very best examples of small business excellence and achievement that the Gascoyne regional businesses have displayed in the last twelve months

27 JUNE 2018

This year's Gala dinner offers Shark Bay the opportunity to showcase the local tourism industry to visitors from throughout the region.

COMMENT

Sponsorship Opportunity

The Gascoyne Regional Business Awards relies on the contribution of sponsors and this year's contributors to date include:

- **Naming rights platinum sponsor (\$5,000)**
Regional Development Australia – Midwest Gascoyne
- **Diamond Sponsor (\$3,500)**
Midwest times/Northern Guardian in conjunction with Pilbara Time
- **Gold Sponsor (\$2,000)**
RSM Australia
- **Silver Sponsor (\$1,000)**
Small Business Development Corporation
Horizon Power
Flame Events
- **Bronze Sponsor (\$500)**
To Be Advised
Bronze sponsorship includes:
Exclusive event recognition – recognition as a Bronze sponsor on award websites, at all workshops and promotional events, including;
Regional awards event program and menu; print and digital media; dinner speaking opportunity.
Sponsorship provides organisations with a unique opportunity to gain positive exposure and to demonstrate the commitment to the small business sector in Shark Bay and the Gascoyne region as a whole.

LEGAL IMPLICATIONS

There are no legal implications relating to this report

POLICY IMPLICATIONS

There are no policy implications relating to this report.

FINANCIAL IMPLICATIONS

\$500 contribution from Council Member's Donations account.

STRATEGIC IMPLICATIONS

Economic Objective: A progressive, resilient and diverse economy

Outcome: 1.2 Supported local business and further investment in the district encouraged

RISK MANAGEMENT

There are no risks associated with this item.

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager

L Butterly

Chief Executive Officer

P Anderson

Date of Report

13 August 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

15.2 ROUND 2 2017/2018 SHIRE OF SHARK BAY COMMUNITY GRANTS – FESTIVAL GRANT ROUND
GS00001

AUTHOR

Community Development Officer

Officer Recommendation

That Council approve the following eight applications of Round 2 Community Assistance Grants totalling \$35,451.60 of which \$40,000 was allocated towards the Shark Bay Rendezvous Festival in September 2018.

Group	Requested amount	Recommended amount
Shark Bay Youth Group	\$3,120.41	\$3,120.41
Boolbardie Country Club	\$4360	\$4360
Shark Bay Speedway Club Inc.	\$5,000	\$5,000
Shark Bay Tourism Association	\$5,000	\$5,000
Shark Bay Arts Council	\$5,000	\$5,000
Shark Bay Community Resource Centre	\$3,307.39	\$3,307.39
Shark Bay Entertainers	\$5,000	\$5,000
Denham Crafters	\$4,663.80	\$4,663.80
TOTAL	\$35,451.60	\$35,451.60

AMENDMENT TO OFFICER'S RECOMMENDATION

Reason: Council agreed to split the resolution so that Councillor Burton could be involved in the majority of the discussion and then declare a financial interest in the second part of the resolution.

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Impartiality Interest as Support letters for other groups and member of the Shark Bay Speedway committee

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as Member of Tourism Association

Declaration of Interest: Cr Ridgely

Nature of Interest: Impartiality Interest as committee member

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as Chair, Friends of Festival Committee

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

That Council approve the following eight applications of Round 2 Community Assistance Grants totalling \$32,144.21 of which \$40,000 was allocated towards the Shark Bay Rendezvous Festival in September 2018.

Group	Requested amount	Recommended amount
Shark Bay Youth Group	\$3,120.41	\$3,120.41
Boolbardie Country Club	\$4360	\$4360
Shark Bay Speedway Club Inc.	\$5,000	\$5,000
Shark Bay Tourism Association	\$5,000	\$5,000
Shark Bay Arts Council	\$5,000	\$5,000
Shark Bay Entertainers	\$5,000	\$5,000
Denham Crafters	\$4,663.80	\$4,663.80
TOTAL	\$32,144.21	\$32,144.21

7/0 CARRIED

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Burton

Nature of Interest: Financial Interest as Shark Bay Community Resource Centre is her Employer.

Cr Burton left the Council Chamber at 4.19 pm

Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

That Council approve the following application of Round 2 Community Assistance Grants totalling \$3,307.39 of which \$40,000 was allocated towards the Shark Bay Rendezvous Festival in September 2018.

Group	Requested amount	Recommended amount
Shark Bay Community Resource Centre	\$3,307.39	\$3,307.39
TOTAL	\$3,307.39	\$3,307.39

6/0 CARRIED

Cr Burton returned to the Council Chamber at 4.20 pm.

27 JUNE 2018

BACKGROUND

At the May 2017 Council meeting the Shire of Shark Bay Council approved the one-off use of up to \$40,000 of the \$60,000 2017/2018 Community Assistance Grant allocation for the purpose of supporting local community groups to use specifically for the 2018 Shark Bay Rendezvous Festival.

If the eight applications above are approved with the Officer's recommendation, this will bring the total funds expended in the 2017/2018 Shire of Shark Bay Community Grants to \$53,603.60 (Round 1 - \$18,152 plus Round 2 - \$35,451.60). Leaving a total of \$6,396.40 of the budgeted \$60,000 funds the year.

COMMENT

Round 2, 2017/2018 Community Assistance Grants has been well subscribed. Community Groups were encouraged to apply for funding to hold events that will enhance the Shark Bay Rendezvous Festival.

Strategic Community Plan Objectives:

Social Objectives: A safe, welcoming and inclusive community

- 3.1. Strong sense of spirit and pride in an inclusive community
- 3.1.2 Encourage inclusion, involvement and wellbeing.

Economic Objectives: A progressive, resilient and diverse economy

- 1.2 Supported local business and further investment in the district encouraged
- 1.2.2 Promote and support tourism industry

Application Summary:

Shark Bay Youth Group Association Incorporated

Amount requested: \$3,120.41

Project: Photo Booth – French Guillotine

The Shark Bay Youth Group Association has been operating for two years. The purpose of the organisation is to encourage personal development of young people in the Shark Bay community through enhancing life skills, self-image and vocational motivation. The Shark Bay Youth Group also aims to generate a sense of responsibility in young people. The group meets on a fortnightly basis at the Recreation Centre and attracts between 20 – 30 young people per session. The group is run by volunteers.

The group has requested funding to hold a French Photo Booth exhibition on the Denham foreshore during the festival. The photo booth is an original concept from the young people in our community – a French guillotine along with paper machete heads and other macabre elements to make the activity a spectacle. Visitors and locals will step back in time to experience a sense of 18th Century French history in Denham. The activity is designed for user interaction and participants will be required to dress up in the supplied period costumes. The photos from the activity will be printed on site and will serve as a piece of memorabilia from the festival event.

Included in the application:

27 JUNE 2018

Equipment quotes

Support letters from the Shark bay School, Shark Bay Youth Group and Shark Bay Community Resource Centre

Officer Recommendation:

It is recommended that Council approve an amount of \$3,120.41 to Shark Bay Youth Group Association.

Boolbardie Country Club Inc.

Amount requested: \$4,360

Project: Sailing By the Stars – Astronomy and Maritime History

The Boolbardie Country Club Inc., is a sporting group who provide facilities for playing golf and also a venue for social functions. The Club has been a part of the Shark Bay community for the past thirty years and currently has twenty seven active members.

The Club has requested funds to host a Sailing by the Stars information evening under the stars of Shark Bay. The event will be led by Perth based Astronomers, using telescopes and hands-on history lessons on how ships navigated using the stars in the early years.

This event will be held at the Boolbardie Country Club as it offers the best vantage point for star gazing in Denham. A light supper will be served by the clubs volunteers.

Included in the application:

Quotes

Support letters from the Shark Bay Bridge Club

Financial information

Officer Recommendation:

It is recommended that Council approve an amount of \$4,360 to the Boolbardie Country Club Inc. to host the Sailing with the Stars event.

Shark Bay Speedway Club

Amount Requested: \$5,000

Project: Assistance to run the Shark Bay Grand Prix

In 2017, the Shark Bay Speedway Club has been operating for 30 years and has 30 active members. The purpose of the Club is to host local speedway sporting events and attract visitors to the area.

The Shark Bay Speedway Club has requested funds to assist with hosting a speedway meet that will be run in conjunction with the Rendezvous Festival. The event will be held on Sunday 23 September, with feature races and incorporate the French theme of the festival.

Market stalls will move from the foreshore to the speedway precinct to encourage attended and increase entertainment at the event. This event will form the major component of the festival program for the Sunday. The costs are broken up to assist with equipment hire, insurance, travel money for competitors, and engaging officials.

27 JUNE 2018

Included in this application:

Budget

Support letters from the Shark Bay Fishing Club and the Shark Bay Caravan Park.

Officer Recommendation:

It is recommended that the Council grant the Shark Bay Speedway \$5,000 to hold a speedway event to enhance the festival program.

Shark Bay Business and Tourism Association

Amount requested: \$5,000

Project: Rendezvous Festival Welcome to Country and Re-enactment

The Shark Bay Business and Tourism Association aims to promote Shark Bay as a tourism destination to both domestic and international visitors through destination marketing, online presence and ongoing tourism projects.

The Association has requested funds to assist with the development, coordination and delivery of Welcome to Country performance at the Rendezvous Festival. A dance troupe will be engaged to perform at the Opening Ceremony, this group will also be involved in the historically important re-enactment of the landing of Louis de Freycinet on the Shark Bay coast 200 years ago.

The foundation of this project is commemorating the essence of cultural history around the time of Malgana elder's engagement with Freycinet's crew on the shores of Cape Lesueur – *Sharks Bay*.

Included in the application:

Support letter from Wula Gura Nyinda Eco Adventures

Financial information

Officer recommendation:

It is recommended that the Council approve an amount of \$5,000 to the Shark Bay Tourism Association, to develop and deliver Welcome to Country and a re-enactment for the Rendezvous Festival.

Shark Bay Arts Council

Amount requested: \$5,000

Project: chARTing the Edge – An Exploration in Print

The Shark Bay Arts Council is a community organisation dedicated to the development of arts and culture in Shark Bay. They do this through exhibitions, competitions, workshop and live performances. The Shark Bay Arts Council coordinate the very successful annual event Bare Foot Black Tie, this is run in conjunction with a series of events under the Gascoyne in May banner.

The Shark Bay Arts Council have requested funds to engage a Print Maker from Geraldton to deliver print-making skill to local artists and interested community

27 JUNE 2018

members. Other costs will be related to the purchase of equipment and materials for the workshops.

The project is themed around printing of maritime maps and natural history at the time of Freycinet's visit to Shark Bay. The items produced in the workshops will be used in an exhibition during the festival and some of the products will be on sale.

Included in the application:

Quotes

Support letter from Shark Bay Community Resource Centre and Lizzy Robinson

Draft project logo

Officer recommendation:

It is recommended that Council approve an amount of \$5,000 to the Shark Bay Arts Council for the chARTing the Edge workshops and exhibition.

Shark Bay Community Resource Centre

Amount Requested: \$3,307.39

Project: Sailing Ship Workshop and Parade – Sail de Freycinet

The Shark Bay Community Resource Centre provides the Shark Bay community with access to technology, information and other community based services and supporting community development initiatives. The Shark Bay Community Resource Centre also organise and implement the school holiday programs run from the Shark Bay Recreation Centre.

The Community Resource Centre seeks funding to purchase equipment that will enable them to conduct ship-building workshops. The sailing ship workshops will be made from cardboard left over from the 2016 Sail-in-Parade and conducted at the Shark Bay Recreation Centre.

The ships will then be sailed (walked) down Knight Terrace in a parade formation. A similar activity and event was held during the 2016 Festival, it was a great success in engaging young people and adults during the workshops and also provided an entertaining spectacle during the parade. This project will enhance the festival program.

Included in the application:

Quotes

Support letters from the Shark Bay Youth Group, Shark Bay P&C,

Financial information

Officer Recommendation:

It is recommended that Council approve an amount of \$3,307.39 to the Shark Bay Community Resource Centre to hold Sail Boat Workshops and Parade during the Festival.

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The Shark Bay Entertainers

Amount requested: \$5,000

Projects: Rose and Louis de Freycinet 1818 Campsite re-visited

The Shark Bay Entertainers is a locally coordinated recital and theatrical group. They have conducted successful shows in the Denham Town Hall and as pop up theatre in the community. They boast an excellent number of community member's involvement in the productions and high attendance to performances. The group continue to enhance the skills of the local community and audience development through Performing Arts.

The Shark Bay Entertainers are seeking funds develop a pop up theatre work site during the Rendezvous Festival. An interactive set of the Cape Lesueur - Freycinet camp will be relocated to the Denham foreshore (based on the watercolour and ink drawings of the French camp at Cape Lesueur in 1818). The recreated set and activities will include readings from Rose de Freycinet's letters and diary; flash mob style singing; short scene acting; street style theatre (in period costume) and photo booth opportunities. This project will assist in setting Knight Terrace as a historical French festival theme.

Included in the application:

Quotes for equipment

Scene layout

Letters of support from the Community Resource Centre and Shark Bay Blowing Club

Financial Information

Officer Recommendation:

It is recommended that Council approve an amount of \$5,000 to the Shark Bay Entertainers for the development of pop up theatre and historical re-enactment site.

Denham Crafters

Amount Requested: \$4,663.80

Project: Rendezvous the French Festival of Colours!

The Denham Crafters is a long standing community and visitor group. They have been operating for over 20 years and currently have ten permanent local members, however the numbers often double in the winter months with the influx visitors holidaying in Denham.

Denham Crafters is a group open to all regardless of skills and abilities. The group provide a place to share craft ideas, skills-sharing and a social engagement opportunities on a weekly basis. It is an avenue to also promote a sense of community pride to our winter visitors.

Denham Crafters are requesting funds to purchase materials to assist with Festival decorating of Knight Terrace in September. Concentrating on making decorative bunting and yarn-bombing of trees to bring out a sense of colour and festivities.

The Crafters are in the process of making berets and other French inspired items for sale at the Festival. To support the Crafters efforts, the application also requests funds

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to hire round tables for the Street Party (part of their decorating ideas) and to engage a Face Painter to brighten and enhance the experience of everyone at the festival.

Included in the application:

Quotes

Support letter from Denham seniors and the Shark Bay Community Resource Centre

Officer Recommendation:

It is recommended that Council approve an amount of \$4,663.80 to Denham Crafters for materials and activities to enhance the Rendezvous Festival

LEGAL IMPLICATIONS

There are no legal implications associated with this report

POLICY IMPLICATIONS

These recommendations comply with Policy 6.10 Financial Assistance/Donations.

FINANCIAL IMPLICATIONS

Council approved for up to \$40,000 to be allocated in the second grant round of 2017/2018 to enhance community group involvement in the 200 years commemorative Shark Bay Rendezvous Festival de Freycinet Festival event in September 2018.

Total funding requested in this round is \$ 35,451.60

If these eight applications are approved, there will be a surplus of \$6396.40 remaining in the 2017/2018 Community Assistance Grants budget.

STRATEGIC IMPLICATIONS

The Strategic Outcomes as directed by the Strategic Community Plan are noted against each application.

RISK MANAGEMENT

There is no risk associated with this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Executive Manager *L Butterly*

Chief Executive Officer *P Anderson*

Date of Report 20 June 2018

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16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

17.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Laundry
Seconded Cr Fenny

Council Resolution

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

17.1 Request for Exemptions for Temporary Landuse – Coffee Van (Various Sites – Shark Bay Caravan Park and Speedway)

17.2 Little Lagoon Survey

7/0 CARRIED

17.1 REQUEST FOR EXEMPTIONS FOR TEMPORARY LANDUSE – COFFEE VAN (VARIOUS SITES – SHARK BAY CARAVAN PARK AND SPEEDWAY)

RES40771 / P4073 / P1249

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Officer Recommendation

That Council:

1. Grant an exemption for a mobile coffee van to operate at the Shark Bay Caravan Park on Lot 3 Spaven Way Denham and at the Speedway on Reserve 40771 as a temporary use in accordance with Regulation 61 (2) (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following:
 - (a) Trading at the Shark Bay Caravan Park shall occur between 4 to 10 July 2018, and the 24 to 30 September 2018, as stated in the proposal, and trading shall be limited to guests staying at the caravan park only.
 - (b) Trading at the Speedway shall be limited to the 7 July 2018.
 - (c) The coffee van operator, Café Swift, is to become a Registered Food Premises with the Shire of Shark Bay prior to commencement.
- 2a. Resolve to pursue Option 1 in regards to application of the ‘Activities on Thoroughfares and Trading in Thoroughfares and Public Places’ Local Law to the Café Swift proposal to trade at the Speedway Reserve 40771 and:
 - (a) Authorise the Chief Executive Officer to explain the Permit requirements to the proponent: and

27 JUNE 2018

- (b) Authorise the Chief Executive Officer to issue a Permit under the Local Law subject to payment of the fee and adequate information on public liability being provided by either Café Swift or the Shark Bay Speedway Club.
- OR
- 2b. Resolve to pursue Option 2 and specifically exempt Café Swift from the need to obtain any Permit in accordance with Clause 6.7 (3) of the 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Laws which states that *'the Local Government may exempt a person or class of persons, whether or not in relation to a specific public place, from the requirements of this Division'*, so that trading for one day on the 7 July 2018 can occur at the Speedway on Reserve 40771 subject to:
- (a) Adequate proof and assurances are provided by the Shark Bay Speedway Club or Café Swift that there is sufficient insurance to indemnify the Shire in regards to Café Swift operating on the site (to the satisfaction of the Chief Executive Officer) as the land is local government property.
3. Authorise the Chief Executive Officer to:
- (a) Write to the operators of Café Swift and notify them of the Council decision; and
- (b) Write to the Shark Bay Speedway Club to explain the requirements of the Local Laws, and invite them to seek an exemption if they seek to operate their own foods/drinks stalls for any future club meetings and events. Advice is to be included to explain that any food/drink stalls have to be registered as a food business with the Shire to comply with separate health requirements.

Moved Cr Fenny
Seconded Cr Capewell

Council Resolution

That Council:

1. **Grant an exemption for a mobile coffee van to operate at the Shark Bay Caravan Park on Lot 3 Spaven Way Denham and at the Speedway on Reserve 40771 as a temporary use in accordance with Regulation 61 (2) (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following:**
- (a) **Trading at the Shark Bay Caravan Park shall occur between 4 to 10 July 2018, and the 24 to 30 September 2018, as stated in the proposal, and trading shall be limited to guests staying at the caravan park only.**
- (b) **Trading at the Speedway shall be limited to the 7 July 2018.**
- (c) **The coffee van operator, Café Swift, is to become a Registered Food Premises with the Shire of Shark Bay prior to commencement.**

27 JUNE 2018

- 2a. **Resolve to pursue Option 1 in regards to application of the ‘Activities on Thoroughfares and Trading in Thoroughfares and Public Places’ Local Law to the Café Swift proposal to trade at the Speedway Reserve 40771 and:**
- (a) **Authorise the Chief Executive Officer to explain the Permit requirements to the proponent: and**
 - (b) **Authorise the Chief Executive Officer to issue a Permit under the Local Law subject to payment of the fee and adequate information on public liability being provided by either Café Swift or the Shark Bay Speedway Club.**
3. **Authorise the Chief Executive Officer to:**
- (a) **Write to the operators of Café Swift and notify them of the Council decision; and**
 - (b) **Write to the Shark Bay Speedway Club to explain the requirements of the Local Laws, and invite them to seek an exemption if they seek to operate their own foods/drinks stalls for any future club meetings and events. Advice is to be included to explain that any food/drink stalls have to be registered as a food business with the Shire to comply with separate health requirements.**

7/0 CARRIED

BACKGROUND

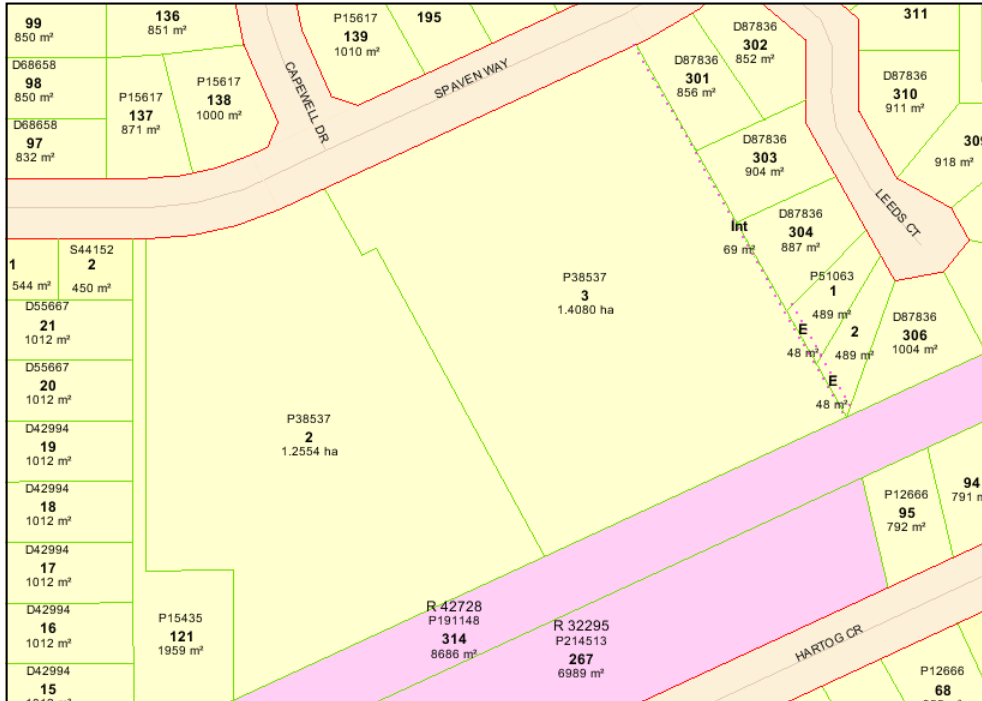
- *Shark Bay Caravan Park*

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

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

MINUTES OF THE ORDINARY COUNCIL MEETING

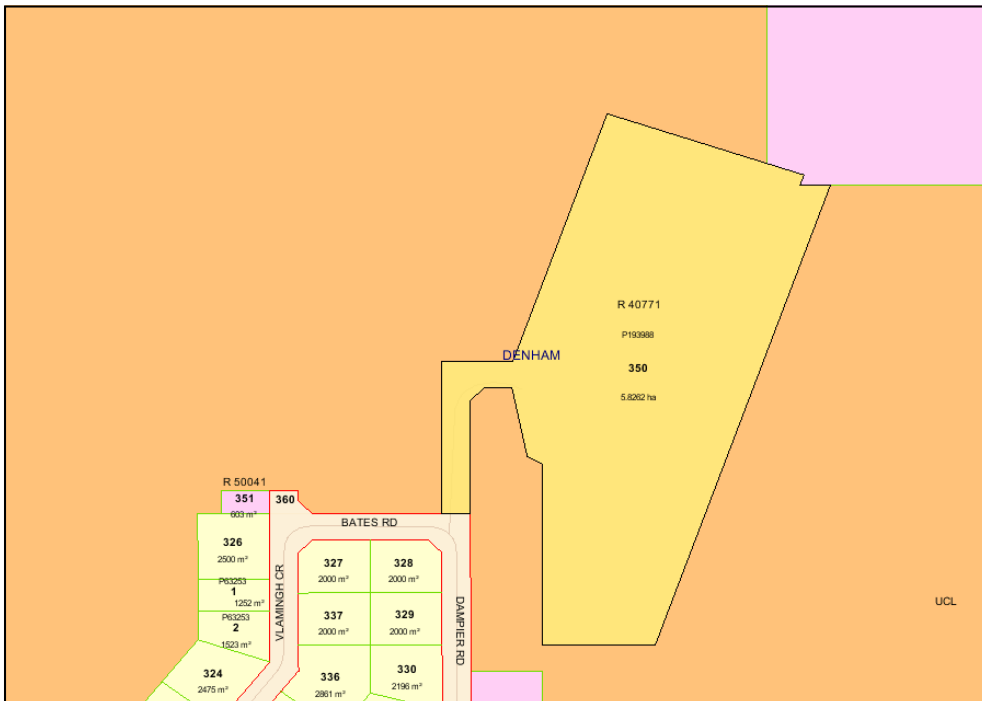
27 JUNE 2018



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

- *Speedway*

Reserve 40771 is located to the north of the Industrial area in Denham, and is surrounded by unallocated crown land. There is a Management Order to the Shire of Shark Bay for Motor Vehicle Racing, and a speedway operates from the site.



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

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COMMENT

• **Shark Bay Caravan Park**

The operators of Café Swift have approached the Shire and advised they have been invited to trade at the Shark Bay Caravan Park between the 4 to 10 July 2018, and the 24 to 30 September 2018.

They propose to operate from 7.00am to 7.00pm daily within the lot. They sell imported Belgian waffles, tea, coffee and hot chocolate. They only propose to sell food and drinks to caravan park guests and not to the general public.

Photographs of the operation are included below.



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Council is requested to grant the landowner and Café Swift an exemption from the need of any formal planning approval as the proposed use is temporary, is only planned for two short periods, and the coffee van/tent will not provide a service to the general public.

The 'deemed provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015 includes a list of '*development for which development approval not required*'.

Clause (2)(d) of the Regulations state that '*Development approval of the local government is not required for the following uses:*

- (d) *temporary use which is in existence for less than 48 hours, or a longer period agreed to by the local government, in any 12 month period*'.

Council has discretion to exempt the coffee van from planning approval as a temporary use on private property. It is recommended that the request for an exemption be supported for the following reasons:

- The coffee van will simply service guests who are already staying at the caravan park.
- The use is temporary and will only occur for a limited time period.
- No members of the general public are proposed to be served, so there will be no additional traffic or parking implications.
- The Shire recently granted an exemption for a similar operation (coffee van) at the Denham Seaside Caravan Park on Lot 310 Stella Rowley Drive Denham, at the May 2018 Council meeting.
- The Shires Local Laws do not apply as the caravan park is not a public place, local government property or a thoroughfare.

- **Speedway**

The operators of Café Swift also propose to operate for one day at the local speedway for a few hours on the 7 July 2018. TPI is of the understanding that the Shark Bay Speedway Club is hosting the 31st Annual Oakley Earthworks Far Western Championship on that day.

The operators have requested an exemption from planning approval, which Council has discretion to support.

However, the proposal to operate at the speedway is different to operating from the caravan park as:

- The caravan park is private property. It is for the use of paid guests and not generally open to the public.
- The speedway is a 'public place' and 'local government property', so the Shire's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Law ('Local Law') apply.
- Even if the Shire grants an exemption from planning approval, the operators still need a separate Permit to trade in a public place under Division 1 of the Local Law.

The Local Law defines a 'public place' as 'includes –

27 JUNE 2018

- (a) *any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property, and*
(b) *Local Government property, but does not include premises on private property from which trading is lawfully conducted under a written law'.*

The definition of 'Local Government Property' under the Local Law includes any land where the Shire is the management body, as is the case for Reserve 40771.

There are 2 options available to Council:

Option 1 Require the proponent to obtain a Permit and authorise the Chief Executive Officer to issue a Permit

In order to obtain a Permit, the operators would need to fill out a separate Permit application form, pay a fee of \$250.00 and provide public liability insurance.

The operators can liaise with the speedway club to see whether they have any public liability insurance that would provide sufficient indemnity to the Shire.

Option 2 Exempt Café Swift coffee van/tent from the Local Laws

Under Division 1 of the Local Law there is a clause which allows the Shire to waive fees for charitable organisations which includes clubs of a sporting nature, however this does not extend to commercial participants (such as the Café Swift operator).

Notwithstanding the above, there is a blanket clause 6.7 (3) in the Local Laws which states that *'the Local Government may exempt a person or class of persons, whether or not in relation to a specific public place, from the requirements of this Division'*.

Essentially this blanket clause gives Council discretion to exempt the operators of Café Swift from the Local Laws and the need to obtain any Permit.

If Option 2 is supported by Council, it is recommended that the Shire seek proof and assurances from the Shark Bay Speedway Club or Café Swift that there is sufficient insurance to indemnify the Shire in regards to Café Swift operating on the site.

TPI supports an exemption as the coffee/van is only proposing to operate for a one day club day event, and the event is an important community day for the Shark Bay Speedway Club. Granting an exemption will however set a precedent for other one day operators.

- ***Related Matter***

TPI is of the understanding that the Shark Bay Speedway Club may from time to time seek to operate their own food / drink stall for different events. Technically the Club needs a Permit under the Local Laws, however Council has options to either waive the Permit fee (as they are a charitable organisation) or exempt them from the Local Laws entirely.

It is recommended that Council authorise the Chief Executive Officer to write to the Shark Bay Speedway Club to explain the requirements of the Local Laws, and invite

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them to seek an exemption if they seek to operate their own foods/drinks stalls for any future club meetings and events.

It should be noted that operators of food related stalls still have to be registered as a food business with the Shire to comply with separate health requirements.

LEGAL IMPLICATIONS

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

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

Shire of Shark Bay Local Law 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' – refer Clause 6.7 below.

6.7 EXEMPTIONS FROM REQUIREMENT TO PAY FEE OR TO OBTAIN A ' PERMIT

(1) In this Clause -

"**charitable organisation**" means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium, and

"**commercial participant**" means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The Local Government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –

(a) on a portion of a public place adjoining the normal place of business of the applicant, or

(b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The Local Government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

POLICY IMPLICATIONS

Explained in the body of this report.

FINANCIAL IMPLICATIONS

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

MINUTES OF THE ORDINARY COUNCIL MEETING

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The coffee van operators have paid a \$140.00 fee for a separate Food Act 2008 Notification / Registration Application. They have been liaising with the Shires Building Surveyor (as the Environmental Officer is currently on leave) and have lodged an application to register.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this report.

RISK MANAGEMENT

It is recommended that risk be minimised by ensuring the Shire is adequately indemnified in regards to any food / drinks stalls operated at the Speedway.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

Date of Report

22 June 2018

27 JUNE 2018

17.2 LITTLE LAGOON SURVEY
PK00001

AUTHOR

CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST

Nil

Officer Recommendation

That the Little Lagoon Channel Access Draft Master Plan presented by Ecoscape be endorsed and adopted by the Council.

OR

That the Little Lagoon Channel Access Draft Master Plan be endorsed by Council and advertised for community consultation and submissions with the submissions being presented back to Council for further consideration and/or incorporation into the Draft Master Plan at the August 2018 meeting.

Moved Cr Cowell

Seconded Cr Fenny

Council Resolution

That the Little Lagoon Channel Access Draft Master Plan be noted by Council and advertised for community consultation and submissions with the submissions being presented back to Council for further consideration and incorporation into the Draft Master Plan at the August 2018 meeting.

7/0 CARRIED

BACKGROUND

The Council at the meeting held in February 2018 resolved the following:

That the results of the Little Lagoon Creek Rehabilitation survey be considered in junction with the development of the new master plan, incorporating aspects of the 2010 plan for the Little Lagoon Recreation Reserve in accordance with Council resolution 4 of the ordinary meeting held on 30 August 2017.

That funding of \$25,000 allocated to the establishment of walk trails in the 2017/2018 budget be utilised specifically for the development of a Master Plan for the Little Lagoon Reserve, with specific focus on the rehabilitation of the Little Lagoon Creek area.

Ecoscape who undertook the 2010 plan have been commissioned to undertake a new master plan in accordance with Councils resolution.

As Council is aware Ecoscape have met with Council and the newly formed Friends Group and have now prepared a new master plan for Council to consider which is attached at the end of this report.

27 JUNE 2018

COMMENT

Ecoscape have drafted the revised plan taking into consideration Councils comments, input from the Friends Group and the submissions received by Council previously.

The draft channel area master plan is attached for Council consideration, the accompanying report has required some revisions and will be presented to council when finalised

The Council can now assess the draft master plan and consider if any further amendments are required, also consider if it would like to circulate the draft for further comment from the general community and Friends Group.

Any submissions can be given consideration by the Council and if in the Councils opinion the Draft Master Plan can then be amended to incorporate any variations.

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 Council has allocated \$25,000 to develop the masterplan in the 2017/2018 financial year, the majority of this funding will be spent on the masterplan.

The Council now will consider any additional funding to undertake the plan in the 2018/2019 budget deliberation process.

There may also be the opportunity for the Friends Group to apply for funding that can assist the implementation of the plan.

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

Outcome 2.5 - Greater awareness and increased community pride in protecting and enhancing the natural and built environment

Risk Management Implications

There are no risks relevant to this report

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

26 June 2018



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Council Staff left Council Chamber at 4.346pm

One member of the gallery left the Council Chamber at 4.36pm

18.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Ridgely
Seconded Cr Burton

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.

7/0 CARRIED

18.1 MONKEY MIA RESERVE 1686
RES1686

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as employee of the Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service

Moved Cr Ridgely
Seconded Cr Capewell

Council Resolution

That Council note and consider the report presented by the Chief Executive Officer in regard to the 1996 Monkey Mia Deed on Reserve 1686 between the Shire of Shark Bay and the Department of Biodiversity, Conservation and Attractions.

7/0 CARRIED

Moved Cr Capewell
Seconded Cr Fenny

Council Resolution

Council authorise the Chief Executive Officer to negotiate the cessation of the 1996 Deed, with the Department of Biodiversity, Conservation and Attractions, of the section of the Monkey Mia Conservation Park Reserve 49144 (created in 2007) and negotiate an annual contribution, indexed by the Consumer Price Index to assist the Shire with the operating costs of the Shark Bay World Heritage and Discovery and Visitor Centre

And

27 JUNE 2018

That joint vesting of Reserve 1686 be further negotiated with the Department of Biodiversity, Conservation and Attractions and a report regarding options for ongoing vesting and management be presented to Council for consideration.

Cr Cowell left the Council Chamber at 4.59pm.

Cr Laundry assumed the Chair.

6/0 CARRIED

Moved Cr Ridgely
Seconded Cr Burton

Council Resolution

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

6/0 CARRIED

Cr Cowell returned to the Council meeting at 5.01 and assumed the Chair.
2 Visitors returned to the Council Chamber at 5.01 pm.

At 5.01 pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).

5.03pm Item 13.3 was presented.

13.3 PROPOSED REVISED PLANS - LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of the Department of Biodiversity, Conservation and Attractions and as the Executive Officer of Shark Bay World Heritage Advisory Committee

Officers Recommendation

That Council:

1. Note that:

- (a) Planning approval for 8 short term accommodation units (4 duplexes) and staff accommodation was originally issued on the 3 August 2015 – Attachment 1.

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- (b) In 2017 the owner sought modification of Condition (iii) relating to the approved plans, and Condition (xix) for an extension of time to commence the development.

Revised conditions were supported in 2017 to give the owner additional time to substantially commence development.

- (c) When revised conditions were examined in 2017, the owner advised at the time that the plans were not proposed to be modified with the exception that a pitched roof was being considered (instead of a curved roof) – Attachment 2.

- (d) Revised Condition (iii) as approved in 2017 states:

‘(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer’

However a footnote advised that revised plans may be referred to Council depending on the extent of changes.

A copy of the revised approval is included as Attachment 3.

2. Note that the owners have engaged a company known as GO2 Building to progress Building Permits for two buildings on Lot 304. GO2 Building (‘the applicant’) has lodged written correspondence seeking approval of revised plans under Condition (iii) of the existing planning approval.

There are two options available to Council which are outlined in this report.

3. Authorise the Shire Chief Executive Officer to write to the owners and applicant, to implement Councils preferred Option No _____.

Moved Cr Ridgely
Seconded Cr Burton

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 5.04 pm for open discussion on Item 13.3 Proposed Revised Plans – Lot 304 Sunday Island Bay, Dirk Hartog Island

7/0 CARRIED

Moved Cr Bellottie
Seconded Cr Burton

Council Resolution

That Council reinstate Standing Orders at 5.58pm.

7/0 CARRIED

27 JUNE 2018

Moved Cr Bellottie
Seconded Cr Fenny

Council Resolution

That Council:

1. Note that:

(a) Planning approval for 8 short term accommodation units (4 duplexes) and staff accommodation was originally issued on the 3 August 2015 – Attachment 1.

(b) In 2017 the owner sought modification of Condition (iii) relating to the approved plans, and Condition (xix) for an extension of time to commence the development.

Revised conditions were supported in 2017 to give the owner additional time to substantially commence development.

(c) When revised conditions were examined in 2017, the owner advised at the time that the plans were not proposed to be modified with the exception that a pitched roof was being considered (instead of a curved roof) – Attachment 2.

(d) Revised Condition (iii) as approved in 2017 states:

‘(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer’

However a footnote advised that revised plans may be referred to Council depending on the extent of changes.

A copy of the revised approval is included as Attachment 3.

2. Note that the owners have engaged a company known as GO2 Building to progress Building Permits for two buildings on Lot 304. GO2 Building (‘the applicant’) has lodged written correspondence seeking approval of revised plans under Condition (iii) of the existing planning approval.

3. Authorise the Shire Chief Executive Officer to write to the owners and applicant, and advised that Council will approve variations to the approved plans as submitted in 2018 for building envelopes 17 & 23A.

4. The variation only applies to the building envelopes 17 & 23A and any other variations to the 2015 approvals to building envelopes 1a, 1b, 3, 6, 23B and internal driveway and parking areas will require a new development application.

6/1 CARRIED

Cr Laundry is recorded as voting against the motion due to it not following protocol as variations require a new development application.

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BACKGROUND

- **Lot History**

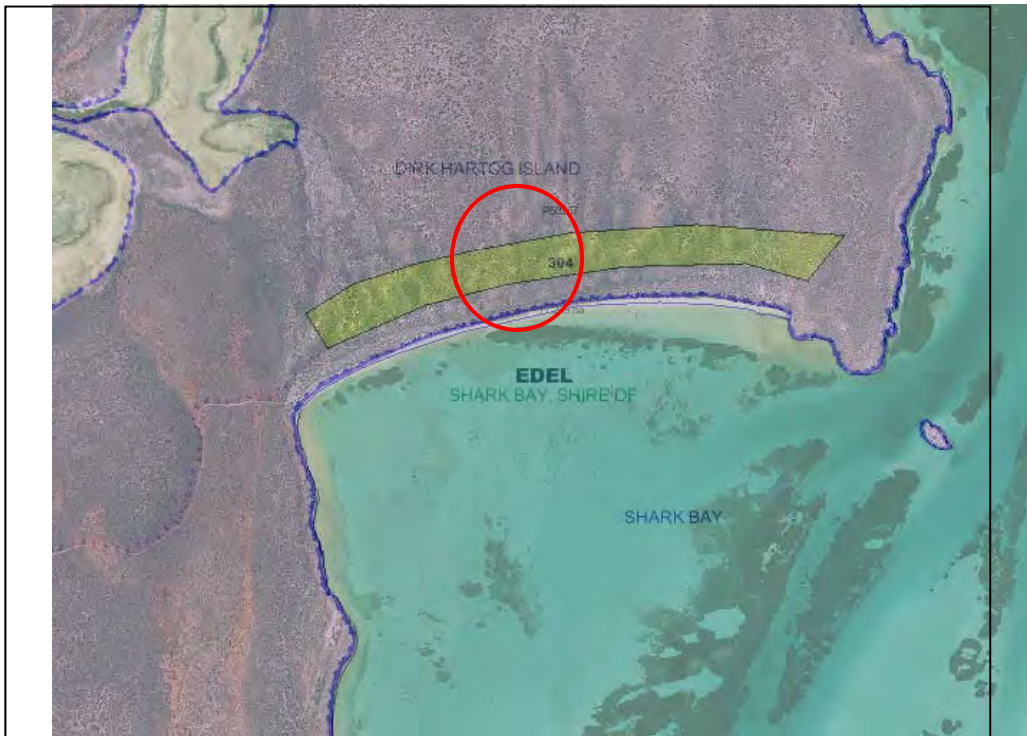
The State Government exchanged freehold parcels of land with the lessee of Dirk Hartog Island. Now there are expectations by owners that the lots can be developed.

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

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

- **Location**

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



- **Ownership**

Lot 304 on Certificate of Title, Volume 2729, Folio 425 is owned by Dirk Hartog Island Developments Pty Ltd and John Gardner.

- **Zoning**

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

- **2013 Application**

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

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

- **2014/ 2015 Application and Approval**

The applicant lodged revised plans in November 2014 for Stage 1 of development.

Following advertising, the application was approved at the Ordinary Meeting of Council held on the 29 July 2015.

The approved development included:

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



Condition (iii) of the 2015 approval required lodgement of a corrected site plan. A corrected site plan was lodged and it was approved in writing by the Shire on the 22 October 2015.

The approved site plan is included as Attachment 4.

- **Approved landuses**

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

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

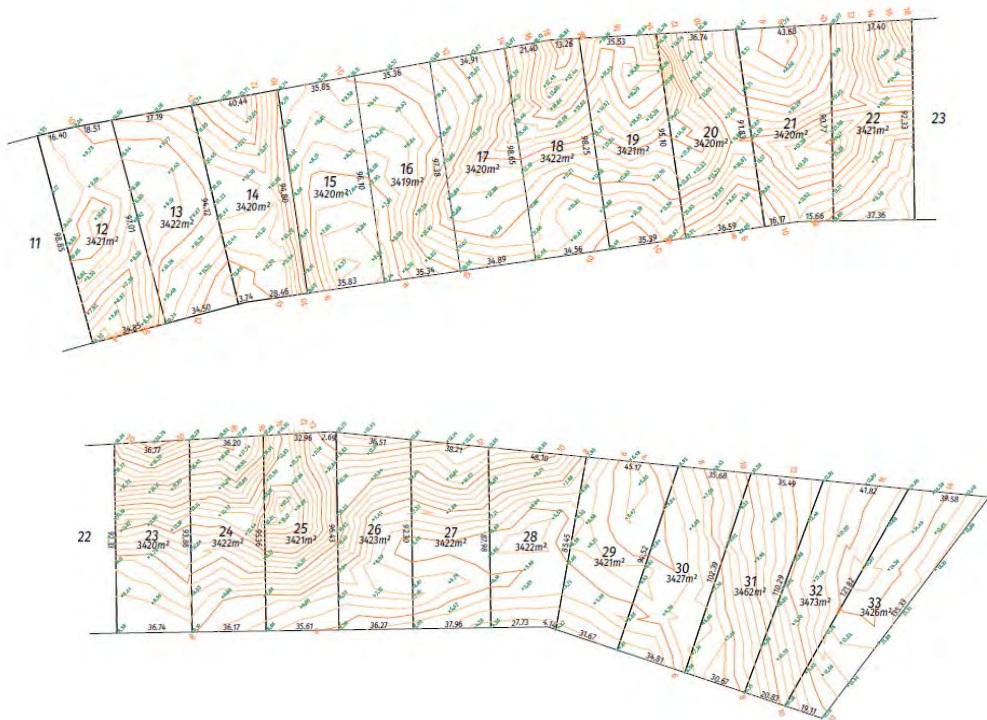
- **World Heritage and Environmental Matters**

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

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

- **Subdivision**

The GO2 people have been liaising with the Shire and Town Planning Innovations in preparation of compiling Building Permits. Proposed plans have indicated individual 'lot' numbers.



Town Planning Innovations has advised all parties who have contacted the Shire that Lot 304 is existing, has not been subdivided, and has no subdivision or strata approval.

COMMENT

- **Request for Revised Plans**

The applicant, GO2, has requested approval of revised plans in writing by the Chief Executive Officer, as permissible under revised Condition (iii) which states as follows:

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'(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer'

They have advised that changes have mainly been made due to the need to comply with new Bushfire Attack Level Regulations, Certificate of Design Compliance and Energy Efficiency report.

The plans lodged are substantially different to the plans approved in 2015, hence the matter is referred to Council for consideration.

- ***Summary of Revised Site Plans (Envelopes 17 and 22)***

The plans approved by Council included numbered building envelopes.

The revised plans are only for two buildings which are assumed to correlate with Building Envelope 17 and Envelope 23A.

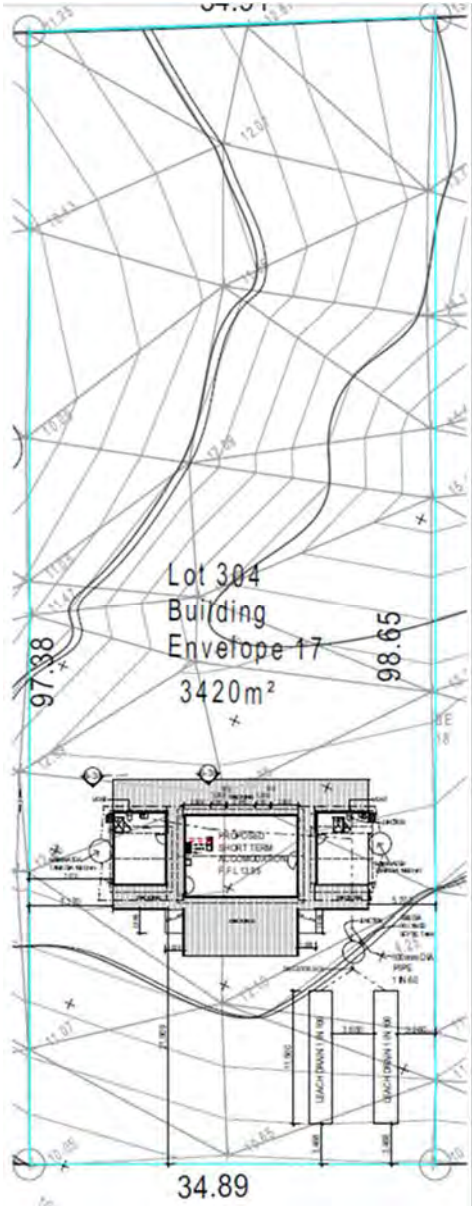
Town Planning Innovations cannot compare the revised site plan with the approved site plan. The revised site plans do not show the buildings in context of the legal lot boundary of Lot 304.

If the revised site plan does correlate with Building Envelope 17 the main differences are:

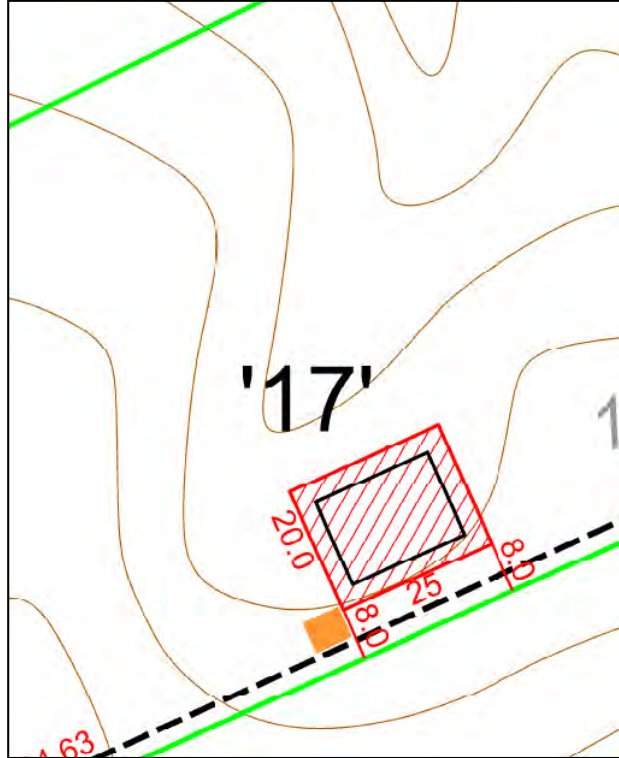
- The front setback changed from 8m to 21.9m to the main building line, and the deck extrudes forward.
- The building outline, shape and floor plan is different.
- Building 17 was previously a duplex design whereas this building is one unit.

Plans for Building Envelope 17 are compared overpage.

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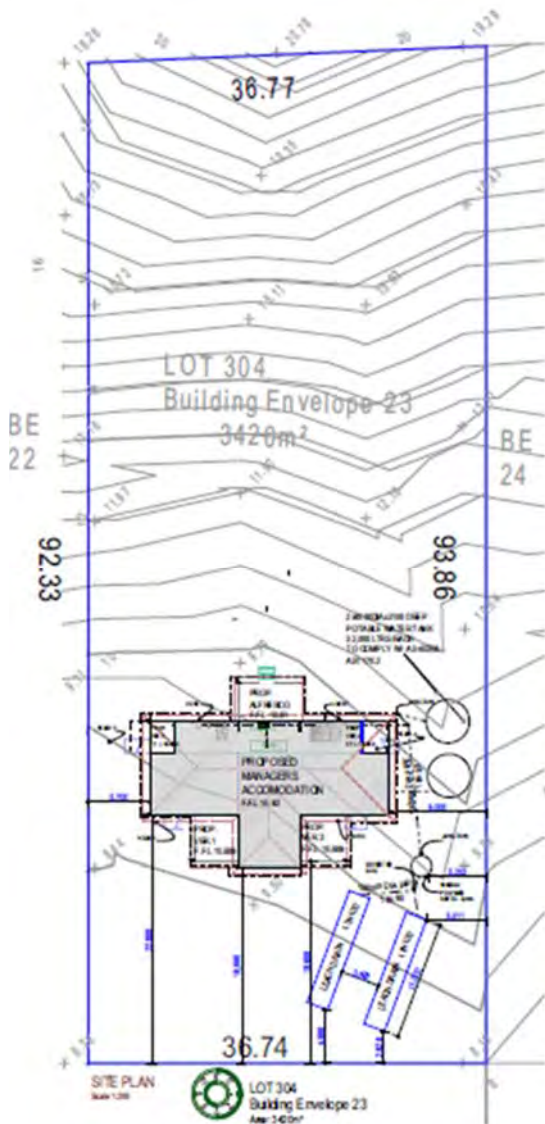
Revised site plan



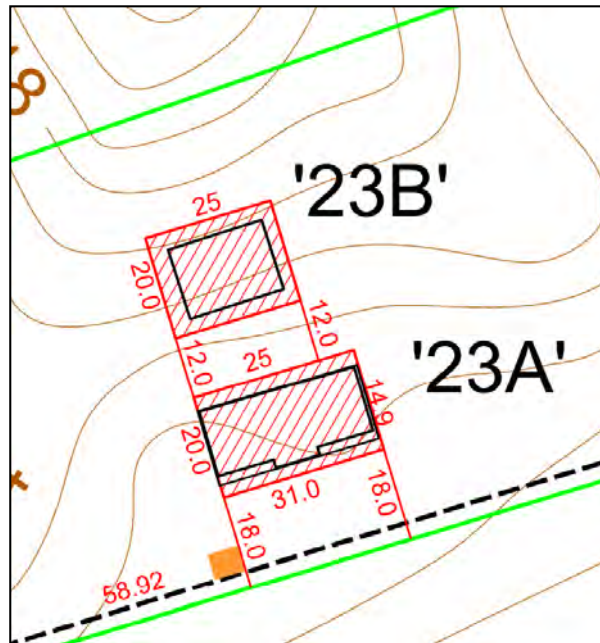
Extract of approved site plan
(refer Attachment 4)

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Plans for envelope 23A are compared below.



Revised site plan



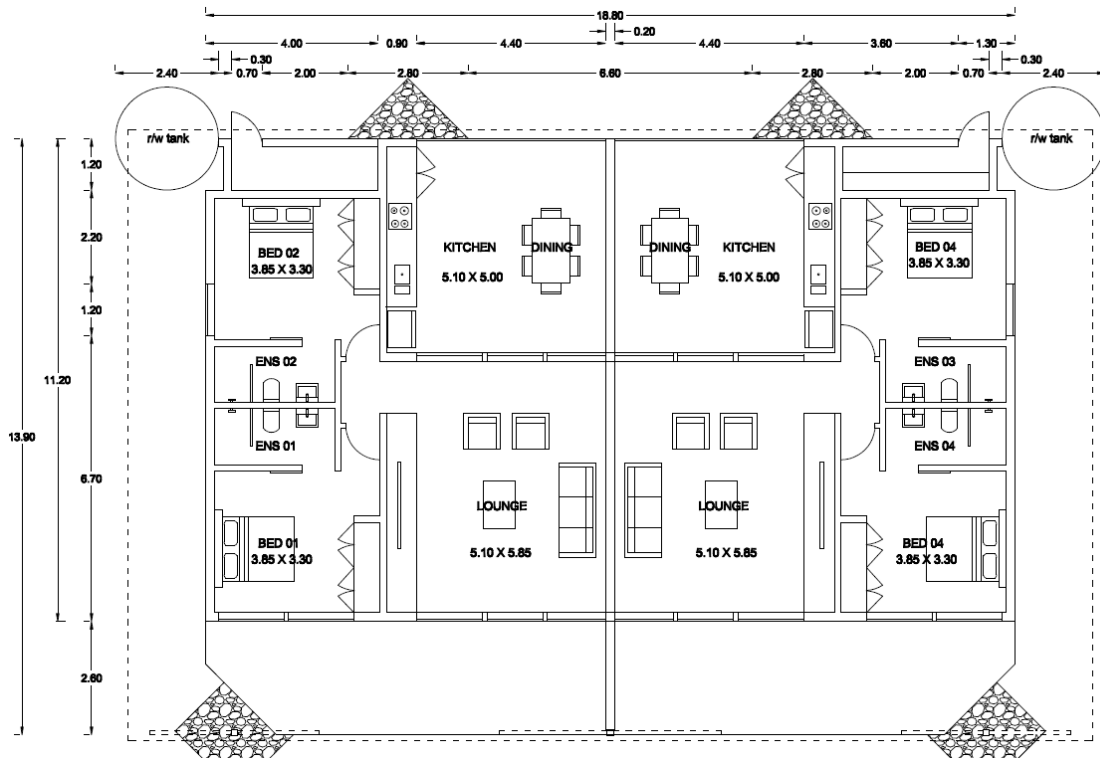
Extract of approved site plan
(refer Attachment 4)

The front setback of 18 metres has not changed however it is a different building outline. If the location correlates with building envelope 23A then the approved design was also for a duplex.

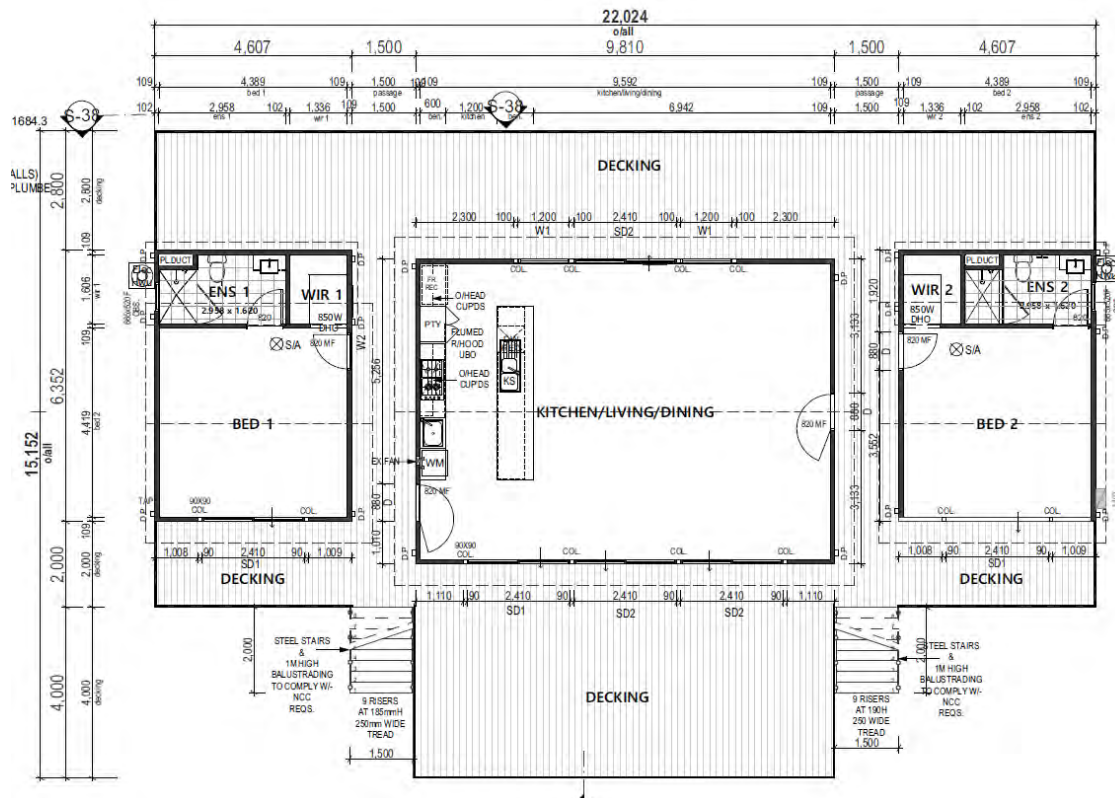
27 JUNE 2018

• **Summary of Revised Floor Plans (Envelopes 17 and 23A)**

The revised floor plans for Envelope 17 are different to the approved floor plans as follows.



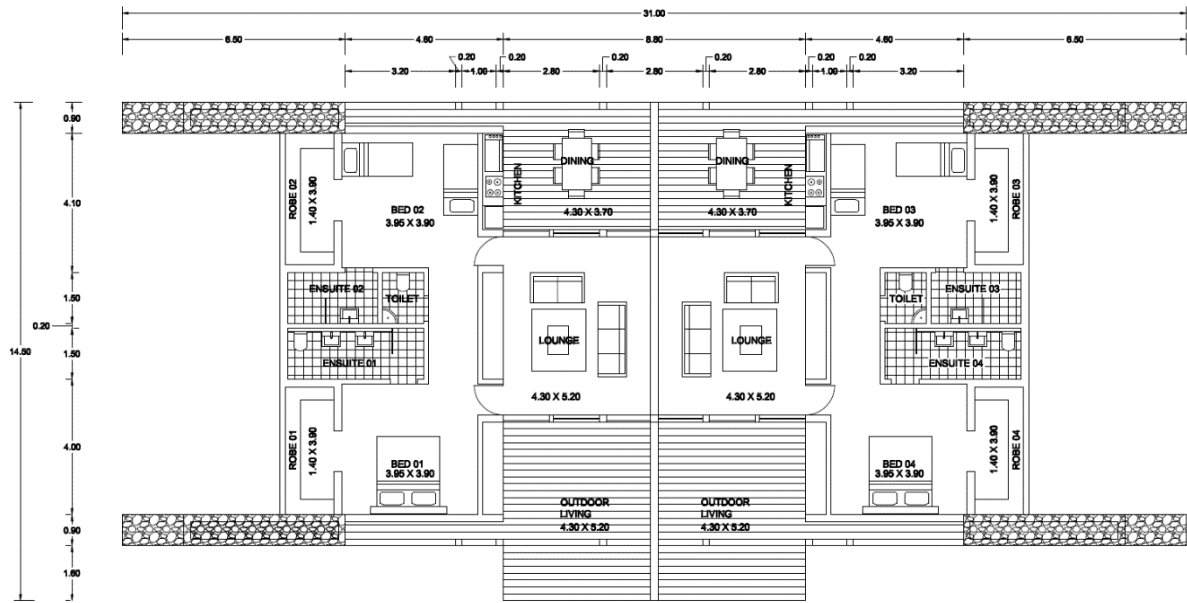
Above: Floor plan approved in 2015 (no changes in 2017) : Envelope 17



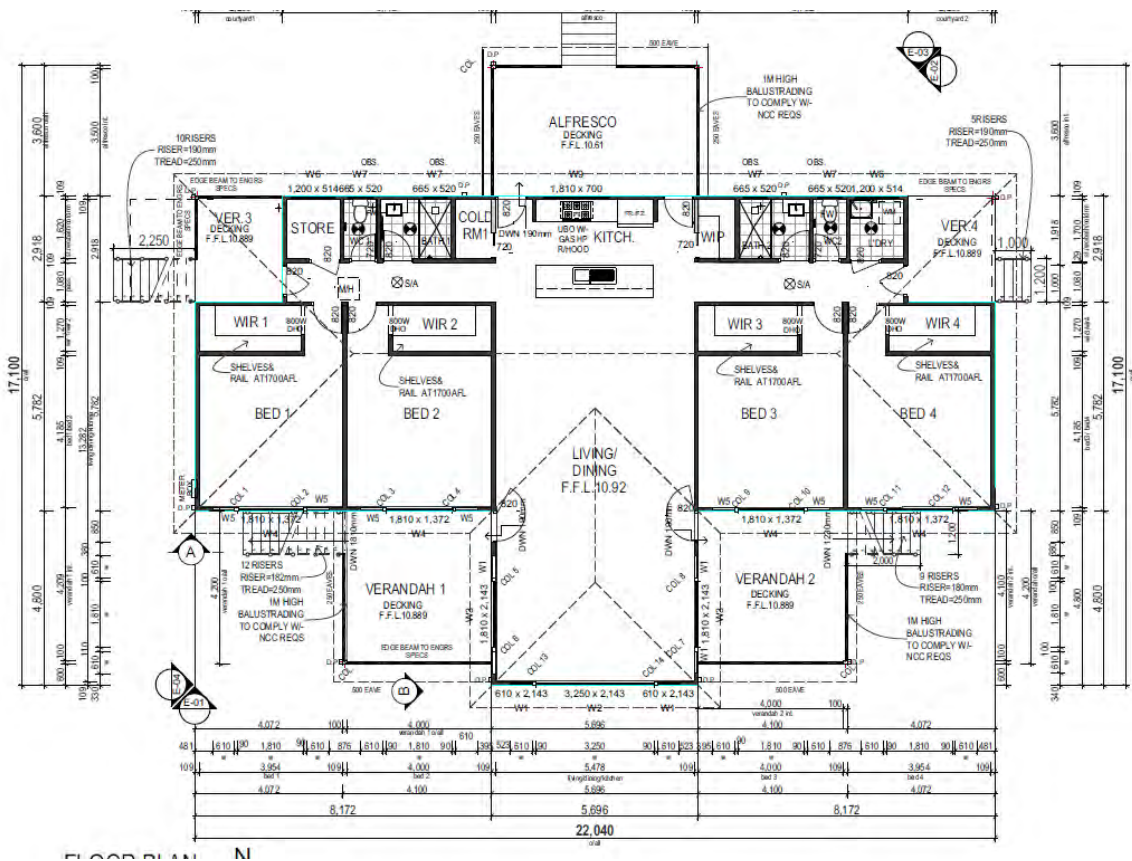
Above: Proposed floor plan

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018



Above: Floor plan approved in 2015 (no changes in 2017) : Envelope 23A

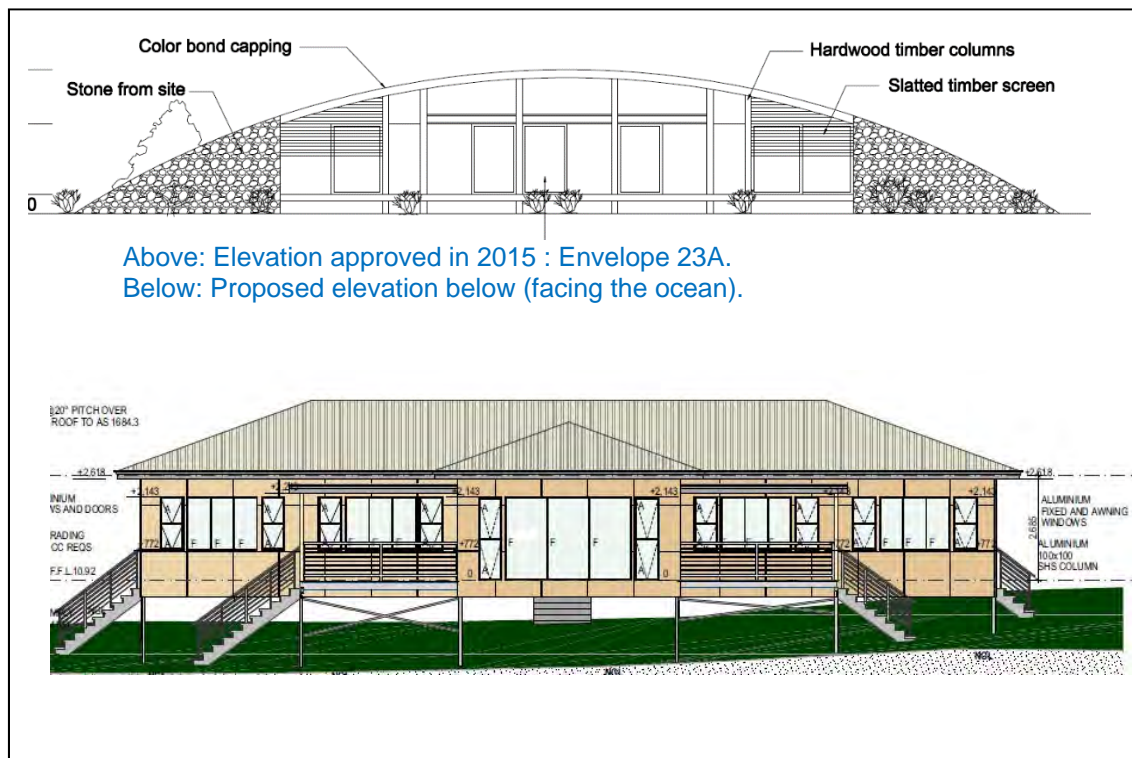
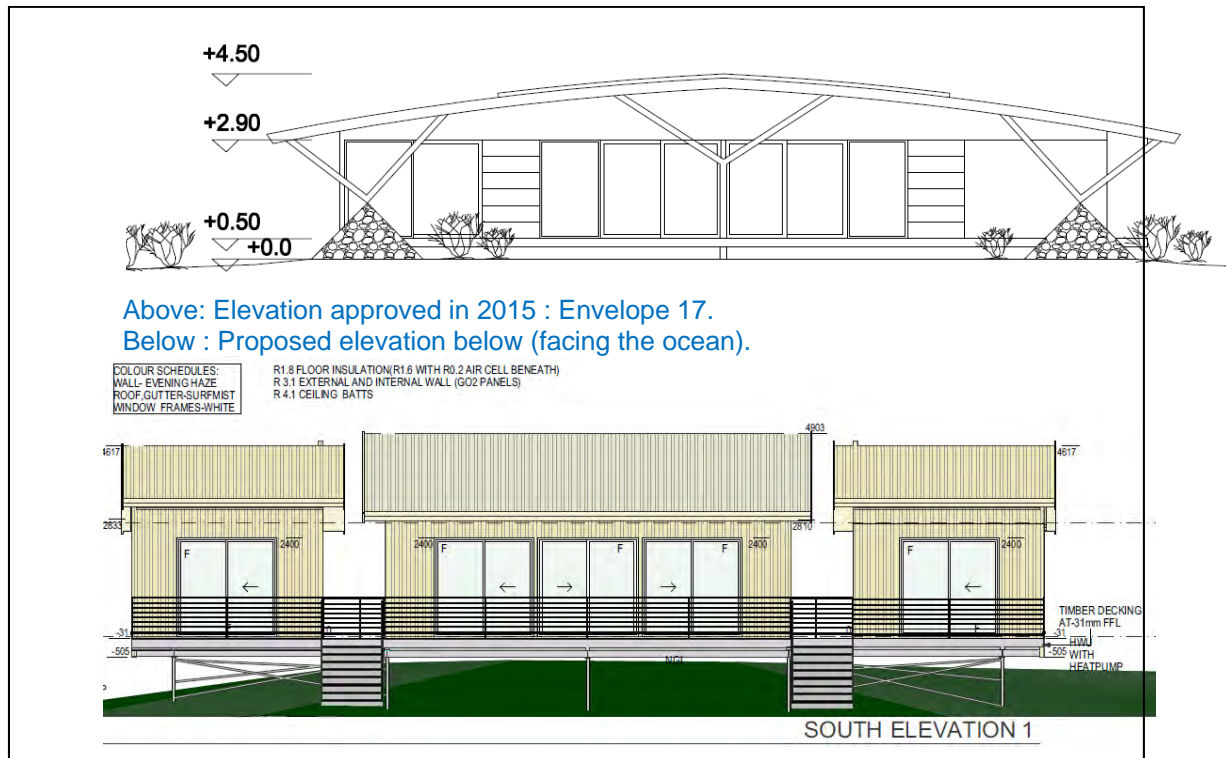


Above: Proposed Floor plan

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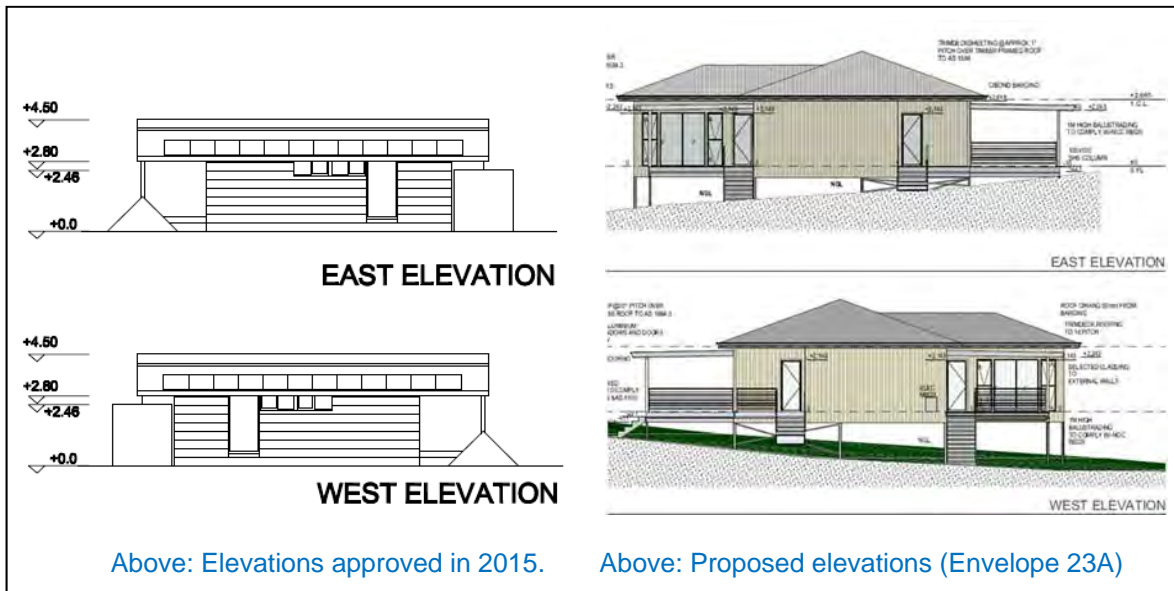
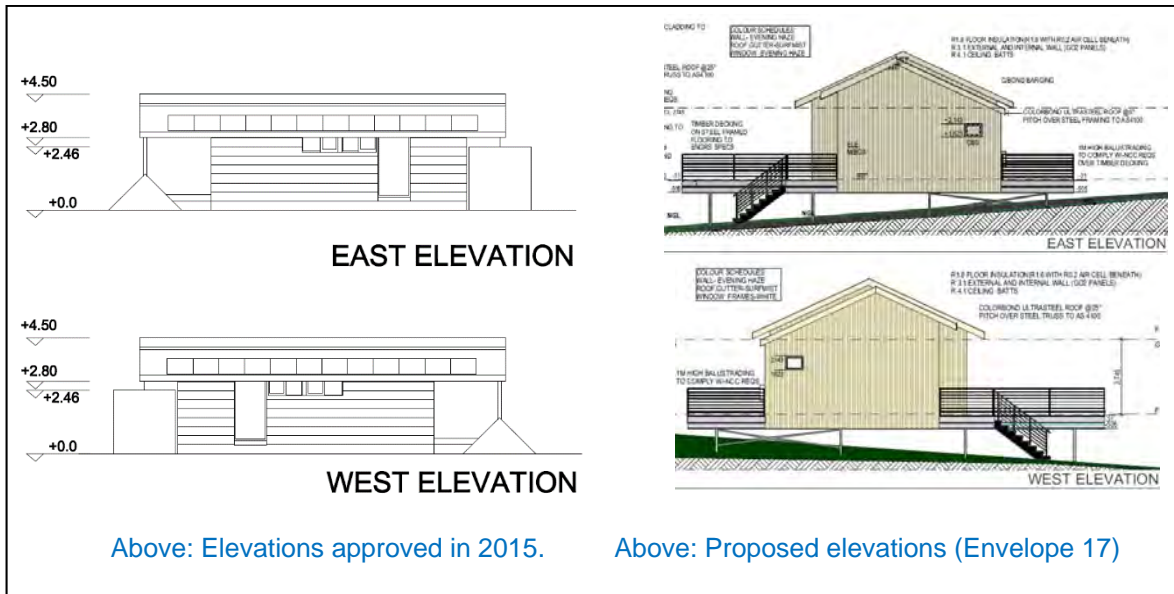
• **Summary of Revised Elevations (Envelopes 17 and 23A)**

The approved and proposed elevations are included below. It should be noted that the Shire was advised in 2017 that the curved roof may be replaced by a pitched roof.



MINUTES OF THE ORDINARY COUNCIL MEETING

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- **Options available to Council**

There are two options available to Council as detailed below:

OPTION 1 – REFUSE TO SUPPORT THE REVISED PLANS AND REQUEST LODGEMENT OF A NEW PLANNING APPLICATION

Town Planning Innovations is of the view that the proposed plans bear no resemblance to those that were granted planning approval, and that it would be entirely appropriate for Council to require lodgement of a new planning application for the current revised plans.

Town Planning Innovations recommends Option 1 for the following reasons:

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- i. Extensive consultation occurred as part of the planning process involving the Shark Bay World Heritage Advisory Committee and Parks and Wildlife Services.
- ii. The intention of modified Condition (iii) was to allow for minor plan changes. The proposed plans are completely different to those approved by Council.
- iii. Support for such extensive changes undermines the planning process and may set an undesirable precedent for other developments.
- iv. The original proposal was for co-ordinated development with elevations that had common elements. The revised elevations have no consistent design theme or architectural approach.
- v. Legislation has significantly changed since the original development was supported by the Shire. If revised plans are pursued it would be more appropriate and practical for a new application to be lodged that addresses bushfire management for all proposed development.
- vi. Approving different designs and elevations for each building envelope may result in an ad hoc development outcome in the World Heritage Area.
- vii. The fact that the existing planning approval allows for lodgement of revised plans does not automatically mean that Council has to support plans that are substantially different to what has been approved.

OPTION 2 – APPROVE THE REVISED PLANS IN ACCORDANCE WITH CONDITION (iii) OF THE EXISTING PLANNING APPROVAL

Council can request that the Chief Executive Officer approve the revised plans in accordance with Condition 3 which states:

‘(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer’

This would assist Go2 Building to continue to progress future Building Permit applications. Once development substantially commences on Lot 304, the existing planning approval will remain valid in perpetuity.

Town Planning Innovations is not supportive of Option 2 and considers that the extent of plan changes warrants lodgement of a new planning application to achieve the best and most appropriate co-ordinated development outcome for this unique site.

If the revised plans are supported by Council it will set a precedent for substantially different designs to be pursued for other building envelopes 1A, 1B, 3, 6 and 23B.

Both options are included for Council consideration. The applicant has no right of appeal in regards to this matter.

• ***Related Issue : Bushfire Matters***

When the original development was assessed, the current bushfire requirements were not in place.

Now for any new tourist development, a Bushfire Management Plan and bushfire issues would be examined as part of the planning process. This is more practical as bushfire is looked at holistically for entire developments, and setbacks and Bushfire Attack Levels can influence the siting of buildings.

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Irrespective of planning, the applicant has to address Bushfire Attack Levels as part of the Building Permit stage. A Bushfire Attack Level report for Building Envelope 17 has been lodged with the Shire. The proposed building in Envelope 17 is in a Flame Zone unless the existing vegetation is modified.

The Bushfire Attack Level report states that Bushfire Attack Level-29 can be achieved if a 5.7 metre Asset Protection zone with a low fuel load is established around the building.

The Bushfire Attack Level number determines the construction standards as part of the Building process. Generally the higher the Bushfire Attack Level rating, the higher the level of construction (and costs).

Bushfire attack level	Description of risk and levels of exposure
BAL – LOW	There is insufficient risk to warrant specific construction requirements.
BAL – 12.5	Risk of radiant heat is considered low. Primarily risk of ember attack.
BAL – 19	Risk is considered moderate. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5 and 19 kW m ² .
BAL – 29	Risk is considered high. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19 and 29 kW m ² .
BAL – 40	Risk is considered very high. Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames.
BAL – FZ	Risk is considered extreme. Direct exposure to flames from fire front in addition to heat flux and ember attack.

As the Bushfire Attack Level report relies on a more complicated Level 2 assessment and the island location is fairly unique, the Bushfire Attack Level report has been referred to the Department of Fire and Emergency Services for advice.

If any new planning application is lodged, a Bushfire Management Plan will need to be lodged to comply with current State Planning Policy 3.7.





- **Related Issue : Colours and Materials**

Town Planning Innovations sought the applicants' advice on colours and materials. The building within Envelope 17 is proposed to have colorbond walls (evening haze), a colorbond roof (surfmist) and window frames (evening haze).

Town Planning Innovations considers that the colours are reasonably consistent those recommended in the Peron Peninsular Colour Palette.

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Proposed (Envelope 17)	Peron Peninsular Colour Palette
Evening Haze 	 Crystal Palace
Surfmist 	 Surf Mist

The building within Envelope 23A is proposed to have matrix cladded walls (napkin white), a colorbond roof (surfmist) and timeless grey coloured gutters.

All of the proposed colours for Envelope 23A are listed on the the Peron Peninsular Colour Palette.

A visual example of matrix cladding is included below for information.



Source: Internet search

- ***Related Issue : Planning Conditions***

The Shire has written to Dirk Hartog Island Developments Pty Ltd (Geoff Wardle) on the 5 June 2018 seeking advice on compliance with all the existing planning conditions. A response had not been received at the time of writing this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

TPI has been advised that the Minister for Planning has made a formal decision on Draft Scheme 4. A copy of the decision (in writing) had not been received at the time of writing this report.

It is expected that Draft Scheme No 4 will require development on Lot 304 to be guided by a Local Development Plan.

VOTING REQUIREMENTS

Simple Majority Required

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	20 June 2018

MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

ATTACHMENT # 1

SHIRE OF SHARK BAY

65 Knight Terrace
Denham WA 6537
PO Box 126 Denham WA 6537



Telephone (08) 9948 1218
Facsimile (08) 9948 1237
Email: admin@sharkbay.wa.gov.au
All correspondence to the
Chief Executive Officer

Your Ref
Our Ref
Enquiries

O-CR-15059/P4281
Paul Anderson

3 August 2015

Hypermarket Pty Ltd
Po Box 107
NORTH FREMANTLE WA 6159

Dear Geoff,

**PLANNING APPLICATION FOR EIGHT SHORT TERM ACCOMMODATION UNITS
(4 DUPLEXES) AND STAFF ACCOMMODATION - LOT 304 SUNDAY ISLAND
BAY DIRK HARTOG ISLAND**

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

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

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

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

Yours sincerely

Paul Anderson
CHIEF EXECUTIVE OFFICER

27 JUNE 2018

O-CR-15059/P4281
Paul Anderson

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

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

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

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- (v) The units within Building Envelopes 1B, 1A, and 23B are approved as workers accommodation only and shall only be occupied by a person who is:
 - a) engaged in active employment on the subject land;
 - b) the owner (whether in whole or part) and operator of a business, where that person is also currently actively involved in the operation of the business on a day to day basis; or
 - c) a spouse, partner or dependant child of a person referred to in paragraph (a) or (b).
- (vi) The units within Building Envelopes 3, 6, 17 and 23A are approved as short term accommodation for let for holiday purposes, and none of these units shall be occupied by the same tenant for a continuous period of four months or more.
- (vii) Lodgement of detailed servicing site plan for separate written approval by the Chief Executive Officer that stipulates the size and location of all solar infrastructure, rainwater tanks, generator outbuildings and shelters. The colours and materials of any outbuildings and / or equipment shelters shall be sympathetic to and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.
- (viii) Lodgement of detailed site plan and information on any desalination plant for separate written approval by the Shire of Shark Bay Council that stipulates the size, capacity, water source, and location of all associated infrastructure.
- (ix) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land, foreshore areas or national park.
- (x) The owner to provide a suitable reliable potable water supply prior to occupation of any development to the satisfaction of the Shire of Shark Bay.
- (xi) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.
- (xii) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of any short stay accommodation unit or workers accommodation unit.
- (xiii) The owner / applicant to implement the Waste Management Plan dated December 2014 to the satisfaction of the Chief Executive Officer.
- (xiv) The owner/ applicant to lodge a Fire Emergency and Coastal Risk Management Plan for separate written approval of the Shire Chief Executive Officer within 6 months from the date of this approval (or alternative time period agreed to by the Shire). The Management Plan shall address matters such as a fire escape route map (with emergency contact numbers), smoke detectors, provision of fire extinguishers, water supply for fire emergency, cyclone procedures, and planned or

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<p>managed retreat for assets which may be impacted on by long term coastal hazards.</p> <p>(xv) The owner / applicant to be responsible for implementation of a Fire Emergency and Coastal Risk Management Plan approved by the Shires Chief Executive Officer.</p> <p>(xvi) The owner/ applicant to lodge a revised Foreshore Management Plan that addresses any future proposed permanent or temporary works in the foreshore.</p> <p>(xvii) All development shall be contained within the lot boundaries unless otherwise approved as part of a Foreshore Management Plan (endorsed by the Department of Parks and Wildlife). This planning approval is not consent for any works outside of the lot boundaries.</p> <p>(xix) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.</p>
<p>Footnotes/ Advice to the applicant:</p> <p>(a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.</p> <p>(b) In regards to Condition (iv), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog Island which can be used as a guide.</p> <p>(c) In regards to Condition (vii), this approval excludes the use of wind turbines.</p> <p>(d) In regards to Condition (xi) you need to lodge a separate application for approval of any on site effluent disposal system. The Shire's Principal Environmental Health Officer / Building Surveyor has recommended that you examine a system to cater for all seven units rather than have separate effluent disposal for each unit, and use of aerobic treatment units. The Health Department of WA recommends use of Aerobic Treatment Units.</p> <p>(e) The Management Plan cited in Condition (xiv) can utilise some of the information already included in the Damara report, and is not required to be as comprehensive as a Coastal Hazard Risk and Adaption Plan as there are limited options available to mitigate long term coastal risks.</p> <p>(f) In regards to Condition (xvi) it is noted that no works are proposed in the foreshore at this stage. A Foreshore Management Plan is only required if works are proposed in the foreshore and it will need to be endorsed by the Department of Parks and Wildlife.</p> <p>(g) The owner has a responsibility under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), to gain separate approval from the Australian Government Minister for the Environment (the Minister) for any actions that have, or are likely to have, a <u>significant impact</u> on a matter of national environmental significance. The nine matters of national</p>

MINUTES OF THE ORDINARY COUNCIL MEETING

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environmental significance protected under the Environment Protection and Biodiversity Conservation Act include <u>world heritage properties</u>.	
Note 1:	If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.
Signed:	 Paul Anderson Chief Executive Officer
Dated:	3 AUGUST 2015
For and on behalf of the Shire of Shark Bay	

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ATTACHMENT # 2

From: Geoff Wardle [mailto:gwa04410@bigpond.net.au]
Sent: Tuesday, 4 July 2017 11:19 AM
To: liz <liz@tخطيط.com.au>
Subject: RE: Planning Approval Lots 303 and 304 - seek applicant advice on plans - TPI

Hi Liz
Thanks
No plans are the same except that roof is now pitched rather than the previous design
I was actually referring to the submission of the 'working drawings' to start building
Regards
Geoff

From: liz [mailto:liz@tخطيط.com.au]
Sent: Tuesday, 4 July 2017 10:40 AM
To: gwa04410@bigpond.net.au; Joanna Yorke <Record@sharkbay.wa.gov.au>
Subject: FW: Planning Approval Lots 303 and 304 - seek applicant advice on plans - TPI

Hi Geoff – In your email earlier you indicated you were submitting revised plans shortly. Are they being sent separately to the Shire?
We need them to look at re-advertising, or do you want us to use the previous plans??

Regards
Liz Bushby
Town Planning Innovations

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ATTACHMENT # 3

P4281 / O-AP-16518
Liz Bushby

31 July 2017

HYPERMARKET PTY LTD
PO BOX 107
NORTH FREMANTLE WA 6159

Dear Mr Wardle

PLANNING APPROVAL 17/2017 (14/2015) EXTENSION FOR LOT 304 DIRK HARTOG ISLAND

At the most recent meeting of the Shark Bay Shire Council, held on the 26 July 2017, Council resolved the following:

In accordance with Regulation 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* modify Condition (iii) of the planning approval dated 3 August 2015 for eight (8) short term accommodation units (4 duplex's) and staff accommodation and impose a revised condition (iii) as follows:

'(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer'

In accordance with Regulation 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the application to modify Condition (xix) of the planning approval dated 3 August 2015 for eight (8) short term accommodation units (4 duplex's) and staff accommodation and impose a revised condition (xix) as follows:

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

Authorise the Chief Executive Officer to advise the applicant that:

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

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planning requirements may change and a new assessment may be warranted in the future.

In particular, the bushfire requirements are being reviewed at a State level for tourist sites which is relevant to the proposal. In addition the Shire is pursuing a new Local Planning Scheme which will introduce new landuse controls for Lot 304.

- (c) In regards to revised Condition (iii) the applicant needs to submit any revised plans with correspondence seeking separate written approval. The Chief Executive Officer may refer any revised plans to Council prior to granting any written approval, depending on the extent of changes.**

If you require any further information relative to the above, please contact Liz Bushby, Planning Officer on (08) 99 481 218 or email liz@tخطيط.com.au.

Yours sincerely

Paul Anderson
CHIEF EXECUTIVE OFFICER

ATTACHMENT # 4



MINUTES OF THE ORDINARY COUNCIL MEETING

27 JUNE 2018

19.0 DATE AND TIME OF NEXT MEETING

The next Ordinary meeting of the Shark Bay Shire Council will be held on the 25 July 2018, commencing at 3.00 pm.

20.0 CLOSURE OF MEETING

AS there was no further business the President closed the Ordinary Council meeting at 6.03pm.