

SHIRE OF SHARK BAY MINUTES

28 August 2019

ORDINARY COUNCIL MEETING



USELESS LOOP SALT PONDS –
SHARK BAY



28 AUGUST 2019



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

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

The minutes of the Ordinary meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham on 28 August commencing at 3.00 pm.

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MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

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 E Fenny
Cr G Ridgley

Mr P Anderson Chief Executive Officer
Ms A Pears Executive Manager Finance and Administration
Mr B Galvin Works Manager
Ms K Knott Administration Assistant

APOLOGIES

Cr J Burton

VISITORS

2 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 3.01pm.

Shane Thompson, Employee of Monkey Mia Yacht Charters – Commercial Jetty at Monkey Mia

Is the Council moving towards mandatory Infringements?

Is the Council aware that Infringements are contested, an additional cost to Council?

The President responded advising of the history and current circumstances that had resulted in the council issuing infringements in instances where the Local Laws on the Monkey Mia jetty were identified as being breached and the Council was fully aware of the costs associated with any legal action taken to prosecute the Local Laws.

The President asked if there were any further questions from the public and as no questions were forthcoming, the President closed public question time at 3.08pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence for the August 2019 Ordinary Council Meeting.

6.0 PETITIONS

There were no petitions presented to the August 2019 Ordinary Council Meeting.

MINUTES OF THE ORDINARY COUNCIL MEETING

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7.0 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 JULY 2019

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

That the minutes of the Ordinary Council meeting held on 31 July 2019, as circulated to all Councillors, be confirmed as a true and accurate record.

5/0 CARRIED

8.0 ANNOUNCEMENTS BY THE CHAIR

An Australian Citizenship Ceremony for Mr Fergal Troy and Mrs Louise Troy will be conducted at 5.00pm today.

The president commented on the success of visit to Shark Bay by the Honourable Kim Beazley AC Governor of Western Australia particularly the Civic reception with the emergency services volunteers and the recognition that gratitude of the Governor of the important work that the volunteers contribute to the community.

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

5 August 2019	Meeting with Mr A. Munro Chair of the Gascoyne Development Commission Board
21	Gascoyne Development Board meeting
22	Gascoyne Development Commission Board Strategic Planning
23	Western Australian Local Government Association Gascoyne Zone meeting
27-28	Hon K Beazley, Governor of Western Australia official visit
28	Ordinary Council meeting

Signatures

Councillor	<i>Councillor Cowell</i>
Date of Report	13 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

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Moved Cr Bellottie
Seconded Cr Laundry

Council Resolution

That the President's activity report for August 2019 be received.

5/0 CARRIED

10.0 COUNCILLORS' REPORTS

10.1 CR BURTON
GV00018

Committee Membership

Member Audit Committee
Member Shark Bay Arts Council

Meeting Attendance

3 – 4 August 2019 Attended the Shark Bay Bowling Club carnival
27 August Attended functions for the Governor's visit

Signatures

Councillor *Councillor Burton*
Date of Report 15 August 2019

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Councillor Burton's August 2019 report on activities as Council representative be received.

5/0 CARRIED

10.2 CR RIDGLEY
GV00008

Committee Membership

Member Audit Committee
Member Shark Bay Tourism Committee

Meeting Attendance

7 August 2019 Attended Seniors meeting with Mr Vince Catania
27 August Attended the Council functions with the Hon. Kim Beazley,
Governor of Western Australia

Signatures

Councillor *Councillor Ridgley*
Date of Report 16 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

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Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

That Councillor Ridgley's August 2019 report on activities as Council representative be received.

5/0 CARRIED

10.3 CR LAUNDRY
GV00013

Committee Membership

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

Meeting Attendance

5 – 9 August 2019	Attended the Western Australian Local Government Convention in Perth
20 August	Attended Shark Bay Community Men's Shed Annual General Meeting
21 August	Attended Shark Bay Bowls, Sport & Recreation Club Annual General Meeting
27 August	Attended Governor the Hon. Kim Beazley's Dinner
28 August	Attended Shark Bay Seniors Annual General Meeting

Councillor Laundry provided a verbal report on his attendance at the Western Australian Local Government Convention in August.

Signatures

Councillor	<i>Councillor Laundry</i>
Date of Report	15 August 2019

Moved Cr Bellottie
Seconded Cr Ridgley

Council Resolution

That Councillor Laundry's August 2019 report on activities as Council representative be received.

5/0 CARRIED

MINUTES OF THE ORDINARY COUNCIL MEETING

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10.4 CR BELLOTTIE
GV00010

Committee Membership

Member

Audit Committee

Member

Development Assessment Panel

Meeting Attendance

27 August

Attended the Council functions with the Hon. Kim Beazley,
Governor of Western Australia

Councillor Bellotti provided a verbal report on his attendance at the Western Australian Local Government Convention in Perth in August.

Signatures

Councillor

Councillor Bellottie

Date of Report

16 August 2019

Moved

Cr Fenny

Seconded

Cr Ridgley

Council Resolution

That Councillor Bellottie's August 2019 report on activities as Council representative be received.

5/0 CARRIED

10.5 CR FENNY
GV00017

Nil Councillor Report for the August 2019 Ordinary Council Meeting.

Councillor Fenny provided an update on the Aviation group meeting that resulted in the positive decision of Rex Airlines to decrease the community fare availability to 30 days prior to departure rather than 60 days.

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11.0 ADMINISTRATION REPORT

11.1 INFRINGEMENT # O-FM-17853, O-FM-17854 AND O-FM-17875 – MONKEY MIA JETTY LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as operates a business from the Monkey Mia Jetty

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement # O-FM-17853, O-FM-17854 and O-FM-17875 and advise Mr Raven that no further action will be taken in regard to this matter.

OR

Option 2

Refuse the request to withdraw infringement # O-FM-17853, O-FM-17854, O-FM-17875 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Cr Ridgley left the Council Chamber at 3.19pm.

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

That Council request the administration to withdraw infringement # O-FM-17853, O-FM-17854 and O-FM-17875 and advise Mr Raven that no further action will be taken in regard to this matter.

4/0 CARRIED

Cr Ridgley returned to the Council Chamber at 3.20pm.

BACKGROUND

On the 29 July 2019 infringement # O-FM-17853, was issued to a vessel that was identified as being moored to the Monkey Mia jetty on 26 June 2019 in excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

Another two infringements # O-FM-17854 and O-FM-17875 were issued on 29 July 2019, for a vehicle on the Monkey Mia Jetty that was identified in excess of the unloading maximum time of 30 minutes in two separate instance on the 26 June 2019 in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.6(2).

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The vehicle in the first instance was on the jetty on 26 June 2019 from 12.15pm to 14.22pm then left and returned at 14.32pm and stayed until 15.26pm.

The infringements were identified by the ranger utilising the CCTV equipment located at Monkey Mia.

Mr Raven had also advised the administration on the day of the incident that his vessel had suffered a breakdown and would be on the jetty in excess of the Two hour limit. Mr Raven was subsequently advised to put the circumstances in regard to the breakdown and use of the jetty in writing as the administration could no longer give approval for vessels being berthed in excess of the two hour limit.

COMMENT

Mr Quinn Raven has sent an email on 5 August 2019 requesting that this infringement be considered by Council.

From:bookings@wildsights.com.au
Sent:Monday, 5 August 2019 11:16 AM
To:PaulAnderson<paul@sharkbay.wa.gov.au>
Subject: Jetty Infringements

On Wednesday the 26th June, 2019, I was called from Denham to urgently attend Monkey Mia, as our vessel Shotover had an engine failure whilst berthing in unfavourable conditions and the vessel was in a precarious and unfendered position on the jetty, and being damaged as a result.

Upon my arrival at the jetty at 12.15 pm I found Shotover was repeatedly hitting against the jetty without any fenders between the boat and the jetty. An unpredicted 30knot+ northerly wind and a significant chop were continuously pushing the boat onto the end of the jetty. An engine had broken down and we were unable to safely move the boat off the jetty.

This was a potentially dangerous situation for the crew and boat and extremely difficult to rectify. I had extra fenders and ropes in my car so I needed the car at the boat. I was under a great deal of stress trying to get the boat properly secured and fenders between the boat and the jetty with only one engine. Under the circumstances, in the interim I left the car on the jetty in order to attend to the boat (the fenders would have blown off the jetty had they been placed on the jetty).

I couldn't spare anyone to move the car anyway as I needed all available hands to prevent the situation from worsening and to troubleshoot the engine, to make the boat capable of being moved safely from the jetty as soon as possible. I was aware of the jetty Local Law and time limit but the safety of my vessel and crew was paramount.

I did try to phone Paul Anderson on the afternoon of the 26th June as I thought it prudent to explain the situation to him as a courtesy so he knew what, when and why our vessel and vehicle remained alongside the Monkey Mia jetty outside of permitted times. Paul was not available so I left a message with Donnelle Oakley that we had broken down and would be exceeding the jetty Local Law time limit until we had the situation in hand.

Shotover was subsequently taken out of service to Denham and the engine was replaced. She was out of service from the 27th June until the 9th July, 2019.

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I ask that Council kindly consider the above circumstances and consider waiving the infringement notices O-FM-17853 for the vessel Shotover for \$500.00, and O-FM-17854 for \$300 for our work vehicle and O-FM-17875 for \$300, also for our work vehicle.

I thank you for your consideration and positive response.

Cheers,

Quinn Raven

info@wildsights.com.au

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

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

7.6 Vehicles on Jetty

- (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 fisherman while loading or unloading.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for infringement # O-FM-17853 is \$500.00.

The modified penalty for infringement # O-FM-17854 is \$300.00.

The modified penalty for infringement # O-FM-17875 is \$300.00.

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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

7 August 2019

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O-FM-17853 / LE00011
Matthew James

29 July 2019

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Sir/Madam

INFRINGEMENT NOTICE

It is alleged that on 26 June 2019 from 12:09 pm to 16:32 pm your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 2 hours and 23 minutes.

Section 7.3(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.3 WHEN VESSELS MAY BE MOORED

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iii) the vessel is moored for not more than two hours

Please find attached Infringement Notice No. O-FM-17853 for \$500.00

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email ceo@sharkbay.wa.gov.au .

Yours sincerely

Paul Anderson
Chief Executive Officer

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O-FM-17853 / LE00011

Local Government Act 1995

Shire of Shark Bay Local Government Property Local Law

INFRINGEMENT NOTICE

Date: 29 July 2019

SHIRE OF SHARK BAY

To:

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS

Of:

PO BOX 22

DENHAM WA 6537

It is alleged that on 26 June 2019 from 12:09 pm to 16:32 pm your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 2 hours and 23 minutes.

Section 7.3(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.3 WHEN VESSELS MAY BE MOORED

- (2) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
 - (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iii) the vessel is moored for not more than two hours

The modified penalty for the offence is \$500 and is due 28 days from the date of the infringement.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at 65 Knight Terrace, Denham, within a period of 28 days after the giving of this notice.

Name and title of authorised person giving the notice –

Signature.....

Paul Anderson

Chief Executive Officer

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O-FM-17854 / LE00011
Matthew James

29 July 2019

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Sir/Madam

INFRINGEMENT NOTICE

It is alleged that on 26 June 2019 from 12:15 pm to 14:22 pm your service vehicle MILUXX exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 1 hour and 37 minute.

Section 7.6 (2) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.6 VEHICLES ON JETTY

(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 fisherman while loading or unloading.

Please find attached Infringement Notice No. O-FM-17854 for \$300.00

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email ceo@sharkbay.wa.gov.au .

Yours sincerely

Paul Anderson
Chief Executive Officer

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O-FM-17854 / LE00011

Local Government Act 1995
Local Government (Functions and General) Regulations 1996
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date: 29 July 2019

Shire of Shark Bay

To: The Owner of Toyota Hilux Registration No. MILUXX

Of: 111 Knight Terrace, Denham

It is alleged that on 26 June 2019 from 12:15 pm to 14:22 pm

At: Monkey Mia Commercial Jetty

Vehicle: Toyota Hilux Registration No. MILUXX

was involved in the commission of the following offence —

Exceeding the maximum time of 30 minutes for unloading of a vehicle on the commercial jetty.

Contrary to Section 7.6(2) of the *Shire of Shark Bay Local Government Property Local Law*

The modified penalty for the offence is \$300

If you were not the driver of the above vehicle at the time the offence is alleged to have been committed, you are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless —

- (a) within 28 days after being served with this notice —
 - (i) you 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

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(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;

or

(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire of Shark Bay offices at **65 Knight Terrace, Denham within a period of 28 days after the giving of this notice.**

Name and title of authorised person giving the notice

Paul Anderson

Chief Executive Officer

Signature

28 AUGUST 2019

O-FM-17875 / LE00011
Matthew James

29 July 2019

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Sir/Madam

INFRINGEMENT NOTICE

It is alleged that on 26 June 2019 from 14:32 pm to 15:26 pm your service vehicle MILUXX exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 36 minutes.

Section 7.6 (2) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.7 VEHICLES ON JETTY

(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 fisherman while loading or unloading.

Please find attached Infringement Notice No. O-FM-17875 for \$300.00

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email ceo@sharkbay.wa.gov.au .

Yours sincerely

Paul Anderson
Chief Executive Officer

28 AUGUST 2019

O-FM-17875 / LE00011

Local Government Act 1995
Local Government (Functions and General) Regulations 1996
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date: 29 July 2019

Shire of Shark Bay

To: The Owner of Toyota Hilux Registration No. MILUXX

Of: 111 Knight Terrace, Denham

It is alleged that on 26 June 2019 at from 14:32 pm to 15:26 pm

At: Monkey Mia Commercial Jetty

Vehicle: Toyota Hilux Registration No.MILUXX

was involved in the commission of the following offence —

Exceeding the maximum time of 30 minutes for unloading of a vehicle on the commercial jetty.

Contrary to Section 7.6(2) of the *Shire of Shark Bay Local Government Property Local Law*

The modified penalty for the offence is \$300

If you were not the driver of the above vehicle at the time the offence is alleged to have been committed, you are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless —

- (a) within 28 days after being served with this notice —
 - (i) you 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

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(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;

or

(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the Shire of Shark Bay offices at **65 Knight Terrace, Denham within a period of 28 days after the giving of this notice.**

Name and title of authorised person giving the notice

Paul Anderson

Chief Executive Officer

Signature

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16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

That Urgent Business Items as follows, be brought forward in the meeting.

- 16.1 Application for Use of the Town Common**
- 16.2 Infringement O-FM-17709 Monkey Mia Jetty**
- 16.3 Infringement O-FM-17794 Monkey Mia Jetty**

5/0 CARRIED

Moved Cr Fenny
Seconded Cr Ridgley

Council Resolution

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

- 16.1 Application for Use of the Town Common**
- 16.2 Infringement O-FM-17709 Monkey Mia Jetty**
- 16.3 Infringement O-FM-17794 Monkey Mia Jetty**

5/0 CARRIED

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16.1 APPLICATION FOR USE OF THE TOWN COMMON
RES49809

Author

Chief Executive Officer

Disclosure of Any Interest

Nil

Moved Cr Ridgley

Seconded Cr Fenny

Council Resolution

That a licence to occupy an area of 2.9 hectares of Reserve 49809 - Common as depicted on the application submitted by Mr Brian Child on behalf of the Denham Dirt Kart Association be granted for a period of 5 years from the date of the licence on the following conditions.

- 1. Ongoing compliance with the guidelines of the Shires Management Statement for Reserve 49809 and any subsequent policies of Council applicable to the reserve.**
- 2. The allocated area being suitably fenced and maintained to ensure the safety of the public and that the activities of the Denham Dirt Kart Association are contained within the allocated area.**
- 3. That all users of the area allocated by Council on Reserve 49809 must be registered members of the Denham Dirt Kart Association and approved to utilise the facilities.**
- 4. The approval of the Minister of Lands is granted**

5/0 CARRIED

Background

The Shire of Shark Bay has a Management Order on Reserve 49809 which has a current purpose classified as Town Common. The area of the reserve is 1,139,223 hectares.

The Council in 2009 considered a policy in relation to the common and advertised the policy for comment (Attached at end of the item). It is unclear if the policy was formally adopted, however the principles of the policy appeared to have been put into place.

The licence allowed for an applicant to apply for a term of up to five years.

Given the area is Reserve vested in the Council, the Councils Property Local Laws can be applied to this area.

There are currently 3 licences issued to utilise an area of the common. They are:

Mrs Margaret Hargreaves

Licence issued 1 July 2015 expires 30 June 2020

Area 1,500m² for stock

Mr Henk Van Eek

Licence issued 1 July 2015 expires 30 June 2020

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Area 5 Hectare for stock
Mr Gary Desmond and Mr Harold Hoult
Licence Issued 1 July 2015 expires 30 June 2020
Area 15 hectares for stock

There are conditions on the issued licences relating to the tenure and stock control devices relevant to the licence approval which will be further investigated to ensure compliance with the original approvals issued.

At the meeting held on 31 July 2019, the Council received a request from Mr Des Matthews on behalf of the Denham Dirt Kart Association and resolved the following:

That the administration be requested to liaise with the Denham Dirt Karts Association (Inc.) to identify a suitable site to establish a site for their proposed operations of a dirt kart track and report back to council.

Comment

The Works Supervisor has assisted the representatives from the Denham Dirt Kart Association in identifying an area of land that would appear to be suitable for their purposes without significant removal of vegetation.

The area identified by the Works Supervisor and with the Association is at the rear of an area that was previously licensed (Licence 0001/2013 comprising of 14.5 hectares that expired in May 2018) for the stocking of horses.

The Denham Dirt Karts application proposes to utilise 2.9 hectares at the rear of this previous allocation in an area that would appear to have been used for the overburden of the material extraction site nearby.

In accordance with Council policy, the 2.9 hectare section would be required to erect fencing to delineate their allocated area and to keep the activities undertaken within the area allocated by Council.

The Council local laws reserve does not permit unlicensed vehicles to be on council reserves. The road through the reserve is also accessible to the public and the road traffic rules also apply.

Any vehicle utilising the area allocated by council would need to be registered and members of the Denham Dirt Kart Association.

There is a road to the materials pit that will be used to access the requested area and an access will need to be constructed across a large area of clay pan. The council may consider extending the area requested to facilitate access directly from the existing track.

This would require the Denham Dirt Kart club erecting additional fencing and provide for more parking for the participants.
The layout of the tracks on the attached plan fit within the area and also allow for a pit area.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Legal Implications

The Council has a policy in place in regard to use of the Reserve 498909 (common) which should be adhered to by all users

The council property local law also has clauses that refer to the behaviour of individuals who utilise council property.

Any application for use of the reserve needs to be in the first instance approved by the council and then by the Minister for Lands.

The defined use of the reserve under the management order is for common and would appear not to be clearly defined, but left to Council with the Minister's approval to establish what uses the Council decides to permit on the reserve.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

The current fees for annual licence for non-commercial users of the common is \$100 per annum and the applicant will need to supply a copy of their Certificate of Currency for Public Liability Insurance once the Minister for Lands has issued approval.

Council charges for other community sporting groups that have leases in 2019/2020 is \$165 per annum.

Strategic Implications

There are no strategic implications relative to this report.

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

19 August 2019

Policy for the Occupation and use of the Town Common

- a) The shire is to maintain a register of all occupiers of the town common along with the following base data;
 - 1. The area and location of land being utilised along with the specific infrastructure thereon.
 - 2. The number of stock being grazed.
 - 3. Other activities that are being undertaken. E.g., sand extraction, trail bike riding etc.

- b) Occupiers of the town common
 - 1. All occupiers of the town common will require a licence to be granted for the designated purpose of occupation of the town common for a term not exceeding (5) years and be subject to the approval in writing from the minister for lands.

The approved licence will specify all current activities undertaken pursuant to the licence and detail any conditions of approval relative to that occupation.

- c) Reporting Requirements
 - 1. A report will be provided to council on an annual basis detailing current occupiers of the town common that includes their infrastructure, stock details, cubic metres of sand removed and other details of change that may have occurred.

- d) General Policy Statement for Occupiers
 - 1. All occupiers of the town common will observe basic requirements for its occupation.
 - 2. Activities are to be controlled and maintained to ensure long term environmental sustainability and ultimate re-instatement of its land use.
 - 3. Due respect is to be observed to other occupiers of the town common with regard to mutual required services and infrastructure.
 - 4. Activity infrastructure will be required to be set back a specified distance from the access road as determined by the shire.
 - 5. An area stock control device will be required to access the town common.
 - 6. Speed limits will be specified on the access road within the town common.
 - 7. Occupiers of the town common are required to address issues of concern directly to the shire and not to other occupiers.

- B) That “General Policy Statement for occupiers” includes licenced occupiers of the common are to ensure that all activities conform to any relevant legislation/statutory requirements.

- C) That current occupiers/users of the Town Common be advised that they will be required to apply for a licence to occupy and or utilise the Town Common for whatever purpose by 31 March 2009.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

WESTERN



AUSTRALIA

REFERENCE NUMBER 3005/DP54344	
DUPLICATE SECTION N/A	DATE DUPLICATE ISSUED N/A

**RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE**

VOLUME LR3147 PAGE 378

UNDER THE TRANSFER OF LAND ACT 1895
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

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

SG Roberts
REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 3005 ON DEPOSITED PLAN 54344

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

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF SHARK BAY OF PO BOX 126, DENHAM
(XE K668081) REGISTERED 28 JULY 2008

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

1. K668080 RESERVE 49809 FOR THE PURPOSE OF COMMON REGISTERED 28.7.2008.
K668081 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED.
REGISTERED 28.7.2008.

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

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

STATEMENTS:

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

SKETCH OF LAND: DP54344 [SHEET 1,2].
PREVIOUS TITLE: LR3122-797.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: SHIRE OF SHARK BAY.

NOTE 1: K668080 CORRESPONDENCE FILE 11819-1508-03R0

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

DUPLICATE

FORM LAA-1023

SECTION 46

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

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

EXTENT

VOLUME

FOLIO

49809

Whole

3147

378

MANAGEMENT BODY (NOTE 2)

Shire of Shark Bay of PO Box 126, Denham WA 6537

CONDITIONS (NOTE 3)

(i) To be used for its designated purpose of "Common" only.
(ii) Power to licence for the designated purpose is granted for the whole or any portion thereof for any term not exceeding five (5) years from the date of licence subject to the approval in writing of the Minister for Lands being first obtained to each and every licence pursuant also to the provisions of Section 19 of the Land Administration Act 1997.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE ABOVE DESCRIBED MANAGEMENT BODY FOR THE PURPOSE FOR WHICH THE LAND IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS STATED ABOVE

Dated this 28th day of July in the year 2008

ATTESTATION

[Signature]

A/ SENIOR STATE LAND OFFICER
STATE LANDS - MID WEST
STATE LAND SERVICES

28 AUGUST 2019

SHIRE OF SHARK BAY

65 Knight Terrace
Denham WA 6537
PO Box 126 Denham WA 6537

RES49809



Telephone (08) 9948 1218

Facsimile (08) 9948 1237

Email admin@sharkbay.wa.gov.au

All correspondence to the
Chief Executive Officer

**APPLICATION FOR USE OF PORTION OF
RESERVE 49809 - COMMON**

As a condition of the licence approval for the use of a portion of Reserve 49809 - Common, the Applicant acknowledges and agrees that:

- Occupation of the common will require that all activities conform with any relevant legislation or other statutory requirements, including the Reserve 49809 - Common Policy;
- Licence approval will be granted with the acknowledgment and agreement that the Shire of Shark Bay, its officials, employees and agents shall not be held responsible for personal injuries or damages sustained or property or stock lost or stolen on the Reserve;
- The Shire of Shark Bay reserves the right to refuse the issue of a licence for an activity that is not considered appropriate to Reserve 49809 - Common.

SIGNATURE: _____

DATE: 19/8/19.

PLEASE PRINT FULL NAME: Brian Child.

TELEPHONE NUMBER: 0414468807

ADDRESS: 8 Sunter pke Denham

* The person signing this application on behalf of an organization must have the authority to sign on behalf of said group or organization, and by signing this certifying that he/she has such authority.

CONTACT DETAILS

FIRST NAME: Brian

LAST NAME: Child.

BUINESS/ORGANISATION NAME: Denham DirtKart Ass

POSTAL ADDRESS: PO Box 38 Denham W.A. 6537

HOME PHONE NUMBER: 9948 1024.

WORK PHONE NUMBER: 0414468807

1
Shire of Shark Bay
Application for Use of portion of Reserve 49809 - Common

28 AUGUST 2019

Stock Application

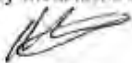
I hereby apply for permission to occupy a portion of the Shire of Shark Bay Reserve 49809 Common for the following stock:-

- () horse/s
- () cattle
- () sheep
- () camels
- () chickens

Other considerations that may be applicable? Eg: Special Circumstances.

On receipt of your application it will be placed in the Agenda for the upcoming Council meeting for approval of your licence. Once approved by the Shire of Shark Bay Council the licence will then be referred to the Minister of Land pursuant to the provisions of Section 20 of the *Land Administration Act 1997*. I accept that Annual fees will apply to this licence in accordance with Council's Fees and Charges.

I have read and understood all parts of the application for use of porting of Reserve 49809 - Common and am fully aware of all that is required of me as a lessee. I agree to abide by the Licence to Occupy once approved by the Minister of Lands. I have attached a copy of my Public Liability Insurance certificate.

Signed By Lessee 

Print full name: Brian Edwin Child.

Signed: _____ Date: _____

➤ How to lodge this application

- BY POST:**
Address the application to: The Chief Executive Officer
Shire of Shark Bay
PO Box 126
Denham WA 6537

- Courier or personal Delivery:** Shire Offices
65 Knight Terrace
Denham WA 6537

- Electronically:** admin@sharkbay.wa.gov.au

- Contact the Shire offices on:**
Phone: 08) 9948 1218
Fax: 08) 9948 1237
E-mail: admin@sharkbay.wa.gov.au
Web: www.sharkbay.wa.gov.au



MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

16.2 Infringement # O-FM-17709 – Monkey Mia Jetty
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as operates a business that uses the Monkey Mia jetty

Cr Ridgley requested that he be permitted to make a statement on items 16.2 and 16.3 Monkey Mia jetty infringements.

Cr Ridgley left the Council Chamber at 3.30pm.

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

The Council allow Cr Ridgley to make a statement only on items 16.2 and 16.3 Monkey Mia jetty Infringements.

4/0 CARRIED

Cr Ridgley returned to the Council Chamber at 3.31pm.

Cr Ridgley addressed Council on the difficulties being experienced by tour operators complying with the Shire Local Laws, specifically the two hour limitation on vessels berthing at the jetty, when undertaking maintenance or urgent repairs, and appealed to Council to reconsider the imposing of infringements.

Cr Ridgley left the Council Chamber at 3.37pm.

Officer Recommendation

That Council:

Option 1 Noting the Correspondence

Note the correspondence from Mr Raven and advise that the Councils resolution at item 11.1 Infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

Or

Option 2 Consideration to revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

only if option 2 is passed by Council

Decision to Revoke

Council revoke the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

That council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not).

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

Moved Cr Fenny

Seconded Motion lapsed for want of a seconder.

Councillor Motion

Consideration to revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

only if option 2 is passed by Council

Decision to Revoke

Council revoke the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

That council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not).

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

28 AUGUST 2019

The President allowed Mrs F Raven to address the Council in regard to Item 16.2.

Mrs Raven requested to Council to give consideration to the circumstances detailed in the submission provided by Mr Raven that resulted in the issuing of an infringement for berthing at the Monkey Mia jetty in excess of two hours, and appealed to the Council to reconsider the imposing of infringements.

Moved Cr Bellottie
Seconded Cr Laundry

Council Resolution

That Council note the correspondence from Mr Raven and advise that the Council's resolution at item 11.1 Infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

3/1 CARRIED

Cr Fenny is recorded as voting against the motion.

BACKGROUND

On the 4 June 2019 infringement # O-FM-17709 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

The council at the Ordinary meeting held in July 2019 resolved the following

Refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

COMMENT

Mr Raven was advised of Council decision and an email was received on 22 August 2019 providing further details and requesting that Council reconsider the issuing of the fine for overstaying the 2 hour jetty limit at the Monkey Mia jetty.

Mr Raven's email follows;

Hello Paul,

I respectfully request that this email be passed along to our Shire Councillors at the next Shire meeting for their consideration:-

On the 27th April, 2019 "Shotover" was alongside the jetty in calm water away from our more exposed mooring, in order to provide a steady platform to facilitate drilling out an existing hole to an accurate diameter, straight, hole in a 16mm thick 316 stainless steel backstay chainplate attached to the hull. The attachment of the hydraulic ram between the chainplate and a masthead rigging wire enables rig tension to be adjusted in accordance with alterations to the sail plan and wind conditions.

28 AUGUST 2019

It was an urgent technical job that required precise drilling in an awkward position that was difficult to access. We had outsourced the fabrication of a custom drilling jig to ensure accuracy. The steadier the platform the less potential for error, hence the need for calm water. Misalignment of the hole would have prevented the ram from being attached

To do the job the masthead rig tension had to be substantially eased and one of the three masthead rigging wires holding up the mast had to be detached. As the security of the rig was thereby compromised, this was an additional condition requiring calm water.

We believed a battery drill would do the job. We expected the job to take under an hour and need only 1 drill and 1 battery, but we had 2 drills and 4 batteries on hand, just in case.

The stainless steel apparently work hardened during the drilling process as despite frequent sharpening of the drill bit, progress was very slow. It transpired that our 4 drill batteries weren't enough, however, fortunately the Blue Lagoon work barge that was tied along the eastern side of the jetty and we were able to continue drilling by borrowing a 240v drill from the Jamie Morgan.

Apparently there is sentiment that we should have had a generator. There was no time lost by our not having a generator. When our batteries were no longer usable we swapped to the Pearl Farm work barge 240volt power.

The job took much longer than anticipated. By the time the 2 hour time limit was up the job was not complete.

We had to remain alongside for the following extenuating reasons:

- We hadn't finished the drilling by the time 2 hours was up.*
- Had we moved to the mooring, the drilling could no longer be done because we didn't have access to power.*
- The movement of the boat in a more exposed area would have made the drilling susceptible to error (the boat gets a lot of close passing traffic on the mooring).*
- Until the job was complete we couldn't reattach the rig to a partially drilled hole.*
- The improperly secured rig would have been susceptible to damage.*
- We would have been unable to do our sunset cruise with the insecure rig and we had 41 guests booked on the sunset cruise.*
- When the job was completed we had less than an hour before our sunset cruise boarding time.*
- Had we gone to the mooring until boarding time we would have been liable for breaching the Local Law requiring us to be off the jetty for 1 hour before returning to the jetty.*

I again respectfully request that no fine be levied for our staying beyond the 2 hour time limit due to our mitigating circumstances and ask that you kindly pass this request along to the Shire Councillors for their consideration.

*Cheers,
Harvey Raven*

28 AUGUST 2019

Council can consider the following options:

Option 1

Note the correspondence from Mr Raven and advise that the Councils resolution at item 11.1 infringement #O-FM-17709 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 stands.

This option reaffirms the previous council resolution and the infringement would be due and payable.

Option 2

Council consider revoking the decision made at item 11.1 infringement #O-FM-17709 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Not: Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

This option would revoke the previous decision of council.
Reasons for the consideration of the revocation should be provided.

If this option is passed by council the previous decision to refuse to withdraw the infringement is revoked, however the infringement still stands and the council would need to consider and resolve the following to finalise the matter

For council consideration if option 2 is passed by council

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

LEGAL IMPLICATIONS

Section 10 of the Local Government (Administration) Regulations 1996 require the following when revoking or changing a decision of council

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

28 AUGUST 2019

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (3) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (e) the vessel is in distress, and then only –
 - (iv) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (v) the vessel is moored to the side of the jetty; and
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (f) the vessel is not a commercial vessel, and –
 - (v) the embarking or disembarking of passengers is in progress;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) the vessel is moored for no longer than 30 minutes; and
 - (viii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (g) the vessel is a commercial vessel other than a fishing vessel, and –
 - (v) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) the vessel is moored for not more than two hours; and
 - (viii) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (h) the vessel is a fishing vessel, and –
 - (v) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (vi) is not deemed to be obstructing in accordance with clause 7.5;
 - (vii) for not more than two hours; and
 - (viii) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

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

23 August 2019

28 AUGUST 2019

**ATTACHMENT # 1
EXTRACT FROM MINUTES OF THE ORDINARY COUNCIL MEETING 31 JULY 2019**

11.1 Infringement # O-FM-17709 – Monkey Mia Jetty
LE00011

AUTHOR
Chief Executive Officer

DISCLOSURE OF ANY INTEREST
Declaration of Interest: Cr Ridgley
Nature of Interest: Financial Interest as works from the Monkey Mia Jetty

Cr Ridgley left the Council Chamber at 3.23pm

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

OR

Option 2

Refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Fenny
Seconded Cr Burton

Councillor Recommendation

That Council request the administration to withdraw infringement # O-FM-17709 and advise Mr Raven that no further action will be taken in regard to this matter.

1/3 LOST

Moved Cr Bellottie
Seconded Cr Cowell

Council Resolution

That Council refuse the request to withdraw infringement # O-FM-17709 and instruct the administration to advise Mr Raven that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

3/1 CARRIED

Cr Fenny is recorded as voting against the motion

BACKGROUND

On the 4 June 2019 infringement # O-FM-17709 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

28 AUGUST 2019

COMMENT

Mr Harvey Raven has sent an email on 28 June 2019 requesting that this infringement be considered by Council.

Hello Paul,

On the 27th April, 2019 "Shotover" was alongside the jetty to be in calm water as a steady platform was required to facilitate drilling an accurate hole in a deck fitting that is a rig attachment point.

Ordinarily we would have used a generator but we chose to use a battery drill. I point out that although we expected the job to need only one battery, we had 4 batteries on hand.

It transpired that 4 batteries weren't enough despite frequent sharpening of the drill bit.

To continue the job we borrowed a 240v drill from the Blue Lagoon work barge that was tied along the eastern side of the jetty.

The job took much longer than anticipated. By the time the 2 hour time limit was up the job was not complete and the rig was unable to be re-attached. We stayed alongside to complete the work as we were reliant on the Pearl Farm barge for power.

By the time the job was complete we had less than an hour before boarding time for our cruise. If we left the jetty, we would have had to stay off the jetty for an hour to avoid a \$500 fine, so chose to stay alongside longer to tidy up after the job.

I hereby respectfully request that no fine be levied for our staying beyond the 2 hour time limit due to our mitigating circumstances and ask that you kindly pass this request along to the Shire Councillors for their consideration.

I await their response.

Cheers,
Harvey Raven

28 AUGUST 2019

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (4) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (i) the vessel is in distress, and then only –
 - (vii) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (viii) the vessel is moored to the side of the jetty; and
 - (ix) is not deemed to be obstructing in accordance with clause 7.5;
 - (j) the vessel is not a commercial vessel, and –
 - (ix) the embarking or disembarking of passengers is in progress;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) the vessel is moored for no longer than 30 minutes; and
 - (xii) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (k) the vessel is a commercial vessel other than a fishing vessel, and –
 - (ix) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) the vessel is moored for not more than two hours; and
 - (xii) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (l) the vessel is a fishing vessel, and –
 - (ix) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (x) is not deemed to be obstructing in accordance with clause 7.5;
 - (xi) for not more than two hours; and
 - (xii) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

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

1 July 2019

28 AUGUST 2019

O-FM-17709 / LE00011
Paul Anderson

4 June 2019

RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
PO BOX 22
DENHAM WA 6537

Dear Harvey

Infringement Notice

It is alleged that on 27 April 2019 from 13:08:36 to 16:48:30 your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 1 hour and 40 minutes.

In accordance with the Local Law please find attached Infringement Notice No. O-FM-17709.

For your information I can advise that the Council at the ordinary meeting held in February 2019 resolved the following:

That Council consider the application of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia Jetty clause 7.3 when Vessels may be moored and instruct the administration not to consider any applications for mooring at the Monkey Mia jetty in excess of the two hour limit and that any disputed infringements issued for mooring over this limit are to be presented to Council for consideration.

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email ceo@sharkbay.wa.gov.au .

Yours sincerely

Paul Anderson
Chief Executive Officer

28 AUGUST 2019

O-FM-17709 / LE00011

Local Government Act 1995

Shire of Shark Bay Local Government Property Local Law

INFRINGEMENT NOTICE

Date: 4 June 2019

SHIRE OF SHARK BAY

To:
RAVEN MULTIHULLS PTY LTD T/AS MONKEY MIA WILDSIGHTS
Of:
PO BOX 22
DENHAM WA 6537

It is alleged that on 27 April 2019 from 13:08:36 to 16:48:30 your vessel Shotover exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 1 hour and 40 minutes.

Section 7.3(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.4 When vessels may be moored

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iii) the vessel is moored for not more than two hours

The modified penalty for the offence is \$500 and is due 28 days from the date the infringement is issued.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at 65 Knight Terrace, Denham, within a period of 28 days after the giving of this notice.

Signature.....

Paul Anderson

Chief Executive Officer

28 AUGUST 2019

16.3 INFRINGEMENT # O-FM-17794 – MONKEY MIA JETTY
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as owns the business that received the infringement

Officer Recommendation

That Council:

Option 1

Note the correspondence from Mr Ridgely and advise that the Council's resolution at item 11.2 Infringement #O-FM-17794 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

Or

Option 2 Consideration to revoke a decision of Council

Council consider revoking the decision made at item 11.1 infringement #O-FM-17794 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

And

Only if option 2 is passed by Council

Decision to Revoke

Council revoke the decision made at item 11.1 infringement #O-FM-17794 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019 being

That council refuse the request to withdraw infringement # O-FM-17794 and instruct the administration to advise Mr Ridgely that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Note # Must be supported by at least 1/3 of the number of offices of council (7) (whether vacant or not)

Reason for Revoking of Council Resolution

Council to provide reason for revoking the previous decision

And

Withdrawal of Infringement

Request the administration to withdraw infringement # O-FM-17794 and advise Mr Ridgely that no further action will be taken in regard to this matter.

Moved Cr Bellottie

Seconded Cr Laundry

Council Resolution

That Council note the correspondence from Mr Ridgley and advise that the Council's resolution at item 11.2 Infringement # O-FM-17794 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 remains.

3/1 CARRIED

Cr Fenny is recorded as voting against the motion.

Cr Ridgley returned to the Council Chamber at 3.55pm.

28 AUGUST 2019

BACKGROUND

On the 4 July 2019 infringement # O-FM-17794 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

The council at the Ordinary meeting held in July 2019 resolved the following

Refuse the request to withdraw infringement # O-FM-17794 and instruct the administration to advise Mr Ridgley that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

COMMENT

Mr Ridgley was advised of Council decision and a further email was received on 22 August 2019 requesting that Council reverse the decision to fine Monkey Mia Yacht Charters Pty Ltd for overstaying the 2 hour jetty limit due to AMSA safety concerns of moving a disabled vessel.

Mr Ridgley's submission and a statutory declaration from Mr Woods follows;

28 AUGUST 2019



21 August 2019

Mr Paul Anderson
CEO
Shire Councillors
Shire of Shark Bay
Knight Tce
DENHAM WA 6537

Dear Paul

Re: Monkey Mia Jetty Infringement O-FM-17794

I request the Shire Council reverse its decision to fine Monkey Mia Yacht Charters Pty Ltd. \$500 for the use of the Monkey Mia Jetty on 11th June 2019.

Monkey Mia Yacht Charters Pty. Ltd. is not a serial offender when it comes to the use of the jetty.

We do our annual maintenance in Denham away from Monkey Mia and out of the marine park in accordance with our Department of Parks and Wildlife licence conditions. We pay the Shire of Shark Bay Jetty fees for the use of the Monkey Mia Jetty. We pay the Shire of Shark Bay fees for use of the jinker, hard stand and the use of the Department of Transport car park. All our major refit and maintenance is carried out at this time. We do not do our annual maintenance in the marine park i.e. on the Monkey Mia beach or Monkey Mia Jetty.

We do daily start up routine maintenance at Monkey Mia. We only use the Monkey Mia Jetty for an extended period of time for emergency breakdown.

On the 11th June, 2019 we were experiencing engine trouble with the port engine on 'Aristocat 2'. I phoned Phil Wood, Marine Electronics Technician, to arrange for him to meet me at Monkey Mia at 1.00 pm to diagnose and repair the problem. I believe he was a little late. He parked his vehicle on the service road at the end of the jetty to access his tools and parts for the job. I advised him not to park on the jetty as he would only have a half hour to diagnose and fix the problem, otherwise he would be fined by the Shire.

We were hoping to get the job completed before the 2 hours jetty vessel stay time limit, unfortunately the problem took longer.

The boat was not taken to the mooring as we only had one engine (our catamaran has two), we did not want to risk any sort of incident by moving the boat with one engine. Additionally Phil Wood would not have had access to his tools and spare parts to enable him to complete the job if the boat was moved from the Monkey Mia Jetty to the mooring.

The Monkey Mia jetty by-law, as we understand it, is that a vessel can remain on the jetty for 2 hours without prosecution. After two hours the Shire determines whether a jetty user is fined.

On 11th June 2019 our boat 'Aristocat 2' (a catamaran with two engines) was diagnosed with a major defect in the port engine, by a licensed contractor. If this boat was moved using one engine, with the knowledge of the Master of

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

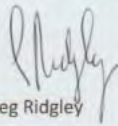
management system. The safety management system manages safety for the vessel, its operation and those on board. These AMSA operating procedures outline the Master's responsibility to command the vessel and its safe operation. Therefore for safety reasons on 11th June 2019 the decision was made by the Master to abide by the Australian Government Australian Maritime Safety Authority to delay moving the boat whilst it was in a state of disrepair i.e. operating with one engine instead of the installed two engines. The Master of the Vessel performed a risk assessment and identified the potential risk to the vessel, operational environment, other vessels and people on or near the vessel in the seawater in the immediate vicinity.

In light of the above information I request that the Shire Councillors reverse the decision to fine Monkey Mia Yacht Charters Pty. Ltd. for overstaying the 2 hour jetty limit due to AMSA safety concerns of moving a disabled vessel.

I have attached copy of Phil Wood's statutory declaration confirming the events of 11th June, 2019.

This Monkey Mia Jetty by-law requires redrafting to make it workable for the paying jetty users.

Yours sincerely,
Monkey Mia Yacht Charters Pty. Ltd.



Greg Ridgley

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



28 AUGUST 2019

WESTERN AUSTRALIA

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATION

I, Philip Wood of 153 Knight Terrace, Denham in the State of Western Australia, Marine Electronics Technician sincerely declare as follows: -

On the morning of 11th June, 2019 I received a phone call from Gregory Ridgley advising that his boat 'Aristocat 2' had electrical problems with the port engine. He requested me to come to Monkey Mia in the State of Western Australia to diagnose and fix the problem.

I met Gregory Ridgley at the Monkey Mia Jetty at 1.15 pm on 11th June 2019. When I arrived I parked my service vehicle with my tools and equipment on the service road to the Monkey Mia Jetty. This provided me with easy access to my tools and spare parts.

I inspected Aristocat 2's port engine and after extensive testing I found there was an electrical short in the wiring harness. I advised not to start the port engine as it could damage the engine's computer. I understand that the vessel is difficult to manoeuvre with one engine so the vessel did not proceed to the mooring, which is located 100 metres from the jetty. This was not an easy job as the fault was hard to locate and it took about 3 hours. If the vessel had steamed to the mooring on one engine, I would not have been able to repair the vessel without access to my vehicle containing my tools and equipment.

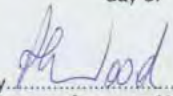
This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at DENHAM in the State of Western Australia on the _____ day of 2019.

in the presence of -

.....
(Signature of authorised witness)

WAPOL SGT Graeme Bond 5768
(Name of authorised witness and qualification as such a witness)

by 
(Signature of person making the declaration)

28 AUGUST 2019

Council can consider the following options:

Option 1

Note the correspondence from Mr Ridgley and advise that the Councils resolution at item 11.1 infringement #O-FM-17794 Monkey Mia Jetty of the Ordinary Council meeting held on 31 July 2019 stands.

This option reaffirms the previous council resolution and the infringement would be due and payable.

Option 2

Council consider revoking the decision made at item 11.1 infringement #O-FM-17794 Monkey Mia jetty of the Ordinary Council meeting held on 31 July 2019.

Note # Must be supported by at least 1/3 of the number of offices of Council (7) (whether vacant or not).

This option would revoke the previous decision of council.
Reasons for the consideration of the revocation should be provided.

If this option is passed by council the previous decision to refuse to withdraw the infringement is revoked, however the infringement still stands and the council would need to consider and resolve the following to finalise the matter

For Council consideration if option 2 is passed by Council

Request the administration to withdraw infringement # O-FM-17794 and advise Mr Ridgley that no further action will be taken in regard to this matter.

LEGAL IMPLICATIONS

Section 10 of the Local Government (Administration) Regulations 1996 require the following when revoking or changing a decision of council

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (5) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if —
 - (m) the vessel is in distress, and then only —
 - (x) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

- (xi) the vessel is moored to the side of the jetty; and
- (xii) is not deemed to be obstructing in accordance with clause 7.5;
- (n) the vessel is not a commercial vessel, and –
 - (xiii) the embarking or disembarking of passengers is in progress;
 - (xiv) is not deemed to be obstructing in accordance with clause 7.5;
 - (xv) the vessel is moored for no longer than 30 minutes; and
 - (xvi) a period of more than 30 minutes has passed since the vessel last departed the jetty;
- (o) the vessel is a commercial vessel other than a fishing vessel, and –
 - (xiii) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (xiv) is not deemed to be obstructing in accordance with clause 7.5;
 - (xv) the vessel is moored for not more than two hours; and
 - (xvi) a period of more than one hour has passed since the boat last cast off from the jetty.
- (p) the vessel is a fishing vessel, and –
 - (xiii) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (xiv) is not deemed to be obstructing in accordance with clause 7.5;
 - (xv) for not more than two hours; and
 - (xvi) a period of more than one hour has passed since the boat last cast off from the jetty.

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

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

23 August 2019

28 AUGUST 2019

ATTACHMENT # 1

EXTRACT FROM MINUTES OF THE ORDINARY COUNCIL MEETING 31 JULY 2019

11.2 INFRINGEMENT # O-FM-17794 – MONKEY MIA JETTY
LE00011

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Ridgley

Nature of Interest: Financial Interest as this infringement is against his business

Officer Recommendation

That Council:

Option 1

Request the administration to withdraw infringement # O-FM-17794 and advise Mr Ridgley that no further action will be taken in regard to this matter.

OR

Option 2

Refuse the request to withdraw infringement # O-FM-17794 and instruct the administration to advise Mr Ridgley that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

Moved Cr Bellottie

Seconded Cr Burton

Council Resolution

That Council refuse the request to withdraw infringement # O-FM-17794 and instruct the administration to advise Mr Ridgley that the infringement is due and payable and to take the necessary action to further prosecute the infringement if required.

3/1 CARRIED

Cr Ridgley returned to the Council Chamber at 3.34 pm.

BACKGROUND

On the 4 July 2019 infringement # O-FM-17794 was issued to a vessel that was moored to the Monkey Mia jetty in Excess of the two hour limit in breach of the Shire of Shark Bay Local Government Property Local Law part 7 Monkey Mia jetties and Boat Ramp section 7.3(1)(c)(iii).

The infringement was identified by the ranger utilising the CCTV equipment located at Monkey Mia.

COMMENT

Mr Greg Ridgley has sent an email on 17 July 2019 requesting that this infringement be considered by Council.

Regarding the infringement received on 4th July 2019.

On the 11th June 2019 our vessel Aristocat2 was on the Monkey Mia jetty in excess of the 2 hour limit.

28 AUGUST 2019

At the time we had Philip Woods repairing the electrical system, we had hoped to finish in the 2 hour time limit.

Due to the complexity of the job this was not possible, we did not go to the mooring as tools and materials were needed to be used were in his vehicle, which had to be accessed easily.

We rarely use the jetty over the 2 hour time limit, this was one of the occasions when the job could not be done quickly.

I hope this is enough information to warrant using the jetty in excess of the 2 hour limit.

Regards

Greg Ridgley



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

LEGAL IMPLICATIONS

The infringement has been issued in accordance with the Shire of Shark Bay Property Local Law part 7 Monkey Mia jetties and Boat Ram section 7.3(1)(c)(iii)

7.3 When vessels may be moored

- (6) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (q) the vessel is in distress, and then only –
 - (xiii) to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
 - (xiv) the vessel is moored to the side of the jetty; and
 - (xv) is not deemed to be obstructing in accordance with clause 7.5;
 - (r) the vessel is not a commercial vessel, and –
 - (xvii) the embarking or disembarking of passengers is in progress;
 - (xviii) is not deemed to be obstructing in accordance with clause 7.5;
 - (xix) the vessel is moored for no longer than 30 minutes; and
 - (xx) a period of more than 30 minutes has passed since the vessel last departed the jetty;
 - (s) the vessel is a commercial vessel other than a fishing vessel, and –
 - (xvii) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (xviii) is not deemed to be obstructing in accordance with clause 7.5;
 - (xix) the vessel is moored for not more than two hours; and
 - (xx) a period of more than one hour has passed since the boat last cast off from the jetty.
 - (t) the vessel is a fishing vessel, and –
 - (xvii) the person has made payment of berthing fees imposed in accordance with clause 7.4;
 - (xviii) is not deemed to be obstructing in accordance with clause 7.5;
 - (xix) for not more than two hours; and
 - (xx) a period of more than one hour has passed since the boat last cast off from the jetty.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

POLICY IMPLICATIONS

There are no policy implications relative to this report.

FINANCIAL IMPLICATIONS

The modified penalty for the infringement is \$500.00.

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

17 July 2019

28 AUGUST 2019

O-FM-17794 / LE00011
Paul Anderson
4 July 2019

MONKEY MIA YACHT CHARTERS (ARISTOCAT)
PO BOX 46
DENHAM WA 6537

Dear Greg

Infringement Notice

It is alleged that on 11 June 2019 from 13:15pm to 16:06pm your vessel Aristocat exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 51 minutes.

Section 7.3 (1)(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.3 WHEN VESSELS MAY BE MOORED

- (7) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
- (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iv) the vessel is moored for not more than two hours

Please find attached Infringement Notice No. O-FM-17794 for \$500.00

If you require any further information relative to the above, please contact Paul Anderson, Chief Executive Officer on (08) 99 481 218 or email ceo@sharkbay.wa.gov.au .

Yours sincerely

Paul Anderson
Chief Executive Officer

28 AUGUST 2019

O-FM-17794 / LE00011

Local Government Act 1995

Shire of Shark Bay Local Government Property Local Law

INFRINGEMENT NOTICE

Date: 4 July 2019

SHIRE OF SHARK BAY

To:
MONKEY MIA YACHT CHARTERS (ARISTOCAT)
Of:
P. O BOX 46
DENHAM WA 6537

It is alleged that on 11 June 2019 from 13:15pm to 16:06pm to your vessel Aristocat exceeded the time that is allowed by the Local Government Property Local Law Part 7 - Monkey Mia Jetties and Boat Ramp by 51 minutes.

Section 7.3 (1)(c)(iii) of the *Shire of Shark Bay Local Government Property Amendment Local Law 2015* states:

7.3 WHEN VESSELS MAY BE MOORED

- (1) Without the prior written authorisation of the local government, a person in control of a vessel may moor the vessel to the commercial jetty if –
 - (c) the vessel is a commercial vessel other than a fishing vessel, and –
 - (iii) the vessel is moored for not more than two hours.

The modified penalty for the offence is \$500 and is due 28 days from the date of the infringement.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at 65 Knight Terrace, Denham, within a period of 28 days after the giving of this notice.

Name and title of authorised person giving the notice –

Signature.....
Paul Anderson
Chief Executive Officer

28 AUGUST 2019

11.2 ANNUAL REVIEW OF REGISTER OF DELEGATIONS
CM00039

Author
Executive Assistant

Disclosure of Any Interest
Nil

Moved Cr Cowell
Seconded Cr Fenny

Council Resolution

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

5/0 CARRIED BY ABSOLUTE MAJORITY

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in Section 5.43. Any decision to make, amend or revoke a delegation is to be by an absolute majority - see Section 5.45(1) (b) below.

5.45. Other matters relevant to delegations under this Division

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 –*

(b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

The Register of Delegations is required to be reviewed once every financial year, as required by Section 5.46(2) of the Act. The Register of Delegations was last reviewed in full at the Ordinary Council meeting held on 29 August 2018 and was reviewed at the Ordinary Council meeting held on the 31 October 2018 due to the changes in the Town Planning Scheme.

Comment

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

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

28 AUGUST 2019

Legal Implications

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

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

Policy Implications

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

Financial Implications

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

Strategic Implications

There are no Strategic Implications related to this report.

Risk Management

This is a low risk item to Council.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

7 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

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

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck		✓	
3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44		✓	
3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass		✓	
3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods		✓	
3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks		✓	
3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks		✓	
3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare		✓	
Functions & General Reg 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive		✓	
3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions		✓	
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	✓	✓	
3.54(1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓	✓	
3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$150,000 or more (Functions and General Reg 11)	✓ Limited	✓	
Functions & General Reg 14 (2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders	✓	✓	

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

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

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6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓	✓	
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]	✓	✓	
6.12(3)	The local government may determine what conditions apply to the granting of a concession		✓	
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962		✓	
6.49	A local government may make an agreement with a person to pay their rates and service charges		✓	
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice		✓	
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction		✓	
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)		✓	
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓	✓	
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee		✓	
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or subject to transfer it to the Crown or itself 5.43(d)	✓	✓	subject to 5.43 (d)
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓	✓	
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself	✓	✓	subject to 5.43 (d)
6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years	✓	✓	
Financial M'gmt Reg 77(3)	A local government must consider any objections it receives in relation to a reinvestment under regulation 77	✓	✓	
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part		✓	

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

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Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts				
11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities	✓	✓	
Schedule 2.2 – Provisions about wards and representation				
8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards		✓	
9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)		✓	
Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid				
1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓	✓ subject to 5.43 (d)	
Schedule 6.3 - Provisions relating to the sale or transfer of land where rates or service charges are unpaid				
1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more than 12 months from the service of the notice under clauses 1(1) or 1(2)	✓	✓	
2(3)	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice		✓	
4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple		✓ subject to 5.43 (d)	
Town Planning Scheme No. 4				
Planning and Development (Local Planning Schemes) Regulations 2015, Deemed provisions for local planning schemes, Part 10, Schedule 2 ('the Regs 2015')				
Clause 79 of the Regs 2015	That Council authorise the Chief Executive Officer to enter and inspect any building or land for the purposes of ascertaining whether the local planning scheme is being complied with		✓	
Clause 82(1) of the Regs 2015	That Council grant delegated authority to the Chief Executive Officer to issue deemed refusal letters for applications where an application is deemed refused in accordance with Clause 75(2) of the Planning and Development (Local Planning Schemes) Regulations 2015		✓	

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<p>Clause 82(1) of the Regs 2015</p>	<p>That Council grant delegated authority to the Chief Executive Officer to determine an application for planning approval where it is established prior to, or at, an Ordinary Council meeting that the minimum number of Councillors needed for a quorum will not be available to vote on an application at a scheduled Council meeting (due to absence or planned declaration of interest).</p>			<ol style="list-style-type: none"> 1. The use is a 'P' or 'D' use under the Shire of Shark Bay Local Planning Scheme No. 4 ('the Scheme'); or 2. The proposed use or development is ancillary to existing development; or 3. For residential development, the application complies with the 'deemed to comply' requirements of the Residential Design Codes or satisfies the 'Design Criteria' of the Residential Design Codes ; and 4. The application generally complies with the Scheme with no major variations to setback, site coverage or car parking requirements; and 5. The use or development complies with any relevant Local Planning Policy. <p>This delegation must not be exercised by the Delegated officer where:</p> <ol style="list-style-type: none"> a) The development entails a variation to the Scheme or Residential Design Codes that is considered by the Delegate to be significant; b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality; c) The height of the development exceeds two storeys;
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<p>Clause 82(1) of the Regs 2015</p>	<p>Conditions Continued</p>			<p>d) A written objection has been lodged during a formal advertising period; e) The Delegate considers an application should be advertised for public comment and no advertising has been conducted; f) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest; g) The estimated cost of development exceeds \$500,000.00; h) The development is located in a Special Use zone; and i) The Delegate considers the proposal has potential to negatively impact on World Heritage values.</p>
<p>Clause 82(1) of the Regs 2015</p>	<p>That Council grant delegated authority to the Chief Executive Officer to determine if development approval is not required for a temporary use which is not in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period, in accordance with Clause 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>			<p>This delegation must not be exercised by the Delegated officer where: a) The proposal is for a mobile trader; b) The Delegate considers the development will have the potential to negatively impact on the amenity of the locality; c) A written objection has been lodged during a formal advertising period; d) The Delegate considers an application should be advertised for public comment and no advertising has been conducted; e) Development proposals are considered by the Delegate to have a strategic impact and as a result involve issues in which Council has a direct interest; f) The Delegate considers the proposal has potential to negatively impact on World Heritage values.</p>

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	Dog Act 1976			
10AA (2)	The delegation must be in writing		✓	
10AA (3)	The delegation may expressly authorise the delegate to further delegate the power or duty		✓	
10AA (4)	A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms or the delegation unless the contrary is shown		✓	
10AA (5)	Nothing in the section limits the ability of a local government's chief executive officer to perform a function through an officer or agent		✓	
10AB (1)	The Chief Executive Officer of a local government is to keep a register of: (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1).		✓	
10AB (2)	At least once every financial year - (a) delegations made under section 10AA(1); and (b) further delegations made under the authority of a delegation made under section 10AA(1), are to be reviewed by the delegator.			
	Cat Act 2011		✓	
Section 3	A local government may approve in writing an operator of a cat management facility		✓	
Section 9	A local government may grant, renew or refuse an application for cat registration		✓	
Section 9(5)	A local government may require an applicant to give documents or information relating to registration, within a specified time of not more than 21 days and may require information to be verified by statutory declaration		✓	
Section 10	A local government may cancel the registration of a cat		✓	
Section 11	A local government is to issue a registration number, certificate and tag, including a replacement certificate or tag		✓	
Section 12	A local government must keep a cat register		✓	
Section 13	A local government must notify the owner of cat the outcome of a decision		✓	
Section 26	A local government may issue a cat control notice		✓	
Section 37	A local government may grant, renew or refuse an approval to breed application		✓	
Section 37(3)	A local government may require an applicant to give document or information relating to a breeder application, within a specified time of not more than 21 days and may require information to be verified by statutory declaration		✓	
Section 38	A local government may cancel an approval to breed		✓	

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Section 39	A local government must issue a certificate to an approved breeder		✓	
Section 40	A local government must notify the person affected by the decision in writing of the outcome		✓	
Section 42	A local government is to administer local laws		✓	
Section 47	A CEO needs to keep a register of delegations		✓	
Section 48	A local government may appoint, in writing, authorised persons		✓	
Section 49	A local government may recover the costs of having to destroy a cat		✓	
Section 37, reg 22	A local government may refuse an application to breed if the applicant has had an infringement in the past 12 months		✓	
Health Act 2016				
Section 21(1)(b)(i)	A power or duty conferred or imposed on an enforcement agency may be delegated if the enforcement agency is a local government, to the chief executive officer of the local government.		✓	Refer Ordinary Council meeting held on the 19 December 2016 Item 15.1 for delegation authority

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11.3 SHARK BAY LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS
ES00001

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

That the Shire of Shark Bay Local Emergency Management Arrangements and Local Recovery Plan be adopted and endorsed by the Council and the President be authorised to sign the Local Emergency Management arrangements.

5/0 CARRIED

Background

The Shark Bay Shire as Local Emergency Management Authority has an obligation to compile the Local Emergency Management Arrangements for the Shark Bay area (Attached). This includes Useless Loop Salt Mine, Billabong, Overlander, Hamelin, Nanga, Monkey Mia and Denham.

A component of the Local Emergency Management Arrangement is the Local Recovery Plan

Comment

Prior to the presentation to the council the Local Emergency Arrangements are required to be submitted and endorsed by the State Emergency Committee.

This has been undertaken and endorsed by the State Emergency committee, the council is now required to review and endorse and/or amend the Local emergency arrangements.

The Local Recovery Plan only needs to be endorsed by the council as it forms part of the of the Shires of Shark Bays Local Emergency Arrangements.

With the endorsement and signing of the document by the Shire's President the document will then be put into place as the Emergency Arrangement in the Shire of Shark Bay.

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Legal Implications

Emergency Management Act 2005 Section 41 (1)

The arrangements are a requirement under the **Emergency Management Act 2005** and must be reviewed and updated on a regular basis.

Policy Implications

There are no policy implications relative to this report

Financial Implications

There are no financial implications associated with the endorsement of this item.

Strategic Implications

Address council strategic Social Objective

Support provision of essential community services and facilities

RISK MANAGEMENT

There are no risk implications associated with the endorsement of this item, the council has an obligation in accordance with the Emergency Management Act to

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

P Anderson

Date of Report

12 August 2019

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11.4 SELECT COMMITTEE INTO LOCAL GOVERNMENT
GV00015

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Laundry

Seconded Cr Fenny

Council Resolution

That Council:

- 1. Note and endorse the Draft submission by the Western Australian Local Government Association to the select committee into Local Government.**
- 2. Note and endorse (as amended) the Draft submission by the Chief Executive Officer for presentation to the select committee in to Local Government.**

5/0 CARRIED

BACKGROUND

The Legislative Council passed a motion to establish a Select Committee into Local Government. The motion is as per below incorporating the terms of reference;

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
 - (a) whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of Local Governments;
 - (c) the role of the Department of State administering the Local Government Act 1995 and related legislation;
 - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of Local Governments; and
 - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members.
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

The membership of the Select Committee is as follows:

Chair: Hon Simon O'Brien, MLC

Deputy Chair: Hon Laurie Graham,

MLC Members: Hon Diane Evers, MLC

Hon Martin Aldridge, MLC

Hon Charles Smith, MLC

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COMMENT

Further information from Western Australian Local Government Association follows:

The Select Committee has advised that submissions are being called and close on 23 August 2019.

Western Australian Local Government Association's process for preparing a submission and assisting the sector is as follows;

Western Australian Local Government Association will prepare a draft Submission for sector input and also for Local Governments to use the information in their own submissions.

The draft submission will be circulated to Local Governments for sector input on 26 July and we request feedback by 13 August 2019.

Following the receipt of any feedback, Western Australian Local Government Association will review the feedback from the sector and finalise an interim submission to be considered by State Council's Executive Committee by the due date of 23 August 2019.

Western Australian Local Government Association encourages all Local Governments to provide submissions and to request to appear before the Select Committee.

It is important to make the distinction between the Select Committee process and the Local Government Act Review process. These are separate and unrelated processes. The Minister for Local Government is continuing with phase two of the Act review process which is working towards the development of a new Local Government Act.

Western Australian Local Government Association will keep the sector informed as to the progress of the Select Committee.

The timeline for submission has now been extended to 13 September, the submission from Western Australian Local Government Association is attached for Council consideration and/or endorsement.

The reasoning behind the appointment of the parliamentary committee while the review of the Local Government Act is being undertaken is unclear.

A media release from one of the members of the committee is attached that provides some information into the reasoning and objectives for the committees formation.

A submission for Council consideration drafted by the Chief Executive Officer identifying some of the issues relative to the scope and of activities and the funding specific to the Shire of Shark Bay is attached at the end of this report.

LEGAL IMPLICATIONS

There are no Known policy implications relative to this report

POLICY IMPLICATIONS

There are no Known policy implications relative to this report

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FINANCIAL IMPLICATIONS

There are no known financial implications relative to this report

STRATEGIC IMPLICATIONS

There are no known Strategic implications relative to this report

RISK MANAGEMENT

There are no known significant identified risk factors identified in this report.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Chief Executive Officer

P Anderson

Date of Report

13 August 2019

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SHIRE OF SHARK BAY SUBMISSION

SELECT COMMITTEE INTO LOCAL GOVERNMENT

The Shire of Shark Bay Council would like to submit the following submission to the Select Committee into Local Government based on the Terms of Reference detailed in the correspondence of the Committee's Chairman, the Hon. Simon O'Brien MLC, dated 8 July 2019.

INTRODUCTION

Council was somewhat surprised that the Legislative Council of Western Australia's Parliament called for the Select Committee to be established when there is currently a comprehensive review of the *Local Government Act* being undertaken and that the conduct of this Select Committee may well delay the *Act* review process. It is hoped that Members of the Legislative Council, in establishing this Select Committee, are not merely basing their Terms of Reference on a minority of the population that may have a grievance against particular Local Governments and that overall a balanced report will be delivered at the end of the Select Committee's process.

Whilst Council acknowledges that there has been some internal problems with particular Local Government authorities over recent times, the vast majority of the 137 mainland Western Australian Local Governments manage their authorities in a responsible and cohesive manner, with Elected Members and their staff acting in the best interests of their respective residents and communities.

Not only are the majority of Local Governments managing their authorities responsibly, in what is a tight economic environment, the State and Australian Governments continue to devolve additional areas of responsibility to Local Governments without adequate recompense, leaving Local Governments more vulnerable to criticism in the collection of rates to cover for these additional services.

The Select Committee will find that Local Governments do not work in isolation, but work collaboratively together, either on significant projects or as collaborative matters and opportunities arise.

The Shire of Shark Bay is an active member and works well with other Gascoyne councils in the Regional Road Group and Gascoyne Regional Zone of the Western Australian Local Government Association.

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TERMS OF REFERENCE

(a) Whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application

The current *Act* and related legislation has served the Local Government sector well for 25 years but as has been identified by the current State Government, the legislation needs to be reviewed to better deliver the needs and expectations of the community and to promote more accountability and transparency in the overall operations of the sector.

The Shire of Shark Bay has been proactive in the *Act* Review process, by way of providing comment through its representation on the board of the Western Australian Local Government Association (WALGA), as the peak body of Local Government in WA, to assist with its submission on behalf of the sector.

(b) The scope of activities of Local Governments

Local Governments scope of activities have gone well beyond the traditional roles of Roads, Rates and Rubbish. The following examples indicate how additional services to communities have evolved due to the resident's expectations:-

Medical Services

The Shire of Shark Bay is committed to medical services for its residents in the district, with little financial assistance from Government and provides substantial funding on an annual basis and waives significant rate income from the Silver Chain medical facility and provides transport for a regular doctor service and provides accommodation for additional staffing during peak holiday periods.

Child Care Services

The Shire of Shark Bay provides accommodation at minimal rental and commits funds annually to provide for Child Care Services, an expectation of the residents of the district which in-turn encourages those residents who utilise the service to make their home in Denham which in turns provides those residents the ability to return to the workforce.

Aged Care Housing

The Shire of Shark Bay operates and maintains the Denham Aged Care Units consisting of 13 units located in the Town site. The provision of this accommodation eases the burden on the State Health system by retaining elderly residents in local purpose built accommodation within the community rather than having to relocate to larger regional centres.

Tourism development

The Shire of Shark Bay is unique in that the majority of the Shire is either Unallocated Crown land, State or National Reserves or Parks with a significant portion declared as World Heritage Property. These areas are not rated and generate significant tourism, while this provides economic opportunities for business, the Shire has the impost to

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maintain roads, significant facilities and infrastructure for a transient population far in excess of the resident population and limited rate base.

The Shire of Shark Bay also operates the World Heritage Discovery Centre which largely promotes the Federal World Heritage properties and States natural assets resulting in a substantial cost to the community with no ongoing funding from other sources.

(c) The role of the Department of State administering the *Local Government Act 1995* and related legislation

The Department of Local Government is totally under resourced and therefore is unable to provide meaningful support to the Local Government sector.

Whilst some have been critical of WALGA's growth and position within the sector, without WALGA taking a leading role and providing support in a number of areas once offered by the Department, Local Governments would have been unable to source advice in legislative areas within a suitable timeframe. This comment in no way disparages those currently employed within the Department, it merely is an observation that the State Government needs to resource the Department better to service the sector that it represents.

(d) The role of Elected Members and Chief Executive Officers/employees and whether they are clearly defined, delineated, understood and accepted

The *Act* clearly defines the responsibilities of the Elected Members and Chief Executive Officer and it is considered that this is mainly understood by the Elected Members and the respective roles are reiterated via Elected Member training courses that are conducted by WALGA. Elected Members are aware that they are responsible for the employment of the CEO and that the CEO's role is to manage the administration and employ all other staff, but is answerable to the direction of the Council in a strategic sense. Whether the above roles are understood by the residents of the district is another matter.

Too often adverse publicity is directed at both Elected Members and CEO's over roles and responsibilities, but it is the legislation that Local Governments have to work with as defined by the current *1995 Act*. Should the State Government, as the regulator of Local Government wish to revert back to the 1960's type roles, then that is the prerogative of the State Government.

One must be mindful that the majority of Elected Members, particularly in rural Local Governments, are community representatives and not professional Board Members. Whilst they are expected to make significant decisions on financial management issues from their initial appointment, this responsibility definitely supports a level of training being required as has recently been legislated.

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(e) The funding and financial management of Local Governments

The Shire of Shark Bay, due to its minimal rate base, has limited available funding. Therefore the expectations of the community and the substantial annual influx of tourists places significant strain on the resources that are available to the Shire.

The demands of a community that is very isolated and has limited State or Federal presence dictates that in the first instance any issues are directed towards the Local Government to resolve. This impacts upon the financial and human resources that are available to the Shire and inevitably results in a cost to the community

Local Governments such as Shark Bay are dependent upon the Financial Assistance Grants (FAG's), the financial sustainability of Local Governments and their ability to provide essential services and infrastructure is impacted by the relative decline in core Federal funding to Local Government in the form of FAG's.

In 1996, FAG's were equal to around 1% of Commonwealth taxation revenue. Despite an annual growth in Australia's GDP of an average of 3.47% from 1960 to 2017, FAG's have declined by around 43% in relative terms over the past 20 years, and in 2018 amounted to approximately 0.55% of Commonwealth tax revenue.

In respect to a Local Governments ability to raise its own revenue through rates, the *Local Government Act 1995* provides many exemptions in this area. For rural Local Governments, the inability to effectively rate or have an agreement with state bodies to make a contribution places a strain on other ratepayers. Council is also aware of the financial effect that rating exemptions have on Local Governments generally e.g., State Agreements, Religious Bodies, Charitable Organisations etc. as per Section 6.26(2) of the *Act*.

(f) Any other related matters the Select Committee identifies as worthy of examination and report

Local Government is the sphere of government that is closest to the constituents that it represents. It is transparent, accountable and more open to public scrutiny than State and Federal Governments, with publicly accessible Council meetings, Public Question Times and Annual Meetings of Electors.

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11.5 DENHAM MARITIME FACILITY
LS00055

AUTHOR

Chief Executive Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as uses Jinker area

Declaration of Interest: Cr Ridgley

Nature of Interest: Impartiality Interest as operates a business that accesses the Jetty

Moved Cr Fenny

Seconded Cr Laundry

Council Resolution

That Council:

- 1. Note and endorse the Denham Maritime Facility Management Agreement between the Shire of Shark bay and the Department of Transport.**
- 2. Note and endorse the affixing of the Council seal and signing by the President and Chief Executive Officer of the license between the Shire of Shark Bay and the Minister for Transport for the jinker ramp and lay down area.**

5/0 CARRIED

BACKGROUND

The Foreshore incorporates an area of reserve that is vested in the Department of Transport refer attached map (Attachment # 1).

The Shire in a Lease Agreement with the Department of Transport assumed the management responsibility of this area in July 2001, this collection of revenue and included the maintenance of all land assets and the marine infrastructure and the Shire could collect all revenue from the facilities.

This lease expired on 31 June 2011, and discussions commenced in 2009 regarding the ongoing management of the facilities at the expiration of the lease. The Shire has continued to undertake the management of the facility since the expiration of the lease.

At an ordinary meeting of Council, held on the 24 February 2016, Council resolved to enter into an agreement with the Department of Transport resuming the management responsibility of the area with the Shire undertaking daily operations on a fee for service arrangement.

COMMENT

Management agreement

The management agreement (attached) included the Department of Transport assuming responsibility for ongoing maintenance and asset management for the land based infrastructure (including the ablution facilities) and the waterside infrastructure comprising of the recreational boat ramp, service jetty, recreational jetty (including the pens) and the groyne.

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As part of the agreement the Shire will continue to manage the fish cleaning table and the cleaning of the current ablution facilities.

The agreement has been operating well and has resulted in council being paid to undertake services on a fee for service basis.

Any major maintenance issues that have been reported have been addressed by the Department of transport contractors at the Departments cost rather than being the responsibility of the Shire.

Jinker ramp and Lay Down Licence

The licence for the use of the jinker ramp and a lay down area in the boat ramp car park the agreement with Department of Transport and in accordance with Council's previous discussions recognises the importance of the continuation of a system to enable vessels to be slipped for inspection and maintenance at Denham.

It should also be noted that the agreement includes the provision that Department of Transport will grant a lease area to the Shire to undertake the jinker operations, with heavy maintenance operations to be undertaken offsite.

The negotiations for the conditions for a license to utilise the jinker ramp and a lay down area on the foreshore has been extensive, and is now in line with the councils objective of enabling vessels to undertake minor maintenance including of wash down and the application of anti-fouling paint to vessels on the jinker slipway.

A copy of the licence agreement is attached for Council consideration.

LEGAL IMPLICATIONS

There are no policy implications relative to this report

POLICY IMPLICATIONS

There are no policy implications relative to this report

FINANCIAL IMPLICATIONS

The Shire in accordance with the Department of Transport agreement received a nett income of in excess \$12,000 for undertaking the daily operations of the facility for the 2018/2019 financial year.

STRATEGIC IMPLICATIONS

Addresses Council's objective Outcome 1.6

To enhance the provision of adequate boating/recreational facilities that meets the needs of the general community.

RISK MANAGEMENT

The risk to Council is mitigated by the Department of Transport taking on the overall management responsibility and ongoing maintenance liability for their assets.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

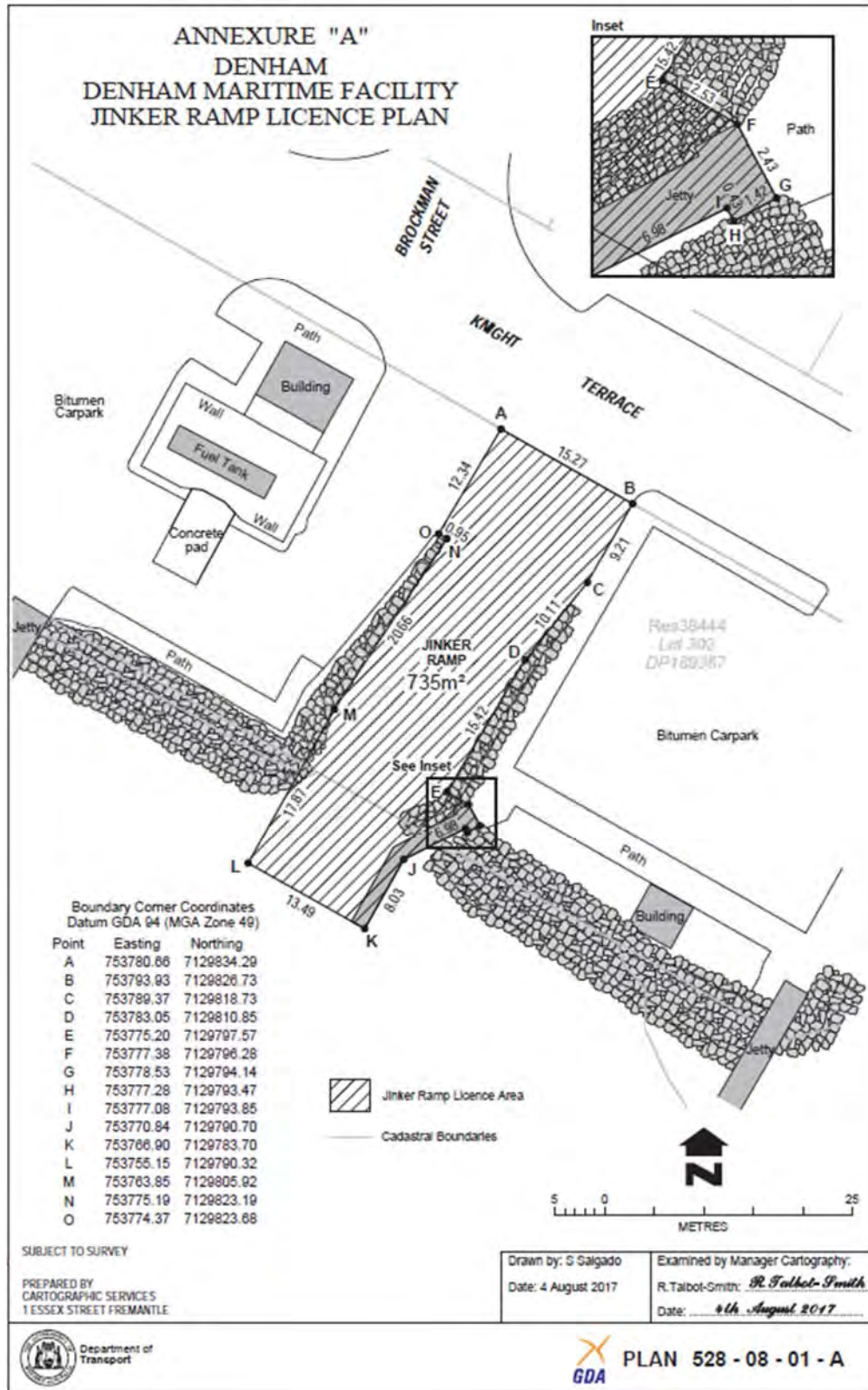
Chief Executive Officer

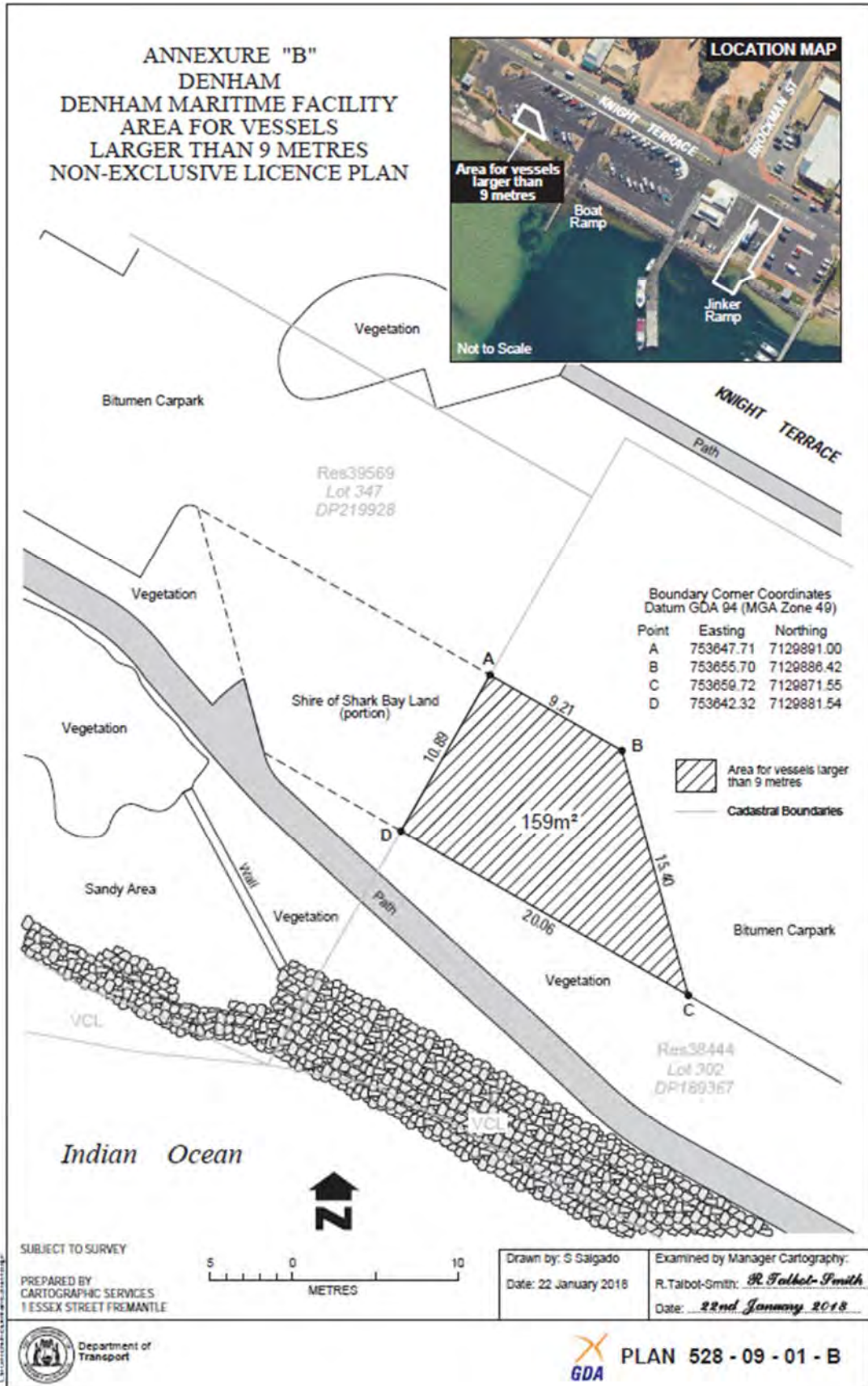
P Anderson

Date of Report

12 August 2019

ATTACHMENT # 1





28 AUGUST 2019

THIS DEED is made the _____ day of _____ 2019

BETWEEN:

THE MINISTER FOR TRANSPORT being a body corporate pursuant to the provisions of the Marine and Harbours Act 1981 of 1 Essex Street, Fremantle, Western Australia ("Licensor")

AND

SHIRE OF SHARK BAY of 65 Knight Terrace, Denham, Western Australia ("Licensee")

RECITALS:

- A. The land on which the Licensed Areas are situated is, by proclamation under section 9 of the Marine and Harbours Act 1981, vested in the Licensor.
- B. The Licensee has requested and the Licensor has agreed to grant the Licensee a non-exclusive licence to use the Licensed Areas on the terms and conditions of this Deed.

The Parties COVENANT and AGREE:

1. DEFINITIONS

Unless otherwise required by the context or subject matter:

"Authorisation" includes:

- (a) a consent, authorisation, registration, agreement, certificate, permission, licence, approval, authority or exemption from, by or with the Licensor or an Authority; or
- (b) in relation to anything which will be prohibited or restricted in whole or part by law if an Authority intervenes or acts in any way within a specified period after lodgement, filing, registration or notification, the expiry of that period without that intervention or action;

under an Environmental Law;

"Authority" means any governmental or other public body, local authority or other authority of any kind;

"Contaminant" means any substance which renders the environment contaminated;

"Contaminated" has the meaning given to it under section 4 of the Contaminated Sites Act;

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"Contaminated Sites Act" means the Contaminated Sites Act 2003 (WA);

"Date of Commencement" means the date specified in Item 4 of the Schedule;

"Denham Maritime Facility" means the maritime facility described in Item 2 of the Schedule;

"Environmental Law" means all Laws concerning the environment including the Environmental Protection Act 1986 (WA), the Rights in Water and Irrigation Act 1914(WA), the Contaminated Sites Act 2003 (WA), the Dangerous Goods Safety Act 2004 (WA), the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and the National Greenhouse and Energy Reporting Act 2007 (Cth);

"Environmental Notice" means any notice, direction, order, demand or other requirement to take action or refrain from taking action from any Authority whether written or oral, in connection with any Environmental Law;

"Jinker" means a 6,500kg hydraulic boat trailer with a maximum load capacity of 38,000kg;

"Jinker Ramp" means that part of the Licensed Areas specified in Item 1(a) of the Schedule;

"Lay Down Area" means that part of the Licensed Areas specified in Item 1(b) of the Schedule;

"Licence" means the licence to use the Licensed Areas granted by the Licensor to the Licensee by this Deed as supplemented, amended or varied from time to time;

"Licence Fee" means the licence fee specified in Item 6 of the Schedule;

"Licensed Areas" means the licensed areas specified in Item 1 of the Schedule;

"Licensee's Covenants" means the covenants, agreement and obligations contained or implied in this Deed or imposed by law to be observed and performed by any person other than the Licensor;

"Licensor's Rights" means all rights in favour of the Licensor contained or implied in this Deed or granted by law;

"Permitted Persons" means:

- (a) an agent, contractor, employee, licensee or invitee of the Licensee; and
- (b) any person using or visiting the Licensed Areas with the express or implied consent of a person mentioned in paragraph (a).

"Permitted Use" means the uses specified in Item 5 of the Schedule;

"Pollution" means anything that is 'pollution' within the meaning of that term as defined in the Environmental Protection Act 1986 (WA) that is not authorised under any Law in force in Australia;

"Relevant Land" means the Licensed Area and any land or water adjacent to or in the vicinity of the Licensed Area and the air generally above the Licensed Area, and includes an affected site within the meaning of that term as defined in the Contaminated Sites Act; and

"Term" means the term specified in Item 3 of the Schedule and any Further Term.

2. GRANT OF LICENCE

The Licensor grants the Licensee:

- (a) a non-exclusive licence to use the Jinker Ramp for the Permitted Use specified in Item 5(a) of the Schedule; and
- (b) a non-exclusive licence to use the Lay Down Area for the Permitted Use specified in Item 5(b) of the Schedule;

for the Term subject to the observance and performance of the Licensee's Covenants but reserving to the Licensor the Licensor's Rights.

3. LICENCE FEE AND OTHER CHARGES

3.1 Licence Fee

The Licensee must pay to the Licensor the Licence Fee without deduction on the dates and in the manner specified in Item 6 of the Schedule.

3.2 Outgoings and Service Charges

The Licensee must within FOURTEEN (14) days of demand by the Licensor pay all rates and taxes and any other outgoings or charges for water, power or any other services which may from time to time be assessed, charged or incurred in respect of the Licensed Areas.

4. LICENSEE'S COVENANTS RELATING TO LICENSED AREAS

4.1 Use of Licensed Areas

The Licensee must not use, or permit to be used:

- (a) the Jinker Ramp for any purpose other than the Permitted Use specified in Item 5(a) of the Schedule; and
- (b) the Lay Down Area for any purpose other than the Permitted Use specified in Item 5(b) of the Schedule.

4.2 Use of Lay Down Area

- (a) The Licensee acknowledges and agrees that the primary use of the Lay Down Area is for trailer parking by members of the public and the Licensee's use of the Lay Down Area must not impact on that primary use.
- (b) The Licensee must on each occasion it proposes to laydown a vessel in the Lay Down Area obtain the Licensor's prior written approval prior to laying down that vessel in the Lay Down Area.
- (c) The Licensee must immediately after laying down a vessel in the Lay Down Area erect fencing around that vessel so that members of the public are not able to access that vessel while it is in the Lay Down Area.
- (d) The Licensee must not obstruct regular traffic movement within the Denham Maritime Facility when using or accessing the Lay Down Area.
- (e) The Licensee must not use the Lay Down Area during periods of peak use or special events at Denham Maritime Facility.
- (f) The Licensee acknowledges that if the Licensee requires water or power in connection with its use of the Lay Down Area it will at the Licensee's cost and expense have to source that water or power from the Licensee's adjacent fish cleaning area.

4.3 Maintenance of Licensed Areas

- (a) The Licensee must maintain the Jinker Ramp Area in safe, good order, repair and condition provided that this obligation is limited to general cleaning with minor maintenance of the Jinker Ramp Area.
- (b) The Licensee must promptly report to the Licensor any damage to the Licensed Areas.
- (c) If the Licensee in operating the Jinker causes any damage to the bitumen surface of the Licensed Areas, that damage must be repaired by the Licensee at the cost and expense of the Licensee.
- (d) If the Licensee wishes to carry out any major maintenance works to the Jinker Ramp Area, the Licensee must obtain the Licensor's prior written approval to that maintenance work and to the timing of when that maintenance work is carried out.

4.4 Use of Barricades and Warning Signs when the Jinker is Operating

The Licensee must:

- (a) when the Jinker is operating at the Jinker Ramp barricade the Jinker Ramp to the waters edge so that members of the public are not able to access the Jinker Ramp at any time when the Jinker is operating; and
- (b) display warning signs at all times when the Jinker is operating at the Jinker Ramp or Lay Down Area.

4.5 *Licensed Areas to be Open to the Public when the Jinker is not in Operation*

- (a) The Licensee must ensure that when the Jinker is not operating:
 - (i) the Jinker Ramp is open for free and unrestricted use by members of the public for launching and retrieving marine vessels and pedestrian access only; and
 - (ii) the Jinker and all equipment, warning signs and barricades used by the Licensee in operating the Jinker are moved and stored behind the building adjacent to the fuel tank, with that building being shown for the purpose of identification only as the area shaded in grey and marked "Building" on the plan attached to this Deed marked Annexure "A".
- (b) The Licensee must ensure that when any part of the Lay Down Area is not being used by the Licensee for the laying down of vessels, that part of the Lay Down Area is available for use by members of the public.

4.6 *Licensee to Remove Sea Wrack*

- (a) The Licensee must at the Licensee's cost at such intervals as determined by the Licensee remove sea wrack that has accumulated on the Jinker Ramp and on the foreshore of Denham Maritime Facility.
- (b) The Licensor will during the Term pay FIFTY PER CENT (50%) of the costs reasonably incurred by the Licensee in removing sea wrack in accordance with clause 4.6(a) up to a maximum amount of TEN THOUSAND DOLLARS (\$10,000.00) plus GST per annum with payment to be made within THIRTY (30) days of the Licensee providing to the Licensor a suitable tax invoice and any other supporting documentation for those costs as reasonably requested by the Licensor.

4.7 *Comply with Reasonable Directions*

The Licensee must comply with all reasonable directions and restrictions as may be imposed by the Licensor from time to time in relation to the use of the Licensed Areas.

4.8 *Keep Licensed Areas Clean and Free from Rubbish*

- (a) The Licensee must at all times keep the Jinker Ramp Area clean and free from rubbish.
- (b) Without limiting the Licensee's obligations under clause 4.8(a), the Licensee must after each day the Licensee operates the Jinker clean the Licensed Areas in accordance with the Licensor's reasonable requirements as advised by the Licensor from time to time.

4.9 *Removal of Graffiti*

If any graffiti appears on the Jinker Ramp Area, the Licensee must at the Licensor's cost:

- (a) in the case of graffiti which is racist or obscene, remove that graffiti immediately the Licensee discovers or is notified of the appearance of that graffiti; and
- (b) in the case of any other graffiti, remove that graffiti within FORTY EIGHT (48) hours of that graffiti appearing.

4.10 *No Advertisements, Signs or Notices*

- (a) The Licensee must not without the written consent of the Licensor display from or in or affix to any part of the Licensed Areas any advertisement, sign or notice except for warning signs required to be displayed in accordance with clause 4.4(b).
- (b) The Licensee must not at any time advertise, solicit or tout for business or spruik, whether verbally or by use of any loud speakers, sound-producing equipment, hording, written materials or any other aid, on the Licensed Areas.

4.11 *Other Restrictions on Use of Licensed Areas*

The Licensee must not:

- (a) carry out or permit to be carried out any major repairs, modifications, maintenance, fabrication or construction to any marine vessel while that marine vessel is in the Licensed Areas, provided that minor maintenance of marine vessels including to propellers and hulls in the Licensed Areas is permitted;
- (b) use or permit to be used any chemicals to clean marine vessels or remove anti-fouling in the Licensed Areas;
- (c) do any act or thing which might result in excessive stress on floor loading to any part of the Licensed Areas;

- (d) do or carry on or in, or permit to be done or carried on or in, the Licensed Areas any harmful, offensive or illegal act, matter or thing;
- (e) do or carry on or permit to be done or carried on any act matter or thing which unreasonably interferes with the normal operation of Denham Maritime Facility;
- (f) do or carry on or in, or permit to be done or carried on or in, the Licensed Areas any act or thing which causes nuisance, damage or disturbance to the Licensor or any owner or occupier of nearby properties or premises;
- (g) except with the Licensor's prior written consent, store or leave, or permit to be stored or left, any property or equipment in the Licensed Areas while the Jinker is not operating in the Licensed Areas;
- (h) use any sound-producing equipment on or in the Licensed Areas without the Licensor's prior written consent; or
- (i) sell or offer to sell any goods, products or services whatsoever from the Licensed Areas without the Licensor's prior written consent.

4.12 *Minor Wash Down and Spray Cleaning of Marine Vessels*

- (a) The Licensee may carry out minor washing down, or permit minor washing down to be carried out, to marine vessels with tap water in the Licensed Areas provided that chemicals to clean marine vessels or remove anti-fouling must not in any circumstances be used.
- (b) The Licensee may spray clean marine vessels, or permit spray cleaning of marine vessels, in the Licensed Areas provided that any residue or solid material is banded off, removed separately and is not allowed to run into the drainage pits.
- (c) The Licensee must, prior to any washing down or spray cleaning of marine vessels occurring in the Licensed Areas, prepare and provide to the Licensor a suitable work method statement and safety management plan for washing down or spray cleaning in the Licensed Areas.

4.13 *No Alterations*

The Licensee must not make any alteration or addition to or demolish any part of the Licensed Areas without the prior written consent of the Licensor.

4.14 Risk Management Plan

The Licensee must provide to the Licensor a risk management plan which will set out the risks from the Licensee's use of the Licensed Areas and any adjacent premises or land which is owned or occupied by the Licensee which may adversely affect Denham Maritime Facility which risks are without limitation to include occupational health and safety risks, risk of accidental harm to person or property and financial risks.

4.15 No Pollution

The Licensee must do all things necessary to prevent and must not do or permit or suffer to be done anything likely to cause pollution or contamination of the waters of Shark Bay by garbage, refuse, waste, material, oil, petroleum products and other pollutants whether by stormwater or other runoff or arising from the Licensee's use of the Licensed Areas.

4.16 Comply with Statutes and Requirements of Authorities

The Licensee must promptly comply with all statutes from time to time in force, and the requirements of all Authorities, relating to the Licensed Areas and Denham Marine Facility.

4.17 Permit Entry by Licensor

The Licensee must at all times permit entry to the Licensed Areas by the Licensor with or without workmen and any other person and with or without plant, equipment and materials for the purpose of:

- (a) inspecting the state of repair of the Licensed Areas and to ensure compliance with the Licensee's Covenants; and
- (b) remedying any breach of the Licensee's Covenants.

4.18 Licensee Liable for Permitted Persons

The Licensee is liable for the acts or omissions of Permitted Persons arising out of and in connection with the rights and obligations created by this Deed.

4.19 Effect Public Liability Insurance

The Licensee must effect and maintain with an insurance company approved by the Licensor, in respect of the Licensed Areas, public liability insurance in the names of the Licensor and the Licensee for their respective rights and interests for the time being for TWENTY MILLION DOLLARS (\$20,000,000.00) in respect of any one claim or any higher amount required by the Licensor from time to time and the Licensee must deliver to the Licensor promptly and upon written request of the

Licensor the certificate of currency for and a copy of the policy of insurance in respect of the insurance referred to in this clause 4.19.

4.20 No Assignment or Sub-licence

The Licensee must not assign, transfer, mortgage, charge, sub-licence or otherwise part with the benefit of this Licence without the Licensor's prior written consent, which consent may be withheld by the Licensor in the Licensor's absolute discretion.

5. OPERATION AND USE OF THE JINKER

- (a) The Licensee must at all times manage and operate the Jinker in a proper manner and in accordance with usually accepted industry practices and recognised standards for the operation of a jinker and in accordance with all applicable operating and maintenance schedules and manuals for the Jinker.
- (b) The Licensee must not permit any person who is not suitably trained and qualified to operate the Jinker. Any operator of the Jinker must hold all licences and permissions applicable to the operation of a jinker, including but not limited to, holding a valid High Risk Work Licence issued by the WorkSafe division of the Department of Mines, Industry Regulation and Safety.
- (c) If the Licensee with the Licensor's prior written consent leaves the Jinker in the Licensed Areas when the Jinker is not being operated, the Licensee must ensure that the Licensed Areas are barricaded in accordance with clause 4.4 so that members of the public are not able to access the Licensed Areas.
- (d) Except to travel to and from the Licensed Areas to the off site place of storage for the Jinker and to transport marine vessels to the industrial area, the licensee must not operate the Jinker in any part of the Denham Maritime Facility other than the Licensed Areas.
- (e) The Licensee in operating the Jinker or permitting the Jinker to be operated must not obstruct the public access or car parking access areas within the Denham Maritime Facility.
- (f) The Licensee must at all times when the Jinker is being operated ensure that the Department of Transport vehicle movements at maritime facilities policy attached to this Deed and marked Annexure "C" is complied with.

6. ENVIRONMENTAL COVENANT

The Licensee must:

- (a) use the Licensed Areas in a manner which complies with each Environmental Law and each Authorisation that is required for any

- conduct, activity or use undertaken by the Licensee on the Licensed Area;
- (b) ensure that each Authorisation of any conduct or activity in relation to the Licensed Areas is obtained before that conduct or activity and is kept in full force and effect;
 - (c) not do or omit to do any act which might directly or indirectly result in the revocation, suspension or modification of an Authorisation in relation to the Licensed Areas or any conduct or activity in relation to the Licensed Areas;
 - (d) give to the Licensor notice immediately on becoming aware of:
 - (i) the existence of a Contaminant or any Pollution affecting the Relevant Land which relates to or arises from the Licensee's use of the Licensed Areas and in relation to which it might reasonably be expected that a breach of any Environmental Law has occurred and a clean up may reasonably be expected to be required; or
 - (ii) the filing of a complaint or the commencement of proceedings or the serving of an Environmental Notice against the Licensee in relation to an alleged failure to observe or perform obligations under an Environmental Law or Authorisation;
 - (e) provide to the Licensor on demand:
 - (i) an environmental assessment report on the effect of any Environmental Law or Authorisation applicable to the Licensed Areas or on the effect of any conduct or activity on the Licensed Areas or on the environmental condition of the Licensed Areas or on the existence of any Contaminant or Pollution on the Licensed Areas, whether known or suspected, prepared by an expert nominated by the Licensor at the expense of the Licensee; and
 - (ii) copies of all Authorisations relating to the Licensed Areas;within a reasonable time after receipt by the Licensee of that request;
 - (f) on receiving any Environmental Notice or on demand by the Licensor at the Licensee's cost, clean up and remove:
 - (i) any Contaminant or Pollution from the Licensed Areas; and
 - (ii) any Contaminant or Pollution which escapes from the Licensed Areas onto Denham Maritime Facility and the waters adjacent to Denham Maritime Facility,in accordance with all statutory requirements and to the Licensor's complete satisfaction and make good any damage caused by that clean up or removal; and

- (g) in the event that the Licensee fails to comply with its obligations under this clause 6 within:
- (i) the period specified or required under any Environmental Notice or Environmental Law; or
 - (ii) a reasonable period stated in a notice from the Licensor,
- then in addition to other remedies available to the Licensor under this Deed, the Licensor may take such action as is necessary to remedy the non-compliance and any costs incurred by the Licensor will be a debt due and payable on demand by the Licensee.

7. INDEMNITY

The Licensee indemnifies the Licensor against all claims, demands, losses, damages, costs and expenses for which the Licensor becomes liable in respect of loss or damage to property or death or injury of any nature or kind and however or wherever sustained resulting from an act or omission of the Licensee or a Permitted Person or caused or contributed to by the use or occupancy of the Licensed Areas or the operation of the Jinker, except to the extent caused or contributed to by the act or default of the Licensor provided that this indemnity does not extend to, and the Licensee will not be liable to the Licensor for, any loss or damage resulting from the use of the Licensed Areas by members of the public.

8. LIMIT OF LICENSOR'S LIABILITY

The Licensor will not be liable for any loss, damage or injury to any person or property on, in or about the Licensed Areas howsoever occurring unless caused by the negligence of the Licensor or its employees.

9. DEFAULT BY LICENSEE

If:

- (a) the Licensee is in breach of any of the Licensee's Covenants for FOURTEEN (14) days after notice has been given;
- (b) the Licensee is placed in liquidation (other than for the purpose of reconstruction with the approval of the Licensor) or an application is made for the winding up of the Licensee;
- (c) a receiver or receiver and manager, controller or other similar external administrator of any of the property of the Licensee is appointed;
- (d) the Licensee commits an act of bankruptcy as specified in the Bankruptcy Act 1960 or executes a personal insolvency agreement under Part X of the Bankruptcy Act 1960; or

- (e) anything analogous, or having substantially similar affect, to anything referred to in paragraphs (b), (c) or (d) occurs with respect to the Licensee;

the Licensor may at any time after that by notice terminate the Term and enter and repossess the Licensed Areas but any such termination will not affect any of the Licensor's rights, remedies and powers under this Deed or at law in respect of any breach of the Licensee's Covenants.

10. LICENSOR'S RIGHT TO TERMINATE ON THREE MONTHS' NOTICE

(a) If at any time during the Term the Licensor requires the Licensed Areas for future development or for any other use as determined by the Licensor in its absolute discretion, then the Licensor may give the Licensee THREE (3) months' notice in writing of its intention to terminate the Licence ("Termination Notice").

(b) If the Licensor gives the Licensee a Termination Notice in accordance with clause 10(a) of this Deed then:

(i) the Licence will, with effect from the date being THREE (3) months after the Termination Notice is given by the Licensor to the Licensee, terminate and the Licensee must surrender the Licensed Areas to the Licensor and the Licensee will cease to have any right to use the Licensed Areas; and

(ii) the Licensor may confirm the termination of the Licence by letter from the Licensor to the Licensee.

11. YIELD UP AND PEACEABLY SURRENDER LICENSED AREAS

On the expiry or sooner determination of the Term, the Licensee must yield up and peaceably surrender to the Licensor the Licensed Areas in a clean and tidy condition and remove the Licensee's property from the Licensed Areas and promptly make good to the complete satisfaction of the Licensor any damage caused to any part of Denham Maritime Facility by that removal.

12. LICENSOR MAY REMEDY LICENSEE'S DEFAULT

If the Licensee does or fails to do anything which constitutes a breach of the Licensee's Covenants the Licensor may, if the Licensee has, after receiving from the Licensor notice of the breach, failed to remedy the breach within a reasonable time, without affecting any other right, remedy or power of the Licensor arising from the Licensee's breach, remedy that breach and the Licensee must pay to the Licensor on demand the Licensor's cost of remedying any breach by the Licensee.

13. LICENSEE'S OBLIGATIONS AT RISK AND EXPENSE OF LICENSEE

Unless this Deed otherwise provides, whenever the Licensee is obliged or required by this Deed to do or omit to do any act or thing, the doing or the omission of that act or thing will be at the sole risk and expense of the Licensee.

14. CONSENTS

Unless this Deed otherwise expressly provides, the Licensor may in its absolute discretion withhold consent to any matter requiring consent with or without specifying any reason.

15. NOTICES

- (a) Any notice given in connection with this Deed must be in writing and must be left at, sent by email, or sent by pre-paid security post addressed:
- (i) in the case of the Licensee, to the Licensee's address specified in this Deed or to its registered office or principal place of residence or business for the time being or at such other address as may be notified by the Licensee for the purpose of the service of notices; or
 - (ii) in the case of the Licensor to the Director, Coastal Facilities Management of the Department of Transport, 1 Essex Street, Fremantle, Western Australia or to such other address as may be notified by the Licensor for the purpose of the service of notices.
- (b) A notice is deemed to have been given on the date on which it is left, in the case of a notice being sent by email is deemed to have been given at the time it is sent unless the sender receives an automated message that the email has not been delivered, and in the case of a notice being sent by post it is deemed to have been given TWO (2) days after the date of posting.

16. COSTS AND DUTY

- (a) The Licensee must pay the costs of and incidental to the instructions for and the preparation, execution and stamping of this Deed and the Licensee must pay all duties payable on this Deed.
- (b) A party in default must pay on a full indemnity basis all costs incurred by any other party in respect of their default and any notice relating to that default.

17. ENTIRE AGREEMENT

This Deed constitutes the entire agreement between the parties and supersedes all prior negotiations, representations, proposals, undertakings and agreements, whether written or oral, relating to the subject matter of this Deed.

18. GOVERNING LAW AND JURISDICTION

This Deed is to be governed by, take effect and be construed in accordance with the laws in force in Western Australia and all parties submit to the jurisdiction of the Courts of Western Australia.

19. INTERPRETATION

A reference to a person includes a reference to that person's executors, administrators, successors, substitutes, including but without limitation persons taking by novation, and assigns.

SCHEDULE

Item 1 - Licensed Areas:

(a) Jinker Ramp

The jinker ramp and adjacent jetty at Denham Maritime Facility, comprising an area of approximately SEVEN HUNDRED AND THIRTY FIVE SQUARE METRES (735m²) as shown for the purpose of identification only as the area hatched in black and bounded by the letters A to O inclusive on the plan attached to this Deed marked Annexure "A".

(b) Lay Down Area

That part of the trailer parking area at Denham Maritime Facility, comprising an area of approximately ONE HUNDRED AND FIFTY NINE SQUARE METRES (159m²) as shown for the purpose of identification only as the area hatched in black and bounded by the letters A to D inclusive on the plan attached to this Deed marked Annexure "B".

Item 2 - Denham Maritime Facility:

All the land and the seabed comprised in Lot 302 on Deposited Plan 189367 of Reserve 38444 together with all buildings and improvements from time to time erected thereon and being known as Denham Maritime Facility.

Item 3 - Term:

ONE (1) year commencing on the Date of Commencement and thereafter renewable on an annual basis by the Licensee, subject to there not being a subsisting breach of the Licensee's Covenants.

Item 4 - Date of Commencement:

1 April 2017.

Item 5 - Permitted Uses:

(a) The permitted use of the Jinker Ramp is for the operation of the Jinker for the purpose of lifting maritime vessels in and out of the waters of Shark Bay.

28 AUGUST 2019

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- (b) The permitted use of the Lay Down Area is for the short-term lay down of vessels greater than NINE METRES (9m) in length.

Item 6 - Licence Fee:

Nil.

MH 17/20843MH1

28 AUGUST 2019

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EXECUTED AS A DEED.

SIGNED by)
RICHARD JAMES SELLARS,)
DIRECTOR GENERAL IN THE)
DEPARTMENT OF TRANSPORT of the)
State of Western Australia as the)
delegate of THE MINISTER FOR)
TRANSPORT in the presence of:)

.....
RICHARD JAMES SELLARS

.....
Signature of witness

.....
Name of witness in full (print)

.....
Address

.....
Occupation

THE COMMON SEAL of the SHIRE OF)
SHARK BAY was hereunto affixed by)
authority of a resolution of the Council)
in the presence of:)

.....
Shire President

.....
Name of signatory in full (print)

.....
Chief Executive Officer

.....
Name of signatory in full (print)

MH 17/20843MH1

28 AUGUST 2019

- 2019 -

THE MINISTER FOR TRANSPORT

Licensor

and

SHIRE OF SHARK BAY

Licensee

**JINKER RAMP AND LAY DOWN
AREA LICENCE**

DENHAM MARITIME FACILITY

(DT/17/00747)



LAWTON GILLON
LAWYERS

Level 7, 16 St Georges Terrace, Perth, WA 6000

P: (08) 9221 5445 | **F:** (08) 9221 4224

W: www.lawtongillon.com.au



Vehicle Movements at Maritime Facilities

Outcomes

- Consistent transparent governance.
- Safe use of maritime facilities.

Policy Statement

The Department of Transport (DoT) requires all users of maritime facilities that it manages to comply with all legislative requirements.

All departmental areas within DoT maritime facilities are subject to the *Road Traffic Act 1974* and subsidiary legislation.

All motor vehicles operating within departmental areas are required under the *Road Traffic Act 1974* and subsidiary legislation to;

1. Be licensed, or
2. Have a permit.

All motor vehicles shall be operated or driven by an appropriately licensed operator.

Context

A motor vehicle is defined under the *Road Traffic Act 1974* as "a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle".

The Department of Transport - Driver and Vehicle Services (DVS) issues licences for motor vehicles, and permits for unlicensed motor vehicle movements.

Operators of vehicles that require ongoing authorisation, such as jinkers, can apply to DVS Strategy and Policy for an 'Over 48 Hour Permit'. These applications are only processed by Technical Analysts at the DVS Welshpool office, whose contact details are on the application form.

Permits are issued for a specified purpose, are subject to specific conditions such as 'Daylight use only', 'Speed limit 8km/h', and 'To be preceded and followed by pilot vehicles bearing signs' etc., and can be issued for up to a 12 month period. Fees are payable dependent on variables such as dimensions.

Reference

Road Traffic Act 1974

Road Traffic (Licensing) Regulations 1975

Over 48 Hour Permit Application For Single Unlicensed Vehicle form

www.transport.wa.gov.au

MANAGEMENT AGREEMENT FOR THE DENHAM MARITIME FACILITY

1. DEFINITIONS AND INTERPRETATION

1.1. Definitions

Agreement means this Agreement including the Schedules.

DoT means the Department of Transport.

General Conditions means Part B of Request Conditions and General Conditions of Contract dated July 2016.

Services means the functions described in the *Service Specification* at Schedule 2 to this Agreement, to be supplied by the SoSB in accordance with this Agreement.

SoSB means the Shire of Shark Bay.

Specification means the specification of the Services described in the *Service Specification* at Schedule 2 to this Agreement.

2. SUPPLY OF SERVICES

2.1 Supply of Services

The SoSB will supply the Services during the Term in accordance with the Agreement.

2.2 Scope and Quality of Services

- (a) The SoSB will supply the Services in accordance with Schedule 2.
- (b) The SoSB will conduct minor maintenance and cleaning i.e. tap washers etc and replace consumables of the toilet block at no cost to DoT. The cleaning of the toilet and replacement of toilet rolls should be done on a daily basis.
- (c) The SoSB will retain full management/maintenance of the fish cleaning station.
- (d) All waste oil will be dropped off by stakeholders directly to the SoSB disposal site and be responsible for the applicable fees and costs set by the SoSB.

3. DOT'S RESPONSIBILITIES

The DoT shall be responsible for the following:

- Provide training in the requirements of the functions to be performed;
- Provide on-going guidance to changes in policies and procedures;
- Pay the SoSB invoices for services provided under the management agreement.
- Pay costs associated with minor maintenance works, and authorised under this agreement.
- DoT has **no** responsibility for this infrastructure management/maintenance of the fish cleaning station.
- All pen fees and pen fee administration will be managed by the DoT Carnarvon office.
- All ground lease rentals and lease administration will be managed by the DoT.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

4. PAYMENT OF INVOICES

The DoT will pay the amount specified in an Itemised monthly invoice for the services within thirty (30) days of the last day of the month to which it relates.

5. PRICING

Schedule 1 – Pricing will apply to this Agreement and be the basis upon which costing of the Services will be calculated.

6 – CUSTOMER CONTRACT DETAILS

1. Customer	The Customer is the Director General Department of Transport.
2. The Term of the Agreement	The Term of the Customer Agreement is one (1) year.
3. Commencement Date	The Customer will notify the SoSB of the Commencement Date in the Letter.
4. Extensions	The Customer has five (5) options to extend the Term each option having a one (1) year duration.
5. Price Variation	The Price is fixed for the first year of the Term. On each anniversary of the Commencement Date, the Price will be varied as agreed by the Customer and the SoSB.
6. Public Liability	Public liability insurance covering the legal liability of the SoSB and the SoSB's Personnel arising out of the Services for an amount of not less than \$100 million for any one occurrence and unlimited in the number of occurrences happening in the period of insurance.
7. Professional Indemnity	Professional indemnity insurance covering the legal liability of the SoSB and the SoSB's Personnel under the Management Agreement, arising out of any act, negligence, error or omission made or done by or on behalf of the SoSB, or any subcontractor in connection with the Management Agreement for a sum of \$100 million for any one claim and in the annual aggregate, with a provision of one automatic reinstatement of the full sum insured in any one period of insurance. Professional indemnity insurance required under this clause must include: a) Fraud and dishonesty; b) defamation; c) infringement of intellectual property rights; d) loss of or damage to documents and data; and e) Breach of Australian Consumer Law.
8. Workers' Compensation	Workers' compensation insurance in accordance with the provisions of the <i>Workers' Compensation and Injury Management Act 1981 (WA)</i> , including cover for common law liability for an amount of not less than \$50 million for any one occurrence in respect of workers of the SoSB. The insurance policy must be extended to cover any claims and liability that may arise with an indemnity under section 175(2) of the <i>Workers' Compensation and Injury Management Act 1981</i> .
9. Motor vehicle third party	Motor vehicle third party insurance covering legal liability against property damage and bodily injury to, or death of, persons (including bodily injury gap protection) caused by motor vehicles used in connection with the [Products and / or Services] for an amount of not less than \$30 million for any one occurrence and unlimited in the aggregate.

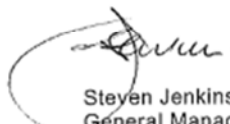
MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

10. Compulsory third party	Compulsory third party insurance as required under any statute relating to motor vehicles used in connection with the Products and/or Services.
11. Management Agreement Requirements	Customer's Representative Shelley Grice Manager, Coastal Facilities Operations Department of Transport Ph:94357770 Reporting: Refer to Schedule 2 Statement of Requirements / Specifications 2.1.2 Record Maintenance and Reporting Requirements Denham Maritime Facility Meetings To be co-ordinated as required by the Customer. Key Performance Indicators To be negotiated with the Shire of Shark Bay (SoSB).
12. Confidential Information	The Customer specifies the following information to be "Confidential Information" under paragraph (b) of the definition of "Confidential Information" in clause 2.1 of the General Conditions:
13. Police Clearance	Clause 18.4 of the General Conditions does not apply.
14. Confidential Declaration – Prevention of Paedophilia	Clause 18.5 of the General Conditions does not apply.
15. Warranties	For the purposes of clause 19.5 of the General Conditions, no warranties are specified.
16. Intellectual Property Owner	Clause 23.1 of the General Conditions applies.
17. Working Papers	Clause 23.1 (e) of the General Conditions applies.
18. Publicity	For the purposes of clause 24.4 of the General Conditions, no other Public Authority is specified.
19. Government Policies	For the purposes of clause 32 of the General Conditions, no obligations relating to Government procurement policies are specified.

Executed as an Agreement on the date written below:

This Agreement is made between the Department of Transport and the Shire of Shark Bay commencing on the date of this agreement and is duly signed.


Steven Jenkins
General Manager
Coastal Infrastructure
Department of Transport

Paul Anderson
Chief Executive Officer
Shire of Shark Bay

Date 4/7/2019

Date --/--/----

3 | Denham Maritime Management Agreement July 2019

28 AUGUST 2019

SCHEDULE 1 – PRICING

Monday to Friday Services Rate – Maritime Facility Services	
Monday to Friday Services of up to three (3) hours per day five days per week	\$87.50/hour (GST Inc.)
Weekend - Public Holiday Rate – Maritime Facility Services	
Approved Additional Hourly Rate	\$131/hour (GST Inc.)
Emergency Response Hourly Rate – Maritime Facility Services	
Emergency First Responder Hourly Rate of up to three(3) hours on callout	\$175/hour (GST Inc.)

Materials used in the provision of the Services will be cost plus 20% for overheads.

SCHEDULE 2 - SPECIFICATION / STATEMENT OF REQUIREMENTS

1. STATEMENT OF REQUIREMENTS

- 1.1 The Shire of Shark Bay (SoSB) will undertake the day-to-day supervision services of the Denham Maritime Facility on behalf of the Department of Transport (DoT).

2 SPECIFICATION

The SoSB will be required to provide the following services:

2.1.1 OPERATIONAL SERVICES

- To carry out the management function DoT anticipates it to be a maximum of 3 hours per day, however it is expected to be between 1-2 hours on most occasions.
- Conduct 2 visits per day to the maritime facility (morning and afternoon) 7 days per week.
- Actual management time may be spread throughout the course of the day. Any additional hours will need the prior approval or instruction from the Manager Facilities Operations.
- Monitor all vessels and operations within the departmental areas through a combination of physical presence and record relevant information on the forms provided by DoT.
- Vessel accommodation record information and all application forms to be e-mailed to the administration at the DoT Carnarvon office on carnarvonboatharbour@transport.wa.gov.au
- Provide applications for vessel accommodation and the use of the service jetty. Ensure all vessel masters/operators are aware of operational procedures and guidelines associated with use of harbour facilities, and that the vessel master/operators are aware of the current fees. Applications to be forwarded to the DoT Carnarvon office.
- Provide general supervision of all harbour activities with particular emphasis on the use of the communal wharf and fuelling berths, to ensure that all users have adequate access to the facilities.
- Direct vessels not actively using the jetty for approved loading, unloading, fuelling or maintenance purposes to other vessel accommodation.
- Comply with DoT operational policies and procedures to control the operations within the maritime facility.
- Monitor the fuelling area and vessels in the harbour and report any pollution of fuel, oils and refuse in the harbour. Identify the source, undertake initial response and report the incident immediately to the nominated officer(s) in accordance with the *Oil Spill Contingency Plan for Denham Maritime Facility* and for Maritime Environmental Emergency Response (MEER) unit.
- Attend to emergency or management issues and advise the Manager Northern Facilities Operations from DoT of the event, and under direction ensure that an appropriate response is implemented to protect the harbour and its users.
- SoSB to be available as required 24/7 with published contact number.
- Liaise regularly as required with the Manager Northern Facilities Operations from DoT to discuss operational issues.

28 AUGUST 2019

- Undertake other duties as requested by the Manager Northern Facilities Operations from DoT.

2.1.2 RECORD MAINTENANCE AND REPORTING REQUIREMENTS

- Provide on a monthly basis, electronic inspection forms to the Manager Northern Facilities Operations at the DoT Exmouth office outlining any operational, maintenance or management issues, which need to be addressed. These reports are to be emailed by SoSB no later than five (5) working days from the first of each month.
- Maintain an appropriate record management system for validating harbour usage. Provide written reports weekly to the administration at the DoT Carnarvon office.
- Maintain a log of all incidents/accidents – observed or reported at the Denham Maritime Facility (Incident Report form supplied by the DoT office).

2.1.3 GENERAL MAINTENANCE SERVICES

The following services are to be provided on an 'as required' basis unless otherwise indicated.

- Co-ordinate repairs as per requests from the DoT Fremantle office staff or its contractor Broad Spectrum.
- Undertake regular patrols (minimum weekly) around the DoT common departmental area. Remove any refuse or discarded pieces of vessel equipment where the ownership cannot be identified. Pay particular attention to the wharf area and ensure that any hazardous materials such as oil and glass are removed.
- Rubbish collection. A skip bin to be in place and managed by SoSB, costs to be met by DoT.
- Mowing of lawns and relevant landscape maintenance within the DoT area.

2.1.4 ITEMS OF WORK NOT COVERED BY THIS AGREEMENT

- Excluded from this agreement is all major maintenance work identified in the contract with Broad Spectrum.

A separate contract arrangement exists for these services.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019



Government of **Western Australia**
Department of **Transport**
Coastal Infrastructure

Our ref: DT1701579
Enquiries: Donna West
Phone : 9435 7541

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

Dear Paul,

I am pleased with the arrangement for the Shire of Shark Bay to manage the Denham Maritime Facility on DoT's behalf.

A Management Agreement for a third year is attached that outlines details of the management arrangement. It would be appreciated if you could sign the agreement and return it at your earliest convenience.

Thank you and I look forward to continue to work together to enhance the opportunities the public has to enjoy at the Denham Maritime Facility.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Donna West'.

Donna West
Director Coastal Facilities Management

4 July 2019

Level 1, Marine House, 1 Essex Street, Fremantle WA 6839
Telephone (08) 9435 7576 Facsimile (08) 9435 7808
www.transport.wa.gov.au ABN 27 285 643 255

28 AUGUST 2019

12.0 FINANCE REPORT

12.1 SCHEDULE OF ACCOUNTS PAID TO BE RECEIVED
CM00017

Author
Finance Officer / Accounts Payable

Disclosure of any Interest
Nil

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution

That the cheques and electronic payments as per the attached schedules of accounts for payment totalling \$640,756.28 be accepted.

5/0 CARRIED

Comment

The schedules of accounts for payment covering -
Municipal fund credit card direct debits for the month of July 2019 totalling \$4,975.76

Municipal fund account cheque numbers 26906 and 26927 totalling \$7,399.82

Municipal fund direct debits to Council for the month of July 2019 totalling \$19,919.42

Municipal fund account electronic payment numbers MUNI 25234 to 25239, 25272 to 25341, 25346 to 25371 and 25376 to 25393 totalling \$466,649.33

Municipal fund account for July 2019 payroll totalling \$107,219.00

No Trust fund account cheque numbers were issued for July 2019 totalling \$0

Trust fund Police Licensing for July 2019 transaction number 192001 totalling \$34,392.95 and

Trust fund account electronic payment numbers 36385, 25342 to 25345 and 25372 to 25375 totalling \$200.00

The schedule of accounts submitted to each member of Council on 23 August 2019 has been checked and are fully supported by vouchers and invoices. All vouchers and invoices have been duly certified as to the receipt of goods and services and the cost of goods and services received.

LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

The payments listed have been disbursed throughout the month.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT

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

Voting Requirements

Simple Majority Required

Signature

Author

A Pears

Chief Executive Officer

P Anderson

Date of Report

17 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

**SHIRE OF SHARK BAY – CREDIT CARD
PERIOD - JULY 2019**

CREDIT CARD TOTAL \$4,975.76

CEO

DATE	NAME	DESCRIPTION	AMOUNT
14/06/2019	SHARK BAY CAFÉ	REFRESHMENTS CEO, SHIRE PRESIDENT, VINCE CATANIA AND GUEST	\$20.00
14/06/2019	MANTRA ON MURRAY	ACCOMMODATION R.METTAM – RECORDS TRAINING – PO 8427	\$827.00
			\$667.10

EMFA

DATE	NAME	DESCRIPTION	AMOUNT
13/06/2019	SUPER RETAIL GROUP	YOGA MATS FOR RECREATION CENTRE – PO 8502	\$244.89
14/06/2019	SHARK BAY BAKERY	MORNING TEA – J.YORKE FAREWELL	\$50.00
18/06/2019	PAYPAL *CATCHOFTHE DAY	MOBILE PHONE GLASS COVER	\$6.60
18/06/2019	PAYPAL *BSRFRANCHIS	TELEVISION FOR DEPOT – PO 8498	\$1995.00
18/06/2019	PAYPAL *APPLIANCE SO	TELEVISION MOUNT FOR DEPOT – PO 8498	\$192.00
27/06/2019	PAYPAL *BELONG MOBILE	MONTHLY 1GB – TELEVISION SATELLITE COMMS WITH N-COM	\$10.00
27/06/2019	PAYPAL *ONEMILLIONV	COMPUTER LEAD FOR R.METTAM – PO 8556	\$14.95
4/07/2019	DISCOVERY MOTORHOMES	P178- HINO REPLACEMENT FRONT STEPS – PO 8570	\$546.48
9/07/2019	AT THE FLOWER POT	FLOWERS FOR J.YORKE – BIRTH OF BABY – PO 8577	\$134.00
10/07/2019	SURVEY MONKEY	SURVEY MONKEY ANNUAL SUBSCRIPTION	\$288.00
12/07/2019	REX	AIRFARE FOR AUDITORS – PO 8581	\$818.24
			\$4,300.16

BILLING MC

DATE	NAME	DESCRIPTION	AMOUNT
14/06/2019	BANKWEST	FOREIGN TRANSACTION FEE	\$8.50
			\$8.50

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SHIRE OF SHARK BAY – MUNI CHQ

JULY 2019

CHEQUE # 26906, 26907

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
26906	01/07/2019	SHIRE OF SHARK BAY	VEHICLE REGISTRATION PAID UNTIL 30 JUNE 2020	-7332.90
26907	19/07/2019	WATER CORPORATION - OSBORNE PARK	WATER USAGE FISH CLEANING FACILITY KNIGHT TERRACE	-66.92
			TOTAL	\$7,399.82

SHIRE OF SHARK BAY – DIRECT DEBITS

JULY 2019

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15016.1	21/07/2019	VIVA ENERGY AUSTRALIA	SHELL CARD JUNE 2019 EXPENDITURE	-365.31
DD15021.1	07/07/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3608.14
DD15021.2	07/07/2019	REST	SUPERANNUATION CONTRIBUTIONS	-350.92
DD15021.3	07/07/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-252.13
DD15021.4	07/07/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-433.55
DD15021.5	07/07/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-258.42
DD15021.6	07/07/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-399.64
DD15021.7	07/07/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-451.05
DD15021.8	07/07/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-415.65
DD15021.9	07/07/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1442.95
DD15044.1	29/07/2019	EXETEL PTY LTD	SHIRE PREMISES MONTHLY INTERNET CHARGES	-446.17

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

DD #	DATE	NAME	DESCRIPTION	AMOUNT
DD15046.1	21/07/2019	WA LOCAL GOV SUPERANNUATION PLAN PTY LTD	SUPERANNUATION CONTRIBUTIONS	-3630.27
DD15046.2	21/07/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-434.17
DD15046.3	21/07/2019	PRIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-255.58
DD15046.4	21/07/2019	AMP SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-426.39
DD15046.5	21/07/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	-213.76
DD15046.6	21/07/2019	SUN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-405.04
DD15046.7	21/07/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	-451.28
DD15046.8	21/07/2019	GUILD SUPER	SUPERANNUATION CONTRIBUTIONS	-415.65
DD15046.9	21/07/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	-1569.90
DD15021.10	07/07/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-585.35
DD15021.11	07/07/2019	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	-428.40
DD15021.12	07/07/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-382.04
DD15021.13	07/07/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-189.09
DD15021.14	07/07/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-210.92
DD15046.10	21/07/2019	HOSTPLUS PTY LTD	SUPERANNUATION CONTRIBUTIONS	-593.20
DD15046.11	21/07/2019	REST	SUPERANNUATION CONTRIBUTIONS	-522.55
DD15046.12	21/07/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-376.51
DD15046.13	21/07/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	-191.62
DD15046.14	21/07/2019	WESTPAC SECURITIES ADMINISTRATION LTD	SUPERANNUATION CONTRIBUTIONS	-213.77
			TOTAL	\$19,919.42

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

**SHIRE OF SHARK BAY – MUNI EFT
JULY 2019**

EFT 25234-25239, 25272-25311, 25312-25340, 25341, 25346-25371, 25376-25393

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25234	01/07/2019	LAURENCE JAMES MICHAEL BELLOTTIE	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-1954.00
EFT25235	01/07/2019	CHERYL LORRAINE COWELL	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-6446.00
EFT25236	01/07/2019	EDMUND GEORGE FENNY	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-1954.00
EFT25237	01/07/2019	JAMIE BURTON	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-1954.00
EFT25238	01/07/2019	KEVIN LAUNDRY	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-2702.75
EFT25239	01/07/2019	GREGORY LEON RIDGLEY	JULY - SEPTEMBER 2019 QUARTERLY COUNCILLOR PAYMENT	-1954.00
EFT25272	05/07/2019	GERALDTON TOYOTA	10,000KM SERVICE ON P188	-401.06
EFT25273	05/07/2019	ASM ECLIPSE PTY LTD	SBDC MERCHANDISE	-847.56
EFT25274	05/07/2019	ASHDOWN INGRAM	P156, PP021, P146, P174 PARTS FOR MAINTENANCE	-326.04
EFT25275	05/07/2019	ASK WASTE MANAGEMENT CONSULTANCY SERVICES	WASTE MANAGEMENT REVIEW AND STRATEGIC WASTE MANAGEMENT PLAN PROGRESS PAYMENT	-2887.50
EFT25276	05/07/2019	BOC LIMITED	SHIRE CYLINDER HIRE FOR JUNE	-45.74
EFT25277	05/07/2019	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS	MONKEY MIA HOLIDAY PARK PASSES	-828.08
EFT25278	05/07/2019	CITY OF GREATER GERALDTON	BUILDING CERTIFICATION SERVICES JUNE 2019	-912.36
EFT25279	05/07/2019	FORTUS GROUP	PP127 EXCAVATOR PARTS FOR MAINTENANCE	-399.69
EFT25280	05/07/2019	ENVIRONMENTAL HEALTH AUSTRALIA	I'M ALERT FOOD SAFETY PROGRAM 2019/20	-330.00
EFT25281	05/07/2019	DENHAM IGA X-PRESS	JUNE MONTHLY SHIRE ACCOUNT	-441.41
EFT25282	05/07/2019	SHARK BAY SUPERMARKET	JUNE MONTHLY SHIRE ACCOUNT	-112.07
EFT25283	05/07/2019	HORIZON POWER	SHIRE STREET LIGHTING CHARGES FOR JUNE 2019	-3293.25
EFT25284	05/07/2019	JOMAC SANDALWOOD	SBDC MERCHANDISE	-174.35
EFT25285	05/07/2019	LANDGATE (WA LAND INFORMATION AUTHORITY)	GRV VALUATION ROLLS - MIN CHARGE MINING TENEMENTS AND GRV VALUATION EXPENSES - RATES	-362.05

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25286	05/07/2019	MARKET FORCE PTY LTD	SBDC - SEO ASSESSMENT & STRATEGY, DIFFERENTIAL RATES NOTICE ADVERTISING, CHANGE OF OCM MEETING DATE, CSO POSITION ADVERTISING	-4177.85
EFT25287	05/07/2019	MCLEODS BARRISTERS AND SOLICITORS	AGREEMENT TO DISPLAY SHELL COLLECTION LEGAL ADVICE	-1098.35
EFT25288	05/07/2019	MIDWEST FIRE PROTECTION SERVICE	JUNE QUARTERLY SERVICE OF SBDC FIRE ALARM SYSTEM AND RECREATION CENTRE FIRE ALARM SYSTEM	-1809.28
EFT25289	05/07/2019	TRUE VALUE HARDWARE	JUNE MONTHLY SHIRE ACCOUNT	-429.01
EFT25290	05/07/2019	S.N & T.E MORRIS	YOGA INSTRUCTION FOR WELLNESS WEEKEND	-759.80
EFT25291	05/07/2019	MOORE STEPHENS	DEFERRED PENSIONER RATES AUDIT FEES FOR YEAR ENDING 30 JUNE 2018	-550.00
EFT25292	05/07/2019	NICK THAKE PHOTOGRAPHY	SHARK BAY PHOTOGRAPHY PROJECT- PHOTOGRAPHY, VIDEO AND WEBSITE	-8085.00
EFT25293	05/07/2019	SHARK BAY P & C	COMMUNITY ASSISTANCE GRANT FUNDING ROUND 2	-1500.00
EFT25294	05/07/2019	PURCHER INTERNATIONAL P/L	PP021 REGULATOR FOR FRONT DOOR WINDOW	-412.90
EFT25295	05/07/2019	PLAYMASTER PTY LTD	INFANT SWING SEAT FOR TOWN OVAL PARK	-82.50
EFT25296	05/07/2019	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS AND WORKSTATION SUPPORT, BACKUP SERVICE ONLINE AND 3CS PHONE SYSTEM MANAGEMENT FOR JULY 2019	-671.00
EFT25297	05/07/2019	LYONS ENTERPRISES-SHARK BAY CAR HIRE	JUNE CAR HIRE FOR SILVER CHAIN MEDICAL STAFF	-714.40
EFT25298	05/07/2019	RAMM SOFTWARE PTY LIMITED	POCKET RAMM SOFTWARE SUBSCRIPTION FOR 2019/20	-7410.80
EFT25299	05/07/2019	SETON AUSTRALIA	BRILLE SIGN FOR UNISEX FORESHORE TOILET	-242.66
EFT25300	05/07/2019	SHARK BAY BOWLING, SPORT AND RECREATION CLUB INC.	COMMUNITY ASSISTANCE GRANT FUNDING ROUND 2	-5000.00
EFT25301	05/07/2019	SHARK BAY HOTEL MOTEL	CATERING FOR EMERGENCY SERVICES MEETING AND ACCOMMODATION RAD ROCK CLIMBING	-275.00
EFT25302	05/07/2019	SHARK BAY COMMUNITY RESOURCE CENTRE	JUNE RECREATION CENTRE MANAGEMENT, ANNUAL MEMBERSHIP AND INSCRIPTION POSTS	-4479.40
EFT25303	05/07/2019	SHARK BAY CLEANING SERVICE	JUNE CLEANING OF SHIRE PREMISES	-20781.74

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25304	05/07/2019	SHARK BAY SPEEDWAY CLUB (INC)	COMMUNITY ASSISTANCE GRANT FUNDING ROUND 2	-5000.00
EFT25305	05/07/2019	MCKELL FAMILY TRUST	JUNE SHIRE BIN PICKUPS AND STREET SWEEPING	-10680.24
EFT25306	05/07/2019	SANTALEUCA SANDLEWOOD	SBDC MERCHANDISE	-148.50
EFT25307	05/07/2019	TOURISM COUNCIL	ATAP RENEWAL FEE 2019/20 BRONZE MEMBERSHIP	-1328.00
EFT25308	05/07/2019	TRUCKLINE PARTS CENTRE	PP127 EXCAVATOR PARTS – SEAT ASSEMBLY	-1606.74
EFT25309	05/07/2019	TOWN PLANNING INNOVATIONS	GENERAL PLANNING SERVICES FOR JUNE 2019	-3452.02
EFT25310	05/07/2019	URL NETWORKS PTY LTD	SHIRE PHONE CHARGES FOR JUNE 2019	-216.46
EFT25311	05/07/2019	USELESS LOOP PARENTS AND CITIZENS ASSOCIATION	COMMUNITY ASSISTANCE GRANT FUNDING ROUND 2	-986.15
EFT25312	12/07/2019	SHIRE OF NORTHAMPTON	HEALTH INSPECTIONS CARRIED OUT BY WENDY DALLYWATER JUNE 2019	-3850.00
EFT25313	12/07/2019	ASHDOWN INGRAM	P146 AND P174 PARTS	-57.65
EFT25314	12/07/2019	AUSTRALIA POST	SHIRE POSTAGE - JUNE 2019	-47.79
EFT25315	12/07/2019	ART ON THE MOVE	SBDC TRAINING 29-30 AUGUST 2019	-1800.00
EFT25316	12/07/2019	BLACKBOX CONTROL PTY LTD	BLACK BOX TRACKING SERVICE PLAN FOR 2019-2020	-396.00
EFT25317	12/07/2019	BURTON TILING MAINTENANCE & RENOVATIONS	REPLACEMENT LOCK BARREL AND KEYS FOR TOWN HALL	-250.00
EFT25318	12/07/2019	CHUBB FIRE & SECURITY LTD	JUNE 2019-SEPT 2019 MONITORING SBDC ALARM	-143.86
EFT25319	12/07/2019	EMMA ELAINE CRAIG	SALARY SACRIFICE - ELECTRICITY	-456.32
EFT25320	12/07/2019	ELGAS LIMITED	GAS FOR 51 DURLACHER STREET AND 80 DURLACHER STREET	-342.00
EFT25321	12/07/2019	SHARK BAY FUEL FISHING AND CAMPING CENTRE	DEC 2018 - JUNE 2019 SHIRE MONTHLY ACCOUNTS	-2035.18
EFT25322	12/07/2019	FAR WEST ELECTRICAL	ELECTRICAL FAULT TO PENSIONER UNIT 13 HOT WATER SYSTEM AND FORESHORE BBQ	-236.50
EFT25323	12/07/2019	REFUEL AUSTRALIA (formerly GERALDTON FUEL COMPANY)	BULK FUEL AND OIL FOR SHIRE DEPOT - JUNE 2019	-33241.03
EFT25324	12/07/2019	GREAT NORTHERN RURAL SERVICES	GATE HINGES FOR REFUSE SITE MAINTENANCE	-123.51
EFT25325	12/07/2019	TOLL IPEC PTY LTD	SHIRE FREIGHT FOR SBDC MERCHANDISE AND EXCAVATOR JULY 2019	-253.02

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25326	12/07/2019	THE SECRETARY LOCAL HEALTH AUTH ANALYTICAL COMM	2019-20 ANALYTICAL SERVICES	-396.00
EFT25327	12/07/2019	LAVIDA TRADING	SBDC MERCHANDISE	-1950.63
EFT25328	12/07/2019	MARKET FORCE PTY LTD	SEO ASSESSMENT AND STRATEGY SBDC WEBSITE DEVELOPMENT	-1870.00
EFT25329	12/07/2019	SHARK BAY PHARMACY	FLU VACCINE SHIRE STAFF – 8 X DEPOT, 2 X OFFICE, 3 X SBDC	-260.00
EFT25330	12/07/2019	PURCHER INTERNATIONAL PTY LTD	PP021 BRAKE ASSEMBLY	-69.12
EFT25331	12/07/2019	PROFESSIONAL PC SUPPORT	REMOTE ASSISTANCE TO RESOLVE PRINTING ERRORS	-115.50
EFT25332	12/07/2019	BUCKINGHAM PEWTER	SBDC MERCHANDISE	-1028.50
EFT25333	12/07/2019	R & L COURIERS	SHIRE FREIGHT FOR PP021 & P156 - JUNE 2019	-88.00
EFT25334	12/07/2019	WINC AUSTRALIA PTY LIMITED	NEW RICOH PHOTOCOPIER FOR SBDC, REPLACEMENT PRINTER CARTRIDGES AND TRAVEL FOR INSTALLATION	-5310.36
EFT25335	12/07/2019	SHARK BAY STATE EMERGENCY SERVICE UNIT INC	FIRST QUARTER ESL GRANT 2019-20	-12812.25
EFT25336	12/07/2019	THE SHARK BAY ENTERTAINERS	COMMUNITY ASSISTANCE GRANT - ROUND 2	-1464.65
EFT25337	12/07/2019	T-QUIP	P192 PARTS - FILTERS AND BLADES	-258.15
EFT25338	12/07/2019	WA JACOBS TOYMAKER	SBDC MERCHANDISE	-1904.65
EFT25339	12/07/2019	HOLIDAY GUIDE PTY LTD (FORMERLY WEST-OZ WEB SERVICES)	JUNE COMMISSION FOR BOOKINGS MADE ON BOOKEASY	-199.90
EFT25340	12/07/2019	WILD REPUBLIC AUSTRALASIA PTY LTD	SBDC MERCHANDISE	-3055.80
EFT25341	15/07/2019	AUSTRALIAN TAXATION OFFICE	BAS FOR JUNE 2019 (FBT- APRIL TO JUNE, TAX, GST)	-15574.00
EFT25346	19/07/2019	CORAL COAST PLUMBING	RECREATION CENTRE ANNUAL BACKFLOW METER TESTING x 3 METERS	-495.00
EFT25347	19/07/2019	COUNTRYWIDE PUBLICATIONS	SBDC ADVERTISING IN GUIDE TO WESTERN AUSTRALIA	-550.00
EFT25348	19/07/2019	CANDICE USZKO	SALARY SACRIFICE INTERNET - 80 DURLACHER ST	-79.00
EFT25349	19/07/2019	DOUBLE DECKER GAME BUS	WINTER MARKETS - HIRE OF GAME BUS (REMAINING 50%)	-2150.00
EFT25350	19/07/2019	ELGAS LIMITED	YEARLY GAS BOTTLE SERVICE CHARGES FOR SHIRE PREMISES AND HOUSES	-567.60

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25351	19/07/2019	FLEET HYDRAULICS	ADAPTOR FOR PP127	-47.30
EFT25352	19/07/2019	FAR WEST ELECTRICAL	INSTALL NEW DATA POINT AT DEPOT FOR LEADING HAND COMPUTER	-173.60
EFT25353	19/07/2019	HOUSE OF MUGS	SBDC MERCHANDISE	-365.70
EFT25354	19/07/2019	HINCHY PUBLICATIONS	SBDC MERCHANDISE	-198.00
EFT25355	19/07/2019	HORIZON POWER	SHIRE PREMISES ELECTRICITY MAY-JUNE 2019	-7562.58
EFT25356	19/07/2019	TOLL IPEC PTY LTD	FREIGHT - PAULS TYRE SERVICE (ARROW TYRES), STATE LIBRARY, P161, P192, P170 AND SBDC MERCHANDISE	-455.22
EFT25357	19/07/2019	ITVISION	SYNERGY SOFT ANNUAL LICENCE FEES 1 JULY 2019 TO 30 JUNE 2020 – IT VISION SOFTWARE SYSTEM, SYNERGYSOFT DATABASE, DOC ASSEMBLER, ON DEMAND RECORDING ACCESS	-43490.65
EFT25358	19/07/2019	LADYBIRD ENTERTAINMENT	WINTER MARKETS STAGE SHOW AND FACE PAINTING	-492.25
EFT25359	19/07/2019	MIDWEST BOUNCE AND FUN	WINTER MARKETS - HIRE OF ACTIVITY CASTLE	-2199.40
EFT25360	19/07/2019	TRUE VALUE HARDWARE	MATERIALS FOR REPLACEMENT OF DAYCARE ROOF	-4565.00
EFT25361	19/07/2019	PURCHER INTERNATIONAL PTY LTD	NEW FRONT DOOR WINDOW FOR PP021	-578.53
EFT25362	19/07/2019	PROFESSIONAL PC SUPPORT	AGREEMENT PPS AGENT AND ANTIVIRUS AND WORKSTATION SUPPORT, BACKUP SERVICE ONLINE AND 3CS PHONE SYSTEM MANAGEMENT FOR AUGUST 2019. NEW EMAIL ADDRESSES SETUP FOR DEPOT AND COMPUTER SOFTWARE SUPPORT.	-1441.00
EFT25363	19/07/2019	PAPER PLUS OFFICE NATIONAL	SHIRE OFFICE STATIONERY	-650.34
EFT25364	19/07/2019	PAULS TYRES	2 NEW TYRES FOR P170, 4 NEW TYRES FOR P161 AND 2 NEW TYRES FOR PP097	-2252.50
EFT25365	19/07/2019	RYCO HYDRAULICS PTY LTD	HYDRAULIC ADAPTORS FOR P175	-319.33
EFT25366	19/07/2019	MOORE STEPHENS	BUDGET AND FINANCIAL REPORTING MANUALS 2019	-1540.00
EFT25367	19/07/2019	SUNPRINTS CLOTHING COMPANY	SBDC MERCHANDISE	-268.29
EFT25368	19/07/2019	STATROLLS (SCRIBAL GROUP P/L)	SBDC PRINTER ROLLS	-720.50
EFT25369	19/07/2019	SHARK BAY SKIPPER SERVICES	PRESSURE CLEAN OF RECREATIONAL BOAT RAMP DENHAM	-250.00
EFT25370	19/07/2019	TELSTRA CORPORATION LTD	REFUSE SITE AND SIGN TRAILER MOBILE PHONE CHARGES	-30.50

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25371	19/07/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA SUBSCRIPTIONS 1 JULY 2019 TO 30 JUNE 2020 ASSOCIATION MEMBERSHIP, PROCUREMENT SERVICES, TAX SERVICES, COUNCIL CONNECT, EMPLOYEE RELATIONS, LOCAL LAWS SERVICE, GOVERNANCE SERVICE, ENVIRONMENTAL PLANNING TOOL	-27595.24
EFT25376	24/07/2019	AUSTRALIAN TAXATION OFFICE	AMENDMENT TO JUNE BAS (GST)	-1266.00
EFT25377	26/07/2019	STATE LIBRARY OF WA	BETTER BEGINNINGS PROGRAM 2019-2020	-49.50
EFT25378	26/07/2019	BUNNINGS BUILDING SUPPLIES PTY LTD	BRACKETS FOR BRING CENTRE	-69.86
EFT25379	26/07/2019	BRIAN JOHN GALVIN	SALARY SACRIFICE ELECTRICITY AND TELEPHONE	-1336.51
EFT25380	26/07/2019	BURTON TILING MAINTENANCE & RENOVATIONS	SUPPLY AND INSTALL NEW BLINDS - 65 BROCKMAN ST	-2256.10
EFT25381	26/07/2019	FIRE & SAFETY WA	FIRE UNIFORMS FOR BUSH FIRE BRIGADE (BOOTS, GLOVES, CLOTHING)	-7174.35
EFT25382	26/07/2019	GRIFFIN CIVIL	DOZER HIRE FOR QUARRY REHABILITATION	-20790.00
EFT25383	26/07/2019	HERITAGE RESORT	ACCOMMODATION JAN COLLINS - SBDC STAFF TRAINING	-500.00
EFT25384	26/07/2019	TOLL IPEC PTY LTD	TOLL IPEC FREIGHT ACCOUNT – FREIGHT FOR P175, P178 FROM RYCO, AND FIRE UNIFORMS	-148.37
EFT25385	26/07/2019	JASON SIGNMAKERS	SIGN BOLTS FOR STREET SIGN MAINTENANCE	-17.60
EFT25386	26/07/2019	LGIS INSURANCE BROKING	YEARLY INSURANCE FOR : MOTOR VEHICLES, SALARY CONTINUANCE, TRAVEL, ENVIRONMENTAL IMPAIRMENT LIABILITY, CYBER, MANAGEMENT, MARINE CARGO AND PERSONAL ACCIDENT FIRST INSTALMENT	-36550.87
EFT25387	26/07/2019	LGISWA	YEARLY INSURANCE FOR: CRIME, WORKERS COMPENSATION, PROPERTY, BUSHFIRE, GENERAL INSURANCE AND PROPERTY FIRST INSTALMENT	-94967.57
EFT25388	26/07/2019	PROFESSIONAL PC SUPPORT	EMAIL ADDRESS ASSISTANCE	-115.50
EFT25389	26/07/2019	SUMMER GYPSEA	SBDC MERCHANDISE	-215.00
EFT25390	26/07/2019	TELSTRA CORPORATION LTD	MONTHLY SHIRE MOBILE PHONE CHARGES	-355.88
EFT25391	26/07/2019	TRUCKLINE PARTS CENTRE	NEW UHF RADIOS AND AERIALS FOR PP127 & P147	-922.41

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25392	26/07/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA CONFERENCE - BUILDING POSITIVE PARTNERSHIP WITH ABORIGINAL COMMUNITIES - L.BELLOTTIE	-99.00
EFT25393	26/07/2019	YOGA EVERYWHERE	SBDC MERCHANDISE	-963.20
			TOTAL	\$466,649.33

**SHIRE OF SHARK BAY – TRUST TRANSACTION
JULY 2019
TRUST POLICE LICENSING TRANSACTION # 192001**

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
192001	31/7/2019	COMMISSIONER OF POLICE	POLICE LICENSING JULY 2019	-34,392.95
			TOTAL	\$34,392.95

**SHIRE OF SHARK BAY – TRUST EFT
JULY 2019**

EFT 36382, 25342-25345, 25372-25375

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25271	04/07/2019	MILES JASON EVANS	GYM CARD DEPOSIT REFUND	-20.00
EFT25342	18/07/2019	CANDICE USZKO	GYM CARDS DEPOSIT REFUND	-40.00
EFT25343	18/07/2019	JODY BARTON	GYM CARD DEPOSIT REFUND	-20.00
EFT25344	18/07/2019	PETER WILLIAM LLEWELLYN	GYM CARD DEPOSIT REFUND	-20.00
EFT25345	18/07/2019	RUTH SHIRES	GYM CARD DEPOSIT REFUND	-20.00
EFT25372	19/07/2019	ASHLEY CULL	GYM CARD DEPOSIT REFUND	-20.00
EFT25373	19/07/2019	GARTH CHAMBERLAIN	GYM CARD DEPOSIT REFUND	-20.00
EFT25374	19/07/2019	JACK PINNER	GYM CARD DEPOSIT REFUND	-20.00
EFT25375	19/07/2019	KARA HOLROYD	GYM CARD DEPOSIT REFUND	-20.00
			TOTAL	\$200.00

28 AUGUST 2019

12.2 FINANCIAL REPORTS TO 31 JULY 2019
CM00017

Author
Executive Manager Finance and Administration

Disclosure of Any Interest
Nil

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

**That the monthly financial report to 31 July 2019 as attached be received.
5/0 CARRIED**

Comment

As per the requirements of Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government Accounting (Financial Management) Regulations 1996*, the following monthly financial reports to **31 July 2019** 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 draft 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
20 August 2019

SHIRE OF SHARK BAY					
MONTHLY FINANCIAL REPORT					
For the Period Ended 31 July 2019					
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					
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Note 2	Explanation of Material Variances				
Note 3	Net Current Funding Position				
Note 4	Cash and Investments				
Note 6	Receivables				
Note 7	Cash Backed Reserves				
Note 8	Capital Disposals				
Note 9	Rating Information				
Note 10	Information on Borrowings				
Note 11	Grants and Contributions				
Note 12	Trust				
Note 13	Capital Acquisitions				

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SHIRE OF SHARK BAY							
STATEMENT OF FINANCIAL ACTIVITY							
(Statutory Reporting Program)							
For the Period Ended 31 July 2019							
	Note	Draft Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Operating Revenues							
Governance		4,300	108	0	(108)	(100.00%)	▼
General Purpose Funding - Rates	9	1,391,961	0	0	0		▲
General Purpose Funding - Other		998,735	5,177	1,258	(3,919)	(75.7%)	▼
Law, Order and Public Safety		108,123	14,526	13,943	(584)	(4%)	▼
Health		2,250	960	735	(225)	(23.44%)	▼
Housing		130,105	10,611	19,579	8,968	84.5%	▲
Community Amenities		341,446	7,791	4,532	(3,259)	(41.83%)	▼
Recreation and Culture		287,273	28,367	43,438	15,071	53.1%	▲
Transport		514,558	242,723	250,695	7,972	3.3%	▲
Economic Services		894,082	126,245	132,600	6,355	5.0%	▲
Other Property and Services		38,000	3,167	2,442	(725)	(22.9%)	▼
Total Operating Revenue		4,710,833	439,675	469,222	29,547	6.72%	
Operating Expense							
Governance		(282,124)	(133,288)	(43,772)	89,516	(67.2%)	▲
General Purpose Funding		(115,631)	(9,636)	(12,772)	(3,136)	32.5%	▼
Law, Order and Public Safety		(316,668)	(60,515)	(31,162)	29,353	(48.5%)	▼
Health		(80,865)	(4,223)	(5,611)	(1,388)	32.9%	▼
Housing		(231,263)	(24,413)	(13,504)	10,909	(44.7%)	▲
Community Amenities		(738,587)	(61,350)	(45,844)	15,506	(25.3%)	▲
Recreation and Culture		(2,230,779)	(221,133)	(113,483)	1,07,650	(48.7%)	▲
Transport		(1,761,594)	(145,893)	(69,908)	75,985	(52.1%)	▲
Economic Services		(1,096,522)	(101,106)	(67,415)	33,691	(33.3%)	▲
Other Property and Services		(37,500)	(26,240)	(41,607)	(15,367)	58.6%	▼
Total Operating Expenditure		(6,891,533)	(787,797)	(445,078)	342,719	(43.5%)	
Funding Balance Adjustments							
Add back Depreciation		2,015,110	171,144	0	(171,144)		
Adjust (Profit)/Loss on Asset Disposal	8	66,878	0	0	0		
Adjust in Pensioner Rates Non Current		0	0	0			
Adjust Provisions and Accruals		0	0	0			
Net Cash from Operations		(98,712)	(176,978)	24,144	201,122		
Capital Revenues							
Grants, Subsidies and Contributions	11	527,462	92,086	92,342	256	0.3%	▲
Proceeds from Disposal of Assets	8	232,636	0	0	0		
Total Capital Revenues		760,098	92,086	92,342	256	0.3%	
Capital Expenses							
Land Held for Resale							
Land and Buildings	13	(360,000)	0	0	0	0.0%	▲
Infrastructure - Roads	13	(642,570)	0	0	0	0.0%	▲
Infrastructure - Public Facilities	13	(934,500)	0	0	0	0.0%	▲
Infrastructure - Footpaths	13	(50,000)	0	0	0	0.0%	▲
Infrastructure - Drainage	13	(20,000)	0	0	0	0.0%	▲
Plant and Equipment	13	(505,000)	0	0	0	0.0%	▲
Furniture and Equipment	13	(20,000)	0	0	0	0.0%	▲
Total Capital Expenditure		(2,532,070)	0	0	0		
Net Cash from Capital Activities		(1,771,972)	92,086	92,342	256	(0.28%)	
Financing							
Proceeds from Loans		800,000	0	0	0	0.0%	
Transfer from Reserves	7	873,500	0	0	0	0.0%	
Repayment of Debentures	10	(66,071)	0	0	0	0.0%	
Transfer to Reserves	7	(1,504,577)	0	0	0	0.0%	
Net Cash from Financing Activities		102,852	0	0	0		
Net Operations, Capital and Financing		(1,767,832)	(84,892)	116,486	201,378	237.22%	▲
Opening Funding Surplus(Deficit)	3	1,767,832	1,767,832	1,767,832	0		
Closing Funding Surplus(Deficit)	3	0	1,682,940	1,884,318	201,378		▲

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.

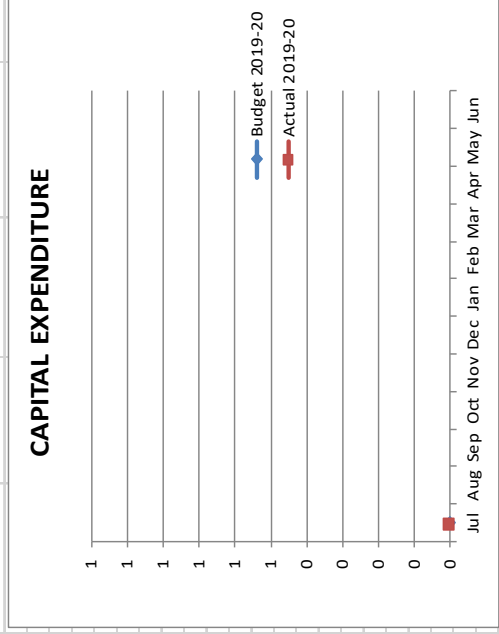
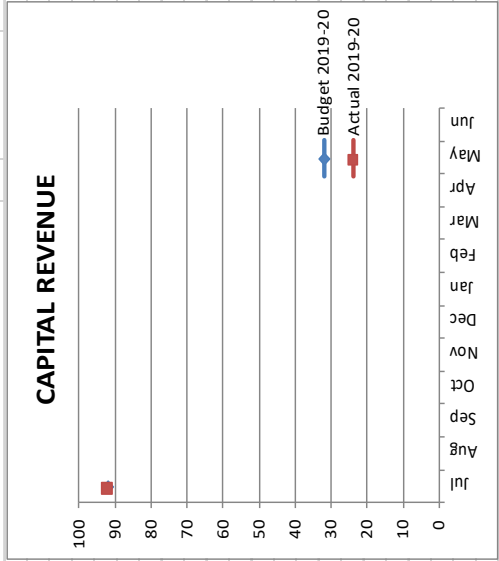
Depreciation has not been run for July until Fair Valuation for Plant and Equipment and end of year accounts have been finalised

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SHIRE OF SHARK BAY				
STATEMENT OF FINANCIAL ACTIVITY				
(By Nature or Type)				
For the Period Ended 31 July 2019				
	Note	Draft Annual Budget	YTD Budget (a)	YTD Actual (b)
Operating Revenues				
Rates	9	\$ 1,391,961	\$ 0	\$ 0
Operating Grants, Subsidies and Contributions	11	1,462,272	251,754	258,645
Fees and Charges		1,656,006	173,913	208,003
Interest Earnings		57,730	2,946	238
Other Revenue		130,562	11,062	2,336
Profit on Disposal of Assets	8	12,302	0	0
Total Operating Revenue		4,710,833	439,675	469,222
Operating Expense				
Employee Costs		(2,265,623)	(199,800)	(145,483)
Materials and Contracts		(1,974,380)	(263,429)	(172,319)
Utility Charges		(187,510)	(15,727)	(1,346)
Depreciation on Non-Current Assets		(2,015,110)	(171,144)	0
Interest Expenses		(17,370)	1,746	1,750
Insurance Expenses		(156,295)	(86,998)	(97,439)
Other Expenditure		(196,065)	(52,445)	(30,241)
Loss on Disposal of Assets	8	(79,180)	0	0
Total Operating Expenditure		(6,891,533)	(787,797)	(445,078)
Funding Balance Adjustments				
Add back Depreciation		2,015,110	171,144	0
Adjust (Profit)/Loss on Asset Disposal	8	66,878	0	0
Adjust in Pensioner Rates Non Current		0	0	0
Adjust Provisions and Accruals		0	0	0
Net Cash from Operations		(98,712)	(176,978)	24,144
Capital Revenues				
Grants, Subsidies and Contributions	11	527,462	92,086	92,342
Proceeds from Disposal of Assets	8	232,636	0	0
Total Capital Revenues		760,098	92,086	92,342
Capital Expenses				
Land Held for Resale				
Land and Buildings	13	(360,000)	0	0
Infrastructure - Roads	13	(642,570)	0	0
Infrastructure - Public Facilities	13	(934,500)	0	0
Infrastructure - Footpaths	13	(50,000)	0	0
Infrastructure - Drainage	13	(20,000)	0	0
Plant and Equipment	13	(505,000)	0	0
Furniture and Equipment	13	(20,000)	0	0
Total Capital Expenditure		(2,532,070)	0	0
Net Cash from Capital Activities		(1,771,972)	92,086	92,342
Financing				
Proceeds from Loans		800,000	0	0
Transfer from Reserves	7	873,500	0	0
Repayment of Debentures	10	(66,071)	0	0
Transfer to Reserves	7	(1,504,577)	0	0
Net Cash from Financing Activities		102,852	0	0
Net Operations, Capital and Financing		(1,767,832)	(84,892)	116,486
Opening Funding Surplus(Deficit)	3	1,767,832	1,767,832	1,767,832
Closing Funding Surplus(Deficit)	3	0	1,682,940	1,884,318

SHIRE OF SHARK BAY							
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING							
For the Period Ended 31 July 2019							
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Draft Annual Budget	
		\$	\$	\$	\$	\$	
						Variance (d) - (c)	
						\$	
Land and Buildings	13	0	0	0	0	360,000	0
Infrastructure Assets - Roads	13	0	0	0	0	642,570	0
Infrastructure Assets - Public Facilities	13	0	0	0	0	934,500	0
Infrastructure Assets - Footpaths	13	0	0	0	0	50,000	0
Infrastructure Assets - Drainage	13	0	0	0	0	20,000	0
Infrastructure Assets - Streetscapes	13	0	0	0	0	0	0
Plant and Equipment	13	0	0	0	0	505,000	0
Furniture and Equipment	13	0	0	0	0	20,000	0
Capital Expenditure Totals		0	0	0	0	2,532,070	0



MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SHIRE OF SHARK BAY	
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY	
For the Period Ended 31 July 2019	
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

28 AUGUST 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2019					
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

28 AUGUST 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2019					
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

28 AUGUST 2019

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2019				
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

28 AUGUST 2019

SHIRE OF SHARK BAY			
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY			
For the Period Ended 31 July 2019			
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			12 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

28 AUGUST 2019

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2019				
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

28 AUGUST 2019

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2019				
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

28 AUGUST 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2019					
1. SIGNIFICANT ACCOUNTING POLICIES (Continued)					
(l) 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

28 AUGUST 2019

SHIRE OF SHARK BAY				
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY				
For the Period Ended 31 July 2019				
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

28 AUGUST 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2019					
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

28 AUGUST 2019

SHIRE OF SHARK BAY					
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY					
For the Period Ended 31 July 2019					
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

28 AUGUST 2019

Shire of Shark Bay					
EXPLANATION OF MATERIAL VARIANCES					
For the Period Ended 31 July 2019					
Note 2: EXPLANATION OF MATERIAL VARIANCES					
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(108)	(100.0%)	▼	Timing	No Reportable Variance
General Purpose Funding - Rates	0		▲	Timing	No Reportable Variance
General Purpose Funding - Other	(3,919)	(75.7%)	▼	Timing	No Reportable Variance
Law, Order and Public Safety	(584)	(4.0%)	▼	Timing	No Reportable Variance
Health	(225)	(23.4%)	▼	Timing	No Reportable Variance
Housing	8,968	84.5%	▲	Timing	Rental Income Received in Advance
Community Amenities	(3,259)	(41.8%)	▼	Timing	No Reportable Variance
Recreation and Culture	15,071	53.1%	▲	Timing	Sale of Merchandise and Entrance Fees in excess of July Budget
Transport	7,972	3.3%	▲	Timing	Increase in Road Preservation Grant of \$7K compared to budget
Economic Services	6,355	5.0%	▲	Timing	Increase in Private Works and Camping Fees compared to July budget
Other Property and Services	(725)	(22.9%)	▼	Timing	No Reportable Variance
Operating Expense					
Governance	89,516	(67.2%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
General Purpose Funding	(3,136)	32.5%	▼	Timing	No Reportable Variance
Law, Order and Public Safety	29,353	(48.5%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Health	(1,388)	32.9%	▼	Timing	No Reportable Variance
Housing	10,909	(44.7%)	▲	Timing	Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Community Amenities	15,506	(25.3%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Recreation and Culture	107,650	(48.7%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Transport	75,985	(52.1%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Economic Services	33,691	(33.3%)	▲	Timing	Overall underspend in expenses plus Depreciation not run for July until Fair Valuation of Plant and Equipment and End of Year Financials finalised
Other Property and Services	(15,367)	58.6%	▼	Timing	Under recovery of Plant in July compared to budget due to annual charges such as Insurances and Registration.
Capital Revenues					
Grants, Subsidies and Contributions	256	0.3%	▲	Timing	No Reportable Variance
Proceeds from Disposal of Assets	0	0.0%	▲	Timing	No Reportable Variance
Capital Expenses					
Land and Buildings	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Roads	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Public Facilities	0	0.0%	▲	Timing	No Reportable Variance
Infrastructure - Footpaths	0	0.0%	▲	Timing	No Reportable Variance
Plant and Equipment	0	0.0%	▲	Timing	No Reportable Variance
Financing					
Loan Principal	0	0.0%	▼	Timing	No reportable variance.

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

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

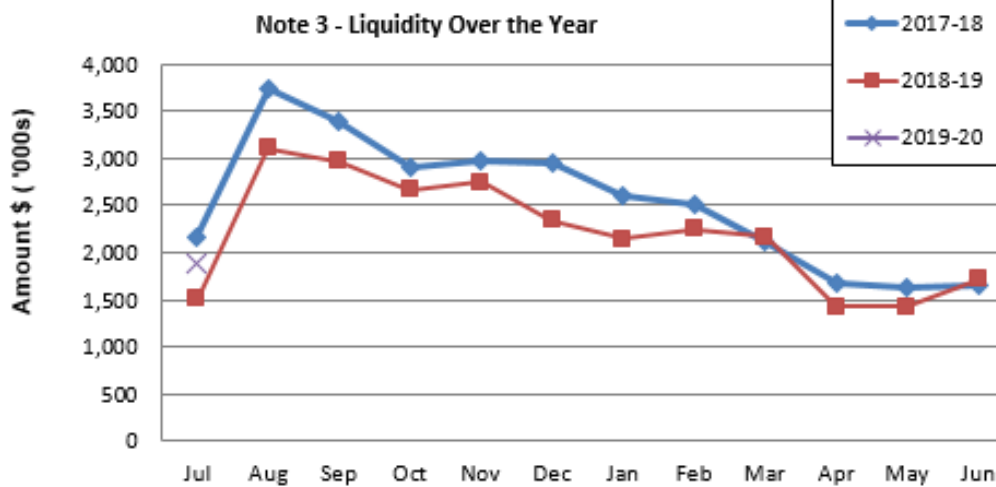
Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 July 2019

Note 3: NET CURRENT FUNDING POSITION

		Positive=Surplus (Negative=Deficit)	
	Note	31 July 2019	31 July 2018
		\$	\$
Current Assets			
Cash Unrestricted	4	1,664,350	1,230,986
Cash Restricted	4	1,904,459	1,700,536
Receivables - Rates	6	30,884	19,372
Receivables -Other	6	385,709	505,815
Interest / ATO Receivable		7,427	6,948
Inventories		129,611	125,216
		4,122,440	3,588,872
Less: Current Liabilities			
Payables		(121,139)	(134,717)
Provisions		(212,524)	(249,539)
		(333,663)	(384,256)
Less: Cash Reserves	7	(1,904,459)	(1,700,536)
Net Current Funding Position		1,884,318	1,504,081



Comments - Net Current Funding Position

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay							
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY							
For the Period Ended 31 July 2019							
Note 4: CASH AND INVESTMENTS							
	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	0.10%	52,816			52,816	Bankwest	At Call
Reserve Bank Account	0.00%		325,459		325,459	Bankwest	At Call
Telenet Saver	1.10%	1,610,634			1,610,634	Bankwest	At Call
Trust Bank Account	0.00%			18,292	18,292	Bankwest	At Call
Cash On Hand		900			900		On Hand
(b) Term Deposits							
Municipal Investment					0		
Municipal Investment					0		
Reserve Investment	2.25%		1,579,000		1,579,000	Bankwest	1/08/2019
Total		1,664,350	1,904,459	18,292	3,587,101		
Comments/Notes - Investments							
Surplus funds invested for terms conducive to cashflow requirements.							

MINUTES OF THE ORDINARY COUNCIL MEETING

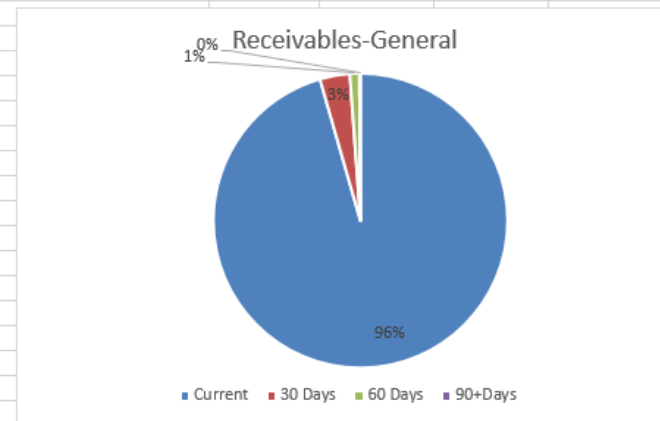
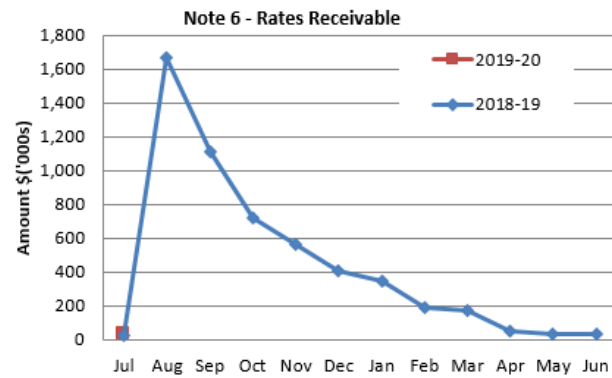
28 AUGUST 2019

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 July 2019

Note 6: RECEIVABLES									
Receivables - Rates Receivable		31 July 2019	30 June 2018	Receivables - General		Current	30 Days	60 Days	90+Days
		\$	\$			\$	\$	\$	\$
Opening Arrears Previous Years		31,927	36,581	Receivables - General		368,518	12,693	3,990	452
Levied this year		232	1,742,151	Total Receivables General Outstanding					385,653
Less Collections to date		(1,275)	(1,746,805)	Amounts shown above include GST (where applicable)					
Equals Current Outstanding		30,884	31,927						
Net Rates Collectable		30,884	31,927						
% Collected		3.96%	98.21%						



Comments/Notes - Receivables Rates

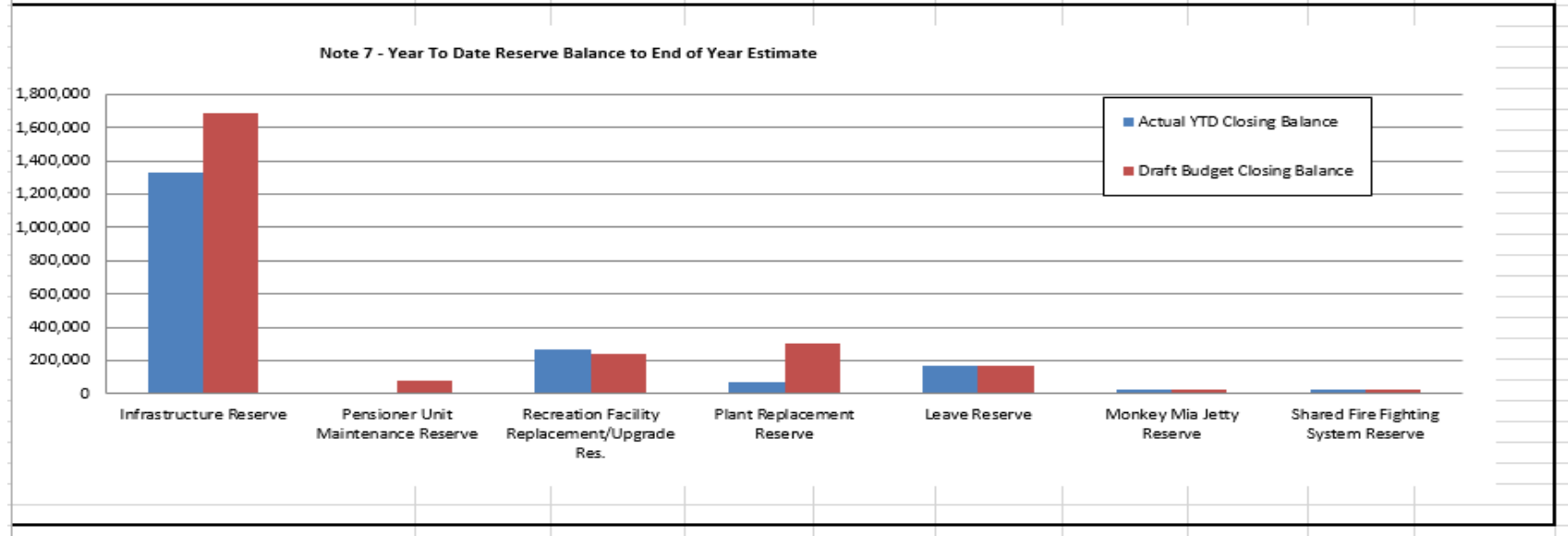
No major issues at this time

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2019

Note 7: Cash Backed Reserve									
2019-20									
Name	Opening Balance	Draft Budget Interest Earned	Actual Interest Earned	Draft Budget Transfers In (+)	Actual Transfers In (+)	Draft Budget Transfers Out (-)	Actual Transfers Out (-)	Draft Budget Closing	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Infrastructure Reserve	1,332,204	14,000	0	595,418	0	(255,000)	0	1,686,622	1,332,204
Pensioner Unit Maintenance Reserve	10,916	130	0	116,143	0	(45,000)	0	82,189	10,916
Recreation Facility Replacement/Upgrade Res.	269,477	4,000	0	202,000	0	(237,500)	0	237,977	269,477
Plant Replacement Reserve	70,304	1,100	0	568,636	0	(336,000)	0	304,040	70,304
Leave Reserve	170,163	2,300	0	0	0	0	0	172,463	170,163
Monkey Mia Jetty Reserve	21,978	400	0	0	0	0	0	22,378	21,978
Shared Fire Fighting System Reserve	29,415	450	0	0	0	0	0	29,865	29,415
	1,904,459	22,380	0	1,482,197	0	(873,500)	0	2,535,536	1,904,459



MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 31 July 2019

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal					Draft Annual Budget		
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 07 2019		
\$	\$	\$	\$		Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
					\$	\$	\$
				Plant and Equipment			
				Governance			
MV188			0	CEO Vehicle	(3,925)	0	3,925
MV170			0	EMFA Vehicle	3,000	0	(3,000)
MV186			0	EMCD Vehicle	(5,141)	0	5,141
	0	0	0		(6,066)	0	6,066
				Transport			
MV179			0	Dual Cab Ute - Ranger	4,594	0	(4,594)
MV177			0	Dual Cab Ute - Gardner	4,708	0	(4,708)
MV146			0	Prime Mover	(66,250)	0	66,250
MV134			0	Vibration Roller - Sale Proceeds	(3,864)	0	3,864
	0	0	0		(60,812)	0	60,812
	0	0	0		(66,878)	0	66,878
Comments - Capital Disposal/Replacements							

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay											
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY											
For the Period Ended 31 July 2019											
Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/20 Draft Budget Rate Revenue \$	2019/20 Draft Budget Interim Rate \$	2019/20 Draft Budget Back Rate \$	2019/20 Draft Budget Total Revenue \$	
Note 9: RATING INFORMATION											
RATE TYPE											
Differential General Rate											
GRV Residential	0.102840	316	3,761,841			0	386,871			386,871	
GRV Commercial	0.105690	42	2,114,558			0	223,477			223,477	
GRV Vacant	0.102840	18	360,100			0	37,033			37,033	
GRV Rural Commercial	0.106880	5	306,280			0	32,736			32,736	
GRV Industrial/Residential	0.113800	46	629,944			0	71,689			71,689	
GRV Industrial/Residential Vaca	0.102840	2	10,400			0	1,070			1,070	
GRV Rural Resort	0.112820	3	1,132,800			0	127,805			127,805	
UV General	0.207090	7	827,678			0	171,402			171,402	
UV Pastoral	0.141820	11	617,360			0	87,556			87,556	
UV Mining	0.282450	1	7,947			0	2,245			2,245	
UV Exploration	0.271580	2	764,435			0	207,604			207,604	
Sub-Totals		453	10,533,343	0	0	0	1,349,488	0	0	1,349,488	
Minimum Payment											
GRV Residential	876.00	52	384,173			0	45,552			45,552	
GRV Commercial	876.00	17	93,832			0	14,892			14,892	
GRV Vacant	876.00	83	271,090			0	72,708			72,708	
GRV Rural Commercial	876.00	0	0			0	0			0	
GRV Industrial/Residential	876.00	3	19,440			0	2,628			2,628	
GRV Industrial/Residential Vaca	546.00	0	0			0	0			0	
GRV Rural Resort	876.00	0	0			0	0			0	
UV General	735.00	6	9,262			0	4,410			4,410	
UV Pastoral	920.00	0	0			0	0			0	
UV Mining	920.00	1	654			0	920			920	
UV Exploration	920.00	2	4,080			0	1,840			1,840	
Sub-Totals		164	782,531	0	0	0	142,950	0	0	142,950	
Concessions											
										(139,394)	
Amount from General Rates										1,353,044	
Specified Area Rates										38,917	
Totals										1,391,961	
Comments - Rating Information											

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2019								
10. INFORMATION ON BORROWINGS								
(a) Debenture Repayments								
Particulars	Principal 1-Jul-19	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			2019/20 Actual	2019/20 Draft Budget	2019/20 Actual	2019/20 Draft Budget	2019/20 Actual	2019/20 Draft Budget
			\$	\$	\$	\$	\$	\$
Loan 57 Monkey Mia Bore	134,616	0	0	31,653	134,616	102,963	(1,530)	5,654
Loan 56 - Staff Housing	28,847	0	0	18,946	28,847	9,901	(221)	1,556
Loan - Town Oval Bore	0	800,000	0	15,472	0	784,528	0	10,160
	163,463	800,000	0	66,071	163,463	897,392	(1,750)	17,370
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

28 AUGUST 2019

Shire of Shark Bay								
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY								
For the Period Ended 31 July 2019								
Note 11: GRANTS AND CONTRIBUTIONS								
Program/Details	Grant Provider	Approval	2019-20 Draft Annual Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received/Invoiced	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y	692,157	0	692,157	0	0	692,157
Grants Commission - Roads	WALGGC	Y	226,736	0	226,736	0	0	226,736
LAW, ORDER, PUBLIC SAFETY								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Y	8,133	0	8,133	0	1,880	6,253
Grant FESA - SES	Dept. of Fire & Emergency Serv.	Y	46,590	0	46,590	0	11,648	34,943
Coastal Hazard Risk Management & Adaption Plan	WA Planning Commission	Y	32,500	0	32,500	0	0	32,500
Coastal Adaptation and Protection	Department of Transport	Y	11,000	0	11,000	0	0	11,000
RECREATION AND CULTURE								
Contributions - HMAS Sydney Exhibit	Visitors to Discovery Centre	Y	200	0	200	0	0	200
TRANSPORT								
Road Preservation Grant	State Initiative - Main Roads WA	Y	106,056	0	106,056	0	113,118	0
Useless Loop Road - Mtce	Main Roads WA	Y	330,000	0	330,000	0	132,000	198,000
Contributions - Road Projects	Pipeline	Y	8,900	0	8,900	0	0	8,900
Roads To Recovery Grant - Cap	Roads to Recovery	Y	297,245	0	0	297,245	0	297,245
RRG Grants - Capital Projects	Regional Road Group	Y	230,217	0	0	230,217	92,342	137,875
TOTALS			1,989,734	0	1,462,272	527,462	350,988	1,645,809
			Operating				258,646	
			Non-operating				92,342	
			1,989,734				350,988	
Comments - Operating and Non Operating Grants								

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Shire of Shark Bay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2019

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 19	Amount Received	Amount Paid	Closing Balance 31-Jul-19
	\$	\$	\$	\$
CITF Levy	0	758		758
Library Card Bond	250			250
Bookeasy- Sales	0	59,240	(59,240)	0
Kerb/Footpath Deposit	3,800	1,000		4,800
Bond Key	3,420	160	(200)	3,380
Hall Bond	0	275		275
Police Licensing	997	39,198	(34,393)	5,802
Election Deposit	0			0
Marquee Deposit	0			0
Building Licence Levy	0	519		519
Road Reserve - Hughes Street	2,298			2,298
Tour Sales	0			0
Property Rental Bonds	0			0
Rates Unidentified Deposit	210			210
	10,974	101,150	(93,833)	18,292

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

CAPITAL WORKS PROGRAM 2019/20								
Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Draft Annual Budget	YTD Draft Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Governance								
Asbestos Removal - Shire Office	2.2.1	WKSM	(75,000)	0	0	0	0	
Records Room	4.2.2	CEO	(30,000)	0	0	0	0	
Governance Total			(105,000)	0	0	0	0	
Housing								
Staff housing Capital Works								
Staff Housing - 5 Spaven Way	2.2.1	CEO	(10,000)	0	0	0	0	
Staff Housing - 65 Brockman St	2.2.1	EMCD	(10,000)	0	0	0	0	
Staff Housing - 51 Durlacher St	2.2.1	EMFA	(10,000)	0	0	0	0	
Staff Housing - 80 Durlacher St	2.2.1	EMCD	(10,000)	0	0	0	0	
Pensioner Units Capital	2.2.1	EMCD	(35,000)	0	0	0	0	
Pensioner Units Door/Water Pipe Replacement	2.2.1	EMCD	(10,000)	0	0	0	0	
Housing Total			(85,000)	0	0	0	0	
Community Amenities								
Buildings								
Morgue	2.2.1	CEO	(20,000)	0	0	0	0	
Community Amenities Total			(20,000)	0	0	0	0	
Recreation								
Buildings								
Asbestos Removal - Denham Town Hall/Stables	2.2.1	WKSM	(75,000)	0	0	0	0	
Recreation Centre Panel and Paint Renewal	2.2.1	WKSM	(50,000)	0	0	0	0	
Recreation Total			(125,000)	0	0	0	0	
Transport								
Buildings								
Depot - Office Awning	4.2.2	WKSM	(10,000)	0	0	0	0	
Depot - Boundary Fencing	4.2.2	WKSM	(15,000)	0	0	0	0	
Transport Total			(25,000)	0	0	0	0	
Land and Buildings Total								
			(360,000)	0	0	0	0	
Footpaths								
Infrastructure								
Footpath Construction-Denham Footpath Plan	1.1.1/2.2.1	WKSM	(50,000)	0	0	0	0	
Footpaths Total			(50,000)	0	0	0	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Comment
Drainage								
Transport								
Drainage/Sump Construction	1.1.1	WKSM	(20,000)	0	0	0		
Transport Total			(20,000)	0	0	0	0	
Drainage Total			(20,000)	0	0	0	0	
Furniture & Office Equip.								
Governance								
Server and Program Upgrade	4.2.2	EMFA	(20,000)	0	0	0		
Governance Total			(20,000)	0	0	0	0	
Furniture & Office Equip. Total			(20,000)	0	0	0	0	
Plant , Equipment and Vehicles								
Governance								
CEO Vehicle	2.2.1	CEO	(65,000)	0	0	0		
EMFA Vehicle	2.2.1	EMFA	(35,000)	0	0	0		
EMCD Vehicle	2.2.1	EMCD	(35,000)	0	0	0		
Total Governance			(135,000)	0	0	0	0	
Transport								
Major Plant Items	4.2.2	WKSM	(20,000)	0	0	0	0	
Dual Cab Ute - Town Gardener	4.2.2	WKSM	(45,000)	0	0	0	0	
Dual Cab Ute - Ranger	4.2.2	WKSM	(45,000)	0	0	0	0	
Prime Mover	4.2.2	WKSM	(240,000)	0	0	0	0	
Transport Total			(350,000)	0	0	0	0	
Denham Marine Facilities								
Boat Jinker Brake System Upgrade	4.2.2	WKSM	(20,000)	0	0	0	0	
Denham Marine Facilities Total			(20,000)	0	0	0	0	
Plant , Equipment and Vehicles Total			(505,000)	0	0	0	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

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								
Cemetery Shade	2.4.2	WKSM	(5,000)	0	0	0		
Hamelin Pool Carpark	2.2.1	WKSM	(10,000)	0	0	0		
Community Amenities Total			(15,000)	0	0	0	0	
Recreation And Culture								
West End Toilet Roof Replacement	2.2.1	WKSM	(15,000)	0	0	0		
Town Oval Bore	2.2.1	WKSM	(800,000)	0	0	0	0	
Town Bore Fence Extensions	2.2.1	WKSM	(7,500)	0	0	0	0	
Town Oval Fountain	2.2.1	WKSM	(7,000)	0	0	0	0	
Playground Fence Replacement	2.2.1	WKSM	(8,000)	0	0	0	0	
Charlie Sappie Park Bed Removal and Replacement	2.2.1	WKSM	(20,000)	0	0	0	0	
Multi Purpose Courts Light Upgrade	2.2.1	WKSM	(10,000)	0	0	0	0	
Little Lagoon Signs and Barriers	2.2.1/1.2.2	CEO	(52,000)	0	0	0	0	
Recreation And Culture Total			(919,500)	0	0	0	0	
Public Facilities Total			(934,500)	0	0	0	0	

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Infrastructure Assets	Strategic Plan Reference	Responsible Officer	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal)	Comment
Roads (Non Town)								
Transport								
R2R Projects 19-20 Brockman Street	1.1.1	WKSM	(297,245)		0	0	0	
Useless Loop Road - RRG 19-20	1.1.1	WKSM	(255,325)		0	0	0	
Eagle Bluff - RRG 19-20	1.1.1	WKSM	(90,000)		0	0	0	
					0	0	0	
Transport Total			(642,570)	0	0	0	0	
Roads (Non Town) Total			(642,570)	0	0	0	0	
Capital Expenditure Total			(2,532,070)	0	0	0	0	

28 AUGUST 2019

12.3 ADOPTION OF THE 2019/2020 BUDGET

Author

Executive Manager Finance and Administration

Disclosure of Any Interest

Nil

Moved Cr Laundry
 Seconded Cr Cowell

Council Resolution

That Council, having regard to the budget deficiency in the context of the Strategic Community Plan and the Corporate Business Plan, by Absolute Majority, pursuant to Section 6.2 of the *Local Government Act 1995*, resolves to:

PART A. 2019/2020 RATES AND MINIMUM PAYMENTS AND THE STATEMENT OF OBJECTIVES AND REASONS FOR THE PROPOSED RATES AND MINIMUM PAYMENTS

- Adopt the following Differential General Rates against the valuations supplied by Landgate (as amended) as at 1 July 2019 for 2019/2020 in accordance with Sections 6.32 and 6.33 of the Act:**

Differential General Rates	2019/2020 Cents in the Dollar
GRV Residential	10.2841
GRV Commercial	10.5685
GRV Industrial/Residential	11.3803
GRV Vacant	10.2841
GRV Rural Commercial	10.6884
GRV Industrial/Residential Vacant	10.2841
GRV Resort	11.2822
UV General	20.7088
UV Mining	28.2452
UV Pastoral	14.1824
UV Exploration	27.1579

- Adopt the following Minimum payments for the Shire of Shark Bay for 2019/2020 in accordance with Section 6.35 of the Act:**

Minimum Payment	2019/2020 Minimum Payment per Assessment
GRV Residential	\$876
GRV Commercial	\$876
GRV Industrial/Residential	\$876

28 AUGUST 2019

GRV Vacant	\$876
GRV Rural Commercial	\$876
GRV Industrial/Residential Vacant	\$546
GRV Resort	\$876
UV General	\$735
UV Mining	\$920
UV Pastoral	\$920
UV Exploration	\$920

3. **Adopt for 2019/2020 the Specified Area Rate of 3.651 cents in the dollar for users of the Monkey Mia Bore against valuations supplied by Landgate (as amended) as at 1 July 2016 in accordance with Section 6.37 of the Act;**
4. **Adopt the Statement of Objectives and Reasons for proposed rates and minimum payments.**
5. **Note that Council has considered all submissions received from ratepayers before adopting the 2019/2020 Budget;**

5/0 CARRIED BY ABSOLUTE MAJORITY

Background

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of *the Local Government Act 1995*, to formally adopt its annual financial year budget to enable the administration to carry out services and programs and to raise revenue through rates and fees and charges.

Consistent with sections 6.2(4) of *the Local Government Act 1995* and the Part 3 of the Local Government (Financial Management) Regulations 1996, the 2019/2020 Budget for the Shire of Shark Bay includes the following:

- Statement of Comprehensive Income by both Nature and Type and Program which both shows a net result of \$(1,653,238);
- Statement of Cashflows which shows a level of cash held at the end of 2019/2020 of \$2,794,303.
- Rate setting statement showing the amount to be raised from General Rates as \$1,353,044.
- Notes to and forming part of the budget as required by legislation.

Comment

The general rates in the dollar and minimum payments are in accordance with Council's Community Strategic Plan, Corporate Business Plan and Long Term Financial Plan and, in accordance with section 6.36 of the *Local Government Act 1995*, these rates in the dollar were advertised for 21 days and submissions sought from ratepayers on the proposed rates.

Council did not received any submissions on the proposed rates.

28 AUGUST 2019

Comment

This part provides the ability for ratepayers to pay their rates through instalments, the due dates for those instalments and the imposition of charges for utilizing these timeframes for payment. It also provides incentives for payment of rates and charges by the single payment due date of a lottery draw with prizes provided by the Shire of Shark Bay. It is proposed that these prizes be as follows for 2019/2020:

- First Prize – Gift voucher of \$500 to be spent at any Shark Bay business;
- Second Prize – Gift voucher of \$200 to be spent at any Shark Bay business;
- Third Prize - Gift voucher of \$100 to be spent at any Shark Bay business;

This part also allows Council to charge overdue interest rates on outstanding rates and charges and on outstanding sundry debtors as provided for in section 6.13 of the *Local Government Act 1995*.

PART C. CONCESSIONS AND WRITE OFFS

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution

That Council:

- 1. Grant a write off of rates to Australian Wildlife Conservancy for Assessment 2071 being the Faure Island landing site to the value of \$3,417 in accordance with Section 6.12 and 6.47 of the *Local Government Act 1995* and provide this write off on the basis of the inequities of the valuation system for pastoral land;**
- 2. Grant a concession of 9.2695 cents in the dollar on the Unimproved Value Pastoral rate category in accordance with Section 6.47 of the *Local Government Act 1995* and provide this concession on the basis of the inequities of the valuation system for pastoral land;**
- 3. Grant a concession of 10.1550 cents in the dollar to Unimproved Value Exploration in accordance with Section 6.47 of the *Local Government Act 1995* and provide this concession on the basis of the inequities of the valuation system for exploration land and to recognize that the assessments are not in the production phase.**

5/0 CARRIED BY ABSOLUTE MAJORITY

28 AUGUST 2019

Comment

This part provides Council with an opportunity to consider any write off and concessions that it wishes to provide in 2019/2020. The financial implications for such an action need to be fully considered prior to adoption as any concession not included in the budget as presented will result in a loss situation to the budget outcome and require an adjustment to the expenditure or to the transfers to reserves to account for this loss.

The 2019/2020 draft budget includes a 31% decrease in the pastoral concession and a 15% decrease in the exploration concession compared to the 2018/2019 year to ensure the 4% overall increase in rate revenue is maintained. The total amount of concessions vary due to valuation fluctuations.

A concession of 9.2695 cents in the dollar is proposed for Unimproved Value Pastoral resulting in a net rate in the dollar of 4.9129, and a concession of 10.1550 cents in the dollar for Unimproved Value Exploration resulting in a net rate in the dollar of 17.0029 cents in the dollar.

This part also provides the opportunity to waive the rates for the landing site at Faure Island. This practice has been in place for several years and it is recommended that the rates for the landing parcel be waived again this year.

This part also provides the opportunity to continue the waiving of 25% of the Yadgalah Aboriginal Corporation rates upon application.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

This is a list of the Waivers and Concessions included in the proposed 2019/2020 Budget

Waivers or Concessions							
Rate or fee and charge to which the waiver or concession is granted	Type	Disc % or Amount (\$)	2019/2020 Budget	2018/19 Actual	Circumstances in which the waiver or concession is granted	Objects and reasons of the waiver or concession	
General Rate	Concession	\$57,226	\$57,226	\$43,708	UV Pastoral	To address the disparity between UV Rates	To provide equitable rates for properties in this category
General Rate	Concession	\$77,628	\$77,628	\$60,543	UV Exploration	To address the inequalities of the valuation system.	To recognise that these properties are not in the production phase
General Rate	Waiver	\$3,417	\$3,417	\$3,301	Australian Wildlife Conservancy Faure Island - Landing Only	To address the anomalies in the valuation system.	To recognise the use of the land as a landing point
General Rate	Waiver	\$0	\$0	\$1,861	Murchison Region Aboriginal Corporation	To address anomalies in the valuation system	To recognise that the use of the land is for charitable purposes
General Rate	Concession	0%	\$0	\$10,624	RAC Parks and Resorts	To address anomalies in the valuation system	To provide equitable rates for property which should be valued as GRV due to its predominant use as a tourist resort
General Rate	Waiver	25%	\$1,123	\$1,080	Yadgalah Aboriginal Corporation	To address anomalies in the valuation system	To recognise that the use of the land is partly used for charitable purposes.
			\$139,394	\$121,118			

28 AUGUST 2019

PART D. 2019/2020 FEES AND CHARGES

Officer Recommendation

That Council:

1. Adopt the 2019/2020 Schedule of Fees and Charges.

AMENDMENT TO OFFICER RECOMMENDATION

Reason: The Council amended the non-commercial license fee for the common to be in line with other community use leases/licenses.

Moved Cr Ridgley

Seconded Cr Fenny

Council Resolution

That Council adopt the 2019/2020 Schedule of Fees and Charges with an amendment to the Town Common Fee to \$165 per annum for non-commercial licenses.

5/0 CARRIED BY ABSOLUTE MAJORITY

Comment

This part recommends the adoption of the proposed fees and charges for 2019/2020 which Council has previously reviewed.

PART E. 2019/2020 CAPITAL WORKS

Moved Cr Fenny

Seconded Cr Cowell

Council Resolution

That Council:

1. **Adopt the 2019/2020 Capital Works budget.**

5/0 CARRIED BY ABSOLUTE MAJORITY

Comment

This part recommends the adoption of the proposed capital works program for 2019/2020 which Council has previously discussed.

The capital works program has been significant reviewed and reduced to allow the council to focus on the reviewed. The major items in the capital budget is the construction of a new Artesian Bore and the Plant replacement program.

28 AUGUST 2019

PART F. ADOPTION OF THE 2019/2020 BUDGET

Moved Cr Bellottie
Seconded Cr Fenny

Council Resolution

That Council:

- 1. Adopt a reporting material variance of \$5,000 or 5% as per AASB1031 and regulation 34 of the Local Government (Financial Management) Regulations 1996;**
- 2. Adopt the Significant Accounting Policies attached and included in the 2019/2020 Budget document; and**
- 3. Adopt the 2019/2020 Budget for the Shire of Shark Bay as presented in the accompanying attachment.**

5/0 CARRIED BY ABSOLUTE MAJORITY

Comment

This part recommends the adoption of the 2019/2020 Budget, sets the reporting variance for monthly reporting to Council and adopts the significant accounting policies separately to the budget as advised by the auditors.

The budget has been based on an estimated carry forward from 2019/2020 of \$1,767,832. This is an estimate only as the annual financial statements for 2018/2019 have yet to be finalized and there may be some alteration to this final figure as part of this process.

The budget allows for a transfer from reserves of \$873,500 and a transfer to reserves of \$1,504,577. The transfer to reserves will provide for the securing of capital for future projects and renewal expenditure which will be required to ensure that Council's assets are maintained.

From a profit and loss perspective, the budget shows a comprehensive loss for 2019/2020 of \$(1,653,238). However this includes the revenue from non-operating grants in accordance with accounting standards, loss of sale of assets and depreciation expense which is not funded.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

The table below reflects the impact of these items in comparison to last year's budget and estimated actual.

	2019/20 Budget	2018/19 Actual
Comprehensive Income	(\$1,653,238)	\$16,172
Add Back depreciation	\$2,015,110	\$1,748,305
Add back loss on sale	\$66,878	\$13,647
	\$428,750	\$ 781,281
Less non-operating grants	\$527,462	\$ 519,673
	(\$98,712)	\$ 261,608
Add/(Less) Grants received in advance	\$996,843	(\$996,843)
Operating profit after adjustments	\$898,131	\$291,608

Taking these factors into consideration, the actual budgeted operating position of the Council is a profit of \$898,131 when adjusting for the financial assistance grant of \$996,843 received in advance and adding back non-cash items such as depreciation. The variance between budgets is due largely to focusing on reviewing and minimising expenditure for the 2019/2020 year. This strategy which commenced in 2018/19 has focused on minimising the significant structural operating deficit that was highlighted by the Councils auditors in the management report 2017/2018 financial year. As a result the figures above display an improvement in reduction of costs in the 2019/2020 budgeted and 2018/2019 actual figures.

From a cash flow perspective, it is expected that the cash position will decrease by \$1,102,755 in 2019/2020 as Council completes carry forward projects and current projects.

It is expected that all projects in the capital works program will be completed in 2019/2020 provided funding is received as expected. The level of cash expected at the end of 2018/2019 is \$2,794,303 which is made up on working cash of \$258,767 and reserve cash of \$2,535,536.

Further details on the separate components of the 2019/2020 budget are included in the budget document.

Legal Implications

Section 6.2 of the *Local Government Act 1995* requires Council to adopt a budget prior to 31 August each year while Part 3 of the *Local Government (Financial Management) Regulations 1996* states what needs to be included in the budget.

Policy Implications

Council is required to adopt the Significant Accounting Policies as part of the budget adoption. These policies form the basis on which Council will carry out its financial responsibilities.

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Financial Implications

The 2019/2020 budget provides Council with the opportunity to continue to review its service levels and ongoing future maintenance requirement, while addressing the operational financial deficiency's, which highlights the reliance of Council on grant funding and the need to become more "self-sufficient" financially in the event that grant funding is not available in future years. This strategy, which began in 2018/2019, focuses on Council becoming more reliant on own sourced income in future years to fund the continuation of high quality services to the community and maintain its assets in a sustainable manner. As a result other Council revenue streams have been reviewed such as waste and recycling to lessen the financial impost upon the general rates income.

This budget and future budgets will also have to review all areas of required services and discretionary funding components of expenditure to ensure the operational and maintenance obligations of the shire are being attended to.

Strategic Implications

Outcome 4.1.3 Maintain accountability and financial responsibility.

Risk Management

There is a high risk of not adopting the 2019/2020 Budget as this provides the authority for the administration to continue to provide services to the community.

Voting Requirements

Absolute Majority is required for this item.

Signatures

Author	<i>A Pears</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	15 August 2019

28 AUGUST 2019



SHIRE OF SHARK BAY
2019/2020 DIFFERENTIAL RATES
STATEMENT OF OBJECTS AND REASONS

Objects and Reasons for Implementing a Differential Rate

In accordance with Section 6.36 of the Local Government Act 1995 and the Council's "Notice of Intention to Impose Differential Rates", the following information details the objectives and reasons for those proposals.

What are Rates?

The raising of rates is the primary source of revenue of all Councils throughout Australia. The purpose of levying rates is to meet Council's proposed budget requirements each year in a manner that is fair and equitable to the ratepayers of the community.

In Western Australia land is valued by Landgate Valuation Services (Valuer General's Office – a State Government agency) and those values are forwarded to each Local Government.

Two types of values are calculated:

- Gross Rental Value (GRV); and
- Unimproved Value (UV)

To calculate the rates to be charged, Council multiplies a rate in the dollar by the supplied value. The rate in the dollar is determined by the level of revenue the Council wishes to raise and is dependent on its proposed budget.

Apart from the need to ensure sufficient revenue to meet its expenditure needs, Council must be mindful of the impact and affordability of rates to the community.

Differential Rating

Local Government, under section 6.33 of the Local Government Act 1995, have the power to implement differential rating in order to take into account certain characteristics of the rateable land.

These characteristics include:

- ❖ The purpose for which the land is zoned under the town planning scheme in force;
- ❖ The predominant use for which the land is held or used as determined by the local government;
- ❖ whether or not the land is vacant land; or
- ❖ Any other characteristic or combination of characteristics prescribed.

Differential rates may be applied according to any, or a combination of the above characteristics. However, local governments are constrained in the range of differential rates that they may impose. That is, a local government may not impose a differential rate which is more than twice the lowest differential rate applied by that local government unless approval from the Minister is sought.

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STATEMENT OF OBJECTS AND REASONS –DIFFERENTIAL RATES

GRV - Residential

This category is applied to all properties with a land use that does not fall within any of the other categories in GRV. The rate reflects the level of rating required to raise revenue for the Council to operate efficiently and provide the diverse range of services and programs required for developed residential areas.

GRV – Vacant

This category is applied to residential land that has not been developed.

GRV - Industrial /Residential

This category is applied to all properties with an industrial land use which has the capacity for a caretaker's residence and is located in the industrial estate. The rate reflects the level of infrastructure required to maintain an industrial area and the ability of commercial property owners to utilise taxation benefits.

GRV – Industrial/Residential Vacant

This category is applied to all properties with an industrial land use which has not been developed. The rate reflects the level of infrastructure required to maintain an industrial area and the ability of commercial property owners to utilise taxation benefits.

GRV - Commercial

This category is applied to properties with a commercial land use and reflects the level of services to commercial operators and the ability of commercial property owners to utilise taxation benefits.

GRV Rural Commercial

This category is applied to properties of a commercial nature which are located outside of the town centre. The rate reflects the level of infrastructure and services provided to these properties and the ability of commercial property owners to utilise taxation benefits.

GRV – Resort

This category is applied to properties of a commercial nature which are established with the purpose of providing accommodation and activities to the tourism market. The rate reflects the level of infrastructure and services provided to these properties and the ability of commercial property owners to utilise taxation benefits.

UV – General

This category is applied to all properties which do not fall into one of the other UV categories and includes all unimproved land. The rate reflects a contribution towards built infrastructure and recognises that this infrastructure is used by all property owners.

UV - Pastoral

This category is applied to the pastoral properties and reflects the contribution required by pastoral properties for the facilities that are available to them in the Shire.

UV - Mining

This category applies to mining tenement leases and reflects the contribution required by mining to the maintenance of the Shire's assets and services to the extent that the mining operations use these assets.

UV Exploration

This category applies to mining exploration and applies until the exploration moves to the establishment of mining activities. This rates reflects the contribution to the maintenance of the Shire' assets and services.

GRV Minimum

The GRV minimum is considered to be the minimum contribution for basic infrastructure and services.

UV Minimum

The UV minimum is considered to be the minimum contribution for basic infrastructure and services.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

BASIS OF PREPARATION

The budget has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations. The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this budget. This is not in accordance with the requirements of *AASB 1051 Land Under Roads* paragraph 15 and *AASB 116 Property, Plant and Equipment* paragraph 7.

Accounting policies which have been adopted in the preparation of this budget have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the budget has 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 Shire of Shark Bay 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 12 to the budget.

2018/19 ACTUAL BALANCES

Balances shown in this budget as 2018/19 Actual are estimates as forecast at the time of budget preparation and are subject to final adjustments.

CHANGE IN ACCOUNTING POLICIES

On the 1 July 2019 the following new accounting policies are to be adopted and have impacted on the preparation of the budget:

- AASB 15 - Revenue from Contracts with Customers;
- AASB 16 - Leases; and
- AASB 1058 - Income of Not-for-Profit Entities.

KEY TERMS AND DEFINITIONS - NATURE OR TYPE

REVENUES

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the *Local Government Act 1995*. Regulation 54 of the *Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services.

Excludes rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

REVENUES (CONTINUED)

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

FEES AND CHARGES

Revenue (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, and rebates. Reimbursements and recoveries should be separated by note to ensure the correct calculation of ratios.

EXPENSES

EMPLOYEE COSTS

All costs associated with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets includes loss on disposal of long term investments.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SIGNIFICANT ACCOUNTING POLICIES

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 Shire's operational cycle. In the case of liabilities where the Shire 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 Shire's intentions to release for sale.

TRADE AND OTHER PAYABLES

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire of Shark Bay 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.

CONTRACT ASSETS

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

PROVISIONS

Provisions are recognised when the Shire 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.

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.

Superannuation

The Shire of Shark Bay contributes to a number of superannuation funds on behalf of employees.

All funds to which the Shire of Shark Bay contributes are defined contribution plans.

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.

CONTRACT LIABILITIES

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

EMPLOYEE BENEFITS

Short-term employee benefits

Provision is made for the Shire of Shark Bay'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 Shire of Shark Bay'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 Shire of Shark Bay's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

SIGNIFICANT ACCOUNTING POLICES

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 Note 2 - Net Current Assets.

SIGNIFICANT ACCOUNTING POLICES

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.

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Major depreciation periods used for each class of depreciable asset are:

Buildings	10 - 50 Years
Furniture and equipment	5 to 10 Years
Plant and equipment	5 to 10 Years
Heritage Assets	25 to 100 Years
Sealed Roads and streets	
- asphalt surfaces	25 Years
Formed Roads (unsealed)	
subgrade	Not Depreciated
pavement	12 Years
Foothpaths	40 to 80 Years
Drainage systems	
drains and kerbs	40 to 60 Years
culverts	60 Years
pipes	80 Years
pits	60 Years

DEPRECIATION (CONTINUED)

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.

RECOGNITION OF ASSETS

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

SIGNIFICANT ACCOUNTING POLICIES

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.

SIGNIFICANT ACCOUNTING POLICIES - OTHER INFORMATION

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.

CRITICAL ACCOUNTING ESTIMATES

The preparation of a budget in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

COMPARATIVE FIGURES

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

BUDGET COMPARATIVE FIGURES

Unless otherwise stated, the budget comparative figures shown in the budget relate to the original budget estimate for the relevant item of disclosure.

28 AUGUST 2019

13.0 TOWN PLANNING REPORT

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

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.22pm for open discussion on item 13.1 Application For Amendments to the Planning Approval for 8 Short Term Accommodation Units (4 Duplexes) and Workers Accommodation – Lot 304 Sunday Island Bay, Dirk Hartog Island.

5/0 CARRIED

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Council reinstate Standing Orders at 4.34pm.

5/0 CARRIED

Officers Recommendation

That Council:

Note that:

- (a) Planning approval for 8 short term accommodation units (4 duplexes) and 3 workers accommodation units was issued on the 3 August 2015.
- (b) Council at the meeting held on the 26 July 2017 approved modified conditions that allowed for revised plans to be approved and a 2 year extension of time for substantial commencement of development (by July 2019).

In 2017 the Shire advised the applicant that:

'Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future' and 'the Shire is pursuing a new Local Planning Scheme which will introduce new land use controls for Lot 304.'

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- (c) On the 27 June 2018 Council approved revised plans for Building Envelopes 17 and 23A (under the 2015 approval) and advised the applicant that any other revised plans would require lodgement of a new planning application – Attachment 2.
- (d) In July 2019 a letter was received seeking another 2 year extension of time for substantial commencement of the original development (to the year 2021) – Attachment 3.
- (c) Two options have been outlined in this report for Council to consider approval or refusal of the current extension of time request.

Option 1: Refuse the Request

In accordance with Regulation 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse 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 (3) workers accommodation units for the following reasons:

- (i) The original approval was issued in 2015 and circumstances, zoning and Town Planning Schemes have changed.
- (ii) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.
- (iii) The planning framework that applies to development on Lot 304 has substantially changed as:
 - (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.
 - (b) Lot 304 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
 - (c) The land use definitions and permissibility's that apply to Lot 304 have changed through introduction of Scheme 4.
 - (d) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
 - (e) State Planning Policy 3.7 is operative and requires tourist developments to be accompanied by a Bushfire Management Plan.
 - (f) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for 'the aims and provisions of the Scheme'.

Option 1a: Support a new application for 2 buildings

- (i) The co-owners of Lot 304 are invited to lodge a new planning application for Building Envelopes 17 and 23A only (with plans consistent with those supported by Council on 27 June 2018).
- (ii) Resolve to support limited development within Building Envelopes 17 and 23A in the absence of a Local Development Plan in accordance with Clause 56(2), Schedule 2, Part 6, of the *Planning and Development (Local Planning Schemes) Regulations 2015* (subject to a new application with plans consistent with those supported by council on 27 Jun 2018 being lodged under the Shire of Shark Bay Local Planning Scheme No 4).

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- (iii). Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine any application for development within Building Envelopes 17 and 23A on Lot 304 Dirk Hartog Island (with plans consistent with those supported by Council on 27 June 2018).
- (iv). Advise Mr Wardle that a Local Development Plan will need to be prepared for further development in accordance with the special use provisions applicable to Lot 304 under the Shire of Shark Bay Local Planning Scheme No 4. Any Local Development Plan needs to be supported by a Bushfire Management Plan.

OR

Option 2: Approve the Request

In accordance with Regulation 77(4)(b) 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 (3) workers accommodation units 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 28 August 2019, the approval shall lapse and be of no further effect'

Moved Cr Laundry
Seconded Cr Ridgley

Council Resolution

That Council:

Note that:

- (a) **Planning approval for 8 short term accommodation units (4 duplexes) and 3 workers accommodation units was issued on the 3 August 2015.**
- (b) **Council at the meeting held on the 26 July 2017 approved modified conditions that allowed for revised plans to be approved and a 2 year extension of time for substantial commencement of development (by July 2019).**

In 2017 the Shire advised the applicant that:

'Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future' and 'the Shire is pursuing a new Local Planning Scheme which will introduce new land use controls for Lot 304.'

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- (c) On the 27 June 2018 Council approved revised plans for Building Envelopes 17 and 23A (under the 2015 approval) and advised the applicant that any other revised plans would require lodgement of a new planning application – Attachment 2.
- (d) In July 2019 a letter was received seeking another 2 year extension of time for substantial commencement of the original development (to the year 2021) – Attachment 3.
- (e) Two options have been outlined in this report for Council to consider approval or refusal of the current extension of time request.

Refuse the Request

In accordance with Regulation 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse 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 (3) workers accommodation units for the following reasons:

- (iii) The original approval was issued in 2015 and circumstances, zoning and Town Planning Schemes have changed.
- (iv) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.
- (iii) The planning framework that applies to development on Lot 304 has substantially changed as:
 - (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.
 - (b) Lot 304 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
 - (c) The land use definitions and permissibility's that apply to Lot 304 have changed through introduction of Scheme 4.
 - (d) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
 - (e) State Planning Policy 3.7 is operative and requires tourist developments to be accompanied by a Bushfire Management Plan.
 - (f) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for '*the aims and provisions of the Scheme*'.

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Support a new application for 2 buildings

- (i) The co-owners of Lot 304 are invited to lodge a new planning application for Building Envelopes 17 and 23A only (with plans consistent with those supported by Council on 27 June 2018).
- (ii) Resolve to support limited development within Building Envelopes 17 and 23A in the absence of a Local Development Plan in accordance with Clause 56(2), Schedule 2, Part 6, of the *Planning and Development (Local Planning Schemes) Regulations 2015* (subject to a new application with plans consistent with those supported by council on 27 Jun 2018 being lodged under the Shire of Shark Bay Local Planning Scheme No 4).
- (iii). Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine any application for development within Building Envelopes 17 and 23A on Lot 304 Dirk Hartog Island (with plans consistent with those supported by Council on 27 June 2018).
- (iv). Advise Mr Wardle that a Local Development Plan will need to be prepared for further development in accordance with the special use provisions applicable to Lot 304 under the Shire of Shark Bay Local Planning Scheme No 4. Any Local Development Plan needs to be supported by a Bushfire Management Plan.

5/0 CARRIED

BACKGROUND

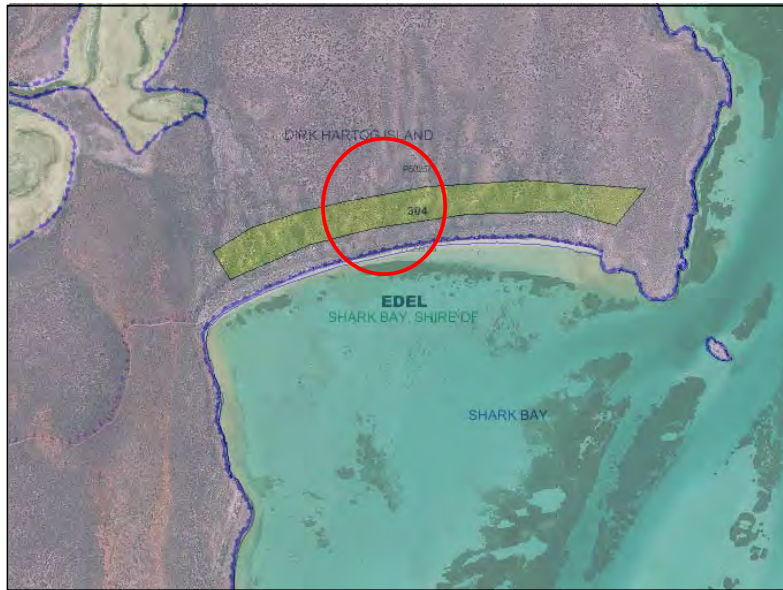
• ***Restrictive Covenant***

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*.

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- **Location**



- **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**

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

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

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

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

The approved development included:

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

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The approved site plan is included as Attachment 1.

- **2017 Application for Modified Conditions**

In 2017 an application was lodged seeking modified conditions (iii) and (xix) which were approved by Council at the meeting held on the 26 July 2017 as follows:

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

The modified conditions provided the Shire with discretion to approve revised plans, and it allowed an additional 2 year time period for substantial commencement of the development.

The approval letter was dated 31 July 2017 and the planning approval was due to expire on the 31 July 2019 (however a request for an extension of time was lodged on the 27 July 2019).

The applicant was advised that:

'Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future' and 'the Shire is pursuing a new Local Planning Scheme which will introduce new land use controls for Lot 304.'

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- **2018 Application for approval of Revised Plans**

In 2018 the owners and the GO2 People (Building Contractor) sought approval of revised plans under modified Condition (iii).

A report on the revised plans was referred to the Council meeting held on the 27 June 2018 – Attachment 2.

Council approved variations to the approved plans for Building Envelopes 17 and 23A only.

The applicant was advised that:

'(i) 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.'

- **World Heritage and Environmental Matters**

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

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

- **Clearing Permit Application**

A clearing permit application has been lodged to the Department of Water and Environmental Regulation. A report on the clearing permit was referred to Council on the 31 October 2018.

The Shire only supported clearing for two areas (Envelopes 17 and 23A) based on the understanding that revised plans were going to be pursued for the remainder of the building envelopes which would necessitate lodgement of a new planning application.

COMMENT

- **2019 Request for extension of time for substantial commencement of development (to the year 2021)**

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

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

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The applicant has lodged a formal written request seeking a further 2 year extension of time for substantial commencement of development being the eight short stay accommodation units and three workers accommodation units on Lot 304 (originally approved in 2015).

In summary, the applicant has advised as follows:

- (a) An extension was granted by Council for two years. Modified plans have been lodged by The GO2 People for two of the buildings.
- (b) The plans for the remaining buildings will be in line with the original submission.
- (c) All of the steel for the buildings has been delivered to Denham however construction has not commenced as a clearing permit is required from the Department of Water and Environmental Protection.
- (d) A clearing permit application was lodged in 2018 however the Department of Water and Environmental Protection has requested preparation of a new botanical survey, and was not prepared to accept a previous survey completed in 2008 (as it is more than 5 years old).
- (e) A consultant has been engaged to conduct a new botanical survey and it has to be done at least 6-8 weeks after a rainfall at Dirk Hartog Island.

A copy of the formal request is included as Attachment 3.

• **Options Available to Council**

In accordance with Clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council can approve the application with or without conditions or refuse the application.

Option 1 – Refuse to Grant a further 2 year extension of time

It is an unusual situation as the Shire is being requested to extend the timeframe for substantial commencement of the 2015 development in circumstances where:

- Approval was granted under a previous Local Planning Scheme which is no longer operative;
- The proposed development does not address, and has not been assessed, in accordance with the current legal requirements of the Shire of Shark Bay Local Planning Scheme No 4.
- The Shire has only supported revised plans for 2 building envelopes and required a new application for any other revised plans.

Ultimately the matter is to the discretion of Council however the Shire has a mandatory obligation to consider the provisions of the Shire of Shark Bay Local Planning Scheme No 4.

Council may refuse to grant any extension of time having regard that:

- (i) The original approval was issued in 2015 and circumstances, zoning and Schemes have changed.
- (ii) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.

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- (iii) The planning framework that applies to development on Lot 304 has substantially changed as:
- (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.
 - (b) Lot 304 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
 - (c) The land use definitions and permissibility's that apply to Lot 304 have changed through introduction of Scheme 4.
 - (d) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
 - (e) State Planning Policy 3.7 is operative and requires tourist developments to be accompanied by a Bushfire Management Plan.
 - (f) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for 'the aims and provisions of the Scheme'.

Option 1a – Support development in Building Envelopes 17 and 23A

It is understood that the co-owners of Lot 304 have for some years been trying to pursue building permits for two of the proposed buildings under the umbrella of the existing development approval.

If Council refuses the extension request it is recommended that:

- (i) The co-owners of Lot 304 be invited to lodge a new planning application for Building Envelopes 17 and 23A as revised plans for those locations were already supported by Council on the 27 June 2018.
- (ii) Processing of any new application for Building Envelopes 17 and 23A can be expedited by allowing determination by the Chief Executive Officer under delegated authority (to facilitate a clearing permit).

Option 1A allows a further 2 years for substantial commencement of development within Building Envelopes 17 and 23A, and for a new approval to be issued under the current Local Planning Scheme No 4.

The Shire has discretion to approve a new planning application for Building Envelopes 17 and 23A without a Local Development Plan if satisfied that:

- (i) The proposed development does not conflict with the principles of orderly and proper planning; and
- (ii) The proposed development would not prejudice the overall development potential of the area.

Any other development will necessitate preparation of a Local Development Plan and lodgement of a future separate planning application.

Option 2 – Grant a further 2 year extension of time for the entire development

It is known that Mr Wardle has been pursuing some form of development on Lot 304 since at least 2013.

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The most recent delays over the 2018/2019 period have been due to:

- (1) Pursuit of revised plans pursued for Building Envelopes 17 and 23A;
- (2) Requirement for a separate clearing permit from the Department of Water and Environmental Protection; and
- (3) The need to address current bushfire requirements.

In this circumstance Council may consider it justifiable to extend the time period for substantial commencement of the entire development, however this would be contrary to the Shires previous position which entailed support for two revised designs and support of a clearing permit for two building envelopes.

It is important to note the Regulation 77(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines that an application to amend a development approval should be dealt with 'as if it were an application for development approval'.

Council has to consider the 'matters to be considered by the local government' under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* including:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating in the Scheme area;
- (b) The requirements of orderly and proper planning...
- (c) Any approved State Planning Policy.

Bushfire management for the proposed development has not been addressed as required by 'State Planning Policy 3.7 – Planning in Bushfire Prone Areas'.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

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

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

Clause 77 applies for 'amending or cancelling development approval' as follows:

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*

MINUTES OF THE ORDINARY COUNCIL MEETING

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

Clause 82(1) and 82(2) give Council the ability to delegated authority to the Chief Executive Officer to determine the application however it must be an Absolute Majority.

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

The 'Special Use' zoning of Lot 304 under the Shire of Shark Bay Local Planning Scheme No 4 is consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning).

VOTING REQUIREMENTS

Simple Majority Required – Option 1 and 2

Absolute Majority Required – Option 1A (Point 5 of the Officer Recommendation for delegated authority)

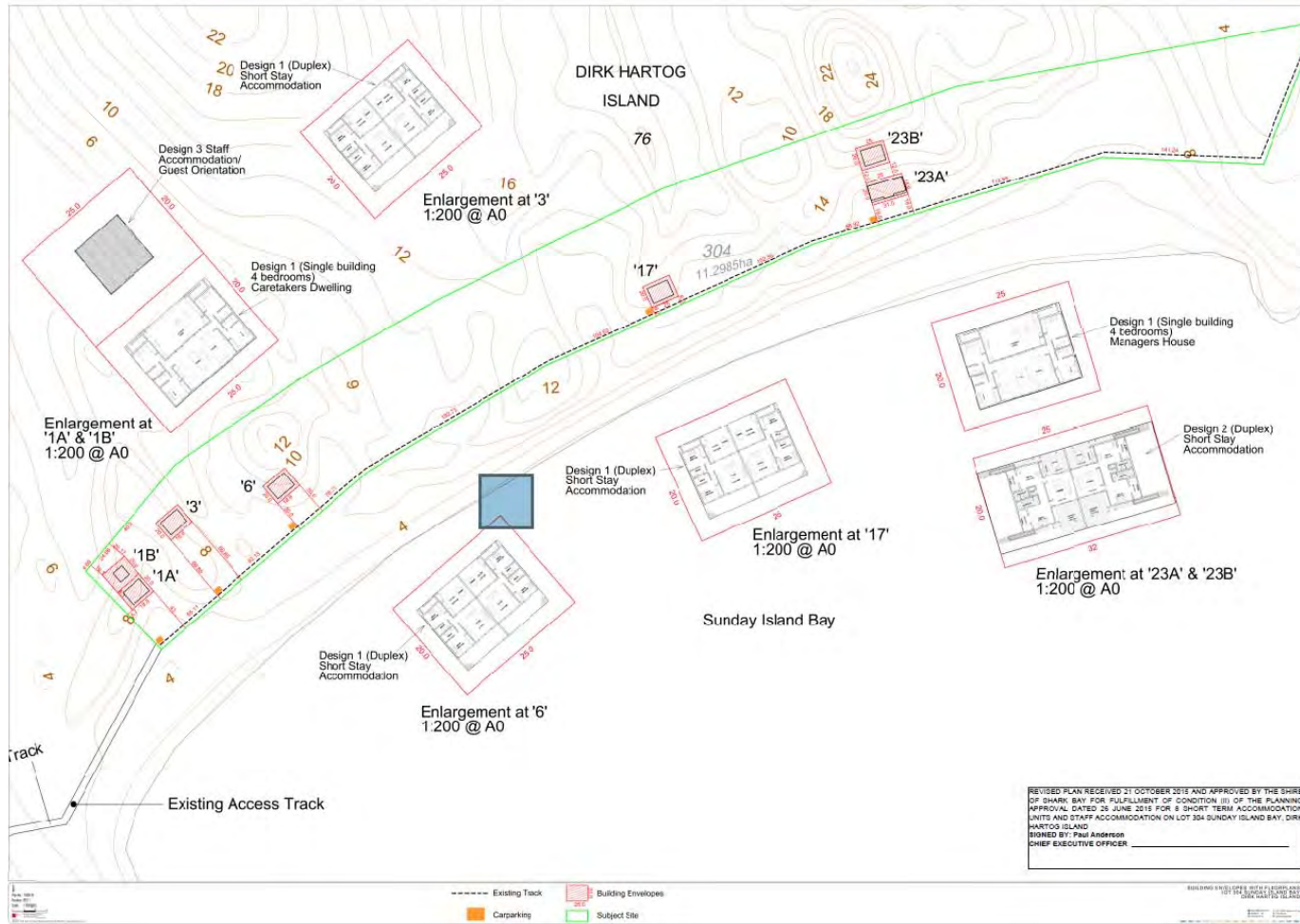
Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	9 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

ATTACHMENT # 1



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ATTACHMENT # 2

P4281 / O-PR-17152
Liz Bushby

3 July 2018

THE GO2 BUILDING
10 BELMONT AVENUE
BELMONT WA 6104

ATTENTION: Chris Streat

Dear Chris

LOT 304 DIRK HARTOG ISLAND – REVISED PLANS AND VARIOUS MATTERS

Further to your correspondence dated 4 June 2018 regarding the abovementioned lot, I offer the following advice.

1. Revised Plans for Building Envelope 17 and 23A

The Shire has received your revised plans for Building Envelopes 17 (Project G20089, Plot Date 19 June 2018) and 23A (Project G20044, Plot Date 18/6/2018) and acknowledges your formal request that they be approved in accordance with Condition (iii) of the existing planning approval for (8) short term units (4 duplex's) and staff accommodation for Lot 304 Dirk Hartog Island.

As you are aware a report on the revised plans was referred to the Council meeting held on the 27 June 2018 which was attended by both yourself and Mr Geoff Wardle.

The Shire Council has instructed me to issue you with written approval of the revised plans as allowable under Condition (ii) which states as follows:

'(iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer'.

Accordingly the revised plans for Building Envelopes 17 and 23A now form part of the existing planning approval.

2. Colours and Materials – Condition (IV)

Condition (IV) of the existing planning approval requires:

'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

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landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shire Chief Executive Officer. ‘

You have lodged a detailed colour and material schedule as part of the revised plans for Building Envelopes 17 and 23A.

Please accept this correspondence as formal written approval of the colours for the building on Envelope 17 including colorbond walls (evening haze), a colorbond roof (surfmist) and window frames (evening haze).

The colours of matrix cladded walls (napkin white), a colorbond roof (surfmist) and timeless grey coloured gutters for the building within Envelope 23A are also approved.

3. Future Revised Plans

The Shire Council's support for revised plans for Envelopes 17 and 23A should not be construed as support for any significant plan changes for Envelopes 1A, 1B, 3, 6, or 23B.

The Shire will require lodgement of a new planning application for any further revised plans.

Please ensure any future planning applications include a site plan that only show the existing legal boundary of Lot 304.

4. Bushfire Requirements

As Lot 304 is located in a designated bushfire prone area, any new planning application will need to be accompanied by a Bushfire Management Plan and address the Western Australian Planning Commission: State Planning Policy 3.7 Planning in Bushfire Prone Areas’.

The Shire has a mandatory obligation to consider State Planning Policy 3.7 when making a decision on any application where the lot is within a designated bushfire prone area. The Policy requires any Bushfire Management Plan to be endorsed by both the Shire the Department of Fire and Emergency Services.

Any Bushfire Management Plan will be referred to Department of Fire and Emergency Services for formal advice. Department of Fire and Emergency Services work on a 30 day response time however often run 5-10 days late.

In the Shires experience it is difficult to obtain Department of Fire and Emergency Services endorsement of Bushfire Management Plans unless the Bushfire Management Plan is extremely comprehensive and strictly address State Planning Policy 3.7.

It is recommended that:

- Bushfire Management be examined holistically for all development proposed on Lot 304. If this is not achievable for this first stage it is recommended that a co-ordinated approach occur for any future stages or planning applications.
- You are encouraged to lodge any Bushfire Management Plan to the Shire as soon as one is prepared. Because of the timeframes involved in Department of Fire and Emergency Services referrals the Shire can refer any Bushfire Management Plan to Department of Fire and Emergency Services even before

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any formal planning applications are lodged, or to comply with existing planning conditions.

The Shires Planning Consultant, Liz Bushby, liaised informally with Parks and Wildlife Services in regards to clearing vegetation on Lot 304. Parks and Wildlife Services expressed a view that any clearing will likely require a clearing permit, however it is recommended that you liaise directly with the Department of Water and Environmental Regulation on this aspect.

5. General Advice on status of Draft Planning Scheme No 4

The Shire of Shark Bay Draft Planning Scheme No 4 has been lodged with the Western Australian Planning Commission seeking formal approval by the Minister for Planning. The Shire is of the understanding that the Minister has made a determination and will direct the Shire to complete a number of modifications to the Draft Scheme.

The Shire is waiting to receive formal advice from the Minister on the modifications required.

Until the final approved form of the Scheme 4 text is known, no person or company should rely on the advertised Draft Scheme provisions commercially.

As part of the advertising material produced for Draft Scheme 4 the Shire produced a specific information sheet relating to the Dirk Hartog Island freehold lots. The brochure included a clear disclaimer:

DISCLAIMER

This information sheet is provided as generalised information. It is important to note that the Draft Scheme 4 may be modified following public advertising, or as required by the Minister for Planning.

The Draft Scheme has to be reviewed and reconsidered at a future Shire of Shark Bay Council meeting, and requires approval by the Minister for Planning. Any person who lodges a written submission on the draft Scheme during advertising will be notified of any relevant Council meeting dates, and the outcome of the Scheme Review.

The Shire does not recommend that any information in the Draft Scheme be relied upon for commercial decisions.

The Minister for Planning may require significant changes to Draft Scheme 4 before granting any final approval. Once the Draft Scheme has been finalised we will advise you further.

6. Local Development Plan / Structure Plan

It is anticipated that Scheme 4 will require any future development on Lot 304 to be guided by a Local Development Plan or a Structure Plan.

If you propose to pursue any future planning applications once the new Scheme is gazetted, please be forewarned that your client may need to actively progress a Local Development Plan or Structure Plan as a precursor to any planning applications.

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The Shire will be in a better position to advise you on the Draft Scheme once advised by the Minister.

7. Advertising of future lots / subdivision

You are aware through communications with the Shires Planning Consultant that no approval has been granted by the Western Australian Planning Commission for any form of subdivision or strata over Lot 304.

It is concerning that your client is advertising on the internet (<http://dirkhartogislanddevelopment.com.au/>) that an application for future subdivision of Lot 304 will be lodged once Scheme No 4 becomes operative.

The Shire has become aware that GO2 also has advertised freehold lots on the island by referring to residential lots of 3400sqm in an ASX announcement on the 27 February 2018 – extract below.

DHI Development Pty Ltd is a family owned and operated business, who are the freehold land owners of the original homestead, and only residential land available at Sunday Island Bay on Dirk Hartog Island. Located in the extraordinary Sunday Island Bay, the residential lots will each be 3400sqm of pristine beach front property.

Sunday Island Bay Eco Villa Development is an Australian first opportunity to own your own freehold land on a Western Australian island with plans for short term accommodation units built taking account of the unique eco-credentials of the location.

To learn more, visit www.dirkhartogislanddevelopment.com.au.

There is no certainty that any subdivision approval will be granted by the Western Australian Planning Commission, or that subdivision will be facilitated under the Draft Scheme No 4 in the final form approved by the Minister.

8. Approved Land uses

The existing planning approval approved specific buildings as either workers accommodation or short term accommodation, which is outlined in Conditions (v) and (vi) of the existing planning approval dated 26 June 2015.

Please be advised that the buildings you are progressing in Envelope 23A and in Envelope 17 have both been approved for short stay accommodation.

The two uses are not interchangeable. If you wish to change the approved land use for any Building Envelope, the owners would need to lodge a new planning application.

In regards to Envelopes 17 and 23A, there is no issue if any owner wishes to live in a short stay building for a continuous period of four months or less, as that would be consistent with the short stay accommodation approval. The short stay approval does not preclude an owner from staying in a short stay unit for their own holiday purposes.

9. Compliance with Planning Conditions

MINUTES OF THE ORDINARY COUNCIL MEETING

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The Shire wrote to Mr Geoff Wardle of DHI Developments Ltd on the 5 June 2018 seeking advice on compliance with the various conditions of the existing planning approval.

Mr Wardle has responded and indicated compliance with a number of conditions is still being progressed. The Shire will continue to correspond with Mr Wardle directly on this matter.

I trust that information is of assistance. If you have any queries please liaise with the Shires Planning Consultant, Liz Bushby at Town Planning Innovations, on 0488910869.

Yours sincerely

Paul Anderson
Chief Executive Officer

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ATTACHMENT # 3

RECEIVED

- 5 AUG 2019

SHIRE OF SHARK BAY

Hypermarket Pty Ltd

DHI Development Pty Ltd

P O Box 107

North Fremantle 6159

Paul Anderson
Chief Executive Officer
Shire of Shark Bay
P O Box 126
Denham WA 6537

Dear Paul,

Planning Approval 17/2017(14/2015) Extension for Lot 304 Dirk Hartog Island; 31 July 2017

Further to your letter referenced P4281 / O-AP-16518 dated 31 July 2017 we submit application for the above referenced planning approval to be extended for a further period.

As you are aware since this extension was granted by council (current for 2 years from the date of the letter received from the Shire) modified plans have been lodged with council by Go2 builders for two of the buildings comprised within the approval. The plans for the remaining buildings will be lodged following the commencement of those buildings and will be in line with the original submission.

Although all of the steel for the buildings included in the Go 2 submission have been delivered to Denham construction has not been able to be commenced due to the necessity of obtaining a clearing permit from DWER.

- 1 Following application for a clearing permit in 2018 DWER advised in January 2019 that a botanical survey of the site was required before they could assess the proposal.
- 2 A botanical survey prepared for Hypermarket Pty Ltd in 2008 and undertaken by Dr Ian Lantzke was immediately provided to DWER.
- 3 One month later DWER advised that they were not prepared to accept the survey provided as it was undertaken more than five years ago and that a new survey must be undertaken.
 - a. Further that the survey could not be undertaken until there had been rainfall at Dirk Hartog Island.
 - b. Additionally the survey should not be undertaken until at least 6-8 weeks had passed since the rainfall had happened.
- 4 Libby Matiske from Matiske consultants has been requested to undertake the survey to meet DWER requirements.

It is for this reason that we are requesting Councils approval for an extension to the above planning approval to allow the survey to be completed and the clearing permit to be granted and building commenced. We appreciate that the Council advised that it could not guarantee any further

MINUTES OF THE ORDINARY COUNCIL MEETING

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applications for an extension would be granted however we believe that we have followed all of the rules and requirements of Council and had we known that

- a. A botanical survey was required to achieve a clearing permit or that
- b. the time limit for a botanical survey was limited to five years

we would have provided for a new survey to be undertaken to meet this requirement earlier.

Yours Sincerely



GJ Wardle

Hypermarket Pty Ltd

DHI Development Pty Ltd

26 Jul. 2019

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13.2 APPLICATION FOR AMENDMENTS TO THE PLANNING APPROVAL FOR A SINGLE HOUSE – LOT 303 HOMESTEAD BAY, DIRK HARTOG ISLAND
P4280

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 Employed at Executive Officer of Shark Bay World Heritage Advisory Committee

Officers Recommendation

That Council:

Note that:

- (a) Planning approval for a single house on Lot 303 was originally issued in 2013 and again on the 3 August 2015 (with identical plans).
- (b) Council at the meeting held on the 26 July 2017 approved modified conditions that allowed for a 2 year extension of time for substantial commencement of the single house on Lot 303 (by July 2019).

In 2017 the Shire advised the applicant that:

‘Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future’.

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

- (c) In July 2019 a letter was received seeking another 2 year extension of time for substantial commencement of the original development (to the year 2021) – Attachment 2.
- (d) Two options have been outlined in this report for Council to consider approval or refusal of the current extension of time request.

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Option 1: Refuse the Request

In accordance with Regulation 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse the application to modify Condition (xii) of the planning approval dated 3 August 2015 for a single house on Lot 303 Dirk Hartog Island for the following reasons:

- (i) The original approval was issued in 2015 and circumstances, zoning and Local Planning Schemes have changed.
- (ii) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.
- (iii) The planning framework that applies to development on Lot 303 has substantially changed as:
 - (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.
 - (b) Lot 303 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
 - (c) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
 - (d) State Planning Policy 3.7 is operative and requires a Bushfire Attack Level assessment to be lodged for a single house.
 - (e) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for 'the aims and provisions of the Scheme'.

Option 1a: Support a new application for a single house

- (i) The owner is invited to lodge a new planning application for a single house on Lot 303.
- (ii) Resolve to support limited development of a single house on Lot 303 in the absence of a Local Development Plan in accordance with Clause 56(2), Schedule 2, Part 6, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (iii) Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine any application for a single house on Lot 303 Dirk Hartog Island.
- (iv) Advise Mr Wardle that the Chief Executive Officer reserves the right to refer any application with revised plans to a future Council meeting for determination.

OR

28 AUGUST 2019

Option 2: Approve the Request

In accordance with Regulation 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the application to modify Condition (xii) of the planning approval dated 3 August 2015 for a single house on Lot 303 Dirk Hartog Island and impose a revised condition (xii) as follows:

- (xii) *If the development the subject of this approval is not substantially commenced within a period of 2 years from the 28 August 2019, the approval shall lapse and be of no further effect'*

Moved Cr Laundry
Seconded Cr Cowell

Council Resolution

That Council:

Note that:

- (a) **Planning approval for a single house on Lot 303 was originally issued in 2013 and again on the 3 August 2015 (with identical plans).**
- (b) **Council at the meeting held on the 26 July 2017 approved modified conditions that allowed for a 2 year extension of time for substantial commencement of the single house on Lot 303 (by July 2019).**

In 2017 the Shire advised the applicant that:

'Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future'.

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

- (c) **In July 2019 a letter was received seeking another 2 year extension of time for substantial commencement of the original development (to the year 2021) – Attachment 2.**
- (d) **Two options have been outlined in this report for Council to consider approval or refusal of the current extension of time request.**

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Refuse the Request

In accordance with Regulation 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* refuse the application to modify Condition (xii) of the planning approval dated 3 August 2015 for a single house on Lot 303 Dirk Hartog Island for the following reasons:

- (i) The original approval was issued in 2015 and circumstances, zoning and Local Planning Schemes have changed.
- (ii) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.
- (iii) The planning framework that applies to development on Lot 303 has substantially changed as:
 - (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.
 - (b) Lot 303 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
 - (c) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
 - (d) State Planning Policy 3.7 is operative and requires a Bushfire Attack Level assessment to be lodged for a single house.
 - (e) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for 'the aims and provisions of the Scheme'.

Support a new application for a single house

- (i) The owner is invited to lodge a new planning application for a single house on Lot 303.
- (ii) Resolve to support limited development of a single house on Lot 303 in the absence of a Local Development Plan in accordance with Clause 56(2), Schedule 2, Part 6, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (iii) Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine any application for a single house on Lot 303 Dirk Hartog Island.
- (iv) Advise Mr Wardle that the Chief Executive Officer reserves the right to refer any application with revised plans to a future Council meeting for determination.

5/0 CARRIED

28 AUGUST 2019

BACKGROUND

- ***Restrictive Covenant***

There is a restrictive covenant on the Certificate of Title of Lot 303 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 and existing land uses in the area***

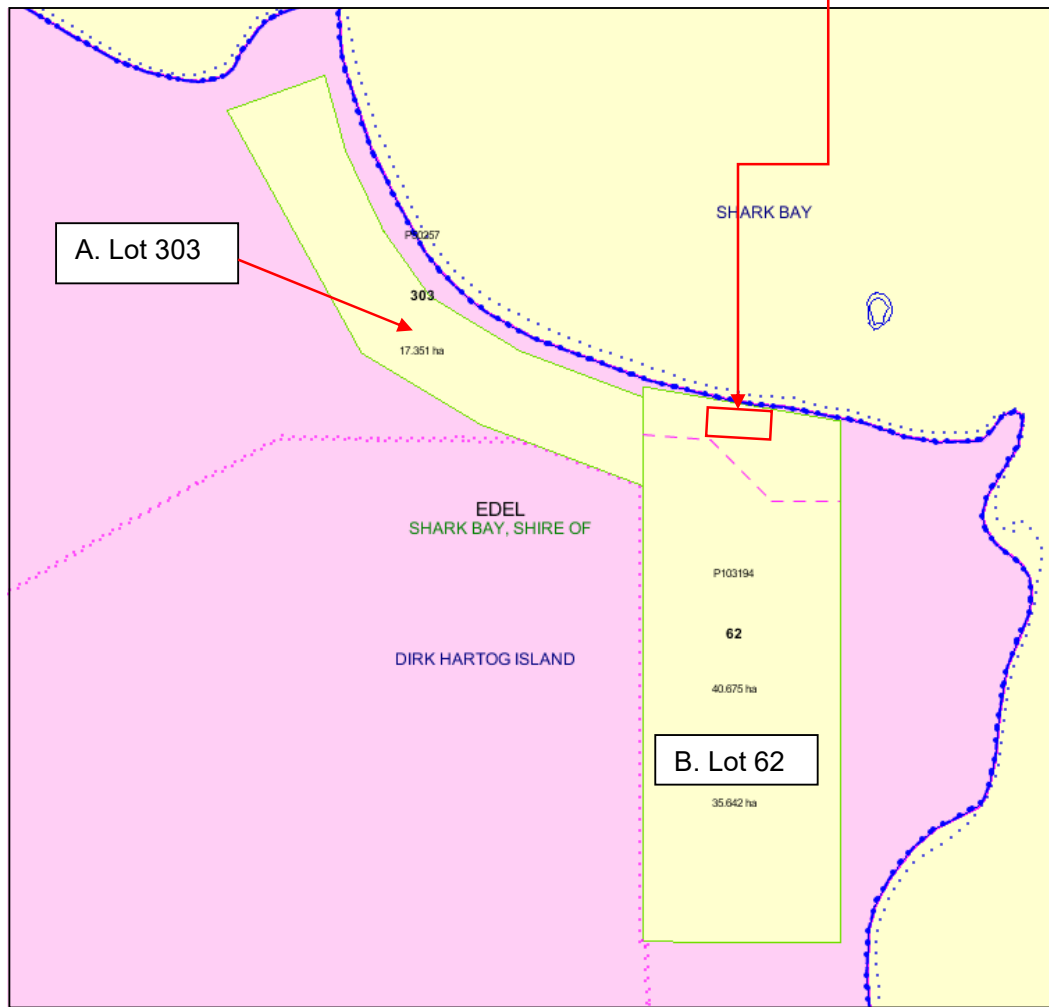
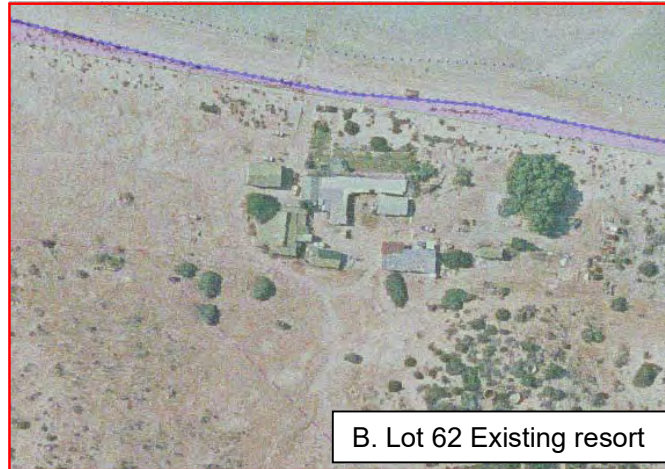
Lot 303 is currently vacant however is used for unauthorised camping in association with the homestead resort located on adjacent Lot 62.

Lot 303 is located along the eastern coast of Dirk Hartog Island further north than Lot 304 at Sunday Island Bay.

A location plan is included over page for ease of convenience.

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Location Plan

- **2013 Application**

Council approved an application for a single house on Lot 303 at the ordinary Council meeting held on the 27 February 2013 – Attachment 1.

The approval required development to substantially commence within 2 years (i.e. by February 2015).

- **2015 Application**

Council approved a new application for a single house on Lot 303 at the Ordinary Council Meeting held on the 3 August 2015. The plans were identical to those approved in 2013.

The approval required development to substantially commence within 2 years (i.e. by 3 August 2017).

- **2017 Application for Modified Conditions (to the 2015 approval)**

In 2017 an application was lodged seeking modified conditions (iii) and (xix) which were approved by Council at the meeting held on the 26 July 2017 as follows:

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

(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.*

The modified conditions provided the Shire with discretion to approve revised plans, and it allowed an additional 2 year time period for substantial commencement of the development.

The approval letter was dated 31 July 2017 and the planning approval was due to expire on the 31 July 2019 (however a request for an extension of time was lodged on the 27 July 2019).

The applicant was advised that:

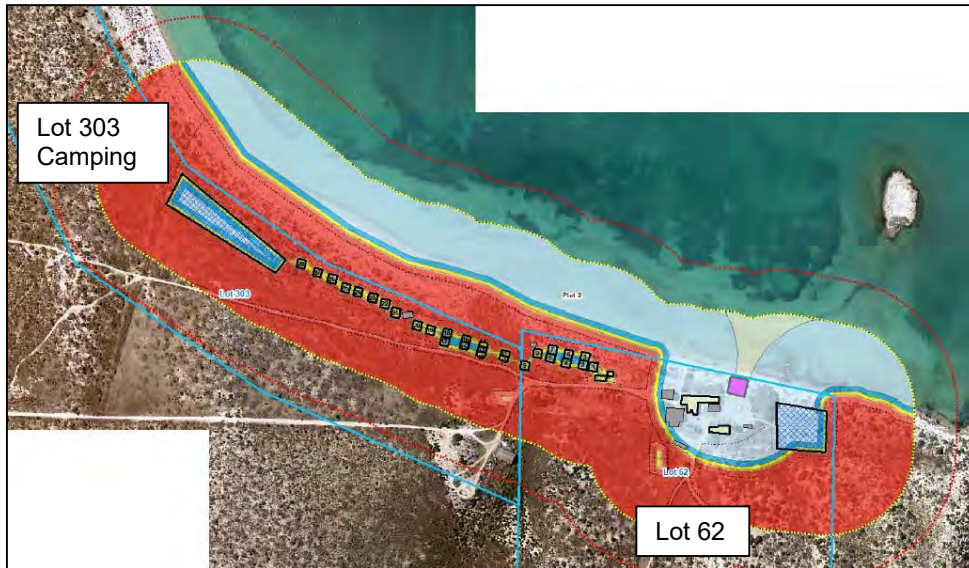
‘Please be advised that there is no guarantee that the Shire Council will continue to support any further applications for an extension of time, as planning requirements may change and a new assessment may be warranted in the future’ and ‘the Shire is pursuing a new Local Planning Scheme which will introduce new land use controls for Lot 303.’

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- **2019 Related Proposal**

The Shire is aware that Kieran Wardle has indicated an intention to pursue development on Lot 62 and Lot 303 in the form of camping areas, camp kitchen, café/bar and tourist centre.

No formal Local Development Plan and development application have been lodged yet however a Bushfire Management Plan in support of future development was lodged and approved by Council on the 31 July 2019.



Based on existing known plans the camping areas are proposed in the south eastern portion of Lot 303 and the single house is proposed in the north western portion of Lot 303.

COMMENT

- **2019 Request for extension of time for substantial commencement of development (to the year 2021)**

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

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

The applicant has lodged a formal written request seeking a further 2 year extension of time for substantial commencement of development of a single house on Lot 303 (approved in 2015).

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In summary, the applicant has advised as follows:

- (a) An extension was granted by Council for two years.
- (b) Final building plans for Lot 303 have been delayed whilst matters relating to Lot 304 have been clarified and dealt with.
- (c) A clearing permit application was lodged for Lot 303 in 2018 however the Department of Water and Environmental Protection has requested preparation of a new botanical survey, and was not prepared to accept a previous survey completed in 2008 (as it is more than 5 years old).
- (e) A consultant has been engaged to conduct a new botanical survey and it has to be done at least 6-8 weeks after a rainfall at Dirk Hartog Island.

A copy of the formal request is included as Attachment 2.

- ***Options Available to Council***

In accordance with Clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council can approve the application with or without conditions or refuse the application.

Option 1 – Refuse to Grant a further 2 year extension of time

It is an unusual situation as the Shire is being requested to extend the timeframe for substantial commencement of the 2015 development in circumstances where:

- Approval was granted under a previous Local Planning Scheme which is no longer operative;
- The proposed development does not address, and has not been assessed, in accordance with the current legal requirements of the Shire of Shark Bay Local Planning Scheme No 4.

Ultimately the matter is to the discretion of Council however the Shire has a mandatory obligation to consider the provisions of the Shire of Shark Bay Local Planning Scheme No 4.

Council may refuse to grant any extension of time having regard that:

- (i) The original approval was issued in 2015 and circumstances, zoning and Schemes have changed.
- (ii) The original planning approval was issued under the Shire of Shark Bay Local Planning Scheme No 3 which is no longer operative.
- (iii) The planning framework that applies to development on Lot 303 has substantially changed as:
 - (a) The Shire of Shark Bay Local Planning Scheme No 4 has been operating since October 2018, and a Local Development Plan can be required to guide future development.

Kieran Wardle is proposing camping areas and other development on Lots 62 and 303, and has been advised to prepare a Local Development Plan.

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- (b) Lot 303 was zoned 'Rural/Pastoral' under Scheme No 3 and is zoned 'Special Use' under Scheme 4.
- (c) The land use definitions and permissibility's that apply to Lot 303 have changed through introduction of Scheme 4.
- (d) Specific requirements need to be met under the Special Use provisions contained in the Shire of Shark Bay Local Planning No 4 which is a statutory document.
- (e) State Planning Policy 3.7 is operative and requires a single house to be accompanied by a Bushfire Attack Level assessment.

The Shire can impose a condition on any new approval requiring a Bushfire Attack Level assessment prior to the issue of a Building Permit. It is understood that clearing may be required on the lot before an accurate BAL assessment can be completed.

- (f) The *Planning and Development (Local Planning Schemes) Regulations 2015* require Council to have due regard for 'the aims and provisions of the Scheme'.

This means that the Shire has a mandatory obligation to consider the Shire of Shark Bay Local Planning Scheme No 4.

Option 1a – Support delegated authority

If Council refuses the extension request it is recommended that:

- (i) The owner of Lot 303 be invited to lodge a new planning application for a single house.
- (ii) Processing of any new application can be expedited by allowing determination by the Chief Executive Officer under delegated authority (to facilitate a clearing permit).

Option 1A allows a further 2 years for substantial commencement of development, and for a new approval to be issued under the current Local Planning Scheme No 4.

The Shire has discretion to approve a new planning application for a single house without a Local Development Plan if satisfied that:

- (i) The proposed development does not conflict with the principles of orderly and proper planning; and
- (ii) The proposed development would not prejudice the overall development potential of the area.

Any other development (such as camping areas) will necessitate preparation of a Local Development Plan and lodgement of a future separate planning application.

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Option 2 – Grant a further 2 year extension of time under the 2015 approval

It is known that Mr Wardle has been pursuing a single house development on Lot 303 since at least 2013.

The most recent delays over the 2018/2019 period have mainly been due to:

- (1) Requirement for a separate clearing permit from the Department of Water and Environmental Protection; and
- (2) The need to address current bushfire requirements.

In this circumstance Council may consider it justifiable to extend the time period for substantial commencement of the development, however it is not recommended by Town Planning Innovations having regard that a new Local Planning Scheme No 4 is legally operative.

It is important to note the Regulation 77(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines that an application to amend a development approval should be dealt with 'as if it were an application for development approval'.

Council has to consider the 'matters to be considered by the local government' under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* including:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating in the Scheme area;
- (b) The requirements of orderly and proper planning;
- (c) Any approved State Planning Policy, including State Planning Policy 3.7.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report.

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

Clause 77 applies for 'amending or cancelling development approval' as follows:

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*
 - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) *to amend or delete any condition to which the approval is subject;*
 - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - (d) *to cancel the approval.*

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- (2) *An application under subclause (1) —*
- (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
- (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
- (4) *The local government may determine an application made under subclause (1) by*
- (a) *approving the application without conditions; or*
 - (b) *approving the application with conditions; or*
 - (c) *refusing the application.*

Clause 82(1) and 82(2) give Council the ability to delegated authority to the Chief Executive Officer to determine the application however it must be an Absolute Majority.

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

The 'Special Use' zoning of Lot 303 under the Shire of Shark Bay Local Planning Scheme No 4 is consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning).

VOTING REQUIREMENTS

Simple Majority Required – Option 1 and 2

Absolute Majority Required – Option 1A (Point 5 of the Officer Recommendation for delegated authority)

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	16 August 2019

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ATTACHMENT # 1

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

13.7 PROPOSED SINGLE HOUSE – LOT 303 DIRK HARTOG ISLAND
P4280

IT SHOULD BE NOTED THAT THERE IS A SEPARATE PLANNING APPLICATION FOR A SINGLE HOUSE ON LOT 304 DIRK HARTOG ISLAND CONTAINED IN THIS AGENDA – REFER ITEM 13.8. THE OWNERS PROPOSE TO UTILISE AN IDENTICAL HOUSE DESIGN ON LOTS 303 AND 304.

PLANNING APPROVAL FOR IDENTICAL PROPOSALS WERE APPROVED IN 2013, HOWEVER THEY HAVE EXPIRED.

AUTHOR

Liz Bushby, Gray & Lewis Landuse Planners

DISCLOSURE OF ANY INTEREST

Disclosure of Interest: Gray & Lewis

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire, – Section 5.60A and Section 5.70 of the Local Government Act 1995

Disclosure of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as an Employee of Department of Parks and Wildlife and a World heritage Project Officer.

Moved Cr Wake

Seconded Cr Prior

Council Resolution

That Council:

1. Approve the application lodged by Hypermarket Pty Ltd for a single dwelling on Lot 303 Dirk Hartog Island subject to the following conditions:
 - (I) Lodgement of a detailed colour and material schedule for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall require separate written approval prior to the issue of a building licence, and shall incorporate colours for rainwater tanks, external walls and the roof of the dwelling that are sympathetic and blend with the landscape and natural environment of Dirk Hartog Island to the satisfaction of the Shires Chief Executive Officer.
 - (II) All vehicle parking, driveways, manoeuvring and circulation areas to service the proposed dwelling to be in accordance with the site plan lodged as part of this application, or a plan approved separately in writing by the Shire Chief Executive Officer. The areas must be constructed out of crushed limestone or an alternative trafficable material within 12 months of the issue of a building licence, unless otherwise agreed to in writing by the Chief Executive Officer.
 - (III) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soak wells shall be maintained in a clean and clear condition free of obstruction from anything. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.

Confirmed at the Ordinary Council meeting held on the 23rd 26 August 2015 – Signed by the President Cr Cowell _____

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29 JULY 2015

- (iv) All driveway and parking areas shall be maintained to a trafficable standard at all times.
 - (v) No clothes drying devices shall be erected or clothes dried outside which are visible from the ocean side of the lot.
 - (vi) A non-trafficable area for effluent disposal shall be provided prior to occupation or use of the single dwelling building. Approved on site effluent disposal must be installed and in operation prior to occupation of the dwelling.
 - (vii) Water tank(s) with a minimum capacity of 25,000 litres must be installed and in operation prior to occupation of dwelling.
 - (viii) The owners / applicant to lodge a detailed waste management plan addressing how waste disposal will be managed to service the proposed residential use. The waste management plan to be implemented prior to occupation of the single dwelling.
 - (ix) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shires Chief Executive Officer.
 - (x) This approval is for the building to be used as a single house only and is not an approval for any short stay accommodation, residential building, or holiday/ tourist accommodation.
 - (xi) The owner / applicant to lodge a Foreshore Management Plan to the Shire for separate written approval by the Chief Executive Officer prior to occupation or use of the development, or an alternative time period agreed to in writing by the Chief Executive Officer.
2. Advise the applicant / owners via footnotes on the planning consent as follows:
- (a) In regards to Condition (I), the Shark Bay World Heritage Advisory Committee has a colour palette for Dirk Hartog Island which can be used as a guide.
 - (b) In regards to Condition (II), the applicant is advised that approval for a driveway and parking on Lot 304 is not an approval to utilise the adjacent foreshore or national park. Any permanent access or temporary access into the lot using adjacent land is required to be in accordance with separate approvals by the Department of Parks and Wildlife.
 - (c) In regards to Condition (VI), the owners are advised that a separate application needs to be lodged to the Shire for approval for installation of any on site effluent disposal.
 - (d) The owners are advised that the Shire will not issue a Certificate of occupancy for the proposed residential dwelling until all servicing

Confirmed at the Ordinary Council meeting held on the 23rd 28 August 2015 – Signed by the President Cr Cowell _____

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requirements have been met including water supply, effluent disposal, waste management and waste disposal.

- (e) To comply with Condition (viii) the owners should submit either a waste management plan approved in writing by the Department of Parks and Wildlife, or written confirmation from the Department of Parks and Wildlife that waste management has been addressed.
- (f) In regards to Condition (xi), the owner / applicant is advised that a foreshore management plan is required to demonstrate how the owners / occupiers intend to utilise the foreshore. The Shire will refer any foreshore management plan to Department of Environment and Conservation, and will not approve a foreshore management plan until it has been endorsed by Department of Environment and Conservation. If pedestrian access is proposed within the foreshore, then there needs to be an approved pathway and appropriate structures, such as boardwalks to maximise foreshore protection. The foreshore management plan needs to clearly state that there will be no permanent access in the foreshore and no vehicular access. Department of Environment and Conservation can offer assistance if you have any queries regarding Condition (xi).
- (g) Please be advised that that planning approval has been granted for the plans as submitted with your application. The Shire Chief Executive officer may approve minor changes to the internal layout in consultation with the Shires Building Surveyor however any plans lodged as part of a building licence application shall generally be in accordance with the plans already processed with this planning application.
- (h) A planning consent is not an approval to commence any site works or clearing. A building permit must be obtained for all works. It is recommended that you liaise directly with Department of Environmental Regulations prior to undertaking any clearing of the lot. A separate or amended clearing permit may be required.
- (i) The landowners are advised that due to the remote location and lack of road frontage, the Shire will not provide a rubbish collection service to the development.
- (j) The owners are advised that there are restrictive covenants on the Certificate of Title which place restrictions on development and use of the land. The owners are responsible in ensuring compliance with the covenants.
- (k) The original application was referred to the then Department of Environment and Conservation in 2013 who advised that any basic raw material required for building construction or loading associated with this development will need to be sourced from within the freehold Lot 303 or brought to the site from an approved quarry location. Basic raw materials supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of basic raw materials from within the National Park for purposes not

Confirmed at the Ordinary Council meeting held on the 24th 28 August 2015 – Signed by the President Cr Cowell _____

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29 JULY 2015

associated with protection and management of the park. Any quarry activity on Lot 303 or other freehold areas would be subject to separate assessment.

3. Authorise the Chief Executive Officer to write to the Minister for Lands and notify him of the new planning approval granted by the Shire for Lot 303.
4. Delegate authority to the Chief Executive Officer in accordance with Clause 11.3.1 of the Shire of Shark Bay Local Planning Scheme No 3 to deal with all aspects of the conditions of planning approval, minor plan variations as part of the building licence process and issue any separate approvals required as outlined in the conditions.

6/0 CARRIED

BACKGROUND

An application has been lodged by Hypermarket Pty Ltd for a single house on Lot 303 Dirk Hartog Island.

- *Existing Planning Approval*

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

COMMENT

- *Proposed Development*

The applicant has lodged a new application to seek planning approval for plans identical to those approved for a single house in February 2013. The purpose of this application is simply to obtain a new planning approval as the previous one has expired.

The proposed dwelling will be located approximately 60 metres from the 'front' boundary facing the ocean, and approximately 140 metres from the north boundary.

Confirmed at the Ordinary Council meeting held on the 24th 28 August 2015 – Signed by the President Cr Cowell _____

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The applicant advises that building materials will be a combination of limestone blocks and lightweight panels with a colorbond roof – refer Attachment 1 (elevations).

The dwellings will be serviced with a remote power system with backup gas generator, rainwater tanks and on site effluent disposal.

- *Access and carparking*

Vehicles can only access the Island by the existing single barge, and there are a number of tracks that provide access around the Island.

Consultation regarding access was conducted with the then Department of Environment and Conservation in 2013, who advised that Lot 303 is accessed by roads within Dirk Hartog Island national park and it is expected that this allows sufficient access.

- *World Heritage and Environmental Matters*

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

A summary of the 2013 consultation comments are included as Attachment 1.

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

- *Coastal Setbacks*

The application was referred to the Department of Planning Coastal Branch for advice on coastal setbacks in 2013.

Confirmed at the Ordinary Council meeting held on the 24th 26 August 2015 – Signed by the President Cr Cowell _____

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The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 (SPP2.6) – State Coastal Planning Policy'. Council is required to consider any state planning policy in accordance with Clause 10.2(e) of its Scheme.

In 2013, the Department of Planning recommended that additional information on storm surge inundation be provided, and that they do not consider that it is not possible to determine whether the proposed development is located at an acceptable elevation to withstand coastal hazards¹.

Gray & Lewis is of the view that a more detailed coastal processes assessment is difficult to justify given the relatively small scale of the development, and this proposal is simply seeking renewal of a previous 2013 approval.

- *Visual Impact / aesthetics*

As no site visit can be undertaken it is difficult for Gray & Lewis to undertake a full assessment of visual impact. Building design is a subjective issue and visual impact is most relevant in terms of protecting the World Heritage values of the area.

Notwithstanding the above, it is noted that the proposed building is single storey, is of a low building scale and is not bulky in appearance.

Having regard for the comments provided by the Shark Bay World Heritage Advisory Committee, it is not considered that the building will have a high visual impact.

LEGAL IMPLICATIONS

Shire of Shark Bay Local Planning Scheme No 2 – Zoning and Landuse

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

The applicant has applied for a 'single house' which is a discretionary use in the 'Rural / Pastoral' zone therefore is not permitted unless Council has exercised discretion by granting planning approval.

A 'Single Dwelling' is defined in the Residential Design Codes as "a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services but excludes dwellings on titles with areas held in common property".

Environmental Protection Act 1986 – In accordance with the Scheme, the Shire is also to have regard to the Environmental Protection Authority 'Guidance Statement for Assessment of Development Proposals in Shark Bay World Heritage Property 49' or any succeeding document.

The Environment Protection Authority guidelines outline a process involving referral of applications to the World Heritage Advisory Committee and Department of Environment and Conservation.

Council can refer applications that 'are likely to have a significant environmental impact on the Shark Bay World Heritage Property' to the Environmental Protection Authority

Confirmed at the Ordinary Council meeting held on the 24th 28 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

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and in that case the Environmental Protection Authority would determine whether any formal environmental assessment is required.

POLICY IMPLICATIONS

The Western Australian Planning Commission has a Draft 'Statement of Planning Policy No. 2.6 – State Coastal Planning Policy' which is discussed in the body of this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire has a Local Planning Strategy, which recommends that the Dirk Hartog Island lots be re-zoned to 'Special Use' with specific development requirements and conditions.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author	<i>L. Baskby</i>
Chief Executive Officer	<i>P. Anderson</i>
Date of Report	22 July 2015

Confirmed at the Ordinary Council meeting held on the 24th 28 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

29 JULY 2015

ATTACHMENT # 1



Confirmed at the Ordinary Council meeting held on the 24th 29 August 2015 – Signed by the President Cr Cowell _____

28 AUGUST 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

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ATTACHMENT # 2 **TABLE OF SUBMISSIONS (2013)**
Extract Ordinary Council meeting report 27.2.2013

Submitter		Summary	Officer Comment
Shark Bay World Heritage Advisory Committee	1a.	Thank you for the opportunity to provide comments relating to the construction of single residential dwellings on Lot 304 Sunday Island Bay and Lot 303 Homestead Bay, Dirk Hartog Island.	Noted.
	1b.	Although the proposed dwellings are smaller than the one considered previously by SBWHAC on Lot 305 Sunday Island Bay, many of the key concerns are similar and include potential visual impacts, effluent and waste management and building materials.	Noted.
	1c.	Visual Impacts A value of World Heritage listing for Shark Bay includes the aesthetic landscape and adverse visual impacts from infrastructure and development should therefore be avoided. In order that buildings blend in, colours and materials used should be sympathetic to the surrounding environment.	Noted.
	1d.	Given the aspect and prominence of both dwellings, mitigating adverse visual impacts is an important issue and whilst the designer appears to have taken this into account and the building has a low profile, the adoption of colour choices from within the Dirk Hartog Island colour palette range (attached) is requested.	Noted. A condition can be imposed requiring a colour schedule.
	1e.	Waste Disposal Little detail has been provided in regard to waste management and there appears to have been no consideration of waste avoidance, reduction or recycling initiatives. It is assumed that there will be a considerable amount of construction waste – what will this consist of and how will it be dealt with?	Noted. A condition can be imposed requiring a waste management plan.
	1f.	It is not considered sufficient to simply state 'rubbish will be managed within Lot 62' which is also owned and operated by Hypermarket, as there are no details provided of the rubbish disposal processes on the homestead block, no analysis of the waste produced or the amount and no plan provided to reduce, recycle or avoid.	Noted. A condition can be imposed requiring a waste management plan.

Confirmed at the Ordinary Council meeting held on the 24th 25 August 2015 – Signed by the President Cr Cowell _____

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	1g.	Effluent Disposal A septic tank and leach drain system operating on Lot 62 for many years which is 'thought to be appropriate' does not provide evidence that this is the most acceptable current system suited to a sensitive and significant site in a World Heritage area.	Noted. The owners will need separate approval to install any on site effluent disposal and these applications are processed by an environmental health officer. They will need to lodge an 'Application to construct or install an apparatus for the treatment of sewage' under the Health Act 1911.
	1h.	In their application for a residential dwelling, the owners of Lot 305 included information on a bio-cycle effluent management system. Have other forms of effluent management been explored for these lots?	Noted. As per 1g.
	1i.	Summary In conclusion, although the committee considers that these proposals do not represent a significant impact to the World Heritage values based on the information provided to date, there are issues which require investigation and further details relating to these would be appreciated to ensure that these matters are adequately addressed.	Noted.
DEC (Department of Environment and Conservation)	2a.	Referral to the Environmental Protection Authority: EPA Guidance Statement No. 40 sets out the principles of assessing development proposals in the Shark Bay World Heritage Property. The World Heritage values most at risk with this proposal are the visual landscape values of the area and the marine environment which could be at risk from effluent. As long as the proposal adequately addresses visual landscape impacts, the risk to these values should be mitigated. Effluent risk can be managed with appropriate development approval conditions. In this context, DEC does not consider that the proposal requires referral to the EPA at this stage.	Noted. Gray & Lewis has recommended that a condition be imposed on any approval requiring lodgement of a detailed colour schedule.

Confirmed at the Ordinary Council meeting held on the 24th 26 August 2015 – Signed by the President Cr Cowell _____

MINUTES OF THE ORDINARY COUNCIL MEETING

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		Servicing requirements:	
	2b.	<u>Effluent</u> The proximity of the proposed development to the Shark Bay Marine park requires that there is no discharge from the marine park.	Noted.
		<u>Road Access</u> Lot 303 is accessed by roads within Dirk Hartog Island national park and it is expected that this allows sufficient access	Noted.
	2c.	Basic Raw Material (BRM): Any BRM required for building construction or roading associated with this development will need to be sourced from within the freehold Lot 303 or brought to the site from an approved quarry location. BRM supplies are very limited on Dirk Hartog Island National Park and Statutory Regulation precludes use of BRM from within the National Park for purposes not associated with protection and management of the park. Any quarry activity on Lot 303 or other freehold areas would be subject to separate assessment.	Noted.
	2d.	Restrictive covenants: A series of restrictive covenants are attached to Lot 303. A footnote advice drawing the developer's attention to the existing covenants would be appropriate.	Noted. The owners are aware of the restrictive covenants.
	2e.	Visual Impact: The Shark Bay Landscape Study (1999) identified Lot 303 as being adjacent to Level 1 boat travel route and Zone B (Public sensitivity zoning). Visual Impacts of the proposed construction at Lot 303 should be carefully considered with particular regard to colours and design to minimise visual impact. A development condition should be considered that the colours of the roof and external walls are determined in consultation with DEC.	Noted. A colour schedule is recommended as a condition.
	2f.	Foreshore Management Plan: Given the proximity of Lot 303 to a section of foreshore gazetted as National Park, the preparation of a foreshore management plan in consultation with and to the satisfaction of DEC should be prepared.	Noted.

Confirmed at the Ordinary Council meeting held on the 24th 28 August 2015 – Signed by the President Cr Cowell _____

28 AUGUST 2019

ATTACHMENT # 2

Hypermarket Pty Ltd
P O Box 107
North Fremantle 6159

Paul Anderson
Chief Executive Officer
Shire of Shark Bay
P O Box 126
Denham WA 6537

Dear Paul,

Proposed Single House – Lot 303 Dirk Hartog Island

Further to your original letter referenced O-AP-15066/P4280 dated 3 August 2015 and the renewal granted in July 2017 we submit application for the above referenced planning approval to be extended for a further period.

As you are aware since this extension was granted by council (current for 2 years from the date of the letter received from the Shire) discussions have been ongoing, in relation to planning approvals for lot 304 which have resulted in considerable delays in progressing matters on that site.

Final building plans for lot 303 have been delayed whilst the matters concerned with Lot 304 have been clarified and dealt with.

As is the case with Lot 304 DWER in discussions have advised that a new botanical survey would be required for Lot 303 as is required for Lot 304.

By way of information:

1. Following application for a clearing permit for lot 304 in 2018 DWER advised in January 2019 that a botanical survey of the site was required before they could assess the proposal.
2. A botanical survey prepared for Lot 304 for Hypermarket Pty Ltd in 2008 and undertaken by Dr Ian Lantzke was immediately provided to DWER.
3. One month later DWER advised that they were not prepared to accept the survey provided as it was undertaken more than five years ago and that a new survey must be undertaken.
 - a. Further that the survey could not be undertaken until there had been rainfall at Dirk Hartog Island.
 - b. Additionally the survey should not be undertaken until at least 6-8 weeks had passed since the rainfall had happened.
4. Discussions with DWER at this time confirmed that a new botanical survey would also be required for any development on lot 303.
5. Libby Matzke from Matzke consultants has been requested to undertake the survey to meet DWER requirements.

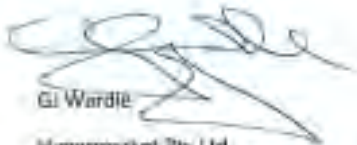
28 AUGUST 2019

It is for this reason that we are requesting Council's approval for an extension to the above planning approval to allow a botanical survey of lot 303 to be completed and an application for a clearing permit to be submitted at the same time as building plans are finalised. We appreciate that the Council advised that it could not guarantee any further applications for an extension would be granted however we believe that we have followed all of the rules and requirements of Council and had we known that

- a. A botanical survey would be required to achieve a clearing permit or that
- b. the time limit for a botanical survey was limited to five years

we would have provided for a new survey to be undertaken to meet this requirement earlier.

Yours Sincerely



G.I. Wardle

Hypermarket Pty Ltd

26 Jul, 2019

28 AUGUST 2019

13.3 PROPOSED CARAVAN PARK AND ANCILLARY DEVELOPMENT (ABLUTIONS, CAMPERS KITCHEN AND MULTI-USE GAMES ROOM) - LOT 309 STELLA ROWLEY DRIVE, DENHAM P1053

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

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

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

That Council:

- 1. Note that a development application has been lodged for a permanent caravan park on Lot 309 Stella Rowley Drive Denham (which has historically been used for overflow caravan park bays).**
- 2. Note that Lot 309 has been purchased by Southwest Resorts Pty Ltd from the State of Western Australia. Settlement is complete and it is expected that the formal ownership change on the Certificate of Title is imminent through Landgate.**
- 3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a permanent caravan park and ancillary development on Lot 309 Stella Rowley Drive Denham.**

5/0 CARRIED BY ABSOLUTE MAJORITY

BACKGROUND

The Denham Seaside Caravan Park operates on Lot 310 Stella Rowley Drive Denham.

Lot 309 has been leased by the operators of the caravan park for an extended time period and used for overflow sites during busy periods.

Planning approval for 20 overflow sites on Lot 309 Stella Rowley Drive Denham was approved by Council at the Ordinary Meeting held on the 30 June 2010.

A location plan is included over page for ease of reference.



Location Plan

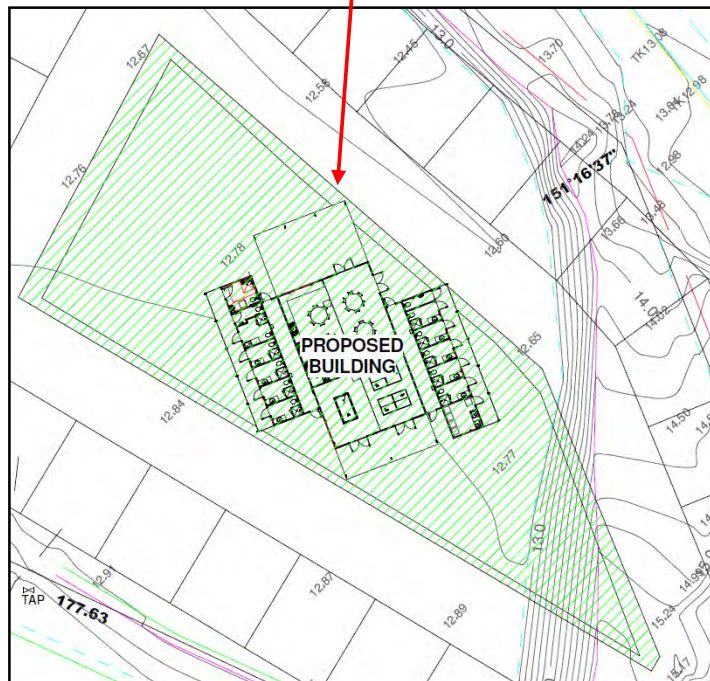
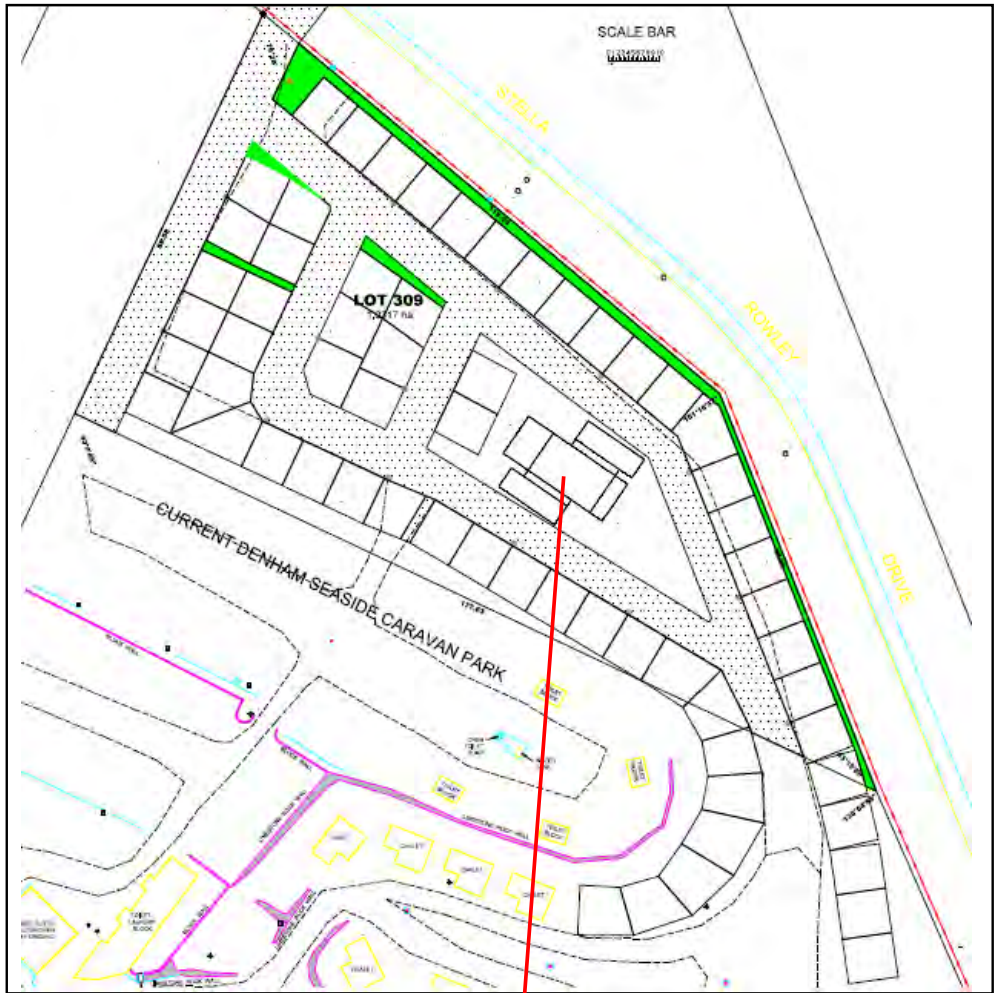
COMMENT

• *Description of Application*

The application is effectively for expansion of the caravan park already established on Lot 310.

The proposal includes:

- (a) Installation of approximately 50 sites which will be serviced by power, water and a sewer connection.
- (b) A campers kitchen and multi-use games room. Refer Attachment 1.
- (c) Communal ensuite ablution and laundry facilities.
- (d) A new driveway connection (exit only) onto Stella Rowley Drive to decrease congestion at the existing entrance.



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- *Land use Permissibility*

Both Lots 309 and 310 Stella Rowley Drive are zoned 'Special Use' (No 1) under the Shire of Shark Bay Local Planning Scheme No 4 ('the Scheme').

A caravan park is a 'D' use in the applicable Special Use zone which '*means that the use is not permitted unless the local government has exercised its discretion by granting development approval.*

- *New crossover*

A new crossover is proposed as an 'exit only' to Stella Rowley Drive. The crossover location has been inspected by the Shires' Works Manager who confirms that there are clear sightlines for vehicles exiting Lot 309 – refer photograph below.



Photograph – 15 July 2019

It is recommended that the Shire require the crossover be constructed in accordance with the specifications of Policy 2.1 in the Shire of Shark Bay Policy Manual.

It is considered important for the crossover to be sealed as there is a difference of levels between Lot 309 and the Stella Rowley Drive constructed road reserve.

- *Bushfire Management*

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

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

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The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 309 is within the declared bushfire prone area (pink area).

As a caravan park is a 'vulnerable' land use State Planning Policy 3.7 requires development to be supported by a Bushfire Management Plan.

A preliminary Bushfire Management Plan was lodged for development on Lot 309 and was generally supported by the Shire Chief Executive Officer, with the exception that the applicant has been requested to revise the plan to include a combined Asset Protection Zone / fire break along the western boundary.

The development plans have been revised to include separation between caravan sites and vegetation on adjacent Unallocated Crown land to the west (as requested by the Shire).

At the time of writing this report the Bushfire Management Plan was being revised to reflect the current site plan and meet the Shire's requirements.

The Shire Chief Executive Officer has agreed to allow firebreaks along the north and north east boundaries to be located in the verge (and maintained by the owner/operator).

It should be noted that State Planning Policy 3.7 recommends that Bushfire Management Plans for vulnerable land uses be referred to the Department of Fire and Emergency Services.

Shire Administration do not propose to refer the Bushfire Management Plan for Lot 309 to the Department of Fire and Emergency Services as:

1. The Shire has already had extensive discussions with the bushfire consultant who prepared the Bushfire Management Plan and it is being modified to include changes requested by Shire Administration.
2. Bushfire management will be improved with an additional exit onto Stella Rowley Drive.
3. All of the proposed sites achieve an acceptable bushfire attack level rating less than Bushfire Attack Level-29, with most achieving Bushfire Attack Level-12.5.
4. Higher construction standards do apply to the proposed sites.

- *Planning Fee*

The Planning Development Regulations 2009 regulate the maximum payable planning application fee however the Shire has discretion to charge a lesser fee if desired.

The payable planning application fee for this application is \$4270.00 however council may give consideration to a reduction of the applicable fee.

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LEGAL IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 -

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

Shire of Shark Bay Local Planning Scheme No 4 -

Explained in the body of the report.

Caravan Park and Camping Grounds Act 1995 – A separate licence is required for the proposed caravan park on Lot 309.

POLICY IMPLICATIONS

There are no local planning policies applicable to this development.

Policy 2.1 in the Shire of Shark Bay Policy Manual includes specifications for new crossovers.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The proposal addresses the Councils following strategy:

- Economic; a progressive and resilient community;
- Supported local business and further investment in the district encouraged.

RISK MANAGEMENT

This is a low risk item for Council.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author

L Bushby

Chief Executive Officer

P Anderson

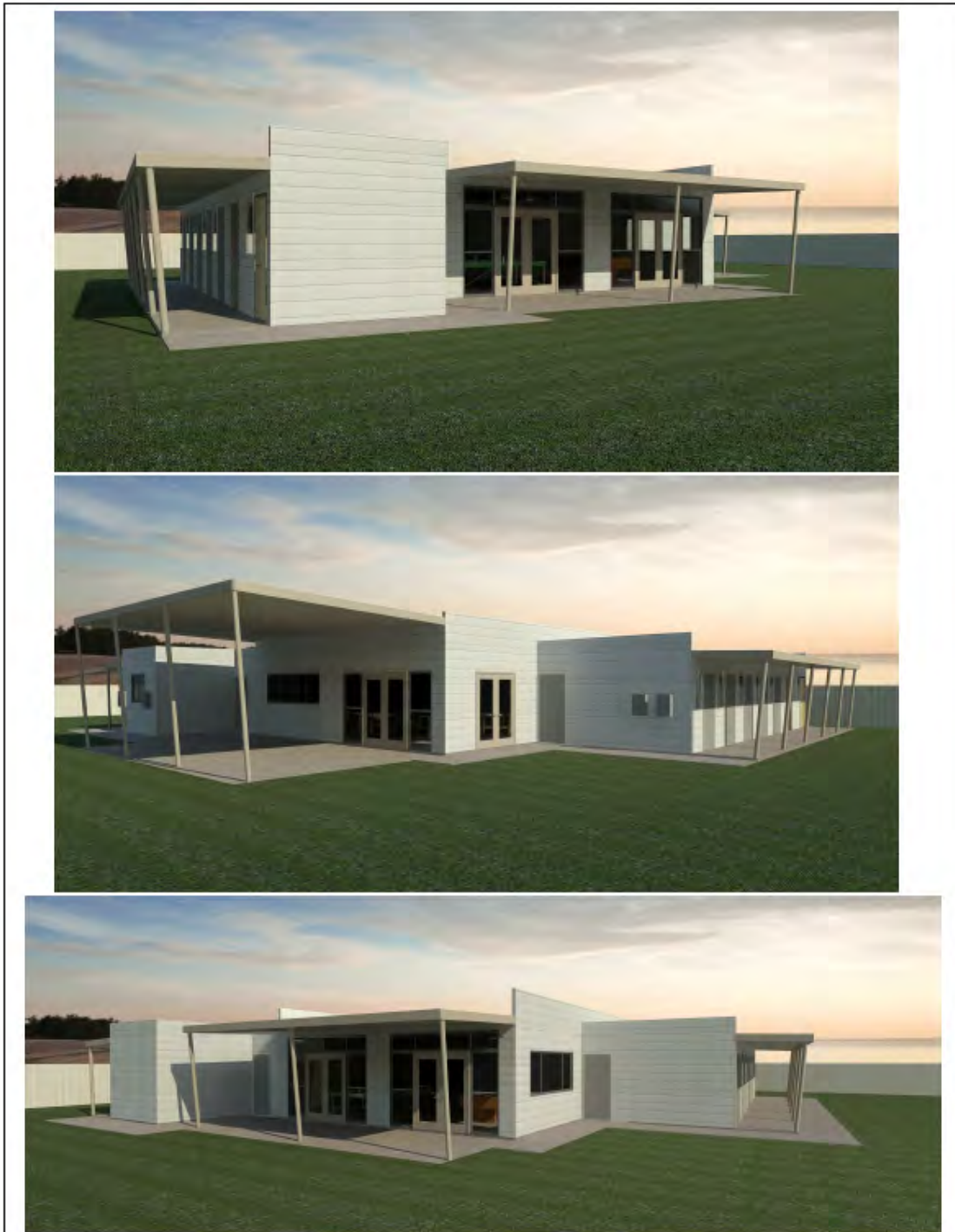
Date of Report


16 August 2019

MINUTES OF THE ORDINARY COUNCIL MEETING

28 AUGUST 2019

Attachment 1



CLIENT: SOUTH WEST RESORTS PTY LTD	<table border="1"> <thead> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>Pre-design building</td> <td>17/05/19</td> </tr> <tr> <td>D</td> <td>Additional FWS, ties to verandah 1 & 2, concrete by owner for all site built structures, change external cladding to stratum colour contoured lining</td> <td>22/05/19</td> </tr> <tr> <td>E</td> <td>Add fixed sidelights to double doors, increase window sizes on module 2 & 3</td> <td>22/05/19</td> </tr> <tr> <td>F</td> <td>Revised as per clients email request 24/05/19</td> <td>29/05/19</td> </tr> </tbody> </table>	Rev	Description	Date	C	Pre-design building	17/05/19	D	Additional FWS, ties to verandah 1 & 2, concrete by owner for all site built structures, change external cladding to stratum colour contoured lining	22/05/19	E	Add fixed sidelights to double doors, increase window sizes on module 2 & 3	22/05/19	F	Revised as per clients email request 24/05/19	29/05/19	JOB No: 19048	 <p>T: 08 64542010 F: 08 64542018 W: modularwa.com.au e: sales@modularwa.com.au Builders reg # 101630</p>
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F	Revised as per clients email request 24/05/19	29/05/19																
ADDRESS: 1 STELLA ROWLEY RD. DENHAM, WA 6537	DATE: 29/05/2019 04:28 PM	DRAWN: BT																
BUILD TYPE: KITCHEN / ACTIVITY/ ABULTION	CHECKED: WJ	REV: 05/01																
	SCALE: F	A101	Use figured dimensions in preference to scaled. All dimensions to be verified and checked on the job. © Copyright															

28 AUGUST 2019

14.0 TOURISM, RECREATION AND CULTURE REPORT

14.1 SHARK BAY ACCESS AND INCLUSION PLAN 2019-2024

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Nil

Moved Cr Ridgley
Seconded Cr Bellottie

Council Resolution

That Council endorse the Shire of Shark Bay Access and Inclusion Plan 2019-2024 and approves the Shire Administration to lodge the plan to the Disability Services Commission.

5/0 CARRIED

BACKGROUND

Under the Western Australian Disability Services Act 1993, Local Governments are required to develop and implement a Disability Access and Inclusion Plan, addressing seven key outcome areas relating to equal access and inclusion strategies. Other legislation underpinning access and inclusion includes the Western Australia Equal Opportunity Act (1984) and the Commonwealth Disability Discrimination Act (1992), both of which make discrimination on the basis of a person's disability unlawful.

The Shire's current Disability Access and Inclusion Plan 2014-2019 is due to conclude in September 2019. The Shire's Community Development Officer commenced community consultation in June 2019, seeking feedback from community members and Shire Administration staff. Consultation process highlighted the Shire's achievements and provided an opportunity for community to provide suggestions towards accessing our information, facilities and services. Total of 44 comments were received during the consultation phase with majority relating to Outcome 2 '*People with disability have the same opportunities as other people to access the building and other facilities of a public authority*'. Please refer to Attachment 1 for summary of community's feedback.

It is the responsibility of all Shire employees, existing and new and elected members to implement and create an accessible and inclusive community for all abilities, ages and backgrounds.

COMMENT

The community's feedback received during the consultation period have been documented and reflected in the new plan to improve access and inclusion within Shark Bay.

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The full feedback that was received is at the end of the report and a number of the matters identified that can be readily rectified are being programmed into the works schedule and matters pertinent to the overall plan have been included.

The Shire takes a holistic approach to increasing access and inclusion throughout the organisation and the community, therefore the process to renew the Shire's Disability Access and Inclusion Plan undertook a new direction focusing on:

- **Access:** refers to the physical access and the ability to approach and enter buildings, facilities, use of public places and information.
- **Inclusion:** refers to social inclusion and feeling welcomed to participate in the community and being treated equally and with dignity.

Consequently we believe changing the Plan's name to the Shire of Shark Bay Access and Inclusion Plan 2019-2024 reflects our community demographic and in-line with current mentality towards disability. The plan will be achieved by coordinating, developing and implementing strategies that benefit the community as a whole and accommodating our season's tourist influx.

The Shire's Access and Inclusion Plan 2019-2024 new name continues to fulfil the requirements of the Western Australian Disability Services Act 1993 and legislated to address seven key outcome areas. It is important to highlight other Local Governments in Western Australia have also renamed their documentation to 'Access and Inclusion Plan'.

The new plan has been formatted appropriately to be accessed by screen reading software and includes up-to-date photographs of the Shark Bay area and community. The plan will be available in alternative formats upon request, including large and standard print, in electronic format, in hard copy format and on the Shire's website.

The new plan has identified Shire Administration staff responsibilities towards each outcome strategy. To highlight the importance of access and inclusion considerations throughout our organisation.

The Disability Services Act 1993 requires the Shire to report on the implementation of our access and inclusion plan annually. The mandatory information will be collated from various Shire Administration staff members' to recognise their involvement to increasing access and inclusion in our community. An internal and external evaluation will occur as part of the plan's five-yearly review.

It is recommended that Council endorses the new Access and Inclusion Plan 2019-2024, under its new name and outcome strategies.

LEGAL IMPLICATIONS

Disability Access and Inclusion Plan is a requirement under the Western Australian Disability Services Act, 1993

POLICY IMPLICATIONS

Shire Administration will require to report to the Disability Service Commission on our implementation of our access and inclusion annually

FINANCIAL IMPLICATIONS

There are no financial implications relating to this report.

MINUTES OF THE ORDINARY COUNCIL MEETING

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STRATEGIC IMPLICATIONS

- 3. Social: A safe, welcoming and inclusive community
- 3.1 Strong sense of spirit and pride in an inclusive community

RISK MANAGEMENT

There are no risks associated with this item.

VOTING REQUIREMENTS

Simple Majority Required

SIGNATURES

Author
Chief Executive Officer
Date of Report

C. Uszka
P Anderson
16 August 2019



Shire of Shark Bay

Access and Inclusion Plan 2014 - 2019



'Shark Bay is a proud, unified community, respecting and sharing our pristine environment and great lifestyle'.

Our Vision

Contents

The Shire of Shark Bay3
People living with disability in the Shire of Shark Bay4
Progress since 19955
Community consultation process7
Strategies to improve access and inclusion9

This document is available in alternative formats upon request including large and standard print, in electronic format by email, in hard copy format in both large and standard print and on the Shire of Shark Bay's website.

If you would like to provide feedback, suggestions or obtain further information about the Shire of Shark Bay's progress towards increasing access and inclusion, please contact the Shire of Shark Bay:

Address: 65 Knight Terrace, Denham WA 6537

Telephone: (08) 9448 1218

Email: admin@sharkbay.wa.gov.au

Website: www.sharkbay.wa.gov.au

The Shire of Shark Bay

The Shire of Shark Bay is located in the Gascoyne Region of the Midwest. Shark Bay is a 2.2million hectare World Heritage Area located approximately 800 kilometres north of Perth, within Western Australia's popular Coral Coast tourism region. Town site of Denham is identified as very remote, we are located 129 kilometres west of the North West Coastal Highway. Shark Bay is made up of two peninsulas, located at the westernmost point of Australia.

According to the 2016 Census, 946 people live in the Shark Bay region, with 54.1% of the population Males and 45.9% of the population Females. Between 2011–2016, Denham experienced a resident population growth of 7.4% with significant increase in the young family demographic and senior residents.

Shark Bay has a rich and diverse history. The Aboriginal people of the Shark Bay area are descendants of the Malgana people. Shark Bay is also home to the first recorded landfall by a European on the Australian coastline, with Dutch skipper Dirk Hartog's vessel the Eendracht landing at Dirk Hartog Island, off the coast on Shark Bay in 1616.



Image: Shark Bay peninsulas

Functions, facilities and services (both in-house and contracted) provided by the Shire of Shark Bay

The Shire of Shark Bay is responsible for a range of functions, facilities and services including:

- **Services to property:** construction and maintenance of Shire-owned buildings, roads, footpaths and cycle facilities, land drainage and development, waste collection and disposal, litter control and street cleaning, planting and caring for street trees, numbering of buildings and lots, street lighting, and bush fire control.
- **Services to the community:** provision and maintenance of public spaces, playing areas, parks, gardens, reserves and facilities for sporting and community groups, public library and information services, pensioner units, youth services and community events, and Shark Bay World Heritage Discovery and Visitor Centre.
- **Regulatory services:** planning of road systems, sub-divisions and town planning schemes, building approvals for construction, additions or alterations to buildings, environmental health and ranger services, including dog and cat control and the development, maintenance and control of parking and camping areas.
- **General administration:** the provision of general information to the public and the lodging of complaints and payment of fees including rates, fines and dog and cat registrations.
- **Processes of government:** Ordinary and special Council and committee meetings, Electors' meetings and election of Council members, ward meetings and community consultations.



Image: Shark Bay Recreation Centre

People living with disability in the Shire of Shark Bay

It is estimated that there is a number of residents living with disability within the Shire. The seasonal influx of tourists, including tourists living with disability, must also be considered for the area of Shark Bay.

Planning for better access

Under the Western Australian Disability Services Act 1993, Local Governments are required to develop and implement a Disability Access and Inclusion Plan to ensure people with disability have equal access to services and facilities. The Shire of Shark Bay Access and Inclusion Plan fulfils the requirement of the Act.

Other legislation underpinning access and inclusion includes the Western Australia Equal Opportunity Act (1984) and the Commonwealth Disability Discrimination Act 1992 (DDA), both of which make discrimination on the basis of a person's disability unlawful.

Progress since 1995

The Shire of Shark Bay is committed to facilitating the inclusion for people living with disabilities through the improvement of access to our information, facilities and services. Towards this goal, the Shire adopted its first Disability Access and Inclusion Plan in 1995 to address the access barriers within the community.

Since the adoption of the initial Disability Access and Inclusion Plan, the Shire has implemented many initiatives and made significant progress towards better access. The Shire of Shark Bay has revised its town planning scheme and access and inclusion are included in planning decisions.

New public buildings and facilities that incorporate access and inclusion:

- Shark Bay World Heritage Discovery and Visitors Centre
- Public School
- Silver Chain medical facility
- Joint building: Department of Biodiversity, Conservation and Attractions / Department of Primary Industries and Regional Development
- Emergency Services Precinct
- Shark Bay Recreation Centre precinct
- Playgrounds
- ACROD parking at Denham Town Hall
- Denham foreshore redevelopment
- Public toilets and footpaths.

In 2011, the Shire adopted a five year footpath plan and allocated \$50,000 per annum for the construction of new footpaths in the town site. This strategy has significantly improved the access around the Town Site. The Council revises the plan annually and reassess priorities in-line with budget and community needs.

In 2012, the Shark Bay Recreation Centre was officially opened to the community of Shark Bay. The new building was developed with access and inclusion as a major consideration and has full disability access with toilet and shower facilities, in both the main centre and the adjacent gymnasium. The centre offers sporting and recreation programs for all abilities and ages, and encourages community members and tourists to participate. As part of the precinct development, an amphitheatre has been constructed to facilitate performances. Footpaths have been installed to ensure full access to the area including the tiered seating.

A new children and adults playground has been constructed in the recreation precinct, which features an accessible gazebo and barbeque area with direct access to the playground.

In 2016, Shark Bay Foreshore Redevelopment Plan took into account the needs of people living with a disability and accessibility to natural features such as the beach. The development included accessibility to new fishing and boat jetty, public toilets and foreshore recreation areas. The footpaths were realigned to facilitate freedom of movement and ACROD parking was installed.

Water fountains have been installed on the Denham Foreshore and inside the Shark Bay Recreation Centre, both of which are accessible for people living with disability.

The entrance to the Shire's administration building was modified to improve access for people living with disability. The Shire has an ongoing plan to install footpaths in all streets within the township. These paths are all designed for ease of use for people living with disability.

The Shire strives to create an accessible and inclusive community for all abilities, ages and backgrounds. By taking a holistic approach to increasing access and inclusion throughout the organisation and the community. In 2019, the process to renew the Shire's Disability Access and Inclusion Plan undertook a new direction focusing on access and inclusion. This resulted in changing the Plan's name to the Shire of Shark Bay Access and Inclusion Plan 2019 – 2024 to reflect our community.

- ✓ **Access** refers to the physical access and the ability to approach and enter buildings, facilities, use of public places and information.
- ✓ **Inclusion** refers to social inclusion and feeling welcomes to participate in the community and being treated equally and with dignity.

The Shire's new approach aims to improve access and inclusion by addressing our community's demographic and accommodating our seasonal tourist influx. By coordinating, developing and implementing strategies that benefit the community as a whole. The Access and Inclusion Plan continues to fulfil the requirements of the Western Australian Disability Services Act 1993 and legislated to address seven key outcome areas.

Community consultation process

The Disability Services Act (DSA) Regulations (2004) set out the minimum consultation requirements for public authorities in relation to Access and Inclusion Plans.

The Shire's Community Development Officer led the community consultation process to identify achievements and improvements for our community's access and inclusion. The process included:

- Analysis of the Shire's Disability Access and Inclusion Plan 2014-2019 and subsequent progress reports
- Consultation with Shire of Shark Bay staff
- Consultation with the community
- Footpath audit with community member living with disability.

The community was informed through the Shire's website, noticeboards, local media and social media regarding the development of the new Plan. The community was invited to provide their input to address access and inclusion barriers for people living with disability and their families. The feedback was received in writing and in person, and has been reflected in the Plan's strategies and future planning.



Image: Denham Seniors Group

Responsibility for implementing the Access and Inclusion Plan

Implementation of the Access and Inclusion Plan is the responsibility of all areas of the Shire. The Disability Service Commission requires all public authorities to take all practical measures to ensure that the Access and Inclusion Plan is implemented by its officers, employees, agents and contractors.

All Shire employees are provided with a copy of the Access and Inclusion Plan upon commencing their employment. Access and Inclusion requirements are included in all service agreements and contracts, to agents and contractors providing their services to the community on behalf of the Shire. The Shire's annual report will highlight the progress completed by the Shire's employees, agents and contractors.

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Communicating the plan to staff and people with disabilities

The community was informed through the Shire's website, noticeboards, local media and social media that copies of the plan were available upon request, and in alternative formats if required.

Review and evaluation mechanisms

The Disability Services Act 1993 requires our Access and Inclusion Plan to be reviewed at least every five years. Whenever the Access and Inclusion Plan is amended, a copy of the amended plan must be lodged with the Disability Service Commission. The implementation plan can be updated more frequently if desired.

Evaluation

An evaluation will occur as part of the five-yearly review of the Shire's Access and Inclusion Plan. The community and Shire staff will be consulted as per the endorsed consultation strategies, as part of any evaluation.

Reporting on the Access and Inclusion Plan

The Disability Services Act 1993 requires the Shire to report on the implementation of our Access and Inclusion Plan within our annual report. The Shire is also required to report on progress in the prescribed format to the Disability Service Commission by 1st July each year.



Image: Denham Town Centre

Strategies to improve access and inclusion

Outcome 1:

People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.

Strategy	Timeline	Responsibility
Ensure that people living with disability are consulted on their needs for services and the accessibility of current services.	Ongoing	Community Development
Monitor Shire services to ensure equitable access and inclusion.	Ongoing	Community Development
Develop the links between the Access and Inclusion Plan and other Shire plans and strategies.	Ongoing	Community Development
Ensure that events, whether organised, funded or sponsored by the Shire are accessible to people living with disability.	Ongoing	Community Development
Encourage the business community to consider the needs for people living with disability when providing facilities and services.	Ongoing	Community Development
Consider access and inclusion needs for people living with disability participating in sport and active recreation services and programs.	Ongoing	Community Development

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Outcome 2:

People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.

Strategy	Timeline	Responsibility
Ensure that all buildings and facilities meet the standards for access and any demonstrated additional need.	Ongoing	Building Officer
Ensure that all new or redevelopment works provide access to people living with disability, where practicable.	Ongoing	Planning Officer
Ensure that ACROD parking meets the needs of people with disability in terms of quantity and location.	Ongoing	Planning Officer
Ensure maintenance on current building and facilities are completed in a timely manner to ensure accessibility is maintained.	Ongoing	Works Manager
Ensure the Shire's agents and contractors provide services that are consistent with the Shire's access and inclusion principles.	Ongoing	Works Manager

Outcome 3:

People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Strategy	Timeline	Responsibility
Ensure that the community is aware that Shire information is available in alternative formats upon request.	Ongoing	Community Development/ Administration
Improve staff awareness of accessible information needs and how to provide information in other formats.	Ongoing	Community Development/ Administration
Ensure the Shire's website meets contemporary good practice.	Ongoing	Community Development

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Outcome 4:

People with disability receive the same level and quality of service from the employees of a public authority as other people receive from the employees of that public authority.

Strategy	Timeline	Responsibility
Ensure that all employees, existing and new, and elected members are aware of disability and access issues and provided with the Shire's Access and Inclusion Plan.	Ongoing	Executive Managers
Provide opportunity to all employees, existing and new, and elected members to enhance skills and attend training workshops when necessary.	Ongoing	Executive Managers / Community Development

Outcome 5:

People with disability have the same opportunities as other people to make complaints to a public authority.

Strategy	Timeline	Responsibility
Ensure employees and residents are aware of the accessible complaints mechanisms and are available in flexible formats.	Ongoing	Community Development/ Administration
Ensure that complaints are acted upon in a timely manner.	Ongoing	Community Development/ Administration

Outcome 6:

People with disability have the same opportunities as other people to participate in any public consultation by a public authority.

Strategy	Timeline	Responsibility
Ensure that people living with disability are actively consulted about the Shire's Access and Inclusion Plan and any other significant planning processes.	Ongoing	Community Development
Ensure that people living with disability are aware of and can access other established consultative processes.	Ongoing	Community Development
Ensure all aspects of council meetings and community forums are accessible.	Ongoing	Community Development

Outcome 7:

People with disability have the same opportunities as other people to obtain and maintain employment within a public authority.

Strategy	Timeline	Responsibility
Use inclusive recruitment practices to improve methods of attracting, recruiting and retaining people living with disability. All future employment position advertisements to include an Equal Employment Opportunity statement.	Ongoing	Executive Managers / Community Development
Workplaces will be accessible and safe for existing and new staff.	Ongoing	Executive Managers / Community Development
Work with key disability employment support providers to employ a person with disability. By seeking assistance to develop a flexible job description, interview process and employment requirements when necessary.	Ongoing	Executive Managers / Community Development

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15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Items 16.1, 16.2 and 16.3 were brought forward in the agenda to follow Item 11.1 at page 21 of these minutes.

17.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Fenny
Seconded Cr Bellottie

Council Resolution

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

5/0 CARRIED

17.1 EMPLOYMENT OF SENIOR DESIGNATED EMPLOYEE
PE

Author
Chief Executive Officer

Disclosure of Any Interest
Nil

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

That Council receive the report of the Chief Executive Officer in accordance with Section 5.37(2) of the *Local Government Act 1995*.

That the Chief Executive Officers intent to employ a Senior designated officer to the position of Executive Manager Community Development be endorsed.

5/0 CARRIED

Moved Cr Fenny
Seconded Cr Cowell

Council Resolution

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

5/0 CARRIED

18.0 DATE AND TIME OF NEXT MEETING

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

19.0 CLOSURE OF MEETING

As there was no further business the President closed the Ordinary Council meeting 4.53pm.